

# Attachment G

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State of California, Edmund G. Brown Jr., Governor

California Coastal Commission  
631 Howard Street, 4th Floor  
San Francisco, California 94105  
(415) 343-8555

State of California, Edmund G. Brown Jr., Governor

California Coastal Commission  
Central Coast District  
701 Ocean Street, Room 310  
Santa Cruz, California 95060  
(408) 426-7390

RESOLUTION NO. 82-48

On the motion of Commissioner: KING  
duly seconded by Commissioner: O'NEILL  
the following resolution was adopted:

RESOLUTION GRANTING PERMIT FOR COASTAL DEVELOPMENT

WHEREAS, on 10/27/82 the application of DIANE & DAN STEVENSON application number C-82-191 was filed for a coastal development permit pursuant to Section 30600 of the Public Resources Code;

and

WHEREAS, the project as hereinafter approved consists of:  
Minor subdivision of 12,936 sq. ft. parcel into a 6,920 sq.ft. parcel  
and a 7,016 sq.ft. parcel.

WHEREAS, the Commission has given written public notice of the nature of the proposed development and of the time and place of the public hearing thereof and has held a public hearing in accordance with said notice and the California Coastal Act of 1976 and has otherwise complied with the provisions of said Act and the regulations of the California Coastal Commission; and said public hearing commenced on 10-27-82 and concluded on 10-29-82

and

NOW, THEREFORE, BE IT RESOLVED that the California Coastal Commission does hereby grant said permit, in accordance with the application submitted by the applicant and subject to the Commission's findings and conditions of approval, as cited in the attached staff report with the following changes: (if any).

DATED: 11/2/82

ATTEST:

MICHAEL L. FISCHER, EXECUTIVE DIRECTOR

NAOMI SCHWARTZ, CHAIRMAN

AFFIRMATIVE VOTE ON APPLICATION: 10-1

AYES: CALLAHAN, BLANN, GROSSMAN, KING, MCCARTHY, EDWARD V. BROWN, DISTRICT DIRECTOR  
MORUM  
NAYES: NUTTEP

ABSTENTIONS:

ABSENT:

RESOLUTION NO. 82-48

CALIFORNIA COASTAL COMMISSION  
CENTRAL COAST DISTRICT  
701 OCEAN STREET, ROOM 310  
SANTA CRUZ, CA 95060  
(408) 426-7390 ATSS: 8-529-2304

FILED: 9/15/82  
49th DAY: 11/3/82 180TH DAY: 3/15/83  
STAFF REPORT: 10/13/82  
HEARING DATE: 10/26/82  
STAFF: J. Chase/cw

STAFF REPORT: **ADOPTED**  
REGULAR CALENDAR

PROJECT DESCRIPTION

APPLICANT: Diane and Don Stevenson

PERMIT NO.: 3-82-191

PROJECT LOCATION: Lincoln and Second Avenue, Carmel Woods area of  
Monterey County.

PROJECT DESCRIPTION: Minor subdivision of 12,936 sq. ft. parcel into  
a 6,920 sq. ft. parcel and a 7,016 sq. ft. parcel.

LOT AREA: 13,936 sq. ft.

ZONING: Residential (R-1)

Existing house:  
BLDG. COVERAGE: 850 sq. ft.

PLAN DESIGNATION: LUP: Low-medium  
density 2 du/ac

Existing garage: 180 sq. ft.

PROJECT DENSITY: 5.3 du/ac

PAVEMENT COVERAGE: -

LANDSCAPE COVERAGE: -

HEIGHT ABV. FIN. GRADE: -

LOCAL APPROVALS RECEIVED: MS-82-5 Tentative Map 3/11/82; ZA-4759  
lot wide; variance 12/11/81; Negative Declaration 3/15/82.

STAFF NOTES

SEE ATTACHED

STAFF RECOMMENDATION

The Staff recommends that the Commission adopt the following Resolution:

Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

RECOMMENDED CONDITIONSSpecial Conditions

1. PRIOR TO ISSUANCE of permit the permittee shall submit the following for review and approval by the Executive Director:

a) An offer to dedicate a conservation easement for the protection of the scenic and natural habitat values on the site. The offer shall be in accordance with the standard form for Open Space Easements and shall be recorded following Executive Director approval and prior to filing of the final map. The offered easement shall cover all of the subject parcels except for a building envelope for each parcel. A precise geographic exhibit of all areas less than 30% slope including building envelopes and trees shall accompany the offer for review and approval of the Executive Director. Such easement shall be granted to an appropriate public agency or conservation foundation, and shall include provisions to prohibit development; to prevent disturbance of native groundcover and wildlife; to provide for maintenance and restoration needs in accordance with the approved landscape plan; and to specify conditions under which non-native species may be planted or removed, trespass prevented, and entry for scientific research purposes secured. Provisions for necessary utility corridors may be included in the terms of the easement.

The grantee for such easement and all provisions thereof, including designations of precise boundaries, shall be subject to advance written approval by the Executive Director in consultation with the Office of the Attorney General and the California Coastal Commission Legal Department. The request for such approval shall be accompanied by parcel map showing location of easement boundary.

2. PRIOR TO ISSUANCE of permit, the permittee shall submit for the review and approval of the Executive Director an engineered drainage system plan to assure slope and structural stability. Subsequent to the Executive Director approval, the system shall be installed and inspected by Commission staff prior to filing the final map.

3. Any future development on these sites requires a Coastal Development Permit.

Standard Conditions

See Exhibit A.

FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

PROJECT  
DESCRIPTION,  
LOCATION,  
AND  
DEVELOPMENT  
PATTERNS

1. Section 30250 of the Coastal Act reads in part:

"New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources."

The proposed project is to demolish approximately 1000 sq. ft. of existing structures (house and garage) and to divide a 13,936 sq. ft. parcel into two lots - Parcel A, 5,920 sq. ft., and Parcel B, 7016 sq. ft.. The parcel has steep (20 to plus 30%) slopes, is heavily vegetated with large pine and cypress and has a steep natural drainage swale across the northwest section of the parcel.

The site lies on the shoulder of Pescadero Canyon within the unincorporated Carmel area of Monterey County. In terms of development patterns the land bracketed by Pescadero Canyon, Highway 1, Carmel River, and Carmel Bay forms an identifiable unit which includes Carmel City and the County lands on its perimeter. The City is urbanized with a density of 10 du/ac. Density in the unincorporated area is approximately 5 du/ac. The area is clearly "developed" and is not subject to the "land division" criteria test of Section 30250a.

Residential infill of existing lots has been supported by the Commission in the past. However, while the area is urbanized and a residential land division may be appropriate in terms of land development patterns, the adequacy of public services, potential coastal access conflicts, and in this case impacts on Pescadero Canyon, an environmentally sensitive area, must be re-evaluated.

The Commission approved for certification a modified Land Use Plan for the Carmel Area of Monterey County on May 5, 1982. The County is currently reviewing and modifying the Plan for resubmittal to the Commission. The Plan provides that new land divisions in the urban area of Carmel be medium density with new subdivision density at 2 units per acre. The land division will create a 5.3 du/ac density, within the current zoning of 5-8 du/ac, but inconsistent with the LUP.

DENSITY  
AND  
PUBLIC  
WORKS  
CAPACITY  
SECTIONS  
30250(a)  
30254

2. Section 30254 of the Coastal Act states:

"New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services, and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development."

Water:

Domestic water for the area is provided by California-American Water Company, which currently has a limited supply. The Monterey Water Management District has allocated 6,501 acre feet to the unincorporated area of Monterey County. The Carmel area IAP requires that the county reserve water for coastal priority visitor-serving uses, and also reserves water for existing vacant lots. Recently, the Monterey County Board of Supervisors adopted a water distribution plan with a system of priorities. New residential subdivision in the unincorporated areas will be prohibited until more water is available. However, the applicant's division was approved by the Board of Supervisors (June 1, 1982) prior to adoption of the County's water plan and is not subject to it. Furthermore, how the County allocates its share of Cal-Am water, after reserving the necessary amount for visitor-serving uses is not a Coastal Act issue.

Wastewater and Water Quality:

The Carmel Sanitary District serves this area. The District's outfall discharges into the Carmel Bay Area of Special Biological Significance.

Kennedy Engineers Project Report on the Carmel Sanitary District areawide Facilities Plan finds that no significant water quality problems (in the waters of Carmel Bay) have been demonstrated on a continuous basis. However, "the principal problems at present are the intermittent overflows and by-passes of untreated and partially treated wastewater during power outages, equipment failures or maintenance, and insufficient raw sewage pumping capacity. Effluent limits are exceeded occasionally for several constituents including BOD, suspended solids, chlorine, residual ammonia, and toxins. Odors from the treatment plant are a nuisance a few times a year." (p.6.27).

Carmel Sanitary District is allocated 1.6 MGD of capacity in the treatment plant (the other .8 MGD is reserved for Pebble Beach Sanitary District). Current flows are 1.475 MGD, leaving a remaining capacity of 123,000 gallons. The District estimates that it needs 147,500 gallons to provide basic service to all parcels within its boundaries (500 vacant lots x 175 gpd = 87,500 gal and 60,000 for commercial uses). Thus, there is an estimated shortfall, which will be exacerbated if new lots created by land divisions must also be

erved. The DFP was notified to require that the County cease issuing Coastal Permits when the plant reaches capacity. Beyond that provision and the reservation of 30,000 sqd of Pebble Beach's capacity for visitor-serving use (condition of coastal permit P-79-569), it is a local, not coastal issue as to how to allocate the remaining capacity. However, approval of this permit does not suggest that the Commission favors the Regional Water Quality Control Board approving an increase in plant capacity if such could adversely affect the Carmel Bay Area of Special Biological Significance.

#### Highway One:

The draft Monterey Peninsula Corridor Study indicates that Highway 1 between Rio Road and Carmel Hill is inadequate to handle existing average daily peak hour traffic. The capacity analysis shows a current service level of "F"; indicating daily congestion with forced flow operations at low speeds with volumes below capacity. The Monterey County Transportation Plan proposes construction of a new freeway (Hutton Canyon Freeway) for the stretch of road between Rio Road and San Luis Avenue. Strong local opposition to the proposal exists. If the facility is constructed, the 1995 level of service will only be improved to level "D".

Highway 1 is an important visitor leaving route year round. Additional traffic will be generated by the increasing number of visitors, buildout of existing lots, and intensification of use on existing lots, e.g. guest houses and land divisions. Additionally, County plans for development of private lands east of Highway 1 (out of the coastal zone) indicate a highly intensified use which will significantly impact road capacity.

Studies indicate that each new residence generates 9.5 daily trips. However, because the subject area can be served by local roads to bypass the congested portion of Highway 1, and because traffic generation for this segment of Highway 1 occurs largely from outside the immediate coastal zone, the impact on the road from this one more potential house can not be considered significant.

#### Conclusion:

On the one hand, the subject area appears an appropriate one for intensified development as it is already unzoned (e.g., compared to Big Sur to the south). On the other hand, this finding indicates that all the major public services are constrained. This conflict has previously been discussed by the Coastal Commission (and Regional Commission), with the conclusions that cumulative impacts from the few permit applications would be insignificant and that concentrated development was preferred (no land divi ions resulting in new parcels were approved south of the Carmel River). The Local Coastal Programs were to provide an appropriate density and/or development allocation system based on the public service limitations. The Carmel City LCP is now certified, and the County's LCP provisions for this area have been accepted by the Commission as consistent with the Coastal Act. The latter plan permits vacant lots to be developed (resulting in 100 homes). Lot splits at 2 units per acre (resulting in 110 homes) and 100 homes over the Mission Ranch converts, based on the above-mentioned constraints. A recent application raised the issue of allowing higher density by permitting land divisions which split



off vacant 6,000 sq. ft. portions of parcels. This application raises the further issue as to whether houses can be moved or removed to create vacant 6,000 sq. ft. lots. In other words, this application, in contrast to the previous one, can be considered a precedent for the entire area transforming into a 6 du/acre density. Before the Commission could sanction it, a cumulative impact analysis covering the entire area would have to be performed. However, the LUP, which will soon take effect, guarantees against that density. Further guarantee against any further land divisions comes from the Board of Supervisors' recently adopted water allocation plan cited above. Thus, because this is likely to be the last case of this type before the Commission, approval can be found consistent with Section 30250(a) and 30254. However, the Commission goes on record as indicating that future applications of this type in this area will not be approved based on their adverse cumulative impacts.

SCENIC &  
HABITAT  
RESOURCES  
SECTION  
30251 &  
30240

3. Pescadero Canyon is a highly scenic area which separates Carmel Woods and Pebble Beach. As one of the four drainage swales in the Del Monte Forest area, its woods and riparian corridor provide important habitat for a variety of animals. A large portion of the Canyon is an open space corridor owned by Del Monte Properties. 17-Mile Drive, a nationally known scenic road, follows the bottom of the Canyon in this area. The open space corridor buffers the Drive and gives a visual impression of a basically undeveloped natural setting.

The Carmel Area LUP has identified Pescadero Canyon as an environmentally sensitive area with significant stands of Monterey pine.

The applicant's parcel is located on the steep upper western slopes of the canyon. Parcels along this canyon rim are generally larger than the interior lots of the subdivision, providing a greater degree of protection to the canyon by reducing development impacts. Future development of the parcel will require the removal of several large trees, will increase runoff from impervious surfaces, and will intensify the use of the area.

The Land Use Plan provides that:

- 2.3.3.3. New development adjacent to environmentally sensitive habitat areas shall be allowed only at densities compatible with the protection and maintenance of the adjoining resources. New subdivisions shall be approved only where potential impacts to environmentally sensitive habitats from development of proposed parcels can be avoided.

As noted in the above finding, the plan density is one unit per parcel, with new parcels to be at least 1/4 acre in size. This density appears appropriate to protect the sensitive habitat, but policy requires even lower density if found necessary. Thus, even if the Commission finds, as it did above, that a higher density can be permitted in this case considering public services to the area, the sensitive habitat location requires further evaluation.

On file (Exhibit 4) are two letters from professional foresters indicating support for the necessary tree removal to accommodate another house. Limited but adequate area is available for building sites and a conservation easement over all but the building envelopes will provide permanent long term protec-

tion of the woodland and riparian habitat below. Runoff and erosion can be managed as indicated in finding #4 below.

Future structures on the site will not be visible through the heavy tree screen from 17-Mile Drive.

The following LUP policies also apply:

- 2.3.3.2 Land uses adjacent to locations of environmentally sensitive habitats shall be compatible with the long term maintenance of the resource. New land uses shall be considered compatible only where they incorporate all site planning and design features needed to prevent habitat impacts and where they do not establish a precedent for continued land development which, on a cumulative basis, could degrade the resource.
- 2.3.3.4 To protect environmentally sensitive habitats and the high wildlife values associated with large areas of undisturbed habitat, the County shall retain significant and, where possible, contiguous areas of undisturbed land in open space use. At this end, parcels of land totally within sensitive habitat areas shall not be further subdivided. On parcels adjacent to sensitive habitats, or containing sensitive habitats as part of their acreage, development shall be clustered to avoid habitat impacts.
- 2.3.3.5 Where private or public development is proposed in documented or expected locations of environmentally sensitive habitats - particularly those habitats identified in General Policy No. 1 - field surveys by qualified individuals or agency shall be required in order to determine precise locations of the habitat and to recommend mitigating measures to ensure its protection. This policy applies to the entire segment except the internal portions of Carmel Woods, Hatton Fields, Carmel Point (night heron site exclu. d), Odello, Carmel Meadows, and Carmel Riviera. If any habitats are found on the site or within 100 feet from the site, the required survey shall document how the proposed development complies with all the applicable habitat policies.
- 2.3.3.6 The County shall require deed restrictions or dedications of permanent conservation easements in environmentally sensitive habitat areas where development is proposed on parcels containing such habitats. Where development has already occurred in areas supporting sensitive habitat, property owners should be encouraged to voluntarily establish conservation easements or deed restrictions.
- 2.3.3.7 Where development is permitted in or adjacent to environmentally sensitive habitat areas, the County, through the development review process, shall restrict the removal of indigenous vegetation and land disturbances (grading, excavation, paving, etc.) to that needed for the structural improvements themselves.

Therefore, as conditioned to provide for building envelopes and a conservation easement over the remaining property, the proposed development is consistent with Section 30251 which protects coastal scenic resources and Section 30240 which protects environmentally significant habitat areas.

HAZARDS/  
EROSION

4. Section 30253 reads in part:

"New development shall:

- (1) Minimize risks to life and property in areas of high geologic flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs."

County conditions require that all slopes over 30% be conveyed to the county as a scenic easement and that a preliminary soils report be prepared assessing the suitability of the site for construction.

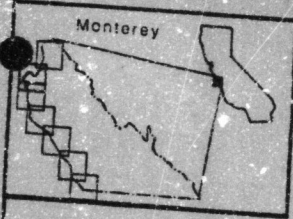
The adjacent property owner has commented on potential serious drainage problems on site (see Exhibit 3). To protect downstream resources from degradation from erosion and ensure the structural safety of existing and future buildings, an engineered drainage system shall be installed prior to filling of the final map. The engineered drainage system plans shall be submitted to the Executive Director for review and approval prior to issuance of the permit.

Therefore, as conditioned, to provide an engineered drainage system, the proposed development is consistent with Section 30253 of the Coastal Act.

LCP  
CEQA

5. As conditioned to protect the environmentally sensitive habitat by a conservation easement and to prevent erosion and to minimize hazards, the project will not create significant adverse environmental impacts within the meaning of the California Environmental Quality Act.

The Commission recently approved the Carmel Area LUP. The site is designated medium residential. Approval of the project is consistent with the existing development pattern and approval will not prejudice the implementation of a LUP consistent with Chapter 3 of the Coastal Act.



Monterey

EXHIBIT 1

Site



PACIFIC GROVE

SAND CITY

SEASIDE

MONTEREY COAST

DEL REY OAKS

CARMEL BY THE SEA

CARMEL OAKS

LOCATION MAP

County of Monterey

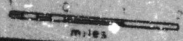


Exhibit 1  
3-02-191

Sheet 2 of 7

# EXHIBIT-A

## RECOMMENDED CONDITIONS

### STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

EXHIBIT NO. A
APPLICATION NO. 3-82-191
Standard Conditions
 California Coastal Commission

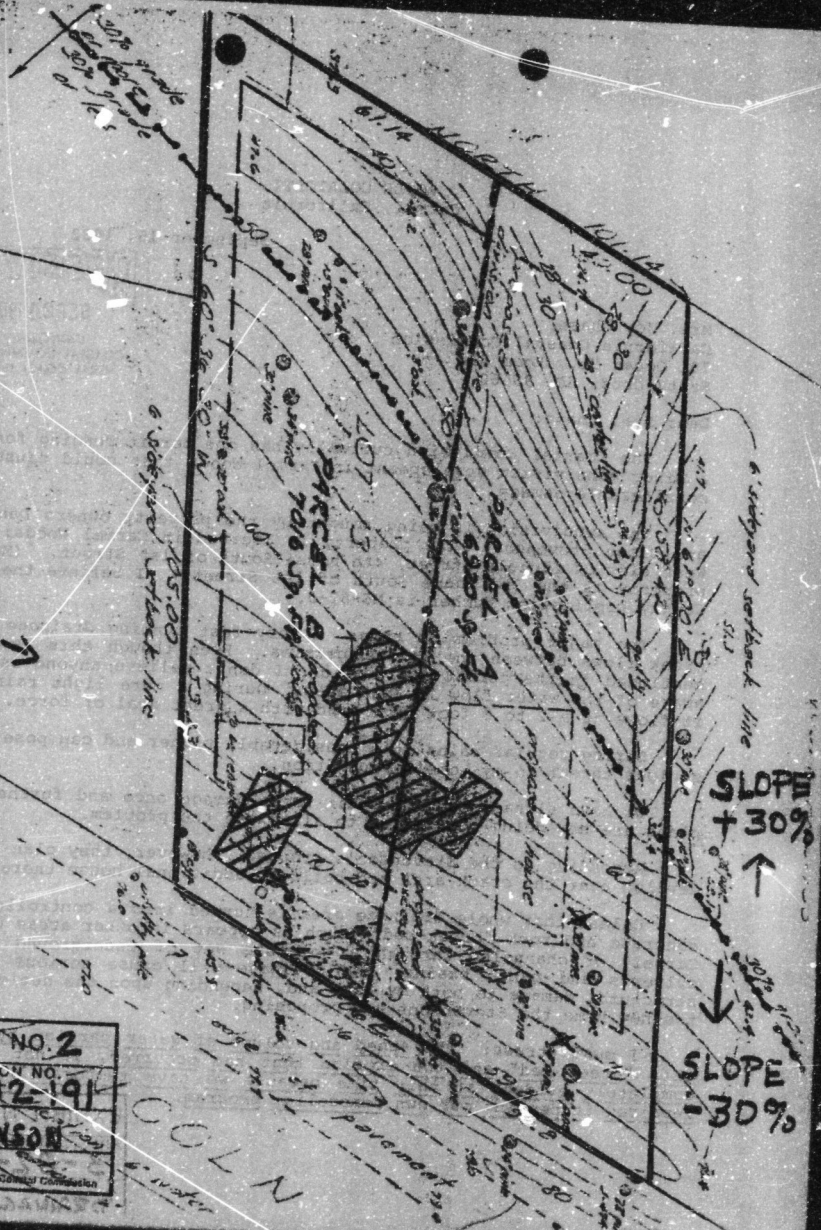


EXHIBIT NO. 2  
 APPLICATION NO.  
 3-82-191  
 STEVENSON  
 California Coastal Commission