

Attachment C

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EXHIBIT E

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

FILED: 7/20/84
49th/180th DAY: 9/7/84
STAFF REPORT: 8/8/84
HEARING DATE: 8/22/84
STAFF: JC - (SC) cm
REEL 1779 PAGE 65
D4/192 8/2/84

STAFF REPORT: CONSENT CALENDAR

PROJECT DESCRIPTION

APPLICANT: Edward Messick

PERMIT NO: 3-84-140

PROJECT LOCATION: 30560 Aurora del Mar, Carmel Highlands area,
Monterey County, APN 243-331-03

PROJECT DESCRIPTION: Convert garage to bedroom, add new garage,
grading 219 cubic yards.

LOT AREA: 1.1 acres

ZONING: Residential

BLDG. COVERAGE: Existing: 3,671

APPROVED LAND USE

PLAN DESIGNATION: Rural

sq. ft. Proposed: 684 sq. ft.

Residential - 1 du/existing parcel

PAVEMENT COVERAGE: Existing:

5200 sq. ft., Reduce by 684 sq. ft. PROJECT DENSITY: 1 du/1.1 acre

LANDSCAPE COVERAGE: 500 sq. ft.

HEIGHT ABV. FIN. GRADE: 14 feet

Unimproved: 38,556 sq. ft.

LOCAL APPROVALS RECEIVED: Zoning 7/10/84 - Variance side yard setback
4/20/84; CEQA - Categorically Exempt: 15301; Class 1; Item e

PTT: 1

STAFF RECOMMENDATION

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The Staff recommends that the Commission adopt the following Resolution:

Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, 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, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies 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 CONDITIONSStandard Conditions

See Exhibit A.

Special Conditions1. Scenic Easement

PRIOR TO TRANSMITTAL OF PERMIT, permittee shall submit and record an easement for the protection of the site's scenic, archaeologic, and botanic resources covering those portions of the subject site which are outside the areas permitted for development by this permit.

This easement shall be granted to an appropriate public agency or conservation foundation. Such easement shall be free of prior liens or encumbrances, except for tax liens. Permittee shall submit for Executive Director, Attorney General, and Grantee, review and approval, the terms, parcel map, and proposed grantee for the easement, prior to recording.

This easement shall include provisions to prohibit development; to prevent disturbance of native groundcover and wildlife; to prevent damage by livestock; to preclude disturbance of archaeologic materials except under the supervision of the State Historic Preservation Office; to provide for maintenance needs; and to specify conditions under which diseased or dangerous vegetation may be removed and non-native species controlled. A restriction allowing only those types of fencing (such as split-rail or wire) which are open enough to allow free passage of native wildlife shall be included in the terms of the agreement.

2. Any excavated materials shall be carefully removed so that spoils are neither placed within or allowed to slide into that area seaward of the upper edge of the bluff. Off site disposition of excavated spoils within the Coastal Zone, shall be subject to prior review and approval by the Executive Director.

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FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

1. This development has been completed without first obtaining a coastal permit. The applicant has signed a "Stipulation Concerning Application for Permit" agreeing that the granting of a coastal permit will not affect any present or prospective action for civil penalties arising from the alleged violation.
2. The site is located in the Otter Cove subdivision of Monterey County, south of Malpas Creek in the Big Sur segment Land Use Plan area. The house is west of Highway I and is visible to travellers as are many of the homes in this area where only a single row of parcels separate the Highway from the sea. Areas visible from Highway I are in the "critical viewshed" and are afforded special protection in the LUP for the Big Sur area.

The applicant proposes the conversion of an existing garage to quarters for his mother and the addition of a new garage. The converted garage has no kitchen facilities and is directly a part of the existing home. The garage addition is located on an existing paved parking area and requires minimal vegetation removal and grading. The addition will maintain the same roofline with minimal additional impacts on the visual resources of the area. The existing driveway will be recontoured.

Section 30251 of the Coastal Act requires:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

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Edward Messick

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The Big Sur Area LUP adopted by the Monterey County Board of Supervisors April, 1984 states in its Scenic Resource policies that development may not intrude into the critical viewshed. However, residential parcels in the critical viewshed in the Otter Cove Subdivision seaward of Highway I south of Malpaso Creek are an exception and shall be permitted to be used for residential purposes subject to standards to protect scenic resources.

Consistent with conditions for other development in this residential area and with Section 30251 of the Coastal Act, a scenic easement to prevent additional viewshed intrusion is required. A condition to manage disposition of spoils to prevent erodable materials from reaching coastal waters in accord with Section 30231 is also required.

Therefore, as conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act of 1976.

3. The Big Sur Coast Local Coastal Program Land Use Plan (LUP) was adopted by the Monterey County Board of Supervisors on April 10, 1984, but has not yet been resubmitted to the Commission. The applicant's proposal as conditioned appears consistent with the document's viewshed policies and with previous Commission actions.

Accordingly, as conditioned to provide for protection of scenic resources, the proposed development will not prejudice the ability of the local government to complete a Local Coastal Program in conformance with 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.

EXHIBIT-A

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RECOMMENDED CONDITIONS

USE: IN PROPOSED PERMITS SUBJECT TO STANDARD CONDITIONS

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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

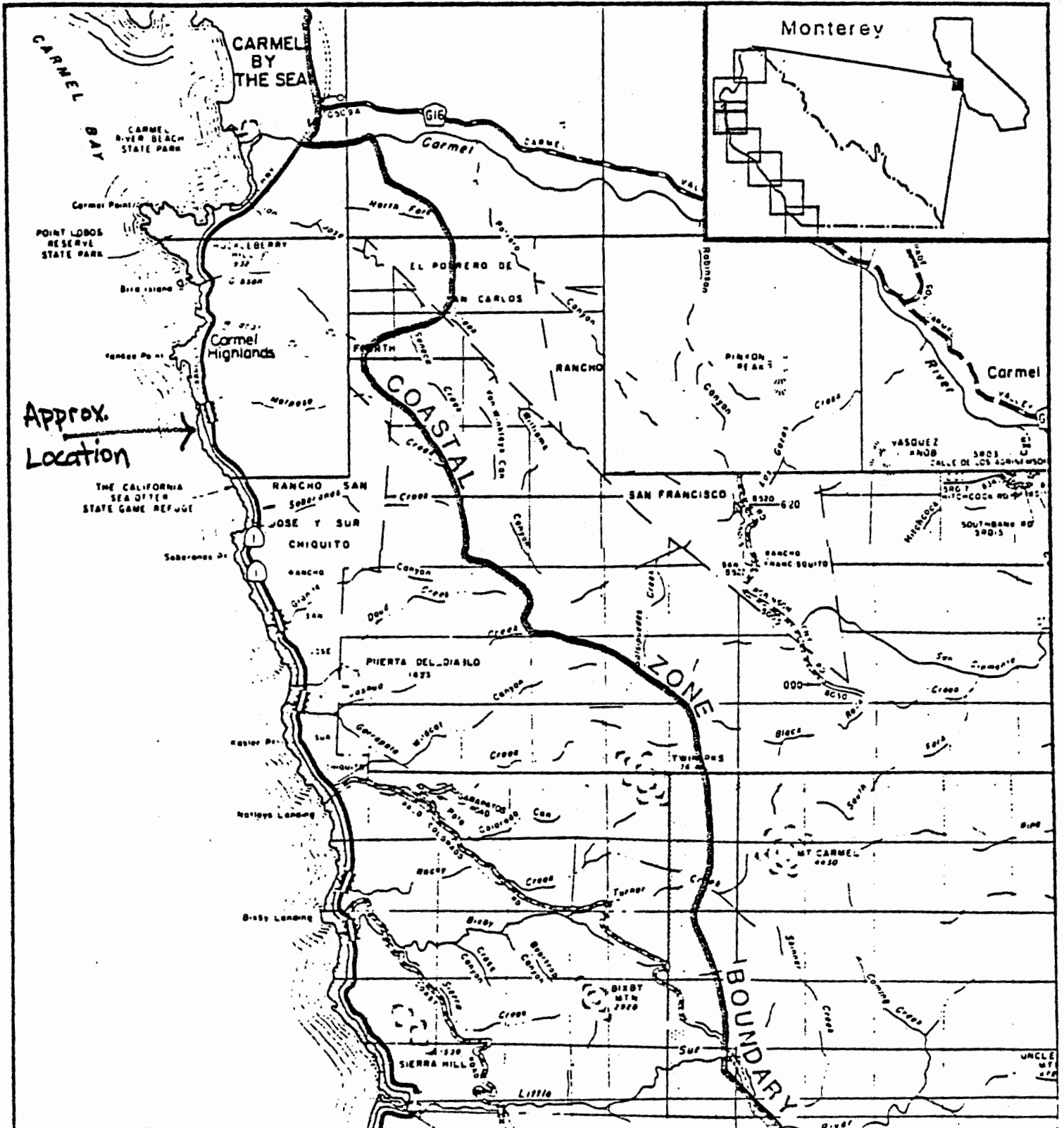
APPLICATION NO.

3-84-140

Standard Conditions



California Coastal Commission



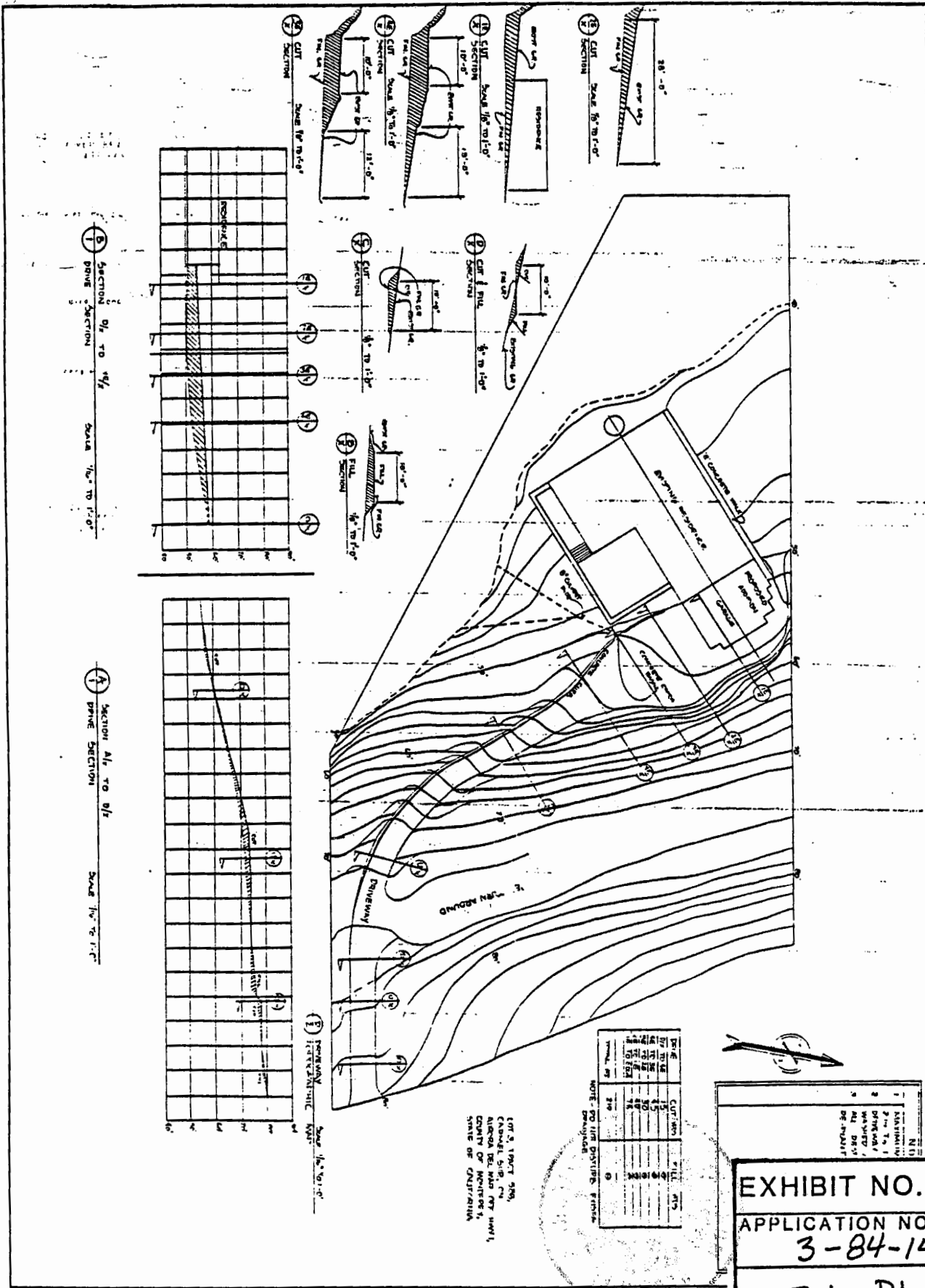


EXHIBIT NO. 1

APPLICATION NO.
3-84-140

Site Plan

California Coastal Commission

RESIDENCE FOR: MR & MRS EDWARD MESSICK
30560 AURORA DEL MAR
CARMEL, CALIFORNIA

DATE: 1-21-84
DRAWN BY: MARC
P.O. BOX
CARMEL
(408)

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