

California Coastal Commission
Central Coast
725 Front St., Ste. 300
Santa Cruz, Ca 95060-4508

TH56

RECORD PACKET COPY

Filed: 8/9/96
49th Day: 9/27/96
180th Day: 2/5/97
Staff: J. Sheele/cm
Staff Report: 8/22/96 1818P
Hearing Date: 9/12/96

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 3-96-82

APPLICANT: THE REVEL CORPORATION AGENT: Alan Turpen

PROJECT LOCATION: Northeast corner of Mission Street and 4th Avenue, City of Carmel, Monterey County, APN 010-109-005

PROJECT DESCRIPTION: Demolition of an existing single family dwelling and the construction of a five unit condominium project with a parking garage below, driveway, sidewalks, grading and tree removal.

Lot area:	5,400 sq. ft.
Building coverage:	3,098 sq. ft.
Pavement coverage:	408 sq. ft.
Landscape coverage:	1,894 sq. ft.
Parking spaces:	9 spaces
Zoning:	Residential, Multi-Family
Plan designation:	Commercial, 13 or more units per acre
Project density:	40 units per acre
Ht abv fin grade:	26 feet

LOCAL APPROVALS RECEIVED: Demolition Approval, Use Permit and Design Review.
CEQA - Categorically exempt.

SUBSTANTIVE FILE DOCUMENTS:

- o Geotechnical Investigation by Soil Surveys, Inc. - 7/25/96.
- o Carmel Local Coastal Program Land Use Plan.
- o 3-95-31 Staedler Trust

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that 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.

II. Standard Conditions.

See Exhibit A, attached.

III. Special Conditions.

1. PRIOR TO COMMENCEMENT OF ANY GRADING OR CONSTRUCTION, the permittee shall submit the following for the Executive Director's review and approval:

Final project plans including engineered foundation, grading, drainage and erosion control plans -- including sediment and grease traps along with a maintenance program for non-point source pollution control. Plans shall be prepared in accord with the recommendations contained in the geotechnical investigation prepared for the project. Evidence of review and approval by the City Planning Department and the soils engineer shall accompany the submittal.

2. If archaeological materials are encountered, that portion of the work which could further disturb such materials shall be halted until a satisfactory plan of mitigation can be implemented.

If the archaeological resources are found to be significant, permittee shall then submit a plan of mitigation, prepared by a qualified professional archaeologist and using accepted scientific techniques, prior to any disturbance of the surface area of property. Such a plan shall be submitted for review by the State Historic Preservation Office and the approval of the Executive Director. The plan shall provide for reasonable mitigation of archaeological impacts resulting from the development of the site, and shall be fully implemented. A report verifying compliance with this condition shall be submitted upon completion of excavation, for review and approval by the Executive Director.

3. Any off-site disposition of excavated spoils within the coastal zone, shall require prior review and approval by the Executive Director.
4. Unless waived by the Executive Director, a separate coastal permit shall be required for any additions to the permitted development, any change in use, or any additional landform alteration beyond the amount specified in this approval.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description.

The proposed development consists of the demolition of an existing single-family dwelling and the construction of a new five-unit condominium project with a parking garage below, driveway, sidewalks, grading and tree

removal. The subject site is located on the northeast corner of Mission Street and Fourth Avenue in the City of Carmel. Surrounding land uses are a mixture of commercial and residential uses. Carmel City Beach is approximately 3,000 feet west of the project site.

The existing development on the parcel includes a 1,200 square foot, two-story single-family dwelling which was originally built in 1926. The proposed structure includes five separate dwelling units varying in size from 586 to 1,310 square feet. The project has three separate levels including the garage which is almost entirely excavated below grade. Three dwelling units are located on the first floor and two dwelling units are located on the upper level of the proposed building. The proposed density is 40 units per acre which is allowed by the City's zoning ordinance provided that one of the units is available to low-income tenants. This density is also allowed by the City's Land Use Plan (LUP). One of the five dwellings is dedicated to affordable housing for low-income residents. Off-street parking for nine vehicles is proposed. Three trees are proposed for removal. The most significant trees on the site, in particular a large oak located in the rear corner of the property will be retained and protected during construction.

The majority of residential development in Carmel has been exempt from coastal permit requirements because it has conformed to the criteria of the Categorical Exclusion No. E-77-13 for the City of Carmel. However, demolition is not exempt and construction of new condominium units is not exempt because it is a conditional use in a residential area.

2. Development Patterns and Public Works Capacities.

Section 30250(a) of the Coastal Act reads in part:

(a) 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 a significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30254 of the Coastal Act reads in part:

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.

Though major public service systems exist for the City of Carmel, some operate near or above capacity. Both water supply and sewer capacity for Monterey Peninsula are especially limited. The Monterey Peninsula Water Management District (MPWMD) is responsible for the allocation of water supply to the different city and county areas on the Monterey Peninsula. On January 22, 1991, the Monterey Peninsula Water Management District enacted a water connection moratorium; however, the moratorium was lifted in August, 1993.

The City Council adopted Ordinance No. 93-11 in July 1993 which established a new process for allocating the limited water resources by land use category. Since the water ordinance was passed, the City's multi-family and commercial reserves remain relatively intact with .79 acre feet available for multi-family residential construction and .55 acre feet available for commercial construction. The proposed development is expected to consume .218 acre-feet of water including the residential uses and the landscaping based on the averages provided by the MPWMD. The City found that there are sufficient water resources available to accommodate the project development. The City's approval does not permit an increase in water use beyond .218 acre-feet. If the project water usage exceeds the City's allocation, the City will reconsider the use permit approval or an amendment.

The Commission finds that adequate service capacities are available at this time and that the development will not individually have significant adverse impacts on coastal resources. Water supply for additional development within the City of Carmel may not be available in the future and approval of this project does not set a precedent for approval of similar development within the City.

As conditioned by the City, the proposed development is consistent with Sections 30250(a) and 30254 of the Coastal Act and new development policies of the City's Land Use Plan.

3. Archaeology.

Section 30244 of the Coastal Act states that where development would adversely impact archaeological resources, reasonable mitigation measures shall be required. The approved Land Use Plan (LUP) for the City of Carmel states as follows:

- A. All major building and construction within the potential archaeologically significant zone shall be required to obtain a use permit from the City of Carmel.

- B. The permit application for such development shall be submitted to the archaeological clearinghouse as designated by the State Historical Preservation Office.
- C. Should any lot be found to contain significant archaeological resources, the use permit shall be conditioned to require mitigation of the development impacts, if any, on the resource. To insure adequate mitigation, the standard procedures adopted by the Coastal Commission (Appendix II) shall be followed.

The proposed building site has not been evaluated for the presence of archaeological resources. While not located in an area of known archaeological significance as defined in the LUP, there are significant sites in nearby areas. Accordingly, there is a risk of potential archaeological impacts. Coastal Act policies require the mitigation development impacts on archaeological resources. Approximately 642 cubic yards of excavation is proposed to accommodate an underground parking garage. Because of the possibility of unidentified archaeological resources being found during grading and foundation construction, it is appropriate to require protection of cultural resources.

As conditioned to protect archaeological resources during grading and construction, the proposed development is consistent with Section 30244 of the Coastal Act and approved LUP archaeological resource policies.

4. Erosion Hazards.

Coastal Act Sections 30231 and 30253(2) state that new development shall not contribute significantly to erosion and that runoff shall be controlled to protect the quality of coastal waters. The LUP also contains policies to adequately plan for natural hazards in regard to new development and to reduce erosion hazards.

The proposed project includes an underground parking garage. Approximately 642 cubic yards of material will be excavated to accommodate the proposed garage.

A "Geotechnical Investigation" for the project site was prepared by Soils Surveys, Inc. on July 25, 1996. The report contains test hole logs and test data, soils suitability analysis, foundation recommendations, retaining wall criteria, compaction requirements, and notes on seismic considerations and liquefaction potential. The report contains the following conclusions and recommendations:

CONCLUSIONS AND RECOMMENDATIONS

From our analysis of the boring and test data, the following are concluded:

1. The project site is suitable for the proposed new two story buildings with basement parking area provided that foundations and basement walls are properly designed. Expansive soil is not considered to be a problem at the site.
2. Foundation and concrete floor slab-on-grade recommendations for the buildings are made in Section V herein.
3. Retaining wall/basement footing design criteria are provided in Section VI herein.
4. Seismic hazards are discussed in Section VII herein; the potential for liquefaction and lateral spreading is considered to be slight at this site.
5. The project geotechnical engineer should examine and approve the foundation plans prior to beginning of construction and should check the basement and footing excavations prior to installing reinforcing steel or pouring concrete.
6. Compaction requirements are provided in Section VIII of this report.

Preliminary drainage plans were not submitted with the application. Conditions of the City's approval state, in part, that, "Drainage facilities shall be reviewed by the City Engineer and coordinated with the area-wide drainage plan administered by the Department of Public Works."

Runoff from the site's impervious surfaces will eventually reach Monterey Bay National Marine Sanctuary. To protect and guard against non-point source pollution into the ocean, it is appropriate to require final drainage plans that include sediment and grease traps along with a permanent drainage system maintenance program.

As conditioned, to require submittal of final foundation, grading, drainage including sediment and grease traps along with a maintenance program, and erosion control plans that incorporate the recommendations of the geotechnical investigation, and City approval, the proposed development can be found consistent with Sections 30231 and 30253(2) of the Coastal Act and with LUP hazards and erosion control policies.

5. LCP/CEQA.

The Land Use Plan for the City of Carmel has been approved by the Commission and adopted by the City. The LUP designates the subject site as Commercial, 13 units or more per acre. The proposed residential use, 40 units per acre, is consistent with the LUP Commercial land use designation which allows mixed use projects. LUP Policy 5.F. states the following:

Development within the commercial district shall be limited so as to protect existing and encourage new housing opportunities within the district and to minimize the adverse impacts of visitor oriented activities.

Though the LUP acknowledges that there are conflicts between visitor serving and residential use in terms of available services such as water and parking supply, there are no specific policies addressing these issues in terms of intensification of land use.

The availability of sewer and water capacity for future development was a major concern both at the adoption of the exclusion (E-77-13) and for future certification of any implementation plan for the Local Coastal Program (LCP). The findings of approval of the exclusion anticipated there would be sufficient water and sewer capacity to serve the City's potential buildout. These capacities were based upon existing zoning of the exclusion area during the period of time required to prepare and certify an LCP for the City of Carmel.

In this case, the project area is zoned Commercial. The LUP designates the site as Commercial and allows residential use. If additional landowners undertake similar intensification, given existing and projected public service capacity constraints, future development could be severely restricted, The net effect being that landowners developing now could preempt public service capacities that may be more properly apportioned to other areas or types of development including visitor serving uses. Therefore, it is appropriate that the City of Carmel determines through its land use planning process, the allocation of limited public service capacities. Conditional uses, including residential units must be factored into development buildout in some manner. In this case, the City has determined that adequate sewer capacity is available, and that this project will be accommodated within the City's water supply allocation for multi-family residences.

Section 30252(4) of the Coastal Act requires that new development shall maintain and enhance public access to the coast by providing adequate parking facilities or providing substitute means of serving the development with public transportation. Sections 30210-30213 of the Coastal Act require that public access to the coast be protected.

The project is located near the downtown portion of Carmel and is within a half mile of Carmel Beach which attracts many visitors. Commercial uses in the project area include visitor serving facilities including motels and restaurants. The site is located three blocks north of Ocean Avenue which is a major coastal access route connecting Highway 1 to Carmel Beach. Street parking is extremely limited and is in high demand by tourists, customers and employees of nearby commercial establishments and local residents.

Many businesses lack on-site parking and vehicle congestion and parking, especially during the summer months, is a significant problem. The City's parking requirement for the project is seven parking spaces. The project includes five residential dwelling units and nine off-street parking spaces. The proposed parking exceeds the City's parking requirements.

The project as proposed provides adequate parking facilities in accordance with City requirements. As proposed, the development can be found consistent with Coastal Act Sections 30252(4) and 30210-30213.

In addition, the proposed development as conditioned is consistent with the policies contained in Chapter 3 of the Coastal Act and will not prejudice the ability of the City of Carmel to complete and implement a certified Local Coastal Program.

Conditions of this permit along with the City's conditions will offset the impacts of the proposed development. Therefore, the proposed project will not create any significant adverse environmental impacts within the meaning of the California Environmental Quality Act.

EXHIBIT-A

RECOMMENDED 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.

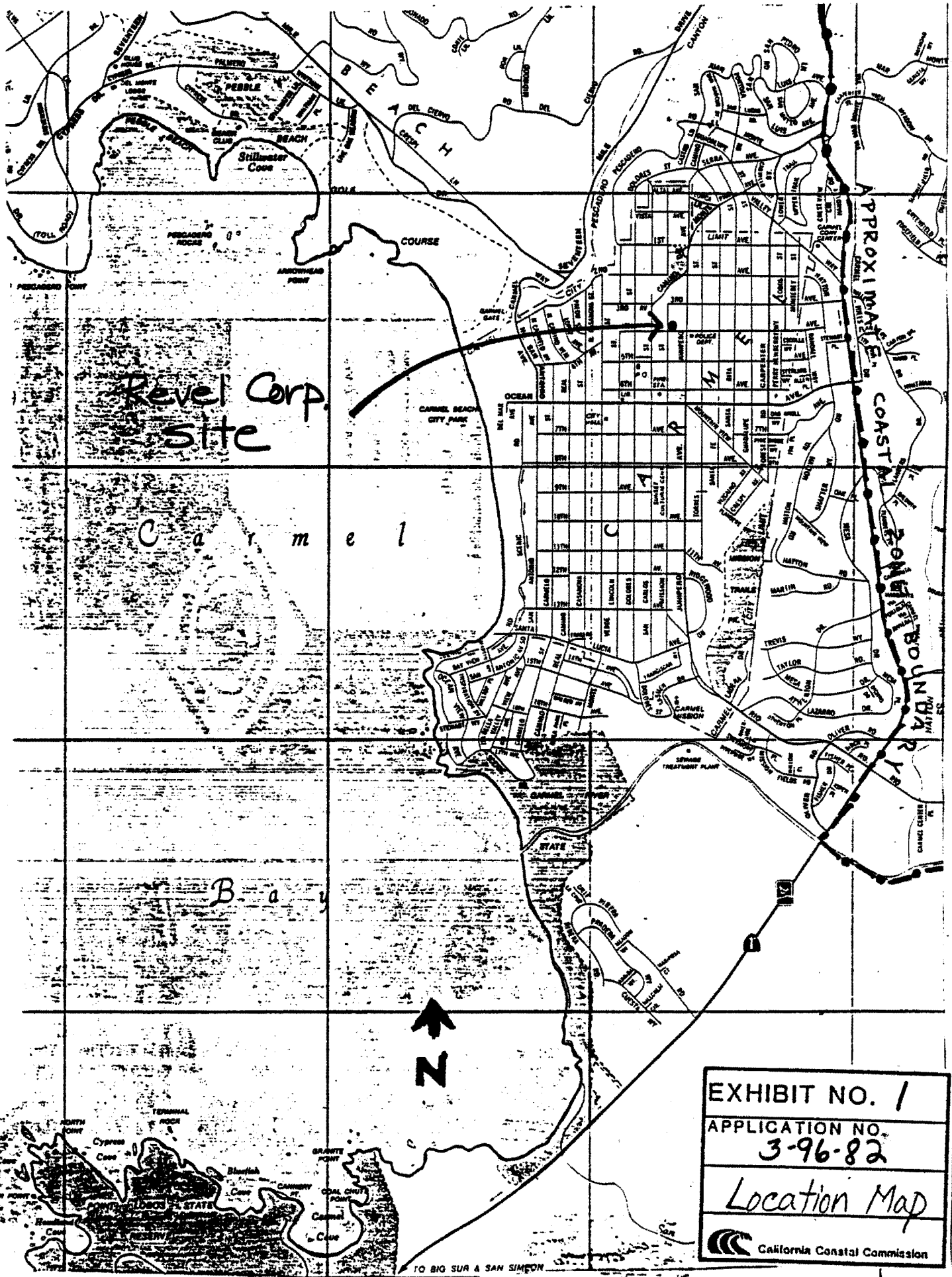
3-96-82

REVEL CORP.

Standard Conditions



California Coastal Commission




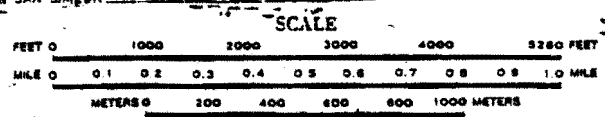
Revel Corp.
site

C a r m e l

B a y



EXHIBIT NO. 1
APPLICATION NO. 3-96-82
Location Map
 California Coastal Commission



CARMEL - PT. LOBOS

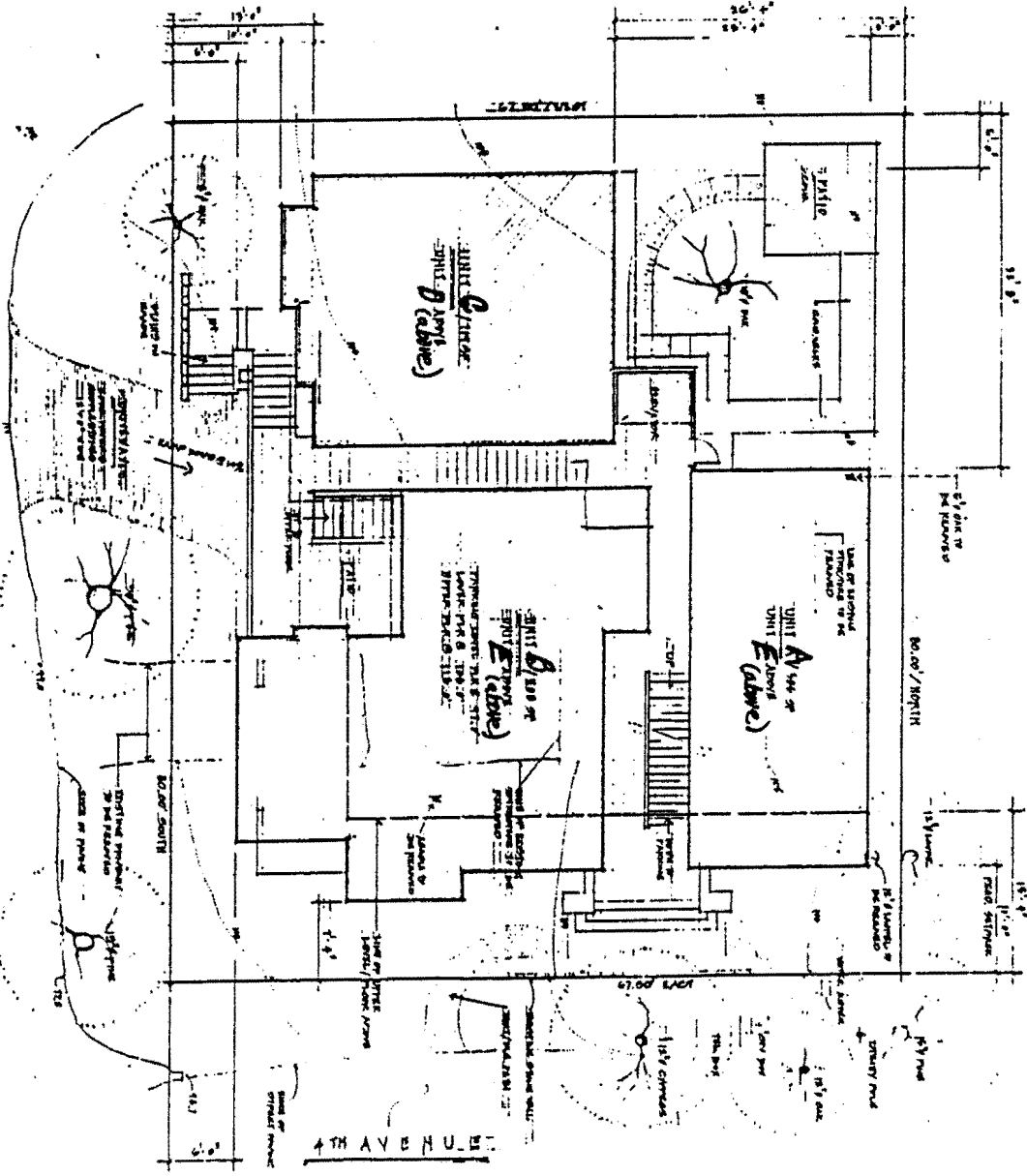
RECEIVED
 AUG 0 1996
 CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

OWNER: AR NORTH, ALTHAM
 P. A. Box 95
 GARFIELD, CA. 95931

PROJECT DATA:

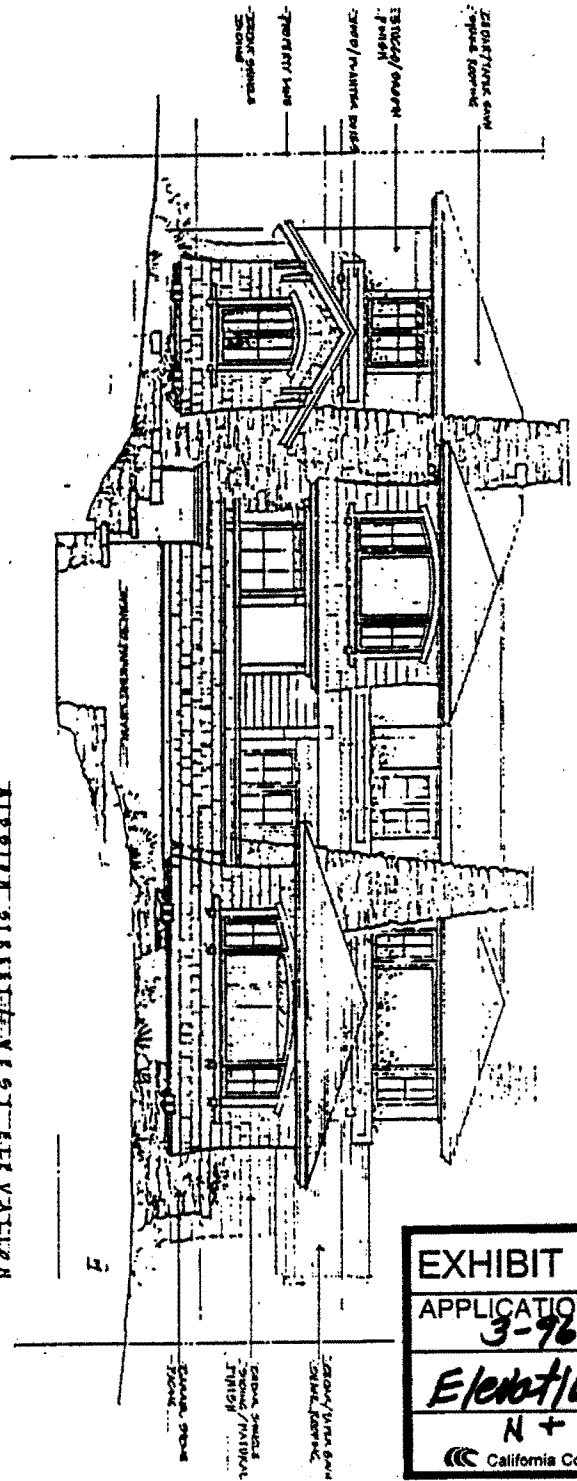
PARCEL SIZE	61,577 SQ. FT.
UNIT A	586 SQ. FT.
UNIT D	1108 SQ. FT.
UNIT C	144 SQ. FT.
UNIT B	886 SQ. FT.
UNIT E	1912 SQ. FT. (485 SQ. FT. PARKING LEVEL)
PARKING LEVEL	2158 SQ. FT. (1949 SQ. FT. NET)
PRIVATE DRIVEWAYS	78 SQ. FT.
DRIVEWAYS	912 SQ. FT.
DRIVE CONTRACTS	9419 SQ. FT. (57% NET)

SITE PLAN
 SCALE: 1/8" = 1'-0"
 DATE: 4 JANUARY 1996 / 4/27/96
 DRAWN BY: [Name]



ALAN TURPEN/ASSOCIATE
 408/524 3400
 408/524 3400

EXHIBIT NO. 2
APPLICATION NO. 3-96-82
Site Plan
California Coastal Commission



MISSION STREET - WEST ELEVATION
Mission St. - W

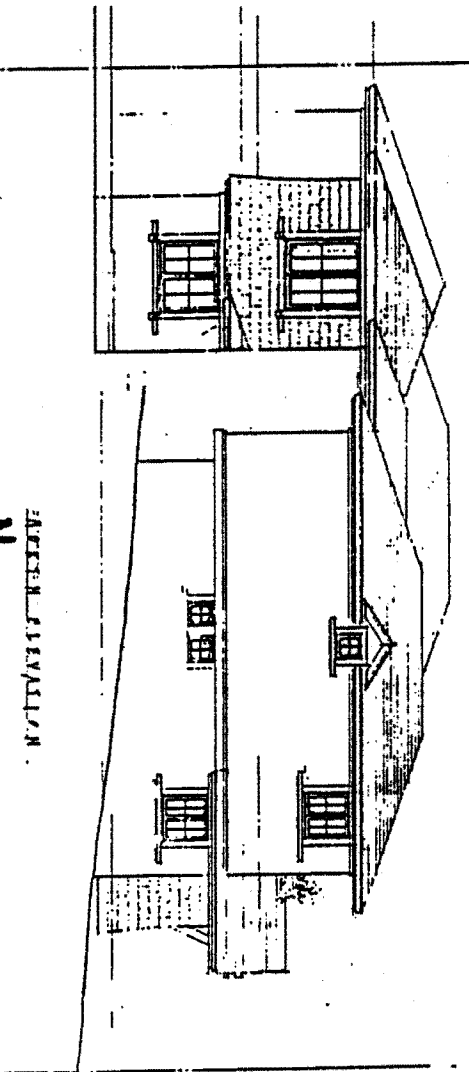


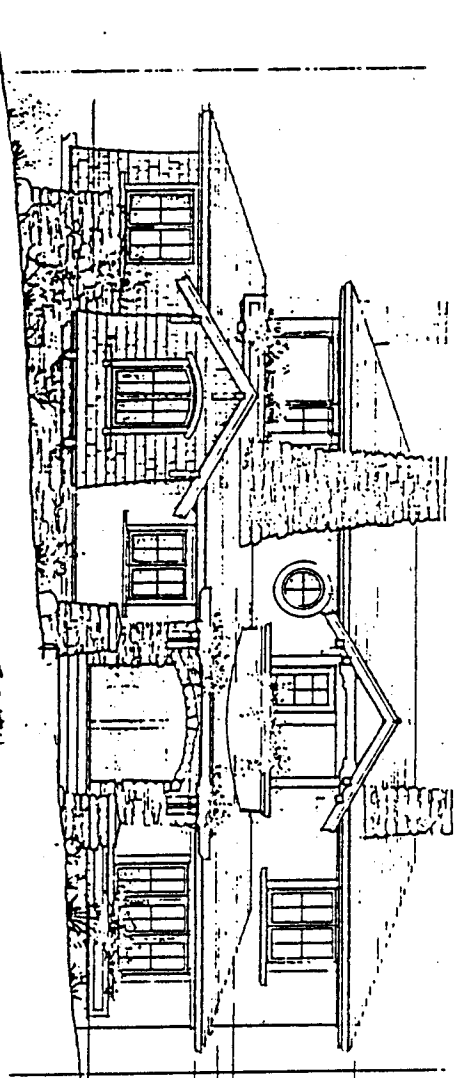
EXHIBIT NO. 3
APPLICATION NO. 3-96-82
Elevations N + W
California Coastal Commission

ALAN JURGEN/ASSOCIATES
F.O. BOX 3093
CARMEL, CALIFORNIA 93971
408/524 2833

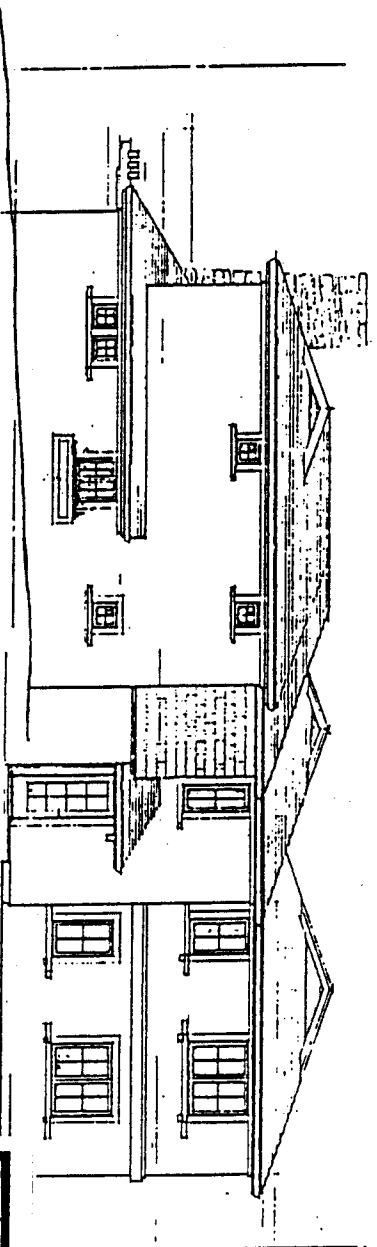
SHRUBS AND PLANTS TO BE MAINTAINED

ALAN TURPEN/ASSOCIATE

P.O. BOX 3561
CARMEL, CALIFORNIA 93921
408/624 2833



SOUTH
ELEVATION
4th Ave. - 5



EAST
ELEVATION

EXHIBIT NO. 4
APPLICATION NO. 3-96-82
Elevations
S + E
California Coastal Commission