

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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PERMIT AMENDMENT

Application numberP-78-260-A2

ApplicantRichard T. and Susan M. Dauphine

RepresentativeChristopher Williams

Local governmentMonterey County

Project locationSouth Forty Road, Hurricane Point, Big Sur coast, Monterey County (APN 418-171-002).

Project descriptionAmend project design to modify upper deck and pitch of roof over garage, modify and add windows, convert carport to an enclosed one-car garage, add a 12'x20' deck by garage, terrace the slope and add two retaining walls.

File documentsCoastal Permit files: P-78-260, P-78-260-A1, Big Sur Coast Land Use Plan.

Staff recommendationApproval with Conditions

Summary of Staff Recommendation

Staff recommends that the Commission approve the Coastal Development Permit Amendment, subject to conditions included herein to protect scenic views along Highway One, and find that the project is in conformance with the Coastal Act. The project site is located on a five-acre parcel about 1.2 miles south of Hurricane Point in Big Sur, Monterey County. Big Sur is world renown for its natural beauty and generally undeveloped coastline. The Coastal Commission and the County have had a long, continuous commitment to preserving this scenic treasure. One policy consistently followed is to prohibit new development within the public viewshed whenever possible. The subject parcel (APN 418-171-002) is one of four developed, five-acre parcels located west and below Highway One in an isolated residential enclave. The subject single-family dwelling was permitted by the Commission in 1978 to be as visually unintrusive as possible while still allowing some economic use of the parcel. This amendment request seeks a number of minor design modifications prior to completing construction of the structure. The amendment request includes converting the existing carport to an enclosed one-car garage, adding a 12'x20' deck beside the garage, modifying the pitch and design of the roof over the garage and proposed deck, deleting one of the second floor decks from the design, modifying and adding windows, terracing

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the slope south of the existing house and adding two retaining walls and gravel backfill along the north side of the house.

Staff recommends approval of the project with findings that, as conditioned, there would be no adverse impacts to coastal resources or public access and the amendment request is consistent with the Chapter 3 policies of the Coastal Act.

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1. Staff Recommendation on Amendment

The staff recommends that the Commission, after public hearing, **approve** the proposed amendment subject to the standard and special conditions below. Staff recommends a **YES** vote on the following motion:

***Motion.** I move that the Commission approve the proposed amendment to Coastal Development Permit Number P-78-260-A2 pursuant to the staff recommendation.*



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Staff Recommendation of Approval. Staff recommends a YES vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve a Coastal Development Permit Amendment. The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.

2. Conditions of Approval

Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit amendment is not valid and development shall not commence until a copy of the permit amendment, signed by the permittee or authorized agent, acknowledging receipt of the permit amendment and acceptance of the terms and conditions, is returned to the Commission office.
2. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
3. **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.
4. **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.

Special Conditions

All conditions of coastal permit P-78-260 and the first amendment P-78-260-A1 remain in full force and effect except as further modified by the approval of this amendment. These conditions have been reproduced and incorporated herein, with revisions shown as strikeouts and underlines.

Special Conditions of Original Permit (P-78-260)

1. Compliance with the conditions of Special Permit PC-3256 (Exhibit A of P-78-260) shall be considered as a condition of this Coastal Development Permit as well. If compliance with these local government conditions requires any revisions to, or any additions to the site or building plans (e.g., landscaping, vegetation removal) submitted to the Commission and authorized by this permit,



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such changes shall be submitted for staff review and approval prior to commencement of construction.

2. Prior to commencement of any site work, applicant shall submit for review and approval by the Executive director detailed site, drainage, grading, landscaping, and revegetation plans. The plans shall specify the precise locations of all structures and utility systems, minimum area necessary for grading and vegetation removal, procedures for erosion control and re-establishment of native plant cover, measures to protect existing plant cover on the remainder of the site, and landscaping with native and drought-resistant species to provide maximum screening of the structures. Recommendations of the geologist and the US Forest Service shall be followed.
3. Prior to commencement of construction of the original structure and any additional construction allowed by this amendment, permittee shall submit examples of all exterior surfaces (chips by color and material), for staff review and approval. All glass windows shall be non-glare (tinted).
4. (a) Exterior lighting which is visible from State Highway One, roadside turnouts, or from the beach at Little Sur River is not authorized by this permit. Additionally, no roof skylights are authorized by this permit. (b) Prior to the Issuance of the Coastal Development Permit amendment, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director which states that exterior light sources shall be prohibited if such light source would be directly visible from Highway One or other major public viewing area and that no lights shall be directed onto the shoreline or the sea. The deed restriction shall include a legal description of the applicant's parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this permit unless the Executive Director determines that no amendment is required.
5. Prior to clearing, grading, or construction, permittee shall provide a report from the Monterey County Health Department indicating technical compliance with County Health Department indicating technical compliance with County septic tank standards; such report shall include certification of on-site percolation and soil tests.
6. ~~The spring shall be used for the designated on-site purposes only. The water shall not be transported in any manner for off-site use unless a separate Coastal Development Permit is first obtained.~~ The water source for this project is an off-site spring. This permit amendment authorizes specific on- and off-site water system improvements (see Exhibit D site plans) for domestic on-site use only. No water system use beyond that of the four-connection residential system is allowed without an approved Coastal Development Permit. A copy of the final plans for filtration and disinfection, as required by the County Health Department, shall be submitted for Executive Director review and approval prior to installation. Any additional on- or off-site water system components/improvements shall require Executive Directors review and approval or a separate amendment.



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7. Any excavated materials shall be carefully removed so that spoils are not placed within or allowed to slide into that area seaward of the upper edge of the bluff.
8. Unless waived by the Executive Director, a separate coastal Development Permit shall be required for any additions to the permitted development, including placement of antennas or other minor structures above roof level of permitted structure(s), or elsewhere within view of State Highway Route One or the shoreline.
9. In accepting this permit, permittee acknowledges that the permitted structure lies within an apparent high hazard area; and further acknowledges that the state of California assumes no liability for loss of life or property which may result from the placement of structures on this site. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from geologic hazards including potential landslides, bluff retreat, erosion, and earth movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
10. Permittee shall stipulate in writing that (s)he understands and agrees to the above conditions, and further that (s)he understands it will be her/his responsibility to remove any portion of the building or lighting that may not conform with the above conditions or the representations made by the applicant to the Commission.

Additional Special Conditions required by Amended Permit (P-78-260-A1):

11. The carport and the two decks as shown on the revised plans received by the Regional Commission office on February 7, 1980, ~~shall be constructed,~~ have since been revised. The revised garage, decking, windows and roof shall be constructed as shown on the revised plans received by the Coastal Commission Central Coast District Office on November 17, 2000. These plans show only one second floor deck and two first floor decks, to be built at grade along the south side of the existing structure.
12. Prior to commencement of construction of proposed project, applicant shall submit evidence to the Executive Director, for his review and approval, that Monterey County Planning Commission has approved the required design changes.

Additional Special Conditions required by this Amended Permit (P-78-260-A2):

13. Assumption of Risk, Waiver of Liability and Indemnity PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the



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above terms of condition #9. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

14. All utilities and water tanks shall be screened by vegetation so they are not visible from Highway One, public viewpoints, or highway turnouts. The applicant shall continuously maintain all landscaped areas on the site. All plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.
15. This permit does not approve the proposed gate across the private driveway from South Forty Road, however the proposed gate across South Forty Road at Highway One may be installed subject to review and approval of the Executive Director of the following:
 - a. Final plans for the gate. Design shall be complimentary to the rural setting and character of Big Sur, with preference for natural materials, and must meet fire safety standards for access.
 - b. Evidence of approval by appropriate Design Review Advisory Committee
 - c. Consent of all property owners with legal interest in the common driveway;
 - d. Copy of any encroachment permits if necessary.
16. **PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall execute and record with the Monterey County Recorder's office a deed restriction in a form and content acceptable to the Executive Director that states "All landscaping shall be installed and maintained pursuant to the approved landscaping plan. Landscaping that exists or is approved, shall not be removed unless subsequently approved by the Coastal Commission. If removal or excessive trimming occurs, the owner shall be responsible for replacing the vegetation." The deed restriction shall include a legal description of the applicant's parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this permit unless the Executive Director determines that no amendment is required.

3. Recommended Findings and Declarations

The Commission finds and declares as follows:



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A. Project Description

Project Location

The project site is located on a five-acre parcel about 1.2 miles south of Hurricane Point in Big Sur, Monterey County. The subject parcel is one of four five-acre parcels located west and below Highway One. A steep access way, called South Forty Road, winds down from Highway One to serve the four parcels, each of which has been developed with a single family dwelling. This amendment request seeks a number of minor design modifications prior to completing construction of the single family dwelling presently owned by Mr. and Mrs. Richard Dauphine (APN 418-171-002)

Permit History

The original coastal development permit for this property (P-78-260) was approved by the Regional Coastal Commission on September 11, 1978 (see attached findings). Concerns expressed at the public hearings at that time included geologic safety and viewshed protection. Three sets of plans were submitted before a design was approved for the original residence. The first design included substantial decking that would be seen within the viewshed. The second, eliminated the decking, but appeared "box-like" with an almost flat roof. The third design included an enclosed carport, and sloping roof with planted trellises, in order to blend the residence into the hillside topography.

The Coastal Commission subsequently approved an amendment (P-78-260-A1) of the original coastal development permit on February 25, 1980. The amendment increased the house coverage from 928 sf to 1,025 sf, modified the roof slope, and allowed for a second floor with two windows and two small second floor decks totaling 273 sf. This amended design has been partially constructed (see photos, Exhibit C).

The permit was transferred to new property owners, Mr. and Mrs. Richard Dauphine, on July 13, 2000, who have submitted this second amendment request to allow for redesign of the existing, partially completed structure. The Big Sur Advisory Committee recommended approval of the design, with minor modifications (as incorporated in this permit) on March 14, 2000. The Monterey County Planning Commission subsequently granted Design Approval on July 10, 2000.

This second amendment request would increase the house coverage from 1,025 sf to 1,429 sf, change the carport to an enclosed 240-sf one-car garage, reduce one of the two upper decks, modify and add windows, add a 240-sf deck by the garage, modify the design and slope of the roof over the garage and garage deck, terrace the slope south of the garage deck, and add two six foot retaining walls and backfill material to stabilize the slope along the north side of the house (see plans, Exhibit D).

B. Procedural Notes

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

1. The Executive Director determines that the proposed amendment is a material change,
2. Objection is made to the Executive Director's determination of immateriality, or



3. The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

The proposed amendment is a material change and affects conditions required for the purposes of protecting coastal resources, specifically Scenic Resources (Section 30251 of the Coastal Act).

As noted, the Coastal Commission issued the original coastal permit for the subject structure and work pursuant to that permit commenced. Therefore, the permit remains in effect. Monterey County now has a certified local coastal program, which means that the County now issues coastal development permits for any new projects, pursuant to its program. The Coastal Commission, however, still retains jurisdiction over the permits that it issued prior to certification.

C. Coastal Act Issues

1. Scenic Resources

The main issue involved with this amendment request is viewshed protection. Coastal Act section 30251 governs:

Section 30251. 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 of 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.

Big Sur is world renown for its natural beauty and generally undeveloped coastline. The Coastal Commission and the County have had a long, continuous commitment to preserving this scenic treasure pursuant to the Coastal Act directives of Section 30251. One resulting practice consistently followed is to prohibit new development within the public viewshed whenever possible. The County's basic coastal scenic resources policy for the Big Sur coast is to prohibit all future public or private development within the critical viewshed, i.e., those areas visible from Highway 1 and major public viewing areas such as turnouts, beaches and specific vista points.

The subject site can be seen from three key viewpoints: views of the east face of the building from Highway One (especially from high vehicles such as busses or RVs, and by pedestrians and cyclists); birdseye views from two turnouts south of the site; and distant views from Little Sur River beach. However, as noted the Coastal Commission has previously allowed a house on this existing legal parcel. The Commission action (see Exhibits) has been to limit visibility of the house and blend its design within the background landscape as much as possible. Section 3.2.3.A.7 of the Big Sur Coast Land Use Plan provides guidance for replacement or redesign of existing structures as follows:



Big Sur LUP Section 3.2.3.A.7. ... Replacement or enlargement of existing structures ... within the critical viewshed shall be permitted on the original location on the site, provided no other less visible portion of the site is acceptable to the property owner, and provided the replacement or enlargement does not increase the visibility of the structure. ...

The amendment proposes modifications to an existing structure on the original location of the site, and will not increase the visibility of the structure within the viewshed. The existing structure (as shown in Photo 1 Exhibit C) is in a state of partial completion, and the proposed additions and modifications will serve to complete construction of the structure, which will enhance the visual quality of the area. The maximum height and slope of the main roof will remain the same (approximately 23 feet).

The proposed enclosure of the carport to a garage and the addition of the garage deck (to be built at grade) will extend the length of the house along the south side of the structure by approximately 20 feet and total coverage of the house by x sf. However, the proposed deck will not extend any further than the existing carport. Additionally, as the roofline over the garage and new deck will not extend beyond that of the existing roof over the main structure, it will not significantly increase the visibility of the structure from that previously approved. The roof over the garage deck will retain the same slope as that over the main structure, and will include a portion that will be trellised, so that it will match the existing structure and blend into the contours of the area.

The amendment requests converting the existing carport to a garage by fully enclosing the structure, changing the slope of the roof and adding windows and a door along the south side of the structure. A 12'x20' deck would also be constructed along the south side of the garage, which would not extend further than the length of the carport/garage, nor beyond the southern extent of the existing house (see plans). The ridgeline height of the roof over the garage will be reduced from 15 feet to 14 feet and the roof overhangs will not extend beyond those of the main structure. While the roof over the converted carport/garage will slope northward, the roof over the garage deck will slope southward and will match the slope of the roof over the main structure. The roof over the garage deck will also include a portion to be trellised, which will allow for hanging plants to soften the impact of the structure.

While the deck and additional roofing/trellis increases the total coverage of the structure by 480 sf, it does not significantly increase the visibility of the structure within the viewshed since the additional structures (deck and roof) will not protrude beyond the southern or western extents of the existing structure. The modified roof has been designed to match the roofline of the existing structure in order to blend into the contours of the surrounding area. Additionally, one of the two decks has been removed from the previously approved design, which enhances the view of the structure.

Project plans also show two gates proposed to be constructed. One at the Highway One entrance to South Forty Road, and the second to be located where South Forty Road meets the driveway to the existing residence. As no gates currently exist at either of these locations, the proposed construction of these two gates would increase the visibility of such structures within the viewshed. A key land use policy in the LUP is to avoid further clutter of the critical viewshed as viewed from Highway 1. Therefore, the permit is conditioned to provide for a single gate across the common private access road, South Forty Road, at Highway One (Condition #15).



To stabilize the slope north of the house, gravel fill is proposed between two six-foot retaining walls to be set at the east and west end of the house. The grading and retaining walls proposed are intended to stabilize the slope north of the structure, serve to minimize landform alteration, and will not be visible within the viewshed as the slope comes down right beside the structure and will be blocked mainly by the existing structure itself. Since the proposed amendment includes adding and modifying the number and design of windows used in order to improve interior lighting, the permit has been conditioned to minimize window glare and exterior lighting visible from Highway One.

The proposed amendment clarifies the location of the off-site spring and water supply system including storage tanks and pumps. These can and need to be screened so as not to be visible, as provided for by conditions # 2 and #14 of this permit.

Therefore, as conditioned, the project complies with the local LCP policies for development in the critical viewshed and is consistent with Coastal Act Section 30251 protecting scenic and visual resources.

2. Public Recreation and Access

Coastal Act § 30604(c) requires that every coastal development permit issued for new development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and recreation policies of [Coastal Act] Chapter 3." Although seaward of Highway One, the parcel's topography, location and small size render it impractical for recreational trail or coastal dependent development. The primary recreational activity in this area of Big Sur is pleasure driving, thus conformity to the scenic resource policies of the Coastal Act also preserves public recreational access opportunities. Thus as conditioned, the proposed project is consistent with Section 30604 of the Coastal Act.

3. Hazards

The following Coastal Act Sections are applicable to the subject site and amendment:

Section 30253. 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.*

The geologic report prepared for the original coastal development permit for the subject parcel indicates that the existing house sits on a small promontory which juts out from the surrounding slope, and which is comprised of resistant sands, shales and conglomerates that support overlying alluvial terrace deposits. As the site is located approximately 500 feet east of a fairly vertical seacliff, shoreline erosion poses no



significant threat to the structure. Therefore, the property will not require any shoreline protective devices during the life of the structure.

The geologic report also notes that although landslides have occurred within the alluvial terrace deposits north and south of the project site, the subject site is located in area that has a moderate to high degree of stability. This is because the cut pad for the existing homesite is cut-in on or just above the highly resistant conglomerate unit, which exhibits a strong resistance to weathering and erosion. The terrace deposits that make up the slopes adjacent to the homesite are less susceptible to erosion or landslides where they are well vegetated. Therefore, the permit has been conditioned to require a final landscaping and drainage plan designed to minimize vegetation disruption and erosion due to storm water and highway runoff.

As potential hazards may still exist due to the proximity of the site to known landslide areas (such as that near Hurricane Point) the permit has also been conditioned to require that a waiver of liability be recorded and placed as a deed restriction to run with the land.

Therefore, the Commission finds that, as conditioned, the requested amendment is consistent with the hazard protection policies of the Coastal Act.

4. Water

Section 30231 of the Coastal Act protects ground water supplies and surface water flows:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The Big Sur Coast Land Use Plan requires the following:

LUP Policy 3.4.3.1. Applicants for development of residential, commercial, and visitor-serving facilities must demonstrate by appropriate seasonal testing that there will be an adequate water supply for all beneficial uses and be of good quality and quantity (eg., at least ½ gallon per minute per single family dwelling year round) from a surface or groundwater source, or from a community water system under permit from the County.

LUP Policy 3.4.3.2. Development of water supplies, or intensification of use of existing supplies from springs, streams, wells or community water systems shall be regulated by permit in accordance with Coastal Act requirements. These permits shall be in addition to any required permits from the County Health Department.



LUP 3.4.3.3. Applicants intending to utilize a water supply from a source not occurring on the parcel to be served, shall obtain any necessary rights or permits to appropriate the water from the State division of Water rights prior to receiving project approval from the County....

The original permit allowed for an on-site water supply and storage system, with uses restricted to designated on-site purposes only (i.e., no water could be transported for offsite uses). A water agreement on file and recorded by Monterey County September 23, 1966, indicates that an easement and right to take sufficient quantity of water for "reasonable domestic use," was granted to earlier owners of the parcel, and established to run with the land.

The current proposal clarifies that the spring is not located on the subject parcel, but is located on the adjacent parcel immediately south of the existing residence. This spring is part of a four-connection system, which has apparently been existing for some time but has only just been permitted by the County Health Department. The County approved water system includes the existing 4,000 and 3,000-gallon water storage tanks and the proposed new 5,000-gallon water storage tank to be installed on the slope north of the existing residence on site (see Exhibit D site plans). As required by the County Health Department, a filtration and disinfection system will also need to be installed prior to occupancy.

The spring currently provides a flow of 5 gallons per minute, which is adequate to support the subject site and the three other parcels in the enclave. Use of the water shall be restricted to reasonable and necessary domestic uses, including watering of approved landscaping plants, trees and shrubs, and non-commercial garden purposes in connection with the approved residence. No adverse impacts are expected to occur to groundwater supplies from use of the spring since the supply is provided by gravity flow and is adequate to support the residential uses of the four parcels. Similarly, no downstream impacts will occur by use of the spring water supply, as there are no downstream or end-users.

Therefore, as conditioned to require specific on and off-site improvements to the water supply system, and to restrict use of the four-connection system for domestic and on-site uses, the proposed amendment complies with LCP and Coastal Act policies for protecting ground water supplies.

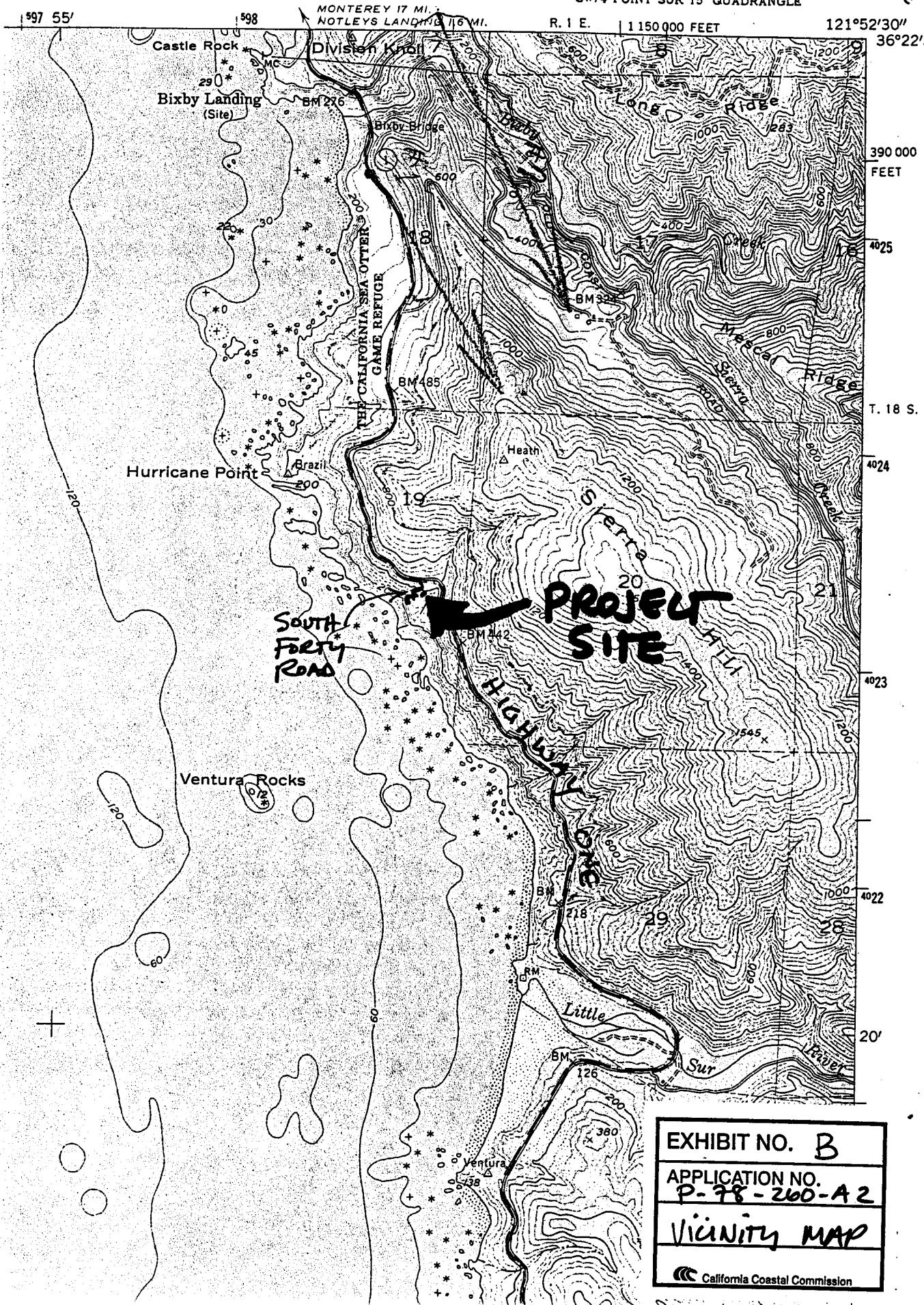
D. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment. The Secretary for Resources has certified the Coastal Commission's review and analysis of land use proposals as being the functional equivalent of environmental review under CEQA. Accordingly, the Commission finds that as conditioned the proposed project will not have significant adverse effects on the environment within the meaning of CEQA; that there are no feasible alternatives that would significantly reduce any potential adverse effects; and, accordingly, the proposal, as conditioned, is in conformance with CEQA requirements.



POINT SUR QUADRANGLE
CALIFORNIA—MONTEREY CO.
.5 MINUTE SERIES (TOPOGRAPHIC)
SW/4 POINT SUR 15' QUADRANGLE

1856 IV NE
(MT CARMEL)



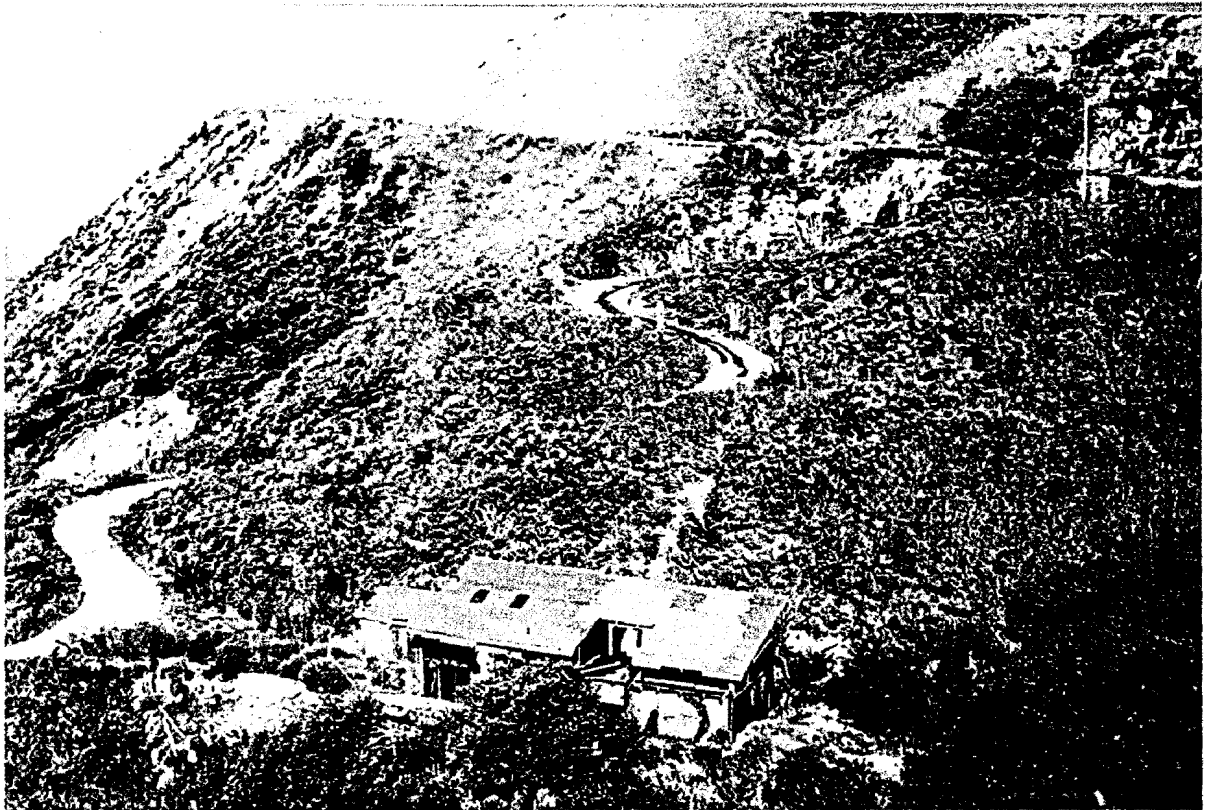


Photo 1. View of existing partially constructed structure on Dauphine site. Photo also shows South Forty Road which winds down from Highway One to the site.



Photo 2. View of east elevation of existing partially completed structure, showing slopes both north and south of site. (Note water tank south of existing structure.)

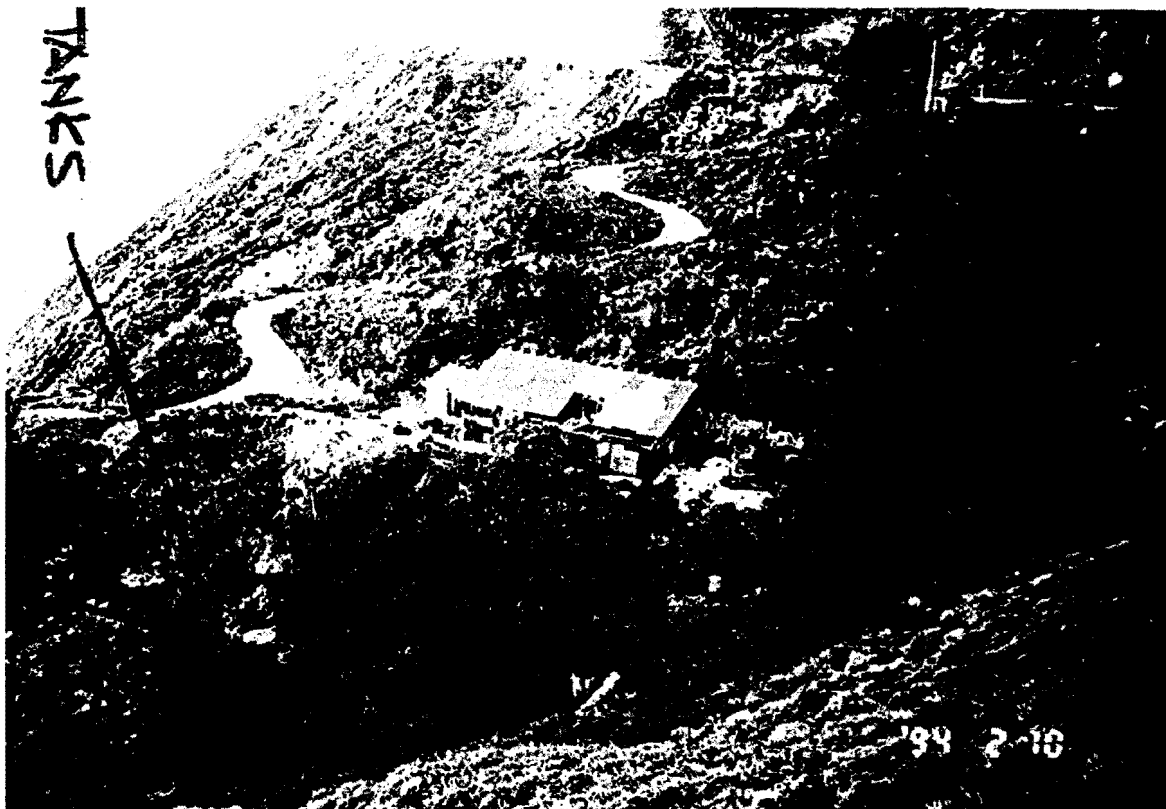


Photo 3. View from Highway One looking north. Photo shows surrounding hill slopes and existing vegetation which partially screens existing water tanks and utilities.



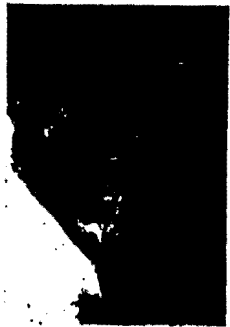
Photo 4. View of west elevation (looking east), of existing partially completed structure. Flagging shows outline and extents of proposed garage and deck.

Exhibit C (pg 2 of 2)
Photos
P-78-260-A2
(Dauphine Redesign)

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ARCHITECTS
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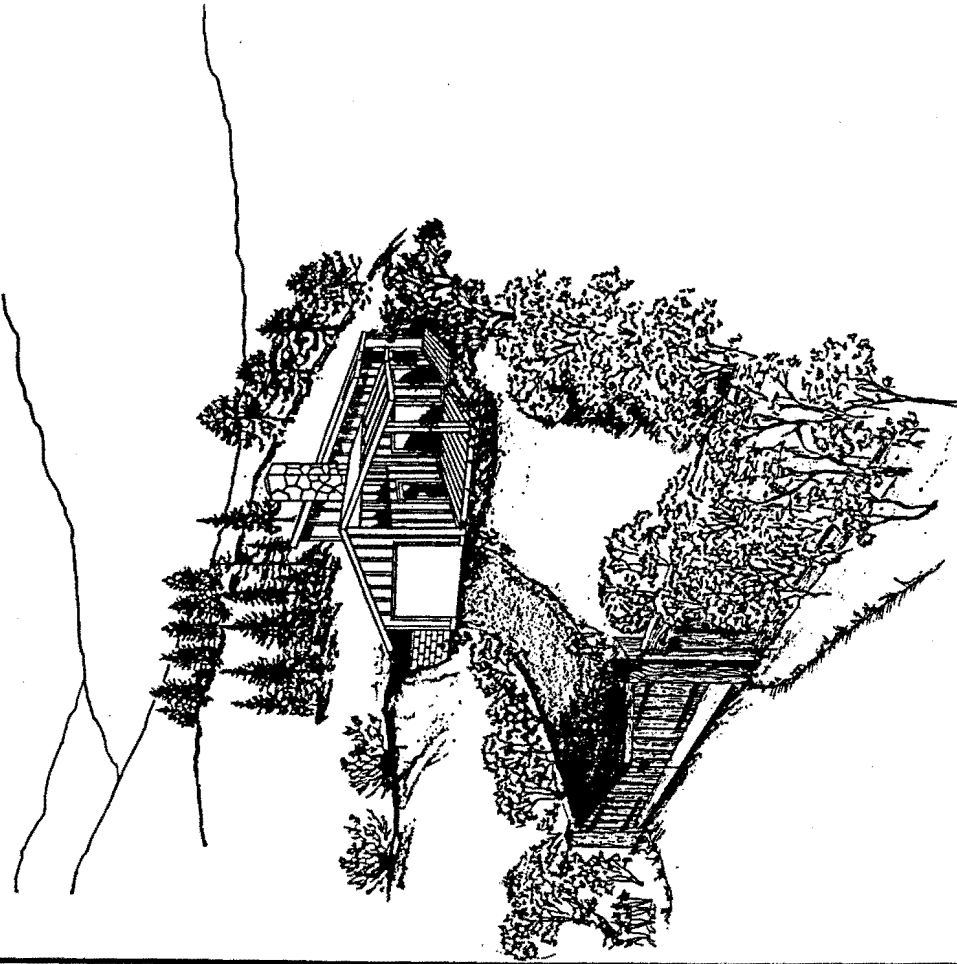


EXISTING RESIDENCE

RECEIVED

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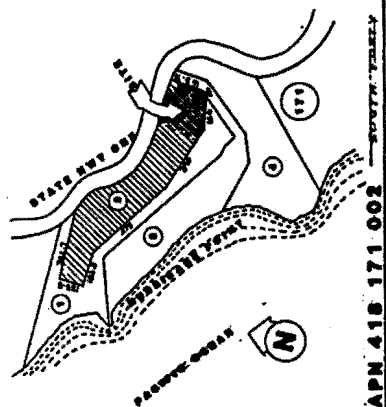
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



PROPOSED CHANGES

EXHIBIT NO. D1 of 4
APPLICATION NO. P-78-260-A2 (Dauphine)
Amended Project Plans
California Coastal Commission

C. WALLIANS 110-1000 Vg-10-	2A
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SITE PLAN

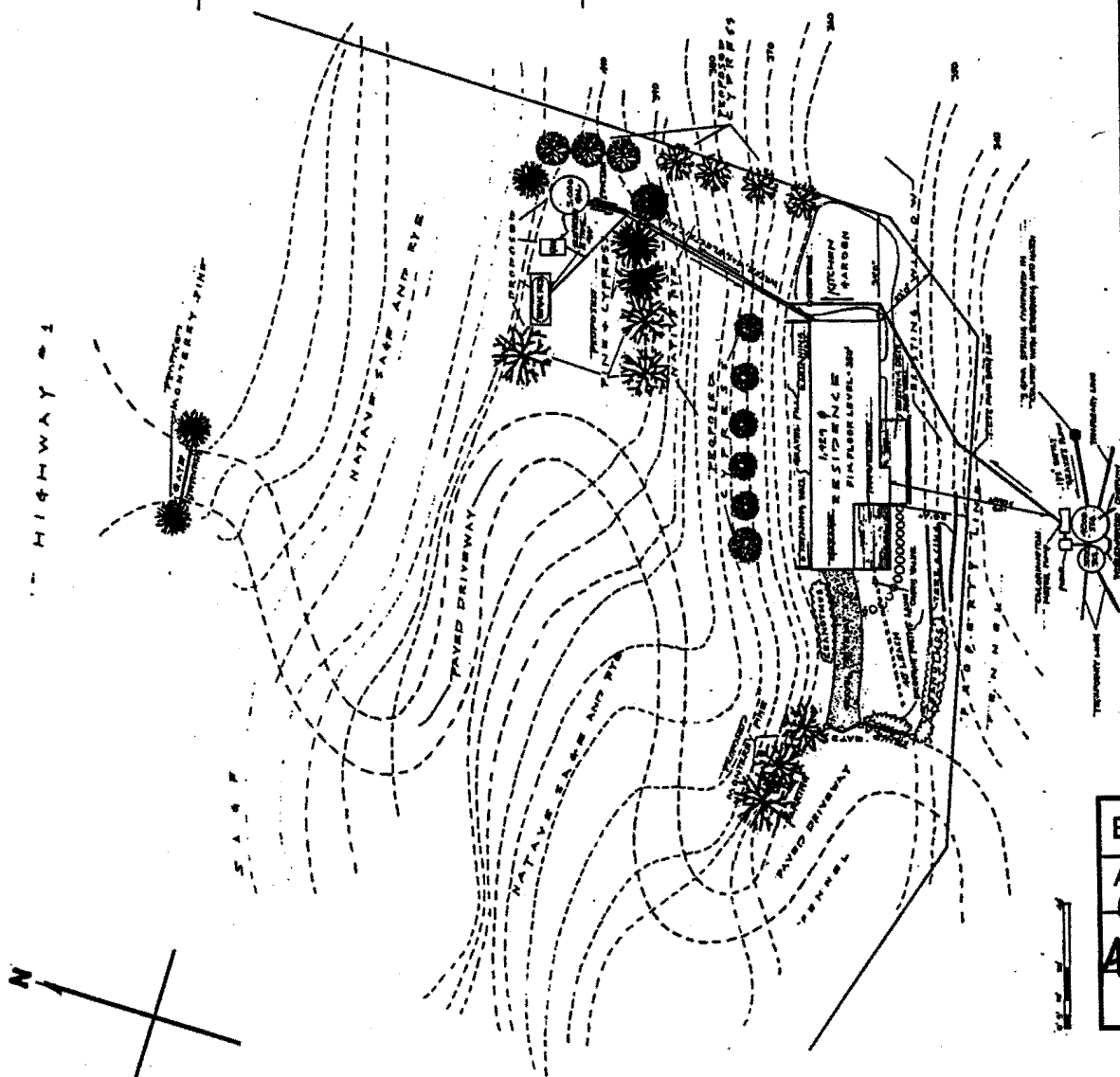
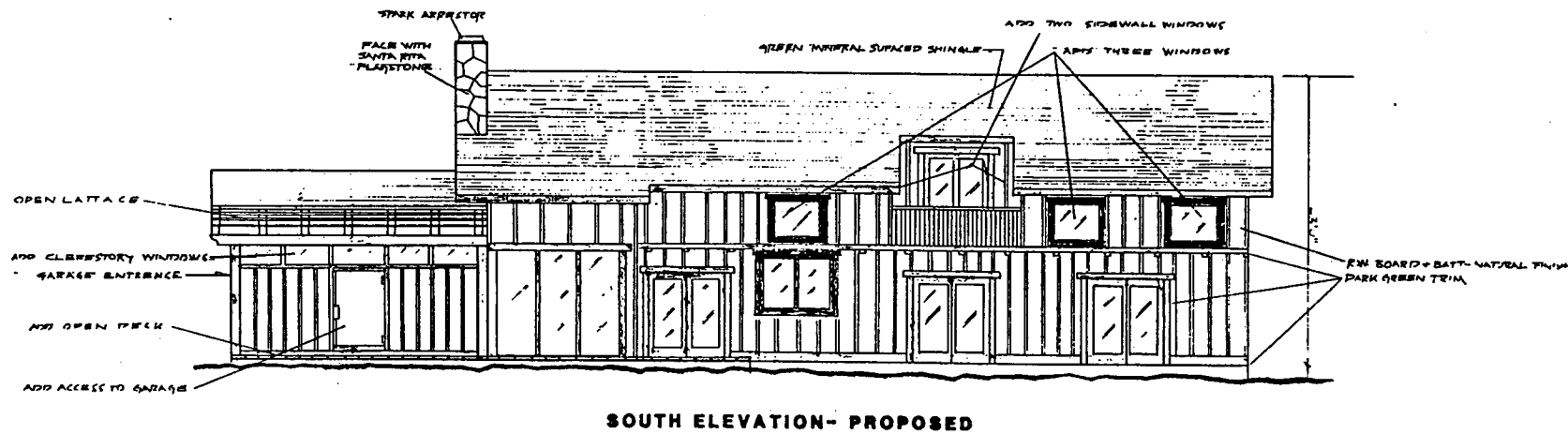
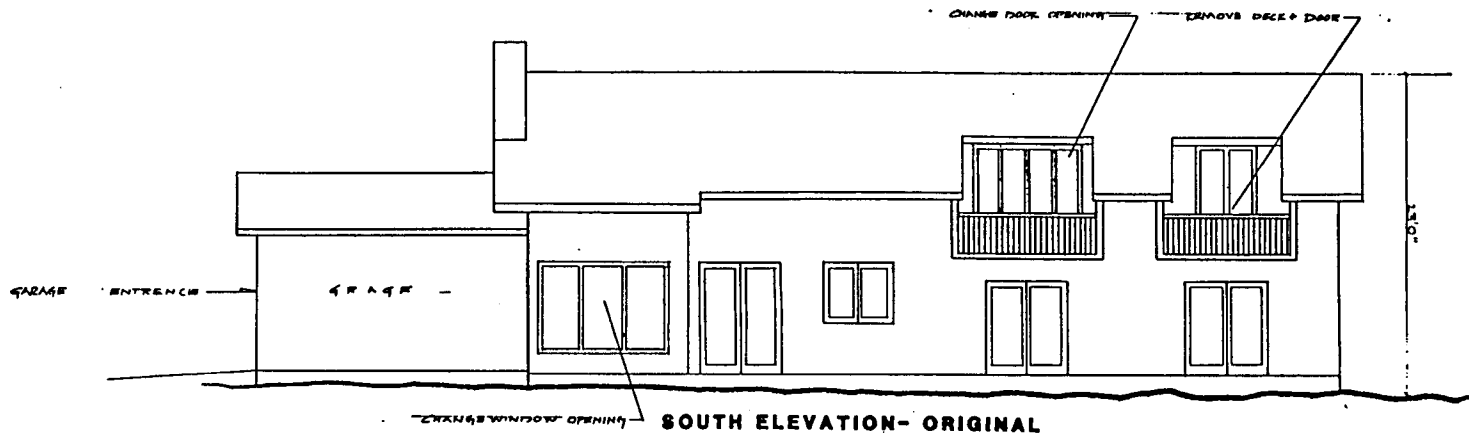


EXHIBIT NO. **D244**
APPLICATION NO. **P-75-260-A2**
(Dauphine)
Amended
Project Plans
California Coastal Commission



REVISION	BY
1-3-2000	CW
5-31-2000	CW

CARL DAUPHINE RESIDENCE
POINT HURRICANE
BIG SUR CA.

ARCHITECT
 A. C. H. I. T. Y. P. E. S.
 P. O. BOX 1111, BIG SUR, CA 94005

DESIGNED BY C. WILLIAMS
DATE 1-3-2000
SCALE 1/4" = 1'-0"
SHEET NO. 4A

EXHIBIT NO. D 3044
APPLICATION NO. P-38-260-A2
(Dauphine)
Amended
Project Plans
 California Coastal Commission

amendment approved by
Coastal Commission 2/25/80
P-78-260-A1

SCHEDULED FOR: 2/25/80
PREPARED ON: 1/4/80
REVISED ON: 2/7/80
BY: LL/RH/ww

100
EJB 2/14/80

REGULAR AGENDA - AMENDMENT REQUEST

P-78-260 JAMES LESTER: Construct 1-story single family dwelling, install septic system, water system storage tank and gas generator, Highway 1, 1.1 mile south of Bixby Bridge, Big Sur Coast.

AMENDMENT to allow redesign.

BACKGROUND

On September 11, 1978, the Commission approved the proposed project (see attached findings). Concerns expressed at the public hearings included geology, safety and viewshed protection. The design approved was the third submitted by the applicant. The first included substantial decking. The second, with the decking eliminated, appeared "box-like" with an almost flat roof. Thus, the third approved design with a sloping roof and planted trellises was an attempt at blending into the hillside contours.

To increase floor space, the amendment requests an increase in width of the house to fill the space under the roof. The sloping roof along with the width increase allows creation of a second floor. Resulting design changes include two windows with decks. Proposed changes in the project increase the house coverage from 928 sq. ft. to 1025 sq. ft. and two second floor decks totalling 273 sq. ft. The house was originally represented to be one story, but with the approved sloping roof (to 18' at the rear wall) some second story space could have been created (probably no more than 5' wide). The revised plans show 336 sq. ft. of interior second story space. The attached letters indicate why the permittee seeks the amendment request, which he does not view as significant.

The permittee indicates that a set of plans was submitted to the County for approval early last year, different than those the Commission approved. The following table compares the various sets of plans (see also attached drawings:

EXHIBIT NO. F1025
APPLICATION NO. P-78-260-A2
Dauphine
Previous Permits
California Coastal Commission

	Width	Length	Height	Coverage
1. Original submittal - house	14'-18'	58' + 2'	14' max. +	860 sq.ft
(bedroom ext.)		(chimney)	1½' chimney ext.	
- deck	10'	61'	n/a	556 sq.ft
2. First revision - house	14'-18'	58' + 2'	14' + 1½'	860 sq.ft
- entry, roof overhang				
(no decks)	4'	14'	n/a	56 sq.ft
3. Approved plans - house	16'	58' + 2'	9 - 19'	928 sq.ft
- open trellis roof overhang				
(no decks)	24'	n/a	6 - 21'	n/a
4. Plans submitted to County	20'	58' + 2'	10 - 18'	±1160 sq
				(loft)+178 sq.
5. Current amendment request				
- house	20' + 3'	58½'	11-23'	1205 sq.
wall ext.			(second floor)	+336 sq.
- roof overhang	26'	n/a	10 - 23'	n/a
- second floor decks(2)	13'	21'	n/a	273 sq.f

Construction on the project has not commenced. A one-year permit extension was granted on August 20, 1979. Items required prior to commencement of construction (#2 detailed siting/landscaping plans, #3 exterior surface example, #5 septic standard compliance, #10 condition acceptance stipulation) must still be submitted.

ATTACHMENTS

- I. Amendment Request
- II. Approved Plans
- III. Approval Resolution
- IV. Minutes of Public Hearing

COASTAL ACT POLICY CONFORMANCE DISCUSSION

The main issue involved in this amendment request is viewshed protection. There are three key views: view from the highway (especially from high vehicles such as buses or RVs and by pedestrians and cyclists) primarily of the east face of the building; birdseye view from two turnouts south of the site; and distant views from Little Sur River beach. This permit was one of several Big Sur coast permit approvals in which a structure in view of State Highway One was found to be minimally or insignificantly visible (e.g. P-77-138 Sorensen, P-77-432 Martin and Bal, P-77-639 Harlan). Thus, this amendment request raises the question of whether the proposed addition can be considered insignificant. The effects this decision will have on other viewshed lots (both those which have houses to which addition could be constructed and those that remain vacant or have been denied permits) must also be taken into account. The Executive Director has determined that this amendment request is material because the proposed amendment affects conditions required for the purpose of protecting a coastal resource, specifically Section 30251 Scenic Resources.

P-78-260-A2
Exhibit F 2 of 5

Rwd
7/10/00

Filed
11/28/00

49 dec
1/12/01

90 Bay
2/26/01

180
5/27/02

[Handwritten signature]

HEARING: 6/5/78
CLOSED; REQUEST REOPEN
RECOMMENDATION FOR: 9/11/78 by RH/da

EXECUTIVE DIRECTOR'S RECOMMENDATION

P-78-260 JAMES LESTER: Construct 1 story SFD; install septic system, water system and storage tank, and gas generator. Highway ±1 mile south of Bixby Bridge. Big Sur area of Monterey County.

We recommend adoption of the following findings and approval of the project as conditioned.

Findings:

BACKGROUND
INFORMATION
AND
DEVELOPMENT
PATTERNS
(30250(a))

1. Subject parcel is one of four 5-acre parcels located west and below Highway 1, in an enclave ±1.5 miles south of Hurricane Point. A steep accessway serves all four parcels, the other three already developed with SFDs. Approval of this permit, as conditioned, constitutes infill of an existing rural subdivision primarily relying on private services, consistent with Section 30250(a) of the Coastal Act.

PUBLIC ACCESS/
RECREATION/
COASTAL
DEPENDENCE
30210-2,
30220-3,
30255)

2. Although seaward of Highway 1, the parcel's topography, location and small size render it impractical for recreational trail or coastal dependent development. The primary recreational activity in Big Sur is pleasure driving and thus conformity to the scenic policy preserves recreational access opportunities. Thus, as conditioned, the proposed project is consistent with Sections 30210-2, 30220-3 and 30255 of the Coastal Act.

SCENIC
RESOURCES
(30251)

3. The Big Sur Coast has long been identified as a scenic resource of national significance. View protection has been, and remains, a primary concern of County and State planning efforts. (e.g. County's Big Sur Coast Master Plan, California Coastline Preservation and Recreation Plan, pilot study, County interim ordinance, Coastal Commission permit actions).

The proposed house is not directly in the line of sight of travellers on Highway 1, but would be plainly visible to both northbound and southbound viewers looking down the bluff, at least from a high vehicle (e.g. bus, camper) or from the roadside (e.g. bicyclists, pedestrians, people stopped at the two turnouts just south of the site). It may also be distantly visible from the beach at Little Sur River mouth. Therefore, it is necessary to design a small structure that blends into the surrounding environment with minimal alteration of the surroundings and with no exterior impacts (e.g. glare from windows, exterior lights, additions to structure). As conditioned to require such mitigation, the proposed project is consistent with Section 30251.

HAZARDS
(30253)

4. Since the subject parcel is within 1000 feet of the bluff, a geologic report in conformance with Interpretive Guideline #1 was prepared. The report indicates that the site is geologically stable. As conditioned, to follow the recommendations of the geologist and the Forest Service fire prevention officer as well as to minimize vegetation disruption and to acknowledge potential hazards, the proposed project is consistent with Sections 30253(1) and (2) of the Coastal Act.

LCP/CEQA

5. As conditioned, the proposed project (which is exempt from CEQA requirements) will not prejudice the ability of Monterey County to prepare a local coastal

Conditions

1. Compliance with the conditions of Special Permit PC-3256 (Exhibit "A"), shall be considered as a condition of this Coastal Development Permit as well. If compliance with these local government conditions requires any revisions to, or any additions to the site or building plans (e.g., landscaping, vegetation removal) submitted to the Commission and authorized by this permit, such changes shall be submitted for staff review and approval prior to commencement of construction.
2. Prior to commencement of any site work, applicant shall submit for review and approval by the Executive Director detailed site, drainage, grading, landscaping, and revegetation plans. The plans shall specify precise locations of all structures and utility systems, minimum area necessary for grading and vegetation removal, procedures for erosion control and re-establishment of native plant cover, measures to protect existing plant cover on the remainder of the site, and landscaping with native and drought-resistant species to provide maximum screening of the structures. Recommendations of the geologist and the U.S. Forest Service shall be followed.
3. Prior to commencement of construction, permittee shall submit examples of all exterior surfaces (chips by color and material), for staff review and approval. All glass windows shall be non-glare (tinted).
4. Exterior lighting which is visible from State Highway Route One, turn-outs, or the beach at Little Sur River is not authorized by this permit.
5. Prior to any clearing, grading, or construction, permittee shall provide a report from Monterey County Health Department indicating technical compliance with County septic tank standards; such report shall include certification of on-site percolation and soil tests.
6. The spring shall be used for the designated on-site purposes only. The water shall not be transported in any manner for off-site use unless a separate Coastal Development Permit is first obtained.
7. 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.
8. Unless waived by the Executive Director, a separate Coastal Development Permit shall be required for any additions to the permitted development, including placement of antennas or other minor structures above roof level of permitted structure(s), or elsewhere within view of State Highway Route One or the shoreline.
9. In accepting this permit permittee acknowledges that the permitted structure lies within an apparent high hazard area; and further acknowledges that the State of California assumes no liability for loss of life or property which may result from the placement of structures on this site.
10. Permittee shall stipulate in writing that (s)he understands and agrees to the above conditions, and further that (s)he understands it will be her/his responsibility to remove any portion of the building or lighting that may not conform with the above conditions or the representations made by the applicant to the Commission.

The carport and planter constitute an extension, but serve as an automobile shield. Additional second story windows and decks will significantly alter the original roofline. The approved roofline consisted of a long sloping line, with open trellises on either end. Hanging plants from the trellis were intended to soften the impacts from both the building and the windows. As redesigned, this roofline is broken-up and the building will be much more visual obtrusive. If the original roof angle was approved, but without the proposed deck the structure would appear as originally proposed and still allow the applicant to utilize the 336 sq. ft. of second floor.

RECOMMENDATION

Pursuant to the above discussion and the original findings (attached - dated 9/11/78) we recommend approval of the project, with the additional conditions listed below. (The original conditions are still required.)

11. The carport, and the two decks, as shown on the revised plans received by the Regional Commission office on February 7, 1980, shall be constructed.
12. Prior to commencement of construction of proposed project, applicant shall submit evidence to the Executive Director, for his review and approval, that Monterey County Planning Commission has approved the required design changes.

