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Filed: 02/13/02
Staff: MW-SC
Staff report prepared: 03/21/02
Hearing date: 04/11/02
Hearing item number: Th 15a

STAFF REPORT: REQUEST FOR RECONSIDERATION

Application number **3-00-082-R**

Applicant ..... Norm Pressley

Project location ..... Second Avenue (adjacent to Pescadero Creek in the riparian corridor below unimproved Second Avenue between North Camino Real and Lopez), Carmel-by-the-Sea (Monterey County) APN 010-233-006.

Project description ..... Request for the reconsideration of the denial of a Coastal Development Permit for the demolition of the remnants of a 392 square foot cottage destroyed by a fallen tree and construction of a 1,195 square foot, two-story replacement structure.

Local approval ..... City of Carmel-by-the-Sea: UP 00-04 / DS 99-01 / VA 01-03 / EA 00-02.

File documents ..... Permit File 3-00-082 and Reconsideration Request dated January 3, 2002.

Staff recommendation ... Staff recommends that the Commission **deny** the request for reconsideration.

PROCEDURAL NOTE: The Commission's regulations provide that at any time within thirty days following a final Commission action on a permit, the applicant may ask the Commission to reconsider all or a portion of their action. (CCR, Title 14, Section 13109.2) The grounds for reconsideration are provided in Coastal Act Section 30627, which states in part: "The basis of the request for reconsideration shall be either that there is relevant new information which, in the exercise of due diligence could not have been presented at the hearing on the matter or that an error of fact or law occurred which has the potential of altering the initial decision" (Public Resources Code, Section 30627 (b) (3)).

EFFECT OF DENYING THE RECONSIDERATION: If the Commission determines that grounds for reconsideration of the December 2001 action do not exist, the initial decision to deny the project stands.

I. Summary

The Commission denied an application to demolish the remnants of an existing 392 square foot cottage in Carmel and construct in its place a new 1,195 square foot residence within the Pescadero Creek canyon ESHA at its December 13, 2001 meeting in San Francisco. The primary basis for the denial was the project's impacts on environmental sensitive habitat (ESHA), although the project also raised geological hazards and visual impact issues. In the reconsideration request, received on January 3, 2002 and filed on February 13, 2002, the applicant contends that the Commission's prior denial (3-00-082, Norm Pressley) was based on an errors of fact and law (see Exhibit 1, Applicant's letter requesting reconsideration). According to the applicant, correction of these errors has the potential to alter the Commission's decision to deny the project. To summarize the applicant's contentions:

1. The staff mischaracterized the project site as Environmentally Sensitive Habitat (ESHA) and misidentified riparian habitat in the vicinity of the project.

2. The staff stated incorrectly that no slope stability calculations were provided for review and that staff ignored an exhaustive review of slope stability.

3. The staff incorrectly described the proposed height of the structure and did not provide evidence of a trail from which the project could be seen.

4. Denial of the proposed replacement home is inconsistent with prior Commission actions.

Each of these contentions is discussed in detail in the Findings (pages 3 through 6 of the Staff Recommendation). Staff did not find merit to the claim of error in fact or law, and is recommending that the request for reconsideration be denied. In particular, claims (1), (2), and (4) are without merit. The Commission had substantial evidence to support its finding that the project site is ESHA, and no errors of fact were made. Similarly, the Commission had substantial evidence to support its findings with respect to slope stability, and all relevant information submitted by the applicant was reviewed and evaluated. Concerning claim (4), the Commission evaluated the project based on the specific circumstances of the project and concluded that the project was inconsistent with the Coastal Act. With respect to claim (3), an error was made concerning the described height of the structure, but this error does not have the potential to change the Commission's action.

If the Commission determines that grounds for reconsideration of the December 2001 action do not exist, the initial decision to deny the project stands. If the Commission determines that grounds for reconsideration exist, the request should be approved and a new hearing on whether to approve a coastal development permit for the project will be scheduled for a subsequent Commission meeting.

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II. Staff's Recommendation

MOTION

MOTION: I move that the Commission grant reconsideration of Coastal Development Permit No. 3-00-082-R.

STAFF RECOMMENDATION TO DENY RECONSIDERATION: Staff recommends a **NO** vote on the motion. Failure to adopt the motion will result in denial of the request for reconsideration and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

RESOLUTION TO DENY RECONSIDERATION: The Commission hereby denies the request for reconsideration of the Commission's decision on coastal development permit number 3-00-082-R on the grounds that there is no relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing, nor has an error of fact or law occurred which has the potential of altering the initial decision.

III. Findings and Declarations

A. Permit History and Background:

The applicant submitted to the Commission an application for a coastal development permit to demolish the remnants of an existing 392 square foot cottage in Carmel-by-the-Sea. The application was filed on April 5, 2001. The applicant requested and was granted several postponements before the application was eventually heard at the Commission's December 13, 2001 hearing in San Francisco. As recommended by staff, the Commission denied the application. The primary basis for the denial was the proposed expansion into the ESHA of Pescadero Canyon, and encroachment of the 1,195 square foot replacement structure to within 31 feet of a coastal stream and attendant wetlands in the Canyon. As found by the Commission, Pescadero Canyon contains a significant Monterey pine forest community and functions as a wildlife corridor (see Finding B(1) below and Exhibit 2 for detail). The project also raised concerns related to geologic instability and drainage on the site, which exceeds 60% in slope, and visual impacts from trails in the vicinity. The proposed project also involves significant landform alteration in order to be located on a steep slope (see Exhibit 2).

B. Request for Reconsideration

The Commission's Regulations provide that at any time within 30 days of the Commission's action on a permit, the Applicant may ask the Commission to reconsider all or a portion of its' action. (CCR Title 14, Section 13109.2) In order to file a request for reconsideration, the Applicant must submit a fee as required by CCR Title 14, Sections 13055(a)(11) or (12) and the public noticing materials described in Section 13109.5(a). The grounds for reconsideration are provided in Coastal Act Section 30627 which states in part:

> *"The basis of the request for reconsideration shall be either that there is relevant new information which, in the exercise of due diligence, could not have been presented at the hearing on the matter or that an error of fact or law occurred which has the potential of altering the initial decision."*

In this case, the applicant is contending that errors of fact and law were made that would, if corrected, have the potential to alter the Commission's action on this initial item. The applicant has offered a number of reasons why he believes the Commission should reconsider its' action to deny the permit for the demolition. Each of these contentions is discussed in the following sections of these findings.

1. Environmentally Sensitive Habitat Area Determination

Applicant's first claim concerns the Commission's determination that the project site is Environmentally Sensitive Habitat (ESHA). In particular, the applicant essentially contends: that the staff (1) misled the Commission by characterizing the project site as Environmentally Sensitive Habitat (ESHA); and (2) misidentified riparian habitat in the vicinity of the project:

> . . . *staff misleads the Commission in alleging that the proposed excavation will result in a loss of approximately 410 square feet of previously undisturbed habitat and riparian vegetation is observed up to an [sic] in some instances beyond the 2nd Avenue road cut.* (Exhibit 1, p. 1)

In its December 13, 2001 action, the Commission found that the project was within an Environmentally Sensitive Habitat Area (ESHA); based on this finding, project impacts to this ESHA, and inconsistencies with section 30240 of the Coastal Act, the Commission denied the project (see Exhibit 2 for detail).

a. ESHA Determination

Claim: The applicant first asserts that the Commission staff misrepresented that the project site lies within an ESHA. In particular he claims that: biological reports from Denise Duffy & Associates, the Habitat Restoration Group, and Jones and Stokes Associates were submitted to the Commission that were ignored or misread by staff; the Denise Duffy and Habitat Restoration Group reports refute the Commission's ESHA finding; and there is no evidence in the record that supports the Commission finding that the project site contains ESHA (see Exhibit 1, pp. 1-2).

Analysis: First, in preparing its ESHA recommended findings, Commission staff reviewed all of the reports referenced by the Applicant in his Reconsideration request. This includes the Denise Duffy and Associates Initial Study, the Habitat Restoration Group report, and the Jones and Stokes Report. Specifically, staff evaluated the contents of the reports by Denise Duffy & Associates, Habitat Restoration Group, and Rana Creek Habitat Restoration and referred to them, where relevant, in its November 29, 2001 staff report. Page 7 of the staff report refers to the 1995 Habitat Restoration Group site-specific survey of plant species observed on site. On the same page, the staff report refers to the 1999 Initial Study performed by Denise Duffy & Associates on the presence, or lack thereof, of special status wildlife or biotic species at the site. The Initial Study concluded that the project site is located in a designated ESHA. It should be pointed out that Commission staff used the Final Jones and Stokes report conducted for the City of Carmel (7/95) and the earlier Draft report referenced by the Applicant in his request (2/95). This is relevant to one of the applicant's specific claims about the Commission's ESHA determination (see below). The Commission staff also relied on at least two site visits, and general staff knowledge concerning the Pescadero Canyon environs. Thus, there is no merit to the assertion that the Commission staff ignored the submitted reports.

Second, concerning the merits of the Commission's finding that the project site is ESHA, this finding was based on the specific evidence provided by the submitted reports referenced above, staff biologist review of the report, and staff site inspections. The Applicant asserts that the staff erred in its analysis because the Jones and Stokes report only generally maps the site as ESHA and that this conclusion should be considered preliminary (see Exhibit 1, pp. 1-2). He further asserts that parcel specific site visits by the Habitat Restoration Group and Rana Creek Habitat Restoration found no ESHA components on the project site.

The Applicant relies on the draft Jones and Stokes report to make this assertion. The Commission's ESHA finding, though, was based on both the draft (2/95) and final report (7/95) conducted by the City of Carmel (and other evidence referenced above), which ultimately concluded that the project was located within ESHA for the purposes of the California Coastal Act. Specifically, exhibit 6 of the original staff report is a cross-section of Pescadero Canyon east very near the subject lot. It shows the general habitat values of the canyon at this location. Exhibit 7 of the staff report clearly maps the boundary of the ESHA as designated by Jones & Stokes Associates. Generally, on pages 6-10 of staff's 29 November 2001 report, staff incorporated analysis from the Jones and Stokes report, as well as other sources to reach its conclusion that their entire extent of Pescadero Canyon east is ESHA because it supports a variety of habitat values including wetland, riparian, wildlife corridor, and Monterey pine forest.

Staff's findings also noted that the definition of ESHA in the Coastal Act encompasses more than simply the presence of endangered species or special status species on a specific site. In the larger context of Pescadero Canyon, the Pressley property is not spatially or topographically distinct from the adjacent portions of the canyon. Thus, just because the site is degraded, it is nonetheless an integral part of the larger Canyon habitat.

> *Due to landscaping activities, invasive exotic plants, and development activity, each of these habitats has been degraded in one way or another. However, these natural habitats still dominate throughout the canyon, and where degraded are amenable to site restoration. Accordingly, the overall picture is that Pescadero Canyon remains the largest and least spoiled of the Monterey Peninsula's canyon watershed.* (29 November 2001 Staff Report, Page 6)

Overall, the staff recommendation to the Commission and thus the Commission's ESHA determination, was based on substantial evidence that the project is within an ESHA as defined by the Coastal Act. This determination was not based so much on the presence of specific species in the area of development (but see riparian discussion below), but rather on the fact of the project site being within the Pescadero Canyon Monterey pine forest, riparian ecology. The findings included a detailed discussion of the ecological components of the canyon and how the

project site therefore constituted ESHA (see Exhibit 2, pp 6-10).

b. Riparian Habitat

The applicant asserts that staff mis-identified riparian habitat in the vicinity of the project. The applicant refers to site-specific biology reports that conclude that there is no woody riparian or wetland vegetation on the parcel. Furthermore, the reports find that the entire building envelope is dominated by non-native horticultural and invasive species. Applicant also cites the Denise Duffy & Associates report, which states that the Pescadero Creek is a very narrow drainage with no hydrophytic (wetland) vegetation (less than 5 % cover) and therefore does not meet the three parameter requirements (hydrology, soils, vegetation) of a jurisdictional wetland as defined by the Army Corps of Engineers Wetland delineation manual. No wet meadow or marsh habitat is present within the proposed project boundaries, no arroyo willow or other riparian trees occur on the subject parcel or for a considerable distance downstream. DD& A maintains that the entire building envelope is dominated by non-native horticultural and invasive species. No woody riparian or wetland vegetation on the parcel was observed during several site visits, no redwood or pine trees exist on the parcel. The applicant also takes exception to the characterization of wild blackberry as a riparian species. DD&A refutes this claim suggesting that blackberry is common in a variety of habitats and that no species indicative of riparian vegetative species are present on site.

The Commission's finding that the project would impact riparian habitat was based on the analysis submitted to the Commission. Paraphrasing from the 1999 Denise Duffy & Associates Initial Study and the Jones & Stokes Analysis, at the bottom of page 7 and top of page 8 of staff's report finding on the riparian and wetland habitats, the Commission's findings state:

> Traversing the subject lot at the bottom of Pescadero Canyon is Pescadero Creek. Pescadero Creek is a perennial drainage that conveys runoff from the upper reaches of Pescadero Canyon to a pocket wetland at the mouth of the watercourse on Carmel Beach and into Carmel Bay. The drainage channel varies in width from 3 to 6 feet and is generally unvegetated. Wetland plants occurring along the lower and upper drainage edge include bulrush (*Scirpus microcarpus*), rush (*Juncus sp.*), watercress (*Rorippa sp.*), poison hemlock (*Conium maculatum*), and horsetail (*Equisetum arvense*). French broom has invaded sandbars along the eastern portion of the drainage. Arroyo willow (*Salix lasiolepis*), bigleaf maple (*Acer macrophyllum*), and dogwood (*Cornus sericeas ssp. occidentalis*) also occur in scattered locations along the drainage. The USFWS classifies the lower creek (downstream of the project site) as a palustrine forested, intermittently flooded wetland (USFWS 1972 National Wetlands Inventory, Monterey quad).

Addressing the issue of the presence of riparian vegetation, on page 8:

> The line between what is ESHA and what is not is sometimes difficult to delineate, especially along urban and open space boundaries... In Northern California, however, the

> boundaries are much less distinct; vegetation that occurs alongside a stream may also be found on hillsides and far away from a watercourse—particularly on moist, shady, north-facing slope.
>
> In this case, all along Pescadero Canyon, riparian vegetation is observed up to and in some instances, beyond the Second Avenue road cut. Specifically, the presence of at least one species characteristic of the riparian corridor (wild blackberry) can presently be observed on the subject parcel in the area of the proposed development and up to Second Avenue. By observation of willow patches on nearby parcels at the same elevation, it is reasonable to assume that this additional riparian species would also (re)occupy applicant's parcel if given the opportunity. Thus, the subject parcel can be considered 100% ESHA because it is located entirely within a riparian corridor with attendant stream and wetland resources.

Thus, the Commission evaluated the submitted biological reports and concluded, based on substantial evidence, that the project site was also within a riparian corridor with attendant stream and wetland resources. The applicant's contention, therefore, is without merit.[1]

Finally, the applicant disagrees with staff's report that finds there will be additional impacts from the occupancy and use of the house itself such as introduction of noise, light, and waste that either threaten or disturb wildlife. The applicant argues that the City, County, and Commission has permitted homes surrounding the project site and that the proposed development represents "infill." With respect to this assertion, staff attached exhibit No. 2 to its report showing the parcel layout of the subject site. Additionally, slide 2 of staff's presentation is an aerial photo, which clearly shows the extent of development surrounding the applicant's parcel. Pescadero Creek and the north side of Pescadero canyon are entirely undeveloped and lie directly north of the subject site. Furthermore, the nearest development to the east of the subject lot is approximately one-quarter mile away. Directly adjacent to the west lies a home in the upper reaches of Pescadero Canyon outside the city limits of Carmel. From the aerial photo, it is clear that the 2nd Avenue road cut delineates the northern extent of urban development. Thus, the project would introduce noise, light, etc. into a relatively undeveloped area of the riparian habitat.

Conclusion

As discussed above, the Commission's adopted findings adequately address the issues raised by Mr. Pressley and his agents regarding declaring the site ESHA. As a consequence, no error of fact or omission of information occurred. Thus, the request for reconsideration should not be granted based on this contention.

[1] It should also be noted that the Commission's wetland definition is not based on the three criteria approach of the Army Corps of Engineers.

2. Slope Stability

Claim: The applicant contends that an error of fact has created a misperception that the slope stability analysis was not provided at the time of the preparation of staff's report. The applicant argues that geotechnical comments prepared by Tharp and Associates, Inc. dated December 10, 2001 responded to the Coastal Commission's concerns relative to the October 11, 2001 hearing as well as reiterating all of the field explorations, laboratory testing, and slope stability analysis performed previously.

Secondly, the applicant contends that staff geologist, Mark Johnsson, ignored an exhaustive review and slope stability analysis of the site prepared by Tharp and Associates. The results of the analysis indicate that the critical factor for the proposed configuration (2.7) exceeds the minimum factor of safety (1.5) required by Monterey County. As a result, the post construction configuration will actually be more stable than existing conditions.

Finally, the applicant argues that staff ignored the existence of the drainage plan and erosion control methods prepared by Bestor Engineering dated December 10, 2001.

Analysis: On pages 13 of staff's 29 November 2001 report, it states in part:

> The steep canyon walls and existing slope configuration was evaluated by Tharp & Associates (#00-57, January 2000) for overall stability and surficial stability. The factor of safety for overall slope stability did not meet minimum standards (>1.5) for development in Monterey County. A pseudo-static analysis of the overall slope stability, which assesses behavior during earthquake shaking, shows an unstable condition (factor of safety less than 1.0). The surficial static case likewise shows an unstable condition. As a result, the potential for slope failure to occur within the limits of the site and to cause damage to the structure is well above normal especially during seismic activity and when the soils are saturated.
>
> To mitigate for slope instability, the applicant proposes to incorporate a steel reinforced retaining wall with drilled, cast–in-place, concrete shafts (caisson) imbedded into the dense basalt bedrock 12' – 14' below the unstable surface soil layers. Commission staff notes that this is a standard mitigation measure for slope instability, and may very well assure the safety of the structure. However, calculations assessing the stability of the structure with caissons in place were not performed. Furthermore, founding the structure on deep piles or caissons will not mitigate the surficial instability noted in the report. Although a deep foundation system such as proposed would likely resolve upslope instabilities, both surficially and deep seated instability below the structure would not be mitigated by either the retaining wall or proposed caissons.

Furthermore, staff geologist Mark Johnsson related to the Commission during his presentation that a new Tharps & Associates geologic report (Tharps & Associates #00-57, 10 December 2001) had been received on December 12, 2001 and presented to Mr. Johnsson the morning of the Commission hearing (13 December 2001). Although this information could have been made

available for staff's review prior to the afternoon before the Commission hearing, the Commission staff was able to review it prior to the hearing. The contents of the new report included slope stability calculations, which showed the slope stability condition after the foundation of caissons were in place. The final calculations exceeded the recommended minimum factor of safety as required by Monterey County. However, Mr. Johnsson explained to the Commission that the report did not include sufficient information to assess the reliability of the calculations in the report. Moreover, as pointed out by Mr. Johnsson and elsewhere in staff's report, although founding the structure on deep-seated caissons will likely resolve upslope instabilities, both surficial and deep-seated instabilities below the structure would not be mitigated by either the retaining wall or proposed caissons.

Finally, staff commented on the proposed drainage and erosion control methods on page 14 of its report to the Commission.

> The results of the Tharps & Associates stability analysis and subsurface exploration also indicate that site stability would be adversely affected by saturation of the subsurface soils. To address this concern, the report recommends that adequate subdrainage be included into the project design to collect excess water and alleviate subsurface saturation of the soils. The applicant has submitted a drainage plan that includes a backdrain with collection boxes, downspouts and collectors, and a subsurface drainage outfall system. The design specifications state that the system is "specifically engineered for drainage in medium traffic areas such as parking lots, school grounds, and walkways." These areas are typically not heavily vegetated. System efficacy will therefore be dependent upon frequent inspection and maintenance over the life of the structure to ensure that the system does not become clogged and fail to perform.
>
> Additionally, it has not been demonstrated how the system will perform on a steep slope. There are three water collection boxes at the surface at the 120' elevation. Additional runoff from the roof surface is added via downspouts midway to the system. All the accumulated water eventually spills to a perforated pipe at about the 99' elevation, just 6" from the surface. Due to the change in elevation and surface area of roof, the accumulated water pressure could be sufficient to overload the system at the drainage outfall and cause a "blow-out." Should a blow-out occur, water will be flowing at the surface downslope of the house and carrying sediment to the creek below. The applicant needs to demonstrate that the leaching system and soil is able to absorb the amount and impact of generated runoff.

The applicant argues that staff ignored the existence of a drainage and erosion control plan prepared by Bestor Engineering on 10 December 2001. Once again, this additional new information was provided via fax at 3:30 pm the afternoon before the Commission hearing. This information could have been made available for review prior to the afternoon before the Commission hearing. Nonetheless, the staff reviewed the submitted information the day of the meeting. Because the project was recommended for denial based on impacts to ESHA, though, this information, even it did address the staff concern for

drainage control, did not have the potential to change the Commission's decision to deny the project. Therefore, the Commission finds that no error occurred and the request for reconsideration, based on this issue, is denied.

3. Visual Impacts

Claim: The applicant asserts that staff erred in its Visual Resource findings regarding the height of the structure. The applicant quotes from page 16 of staff's 29 November 2001 report which states in part that "the new structure would be approximately 28 feet above grade, exceeding the City' height limit by 4 feet." The applicant maintains that the height of the new house is lower than the existing house and minimizes views from 2nd Avenue while avoiding impacts to the creek. The applicant also contends that staff did not provide evidence of the existence of the Redondo Trail network

Analysis: Staff received revised plans from the applicant on October 10, 2001. Those plans show a finished grade elevation of 101.5 feet and ridge elevation of 124 feet for a total maximum height of 22.5 feet. Thus, staff erred in its original estimate of the structures height (28') as reported on page 16 of the Visual Resources findings. However, this error does not have the potential to change the Commission's decision to deny the project, which was based primarily on the finding that the project was inconsistent with Coastal Act ESHA policies. Moreover, the Commission's finding of inconsistency with the Coastal Act visual resource policy (30253) was based on the visual impact of the house on views from the Redondo Trail, not the specific height of the house (see Exhibit 2, p.17). Thus, the corrected error in height calculation would not significantly change this impact analysis.

Concerning the trail, staff has had several opportunities to hike along the Redondo Trail on the northern slope of Pescadero Canyon. During its presentation of the staff report, staff showed several slides showing a segment of the Redondo Trail from the 2nd Avenue vantage. Staff also presented slides of the Pressley site from the Redondo Trail vantage. Thus, evidence of the trail was presented to the Commission. Thus, the request for reconsideration based on this issue is denied.

4. Inconsistency with Prior Commission Actions.

Claim: The Commission's conclusion that the Pressley project would have a significant impact on ESHA is inconsistent with prior Coastal Commission actions and actions of Monterey County and the City of Carmel-by-the-Sea, none of which were appealed to or by the Commission.

Analysis: Staff evaluates the merits of each application on a case-by-case basis. Staff has made findings on pages 4 – 19 of the 29 November 2001 staff report that address Coastal Act policies that require protecting ESHA, addressing hazards, minimizing visual impacts, maximizing of public access and recreation, project alternatives, and consistency with the California Environmental Quality Act. This case specific analysis concluded the project was inconsistent with the Coastal Act and should therefore be denied. In addition, prior Commission actions are not a legal standard of review for individual development projects. Thus, no error of law was made, and the request for reconsideration based on this issue is denied.

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File No. 01401.000A

A copy of this letter has been provided to each of the Commissioners and a copy has been sent to Mr. Peter Douglas at the State Coastal Commission Office in San Francisco (without attachments).

January 2, 2002

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VIA CALIFORNIA OVERNIGHT

Ms. Sara Wan
Chair, California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265-5015

RE: Norm Pressley Request for Reconsideration (Application No. 3-00-082); Project Location: 2nd Avenue Between North Camino Real and Lopez, Carmel-By-The-Sea, Monterey County (APN 010-233-006)

Dear Chair Wan:

On behalf of our client, Norm Pressley, we respectfully request reconsideration of the Coastal Commission's decision to deny Mr. Pressley's request to demolish and replace an existing home on his property located in Carmel-By-The-Sea (Item Th8a on the Commission's December 13, 2001 agenda). This request for reconsideration is made pursuant to Public Resources Code §30627 and California Code of Regulations, Title 14, Article 18, §13109.2. Mr. Pressley requests reconsideration of the denial of the Coastal Development Permit based on Public Resources Code §30627 because such denial is based on errors of fact and law which has the potential of altering the initial decision.

PROJECT SITE DOES NOT MEET THE DEFINITION OF ESHA

In its November 29, 2001 report to this Commission, staff misleads the Commission in alleging that the proposed excavation will result in a loss of approximately 410 square feet of previously undisturbed habitat and riparian vegetation is observed up to an in some instances beyond the 2nd Avenue road cut. Qualified biologist from Denise Duffy & Associates and Habitat Restoration Group observed no woody riparian or wetland vegetation on the parcel during several site visits. In fact, they confirmed that the entire building envelope is dominated by non-native horticultural and invasive species. These reports were provided to Mr. Watson of the Coastal Commission staff.

The Coastal Commission staff at page 6 of the November 29, 2001 staff report misrepresents to the Commission that all of the project site lies within ESHA. Coastal Commission staff cites the Jones & Stokes Associate, Inc. ("JSA") report of the environmentally sensitive habitat area study conducted for the City of Carmel. However, Coastal Commission staff failed to present to the

Commission that the study generally maps all of the parcels west of 2nd Avenue at Pescadero Canyon east as the recommended ESHA boundary. In fact, page ES-1 of the JSA report indicates that "The results of this ESHA study should be considered preliminary until field surveys are conducted for special-status species in spring 1995". This report was done at a gross scale (lumping all ten acres of the Pescadero Canyon study site) and did not evaluate each individual parcel. While ESHA components may be present within Pescadero Canyon, parcel specific site visits by qualified biologist from Habitat Restoration Group ("HRG"), Denise Duffy & Associates ("DDA"), and Rana Creek Habitat Restoration ("RCHR") found that none are located within the project boundaries. Again, Coastal Commission staff ignores the respective biological reports submitted by the above referenced biologists and contends without any evidence in the record that the project site contains ESHA.

The Coastal Commission staff at page 8 of the November 29, 2001 staff report admits that the line between what is ESHA and what is not is sometimes difficult to delineate, especially along urban and open space boundaries. They contend that typically, it is the extent of the habitat that defines the boundary. Page 3 of the DDA biological report confirms that Pescadero Creek is a very narrow "waters of the U.S." with a sandy to bedrock bottom and no hydrophytic (wetland) vegetation (less than 5% cover). It therefore does not meet the three parameter (hydrology, soils, vegetation) requirements of a jurisdictional wetland as defined by the Army Corps. of Engineers Wetland Delineation Manual. No wet meadow or marsh habitat is present within the proposed project boundaries. No arroyo willow or other riparian trees (e.g. big leaf maple, dogwood and shrubs) occur on the subject parcel, or for a considerable distance downstream. Moreover, DDA biologist found that the entire building envelope is dominated by non-native horticultural and invasive species. No woody riparian or wetland vegetation on the parcel was observed during several site visits. No redwood or pine trees exist on the parcel.

The Coastal Commission staff at page 8 of the November 29, 2001 staff report also alleges that the presence of at least one species characteristic of the riparian corridor (wild blackberry) can presently be observed on the subject parcel in the area of the proposed development and up to 2nd Avenue. Again, as confirmed by DDA's biologist, wild blackberry is not riparian vegetation, and to suggest this is misleading. Blackberry is common in a variety of habitats, including in many cases degraded upland habitats. No species indicative of riparian vegetative species are present on the site. Staff again ignores the biological reports submitted by Mr. Pressley which clearly showed that the project site does not contain ESHA.

The Coastal Commission staff at page 12 of the November 29, 2001 staff report alleges that further impacts result from occupancy and use of the house itself such as, the introduction of noise, light, and waste that either disturb or threaten wildlife, which migrate through the area. Staff has ignored the fact that the Coastal Commission as well as the City of Carmel-By-The-Sea and the County of Monterey has approved homes surrounding the project site. Accordingly, the subject site is an

"infill" site. With respect to the Coastal Commission staff's allegation that this project will introduce noise to the area, a single site visit will prove that the majority of the noise currently exists from local and tourist traffic from 17-Mile Drive (Pebble Beach) directly north and adjacent to the subject property.

THE PLANNED POST-CONSTRUCTION CONFIGURATION IS MORE STABLE THAN THE EXISTING CONDITION

This Commission was told by Coastal Commission senior biologist Mark Johnson on the record on December 13, 2001 that no slope stability calculations demonstrating that such a solution assures stability were provided at the time of the preparation of the staff report. This statement is incorrect. As shown by the geotechnical review memorandum dated November 20, 2001 attached hereto as Exhibit 1 (which was included as part of the November 29, 2001 staff report), Mr. Johnson had reviewed all of the reports prepared by Tharp & Associates. The response to geotechnical comments prepared by Tharp & Associates, Inc. dated December 10, 2001 responded to the Coastal Commission's concerns relative to the October 11, 2001 hearing as well as reiterating all of the field explorations, laboratory testing, and slope stability analysis performed previously.

Moreover, Mr. Johnson admits that he reviewed several geologic reports regarding the site but in fact has never visited the site. Nonetheless, Mr. Johnson ignores a very exhaustive review and slope stability analysis of the site prepared by a reputable geotechnical engineering firm. The results of the analysis indicate that the critical factor for the proposed configuration is 2.7. This exceeds the minimum factor of safety of 1.5 which is considered to be the standard practice of Monterey County. Clearly , the plan post construction configuration will actually be <u>more stable</u> than the existing condition.

The Coastal Commission staff at page 15 of the November 29, 2001 staff report states that "drainage plan should include a means of conveying runoff either to the street, or into approved natural or artificial drainage system such that ESHA will not be adversely affected". Staff ignores the very existence of the analysis of the drainage impacts and erosion control methods prepared by Bestor Engineering dated December 10, 2001 attached hereto as Exhibit 2. As you can see, two of the methods proposed mirror the recommendation mentioned above made by Coastal Commission staff.

VISUAL RESOURCES

The Coastal Commission staff at page 16 of the November 29, 2001 staff report alleges that "in its proposed location, the new structure would be approximately 28 feet above grade, exceeding the City's height limit by about 4 feet but would be below the roof line of the previous house before it was destroyed. This statement is incorrect. The project as designed is actually 20 feet, 11 inches (3

feet, 1 inch lower than allowed by zoning). As designed, the height of the new house is lower than the existing house. The current design minimizes views from 2nd Avenue while avoiding impacts to the creek.

This Commission was told by Coastal Planner Mike Watson on the record on December 13, 2001 that the Redondo Trail network is illustrated in the Del Monte Forest land use plan as part of the Monterey County's local coastal plan. However, Mr. Watson did not provide evidence of this trail network. As the photos and reports submitted by Mr. Pressley clearly show, there is no trail on or adjacent to Mr. Pressley's property.

THE DENIAL OF THE PRESSLEY HOME IS INCONSISTENT WITH PRIOR ACTIONS OF THE COASTAL COMMISSION AND THE CITY OF CARMEL WHICH HAVE APPROVED LARGER HOMES WITHIN THE PESCADERO CANYON

The following are three neighboring homes which were built on the same slope:

1. Mallery (Permit No. 3-84-76; Coastal Administrative Permit, Monterey County Building Permits, and photograph of the house attached as Exhibit 3). This project included a 2,005 square foot house with a 400 square foot garage, grading, and a retaining wall. This project was approved by Monterey County and the California Coastal Commission (APN 010-233-007).

2. The Mattraw project, which consists of three separate permits (APN 009-122-024).

a. Mattraw (Building Permit No. 1925, attached as Exhibit 4). This project consisted of a 300 square foot garage.

b. Mattraw (Design Study No. 82-132, attached as Exhibit 5). This project consisted of a 707 square foot addition to an existing 1,191 square foot house for a total of 1,898 square feet.

c. Mattraw (Building Permit No. 1010, attached as Exhibit 6). This project consisted of a new retaining wall.

3. Wheatly (Resolution No. 93-010, attached as Exhibit 7). This project consisted of a 1,108 square foot addition to an existing 4,914 square foot single family dwelling, addition to the existing garage, grading, and the removal of four oak trees. This project is located adjacent to and directly west of the property (APN 008-383-007).

The Commission's conclusion that the Pressley project would have a significant impact on ESHA is inconsistent with prior Coastal Commission actions and actions of Monterey County and the City of Carmel-By-The-Sea, none of which were appealed to or by the Commission.

CONCLUSION

In light of the true facts on the issues discussed above, applicant urges the Commission to grant reconsideration of their prior decision to deny the Pressleys proposal to demolish an existing 392 square foot single family dwelling and construct a 1,195 square foot single family dwelling.

Respectfully submitted,

LOMBARDO & GILLES, PLC

Anthony L. Lombardo
ncs

Anthony L. Lombardo

ALL:PVT:ncs

Enclosures

cc: Mr. Peter Douglas, Executive Director
Mr. Norm Pressley
Mr. Robert Mandurrago
Mr. Mike Watson

EXHIBIT 1

STATE OF CALIFORNIA—THE RESOURCES AGENC GRAY DAVIS, GOVERNOR

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
N FRANCISCO, CA 94105-2219
ICE AND TDD (415) 904-5200
X (415) 904-5400

20 November 2001

GEOTECHNICAL REVIEW MEMORANDUM

To: Michael Watson, Coastal Program Analyst
From: Mark Johnsson, Senior Geologist
Re: CDP 3-00-082 (Pressley)

In reference to the above coastal development permit application, I have reviewed the following materials:

1) Grice Engineering and Geology 1995, "Slope stability and foundation soils", 2 p. geotechnical letter dated 18 October 1995 and signed by H. E. Grice (RCE 19424 GE 359).

2) Tharp and Associates, Inc. 2000, "Geotechnical Investigation-Design Phase, Proposed single family residence, 2nd Ave., Carmel-By-The-Sea, APN 010-233-006", 31 p. geotechnical report dated November 2000 and signed by D. M. Tharp (RCE C046432).

3) Tharp and Associates, Inc. 2001, "Response to geotechnical comments, staff review of Coastal Development Permit Application Number 3-00-082, proposed Pressley single family residence, 2nd Ave., Carmel-By-The-Sea, APN 010-233-006", 8 p. geotechnical response letter dated 7 September 2001 and signed by D. M. Tharp (RCE C046432).

The principal concern regarding development of the site is the stability of the slope, pursuant to section 30253 of the Coastal Act which requires that new development be sited so as to assure stability of the site.

Reference (1) indicates that the materials making up the subject site are "olean" sands overlying subaqueous terrace deposits. Although it indicates that these materials are stable in near vertical slopes, no friction angle or cohesion data to support such a statement are provided. Reference (2) provides a much more comprehensive set of slope stability calculations. I find the manner that these calculations were performed to be appropriate. The results clearly indicate that the slope comprising the site does not meet the generally accepted stability requirements for development. The factor of safety for overall slope stability (static) is 1.4, which is below the generally accepted value of 1.5

generally required. Further, a pseudostatic analysis of the overall slope stability, to assess behavior during earthquake shaking, shows an unstable condition (factor of safety below 1.0). Finally, the factor of safety for surficial sliding, which as assessed using the method of infinite slopes, also is less than 1.0, indicating that the site is surficially unstable.

Reference (2) concludes that the site can be developed if the residence is seated on deep foundation elements (piles or caissons) imbedded in the dense basalt bedrock underlying the sands making up the top 12-14 feet of the soil at the site. This is a standard mitigation measure for slope instability, and may very well assure the safety of the structure. However, no slope stability calculations assessing the stability of the structure with caissons in place were performed.

The surficial instability noted in the report will not be mitigated by founding the structure on deep piles or caissons. I understand that a retaining wall is planned as part of the development, which would likely mitigate upslope instabilities from affecting the site. However, instability—both surficial and deep-seated—below the structure would not be mitigated by either the retaining wall or the proposed caissons.

Reference (3) is a response to a series of questions asked by Coastal Commission staff. I did not prepare these questions, and many of them do not apply to this site. I will address the response to each concern as enumerated in reference (3):

Concern 1: That significant engineering and landform alteration will be required to develop the parcel as planned. The response is that the level of alteration is no greater than is customary for typical hillside development on similar parcels. Although I have not reviewed grading plans, the recommendations contained in reference (2) do not constitute an unusual level of landform alteration. Nevertheless, the grading necessary to provide a level pad on such a steep slope is greater than is customary for many single-family residences.

Concern 2: That the long-term stability of the parcel will be compromised by the proposed development. The response is that the proposed mitigation measures—deep foundation elements consisting of piers or caissons—will actually improve slope stability. To this I concur, although surficial stability could be compromised by the development if runoff is not handled appropriately.

Concern 3: That the site poses geologic hazards including rupture, differential compaction, liquefaction, cracking, ground shaking, and landsliding. I concur with the response that the only significant hazards at this site are ground shaking and landsliding, both of which have been addressed in the slope stability assessment described above.

Concern 4: That the grading and trenching related to the construction of the proposed retaining wall would contribute to site instability and erosion. This is a significant concern, especially

since the site is located in and above environmentally sensitive habitat. As the response indicates, proper implementation of best management practices during construction and grading should minimize the problem, but it will be very difficult to prevent all sediment from entering the environmentally sensitive habitat areas.

Concern 5: That while the smaller house that formerly occupied the site withstood several large earthquakes, it was founded on piers, and a larger house would likely not fare so well under seismic loading. I concur with the response that the proposed foundation system has the capacity to mitigate seismic concerns. It has not, however, been demonstrated quantitatively that it will do so.

Concern 6: Residential runoff could contribute to slope destabilization which might negatively affect ESHA. This is a well-founded concern, and as the response indicates, reference (2) does recommend that all runoff be collected and discharged to approved outlets, and that no runoff be allowed to discharge over the slope face. A drainage plan should be required to ensure that these recommendations are adhered to.

Concern 7: That while the applicant's geology report states the 50% slopes are stable, it does not address the stability of the 63% slope measured from the creek through the centerline of the house. I concur with the response that the slope stability analyses in reference (2) do, in fact, address the stability of the 63% slope.

Concern 8: That the site is prone to geologic instability. I concur with the response that acknowledges this instability, but that the proposed mitigation measures address overall slope instability. They do not, however, ensure that surficial instability will not affect the site.

Concern 9: That construction activities would contribute to site instability through landform alteration and vegetation removal. Like concern (4), this is a valid concern. Proper construction techniques and best management practices will minimize disruption, but some instability might be unavoidable.

Concern 10: That the project poses an undue risk to life and property. I concur with the response that there are risks associated with any such development on steep hillsides in seismically active areas, but that the mitigation measures proposed have the capacity to reduce these risks to the level considered typical of any development.

To summarize, the recommendations in reference (2) have the capacity to mitigate overall slope instability at the site. It has not, however, been quantitatively demonstrated that the proposed caissons will be ensure a factor of safety of greater than 1.5 (static) and 1.1 (pesudostatic), as typically required. A quantitative slope stability analysis, similar to those undertaken in reference (2), should be undertaken for the post-project configuration of the site.

Surficial failures at the site will likely continue below the residence. The proposed development has the capacity to increase surficial instability if drainage is not handled appropriately. Conversely, if an adequate drainage plan is implemented, the development could actually increase the surficial stability at the site.

I hope that this review is useful. Please do not hesitate to contact me if you have any further questions.

Sincerely,

Mark Johnsson, Ph.D., CEG

EXHIBIT 2

BESTOR ENGINEERS, INC.
CIVIL ENGINEERING - SURVEYING - LAND PLANNING
3701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93940
(831) 373-2941 - SALINAS 424-7581 - FAX 649-4118

12 December 2001

MANDURRAGO, MANDURRAGO & SULLIVAN
P. O. Box 7161
Carmel, CA 93921
Via fax: 626-1507

Attn: Robert Mandurrago

RE: Drainage from Pressley Residence
2nd Street Carmel

Dear Mr. Mandurrago:

The existing house on the Pressley lot has no existing drainage controls, whatsoever. Runoff from roof, decks, and walkways has historically flowed down the brushy slope to Pescadero Creek. The proposed new house will add approximately 600 square feet of impervious surfaces, with properly designed drainage facilities. This is an insignificant change, with respect to the several hundred acres of Pescadero watershed.

The project consists of construction of a two-story 1,195 -sq. ft. house to replace an older 17' x 21' (390 sq.ft.) house with a 350-sq.ft. deck and 168-sq.ft. brick walkway. The new home will have 881 sq.ft. of roof, a 161 sq.ft. upper exposed deck, 155 sq.ft. concrete patio, and 200 sq.ft. walk. The paved parking space at the street will remain unchanged, and discharges to the street.

Design runoff will be based on 8-minute concentration in a 1.33 inch per hour (100 year) storm. This is $7.75(1.33)/\sqrt{8}=3.66$ inches per hour. Peak runoff from the intercepted areas (roofs and paved surfaces) is then (1,397/43,560)(3.66)(0.96)=0.112 cfs, or 51 gpm. Please note that peak runoff in a two-year storm would be 44% of the 100-year peak, or about 22.5 gpm.

Several methods could be used to handle this runoff in accordance with normally accepted engineering standards. All would include the key items that we have provided to you for inclusion in your plans, including:

a. Catch basins above the new house, at the entry, and on patio.
b. A surface gutter above upper house wall.
c. Roof gutters and downspouts, piped directly to surface drain system.
d. Sub-drains at retaining walls and building foundations, separate from surface drainage.

Disposal of the runoff could be:

1. A shallow rock filled trench with level overflow to spread discharge into a wide sheet flow down the heavily vegetated slope.

2. Collection of runoff and discharge through a six inch pipe with energy dissipaters down the heavily vegetated slope.

3. A storage tank and pump to discharge to the city street, which would then change point of discharge to the city storm drain system. If pumped discharge should be required, it can consist of a 400-gallon tank, capable of storing 53 cu.ft. of runoff, equivalent to about 0.5 inches of rainfall, or 15 minutes in a 100-year storm. Pump could be ¾ HP, 25 gpm @ 35' TDH, requiring a 1¼" pipe, approximately 80 feet long. Such a system should cost about $3,000. It would still need a gravity emergency overflow, in the event of power outage.

Pescadero Creek at this location drains several hundred acres. Approximately 700 feet downstream it passes beneath Carmel Way in a 96" concrete pipe. For several decades, the Carmel Way culvert was 42". A supplemental 48" culvert was added in 1994, then replaced by 96" pipe in 1998. This flow is in the order of magnitude of 250 to 300 cfs in a 100-year storm or about 80cfs in a two-year storm. The 0.11-cfs from this project is truly insignificant, less than one twenty-fifth of one percent increase.

Sincerely,
BESTOR ENGINEERS, INC.

Carl L. Hooper

cc: Paul Trar

Revised 12 Dec 2001
W.O. 5886.00
CLH/ab.9424PresellyDrainage588600.doc

3-00-082-R
(PRESSLEY)
EXHIBIT 1
Page 13 of 60

BESTOR ENGINEERS, INC. 9701 BLUE LARKSPUR LANE MONTEREY, CALIFORNIA 93940

EXHIBIT 3

State of California, George Deukmejian, Governor

California Coastal Commission
CENTRAL COAST DISTRICT
701 Ocean Street, Room 310
Santa Cruz, CA 95060
(408) 426-7390

Date: May 9, 1984

Permit Application No. 3-84-76

J. Sheele (SC): cw

ADMINISTRATIVE PERMIT

RECEIVED
MAY 15 1984
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT

APPLICANT: Tim Mallery

PROJECT DESCRIPTION: Construct Single Family Dwelling, garage, and grading.

PROJECT LOCATION: Northwest corner of 2nd and Monte Verde Streets, Carmel area, Monterey County, APN 9-122-24

EXECUTIVE DIRECTOR'S DETERMINATION:

Pursuant to PRC Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

Additional reasons for this determination, and for any special conditions, may be discussed on the reverse (Page 2).

NOTE: The Commission's Regulations provide that this permit shall be reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, a permit will not be issued for this permit application. Instead, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place: 9:00 a.m., May 25th, at Shelter Island Marina Inn, 2051 Shelter Island Drive, San Diego, CA 92106.

IMPORTANT - Before you may proceed with development the following must occur:

For this permit to become effective you must sign Page 2 of the enclosed duplicate acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you an authorization to proceed with development.

MICHAEL L. FISCHER
Executive Director

by: [signature]

Permit Application No. 3-84-76

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 this permit is reported to the Commission. 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 project during its development, 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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

SPECIAL CONDITIONS:

1. Within 15 days of the issuance of this permit, the permittee shall submit a copy of the grading permit issued by Monterey County, for the Executive Director's review and approval.

2. Approval of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred, nor an admission as to the legality of any development/construction undertaken on the subject site without a coastal permit.

NOTE: SEE PAGE 3 FOR FINDINGS

ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

G. Kevin Mallory
Applicant's Signature

May 15, 2001
Date of Signing

3-00-082-R
(PRESSLEY)
EXHIBIT 7
Page 16 of 60

Permit Application No. 3-84-76

FINDINGS AND DECLARATIONS

1. The proposed development consists of the construction of a single-family dwelling, garage and approximately 120 cubic yards of grading. The site is located at the northwest corner of Second and Monte Verde Streets in the Carmel area of Monterey County. The site is steeply sloping and heavily vegetated with oak and pine trees and shrubs. The site has been graded and the footings for the retaining wall have been installed. The parcel is bounded by Pescadero Canyon, a designated environmentally sensitive habitat area. Surrounding land use is residential. In June, 1982, the Commission approved a permit for a land division which created the subject parcel, 3-82-118 Mallery. A condition of the approval required dedication of a scenic easement over slopes in excess of 30 percent. The proposed building envelope is located outside of the scenic easement area.

The Carmel Area Land Use Plan (LUP) has been approved by the Commission and adopted by the County. The LUP designates the site as Medium Density Residential. The proposed density is consistent with this LUP designation. The proposed development is consistent with the policies contained in Chapter 3 of the Coastal Act and with the approved Land Use Plan policies and will not prejudice the ability of the County of Monterey to implement the Local Coastal Program for this area.

5-4-84 84-292

MONTEREY CO

DATE ISSUED 5/4/84

PROPERTY LOCATION:

LOT BLOCK TRACT/SUBD. Carmel Woods

STREET (ADDRESS) 2nd Ave. & Monte Verde

ASSESSOR'S PARCEL NO. 9-122-24

SET BACKS (I

FRONT 20 SIDE 6

NEAREST CROSS STREET Lincoln

POST OFFICE Carmel

ZONE R-1

OWNER Tim Mallery

PHONE 624-0560

RECEIPT NO. PCM 35601

MAILING ADDRESS 24651 Guadalupe St.

CITY Carmel

ARCHITECT OR ENGINEER Masonry Manual

PHONE

☒ CATEGORICALLY

☐ ASSESSMENT REQ

☐ NEG. DEC. ADOP

☐ CERTIFIED EIR REV

CONTRACTOR Pacific Isle

PHONE 633-3199

APPLICATION APPROVED BY

USE OF STRUCTURE

Retaining Wall (80x4') Supplemental to Grading Permit #34464

Mode

6-26-84

TYPE OF IMPROVEMENT: ☐ SOLAR

☐ PLUMBING ☐ ELEC. ☐ MECH ☐ GRADING CU. YDS.

☐ BUILD ☐ REMODEL ☐ ADD TO ☐ REPAIR ☐ MOVE ☐ CONVERT ☐ DEMOLISH

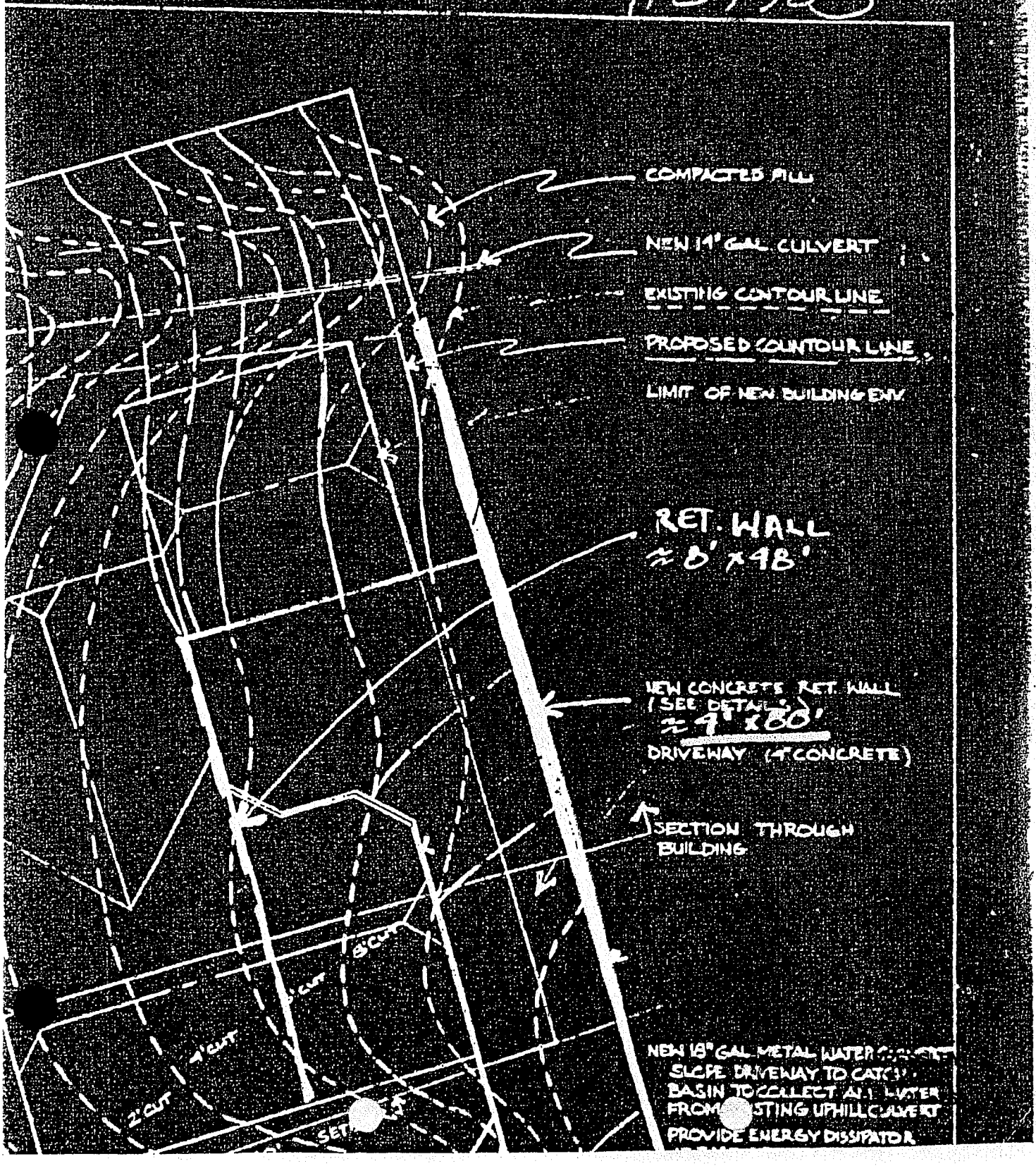
SIZE SQ. FT. NO. OF STORIES NO. OF FAMILIES

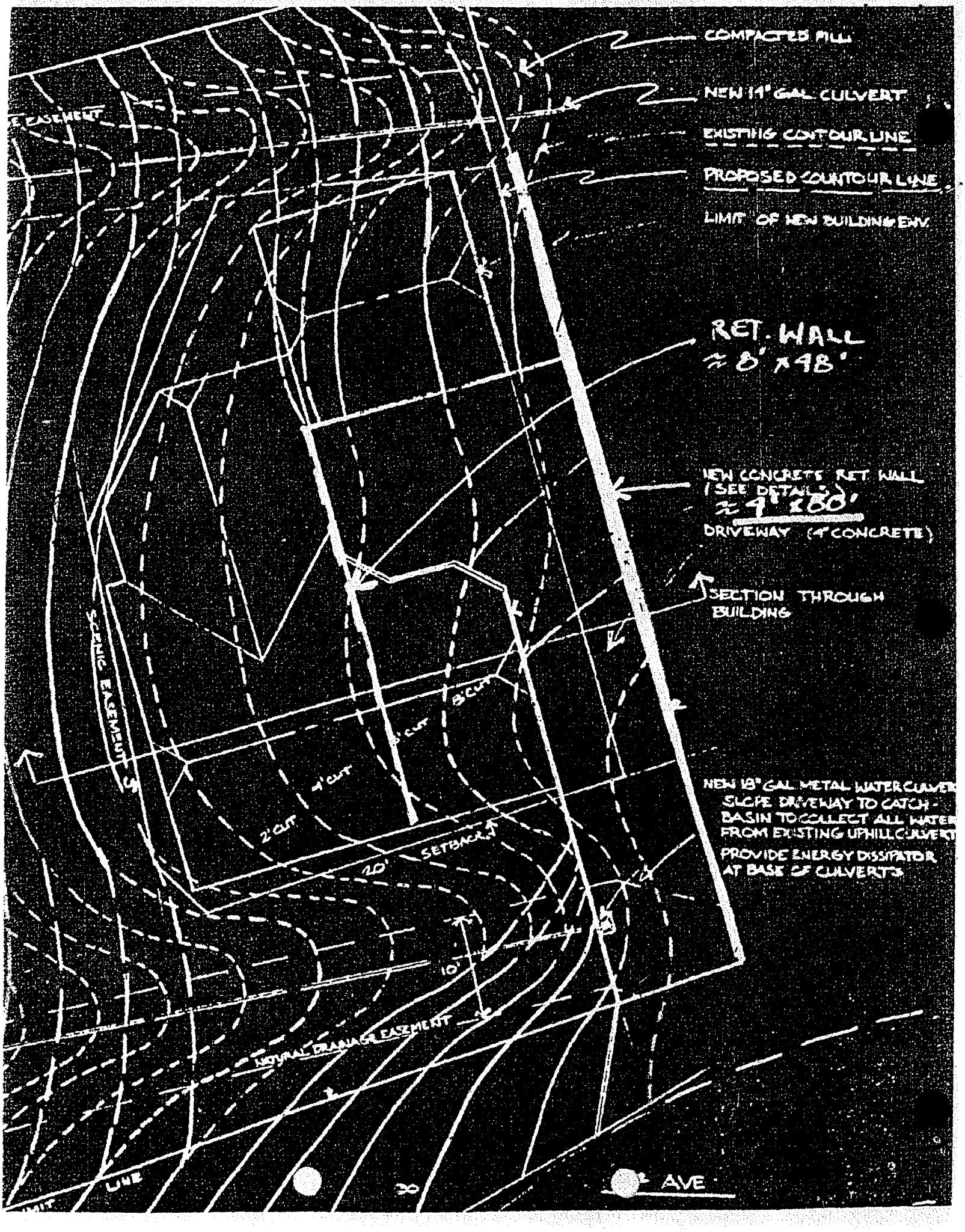
OTHER PERMITS	PERMIT NUMBER	FEE
POWER POLE		
GRADING	34464	
PLUMBING		
ELECTRICAL		

SCENIC EASEMENT
NATURAL DRAINAGE EASEMENT
10'
N

RC10

#34703


COMPACTED FILL
NEW 14" GAL. CULVERT
EXISTING CONTOUR LINE
PROPOSED COUNTOUR LINE
LIMIT OF NEW BUILDING ENV.
RET. WALL
≈8' x 48'
NEW CONCRETE RET. WALL
(SEE DETAIL)
≈4' x 80'
DRIVEWAY (4" CONCRETE)
SECTION THROUGH
BUILDING
8' CUT
6' CUT
4' CUT
2' CUT
NEW 18" GAL METAL WATER
SLOPE DRIVEWAY TO CATCH
BASIN TO COLLECT ALL WATER
FROM
STING UPHILL CULVERT
PROVIDE ENERGY DISSIPATOR


COMPACTED FILL
NEW 14" GAL. CULVERT
EXISTING CONTOUR LINE
PROPOSED COUNTOUR LINE
LIMIT OF NEW BUILDING ENV.
RET. WALL
≈ 8' x 48'
NEW CONCRETE RET. WALL
(SEE DETAIL)
≈ 9' x 80'
DRIVEWAY (4" CONCRETE)
SECTION THROUGH
BUILDING
SCENIC EASEMENT
3' CUT
2' CUT
4' CUT
2' CUT
SETBACK
20'
10'
NEW 18" GAL METAL WATER CULVERT
SLOPE DRIVEWAY TO CATCH-
BASIN TO COLLECT ALL WATER
FROM EXISTING UPHILL CULVERT
PROVIDE ENERGY DISSIPATOR
AT BASE OF CULVERTS
NATURAL DRAINAGE EASEMENT
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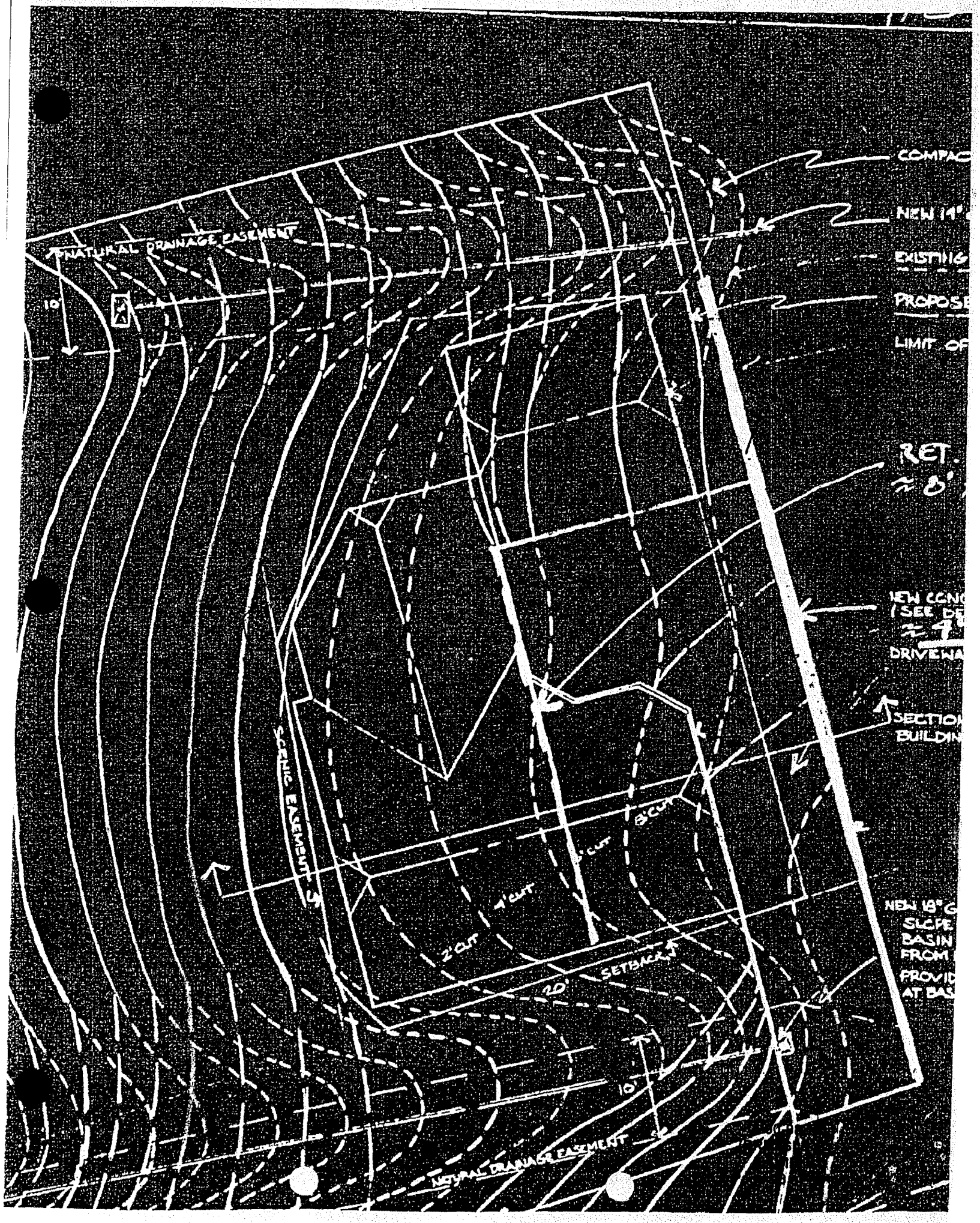
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NATURAL DRAINAGE EASEMENT

3-21-84 84-198

PROPERTY LOCATION:

LOT BLOCK TRACT/SUBD Carmel Woods

STREET (ADDRESS) ASSESSOR'S PARCEL NO.

2nd Ave. & Monte Verde 9-122-24

NEAREST CROSS STREET POST OFFICE

Lincoln Carmel

OWNER PHONE

Tim Mallery 624-0560

MAILING ADDRESS CITY

24651 Guadalupe Carmel

ARCHITECT OR ENGINEER PHONE

Pacific Isle 688-3199

CONTRACTOR PHONE

" "

USE OF STRUCTURE

SFD/GARAGE

TYPE OF IMPROVEMENT: [ ] SOLAR

[ ] PLUMBING [ ] ELEC [ ] MECH [ ] GRADING YDS

[X] BUILD [ ] REMODEL [ ] ADD TO [ ] REPAIR [ ] CONVERT [ ] DEMOLISH

SIZE SQ. FT 2005/400 NO. OF STORIES 2 NO. OF FAMILIES 1

LICENSED CONTRACTORS DECLARATION

I hereby affirm that I am licensed under the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

License Class B-1 Lic. Number 372639

Contractor PACIFIC ISLE DESIGN & CONST.

OWNER-BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractors License Law for the following reason (Sec. 7031.5, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractors License Law (Chapter 9 com-

DATE 5/9

FRONT 20

ZONE R-

RECEIPT PCM

XX C

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[ ] C

APPL APP

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84-198

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SSESSOR'S PARCEL NO.

-122-24

OST OFFICE

Carmel

HONE

624-0560

CITY

Carmel

PHONE

3-3199

PHONE

YDS

CONVERT DEMOLISH

2 NO. OF FAMILIES 1

MONTEREY COUNTY BUILDING INSPECTION DEPARTMENT

DATE ISSUED	PERMIT NO.	AREA	CODE
5/9/84	34702	C	10

SET BACKS (IN FEET)			
FRONT	SIDE	SIDE	REAR
20	6	6	10

ZONE: R-1

BLDG. TYPE:

RECEIPT NO.: PCM 35359

MB 35626

- [X] CATEGORICALLY EXEMPT FC
- [ ] ASSESSMENT REQ'D.
- [ ] NEG. DEC. ADOPTED
- [ ] CERTIFIED EIR REV.

VALUATION: 116,300

FEES:

PLAN CHECK	$ 386.35
RESIDENTIAL	594.38
COMMERCIAL	
GRADING	
PLUMBING	
ELECTRICAL	
MECHANICAL	
STRONG MOTION FEE	8.14
PLAN MAINT. FEE	
TOTAL	$988.87

APPLICATION APPROVED BY [signature]

FOR BUILDING INSPECTOR

THE ABOVE APPROVAL GRANTS PERMISSION TO DO THE WORK COVERED B THIS APPLICATION IN ACCORDANCE WITH PLANS AS APPROVED AND ALL A PLICABLE COUNTY AND STATE ORDINANCES, REGULATIONS AND LAW GOVERNING LOCATION, CONSTRUCTION AND OCCUPANCY OF BUILDING

EXPIRATION OF PERMIT

THIS PERMIT EXPIRES IF THE BUILDING OR WORK AUTHORIZED HEREIN IS NOT COMME WITHIN 180 DAYS FROM DATE OF APPROVAL, OR IF WORK IS SUSPENDED FOR A PERIOD 180 DAYS OR ABANDONED. AFTER EXPIRATION, THIS PERMIT MUST BE RENEWED BEFO THE WORK MAY BE COMMENCED AGAIN.

LARATION

of Chapter 9 (commencing essions Code, and my license is

372639

GEN & CONST.

RATION

License Law for the following city or county which requires a any structure prior to its is a signed statement that he is

REQUIRED FOR CLEARANCE	OK TO
ZONING COASTAL 3-84-76	5/9/8
SENT 3/23	
GEN. PLAN — OK SB	
MPA II	
MINOR SUBDIVISION	3/26

SOLAR

Ret. Well 34703 (F.) 8-3184 MQ

See #34703 (8x40 Ret. Well) OFFICE RECORD OF INSPECTIO

BUILDING			ELECTRICAL			PLU
Footing (Pet Well) 4-25-84 MTQ						
FOUNDATION FORMS	5-10-84 MTQ		TEMPORARY SERVICE	5-10-84 MTQ		ROUGH PLUMBING
GARAGE FORMS			UNDERGROUND OR			
CONCRETE SLAB FLOOR	8-3184 MTQ		UNDER CONCRETE			ROUGH HEATING
CONCRETE ROOFS	8-3184 MTQ		ROUGH ELECTRIC	8-3184 MTQ		
				DG&E called		GAS PRESSURE
			ELECT. SERVICE	2/9/85 mm		Final
			FINAL ELECTRIC	2/11/85 mm.		SEWER
ROOF SHEATHING	7-20-84 MTQ					FINAL PLUMBING
UNDERFLOOR FRAMING			ELECTRIC METER AUTH	4-3-84 MTQ		FINAL HEATING
FRAMING	8-3184 MTQ		PG&E CALLED	4-3-84 MTQ		FINAL GAS
INSULATION	9-11-84 MTQ	9-14-84 MTQ				SEPTIC TANK
ROOFING						GAS METER AUTH
FIREPLACE FOUNDATION						PG & E CALLED
THROAT/DAMPER						
COMBUSTION AIR						
CHIMNEY						
Est. fly	7-30-84 MTQ					
ENCROACHMENT						

OK TO OCCUPY	DATE	FINAL INSPECTION
OWNER	GENERAL CONTRACTOR	
Mallery, Tim	Pacific Isle	

NO. OF FAMILIES 1

84 MTQ

8x40 OFFICE RECORD OF INSPECTIONS

ELECTRICAL			PLUMBING			PLASTERING		
SERVICE	57089	MTQ	ROUGH PLUMBING	94184	MTQ	LATH-EXTERIOR	94784	MTQ
ND OR						LATH-INTERIOR		
			ROUGH HEATING	83184	MTQ	LATH-SHOWER & TUB	10/29/84	WM
TRIC	83184	MTQ				SHEET ROCK NAILING	94784	MTQ
	PG & E called		GAS PRESSURE			FIRE SEPARATION		
CE	2/8/85	WM	Final	2/7/85	WM	SCRATCH	10/9/84	[illegible]
RIC	2/11/85	WM.	SEWER					
			FINAL PLUMBING		OK			
TER AUTH	4-3-84	MTQ	FINAL HEATING			OTHER		
D	4-3-84	MTQ	FINAL GAS		WM.	ALTER		
LER			SEPTIC TANK			REPAIR		
			GAS METER AUTH.			MOVE		
			PG & E CALLED			GRADING		

DATE

FINAL INSPECTION [signature] DATE 2/12/85

GENERAL CONTRACTOR	PROPERTY FILE NO.	DATE	PERMIT NO.

3-21-84 84-198

PROPERTY LOCATION:

LOT BLOCK TRACT/SUBD. Carmel Woods

STREET (ADDRESS) ASSESSOR'S PARCEL NO.

2nd Ave. & Monte Verde 9-122-24

NEAREST CROSS STREET Lincoln POST OFFICE Carmel

OWNER Tim Mallery PHONE 624-0560

MAILING ADDRESS 24651 Guadalupe CITY Carmel

ARCHITECT OR ENGINEER Pacific Isle PHONE 688-3199

CONTRACTOR PHONE

USE OF STRUCTURE

SFD/GARAGE

TYPE OF IMPROVEMENT: ☐ SOLAR

☐ PLUMBING ☐ ELEC. ☐ MECH. ☐ GRADING CU. YDS.

☒ BUILD ☐ REMODEL ☐ ADD TO ☐ REPAIR ☐ MOVE ☐ CONVERT ☐ DEMOLISH

SIZE: SQ. FT. 2005/400 NO. OF STORIES 2 NO. OF FAMILIES 1

OTHER PERMITS	PERMIT NUMBER	FEE
POWER POLE		
GRADING	39964	
PLUMBING		
ELECTRICAL		
MECHANICAL		
SOLAR		
Ref. Wu	34703 (F) 8-3184	

ods

EEL NO.

-24

E

1

560

1

5199

VERT ☐ DEMOLISH

NO. OF FAMILIES 1

SET BACKS (IN FEET)			
FRONT	SIDE	SIDE	REAR
20	6	6	10

ZONE R-1

BLDG. TYPE

RECEIPT NO. PCH 35359

MB 35626

☒ CATEGORICALLY EXEMPT FC

☐ ASSESSMENT REQ'D

☐ NEG. DEC. ADOPTED

☐ CERTIFIED EIR REV

VALUATION 116,300

FEES:

PLAN CHECK $ 386.35

RESIDENTIAL 594.38

COMMERCIAL

GRADING

PLUMBING

ELECTRICAL

MECHANICAL

STRONG MOTION FEE 8.14

PLAN MAINT. FEE

TOTAL $ 988.87

APPLICATION APPROVED BY [signature]

FOR BUILDING INSPECTOR

5-10-84 See Grading Permit #34464 [illegible]

Made Duplicate 5-31-84

1-18-85 See Note.

OFFICE RECORD OF INSPECTIONS

CTRICAL	PLUMBING	PLASTERING

MONTEREY COUNTY BU

3-21-84 84-198

DATE ISSUED 5/9/84

LOCATION:

BLOCK TRACT/SUBD. Carmel Woods

ADDRESS) ASSESSOR'S PARCEL NO.

2nd Ave. & Monte Verde 9-122-24

SET BACKS (IN FEET)

FRONT	SIDE	SIDE
20	6	6

CROSS STREET Lincoln

POST OFFICE Carmel

ZONE R-1

BLDG. TYPE

Tim Mallery

PHONE 624-0560

RECEIPT NO. PCM 35359

G ADDRESS 24651 Guadalupe

CITY Carmel

ECT OR ENGINEER Pacific Isle

PHONE 688-3199

ACTOR " "

PHONE

[XX] CATEGORICALLY EXEMPT

[ ] ASSESSMENT REQ'D

[ ] NEG. DEC. ADOPTED

[ ] CERTIFIED EIR REV.

APPLICATION APPROVED BY

5-10-84 See Ge

Made Dupl

1-18-85 See Note.

STRUCTURE

SFD/GARAGE

OF IMPROVEMENT: [ ] SOLAR

[ ] PLUMBING [ ] ELEC [ ] MECH. [ ] GRADING CU. YDS.

[X] BUILD [ ] REMODEL [ ] ADD TO [ ] REPAIR [ ] MOVE [ ] CONVERT [ ] DEMOLISH

2005/400 NO. OF STORIES 2 NO. OF FAMILIES 1

OTHER PERMITS	PERMIT NUMBER	FEE
VER POLE		
DING	34964	
MBING		
LECTRICAL		
MECHANICAL		
AR		
Ret. Well	34703 (F) 8-3184	

84-198

5/9/84 84702

ET/SUBD. Carmel Woods

ASSESSOR'S PARCEL NO.

Monte Verde 9-122-24

POST OFFICE
Carmel

PHONE
624-0560

CITY
alupe Carmel

PHONE
le 688-3199

PHONE

SET BACKS (IN FEET)

FRONT	SIDE	SIDE	REAR
20	6	6	10

ZONE R-1

BLDG. TYPE

RECEIPT NO.
PCM 35359
MB 35626

[X] CATEGORICALLY EXEMPT FC
[ ] ASSESSMENT REQ'D.
[ ] NEG. DEC. ADOPTED
[ ] CERTIFIED EIR REV

VALUATION

FEES:
PLAN CHECK
RESIDENTIAL
COMMERCIAL
GRADING
PLUMBING
ELECTRICAL
MECHANICAL
STRONG MOTIO
PLAN MAINT. F
TO

APPLICATION APPROVED BY [signature]
FOR BUILDING INSPE

5-10-84 See Grading Permit

Made Duplicate 5-

1-18-85 See Note.

DLAR
[ ] MECH. [ ] GRADING CU. YDS.
[ ] ADD TO [ ] REPAIR [ ] MOVE [ ] CONVERT [ ] DEMOLISH

NO. OF STORIES 2 NO. OF FAMILIES 1

PERMIT NUMBER	FEE
4964	

4703 (F.) 8-31-84 NEQ

#34703 (8x40 Rd. Wall)

OFFICE RECORD OF INSPECTIONS

ELECTRICAL PLUMBING

MONTEREY COUNTY BUILDING INSPECTION DEPARTMENT

DATE ISSUED	PERMIT NO.	AREA	CODE
12-17-81	31860	C	21

1/712

Woods

S PARCEL NO.

-14

ICE

1

2833

, add garage

deck

ONVERT ☐ DEMOLISH

NO. OF FAMILIES

SET BACKS (IN FEET)			
FRONT	SIDE	SIDE	REAR
20	6	6	10

ZONE: R-1

BLDG. TYPE:

RECEIPT NO.: PCR 23454

BM 23471

☒ CATEGORICALLY EXEMPT

☐ ASSESSMENT REQ'D.

☐ NEG. DEC. ADOPTED

☐ CERTIFIED EIR REV.

VALUATION: ~~[illegible]~~ 10,000

FEES: (Min. 24.27)

PLAN CHECK $41.04

RESIDENTIAL 100.63

COMMERCIAL

GRADING

PLUMBING

ELECTRICAL

MECHANICAL

STRONG MOTION FEE .70

PLAN MAINT. FEE

TOTAL $

APPLICATION APPROVED BY L. Deitsch

FOR BUILDING INSPECTOR

12/15/81 81/712

PROPERTY LOCATION

LOT Por 14 BLOCK 150 TRACT/SUBD. CARMEL WOODS

STREET (ADDRESS) Second Street

ASSESSOR'S PARCEL NO. 9-122-14

NEAREST CROSS STREET Lincoln Avenue

POST OFFICE Carmel

OWNER Tim Mallery

PHONE

MAILING ADDRESS Same

CITY

ARCHITECT OR ENGINEER Alan Turpen

PHONE 624-2833

CONTRACTOR Tim Mallery

PHONE

USE OF STRUCTURE

SFD Remodel - Interior Walls, add garage & deck

TYPE OF IMPROVEMENT:

☐ PLUMBING ☐ ELEC. ☐ MECH. ☐ GRADING CU. YDS.

☒ BUILD ☐ REMODEL ☐ ADD TO ☐ REPAIR ☐ MOVE ☐ CONVERT ☐ DEMOLISH

SIZE SQ. FT. 288/100 NO. OF STORIES NO. OF FAMILIES

LICENSED CONTRACTORS DECLARATION

I hereby affirm that I am licensed under the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

License Class B Lic. Number 329350

Contractor [signature]

OWNER-BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Sec. 7031.5, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its is- [illegible] to file a signed statement that he is

garage

MOLISH

ommencing
ny license is

50

the following
ich requires a
prior to its is-
ment that he is
apter 9 - com-
Code) or that
olation of Sec-
penalty of not

sole compensa-
sale (Sec. 7044,
not apply to an
work himself or
intended or of-
one year of com-
not build or im-

nsed contractors
The Contractor's
proves thereon,
uant to the Con-

or a certificate of
3800, Lab C:).

n department or
department.

APPLICATION APPROVED BY L. Deitsch
FOR BUILDING INSPECTOR

THE ABOVE APPROVAL GRANTS PERMISSION TO DO THE WORK COVERED BY THIS APPLICATION IN ACCORDANCE WITH PLANS AS APPROVED AND ALL APPLICABLE COUNTY AND STATE ORDINANCES, REGULATIONS AND LAWS GOVERNING LOCATION, CONSTRUCTION AND OCCUPANCY OF BUILDING.

EXPIRATION OF PERMIT

THIS PERMIT EXPIRES IF THE BUILDING OR WORK AUTHORIZED HEREIN IS NOT COMMENCED WITHIN 180 DAYS FROM DATE OF APPROVAL, OR IF WORK IS SUSPENDED FOR A PERIOD OF 180 DAYS OR ABANDONED, AFTER EXPIRATION, THIS PERMIT MUST BE RENEWED BEFORE THE WORK MAY BE COMMENCED AGAIN.

REQUIRED FOR CLEARANCE	OK TO ISSUE
ZONING COASTAL - OK MAA II	12/15/81
MINOR SUBDIVISION	12/15/81
HEALTH ON SEWER	N/A
ENCROACHMENTS	12-16-81
BUILDING INSPECTOR	12/17/81

WARNING No Permit Req'd

~~THE WORK AUTHORIZED BY THIS PERMIT MAY BE SUBJECT TO THE CALIFORNIA COASTAL ACT OF 1976~~

OWNER-BUILDER VERIFICATION

MONTEREY COUNTY BUILDING INSPECTION DEPARTMENT

81/712

DATE ISSUED	PERMIT NO.	AREA	C
12-17-81	31863	C	2

emel Woods

ASSESSOR'S PARCEL NO.
9-122-14

POST OFFICE
Carmel

PHONE

CITY

PHONE
624-2833

PHONE

SET BACKS (IN FEET)

FRONT	SIDE	SIDE	REAR
20	6	6	10

ZONE: R-1

BLDG. TYPE

RECEIPT NO.
PCM 23454
BM 23471

- [x] CATEGORICALLY EXEMPT
- [ ] ASSESSMENT REQ'D.
- [ ] NEG. DEC. ADOPTED
- [ ] CERTIFIED EIR REV.

VALUATION
~~5,000~~ 10,000
(ADDL. 2430)

FEES:

PLAN CHECK	$41.04
RESIDENTIAL	100.63
COMMERCIAL	
GRADING	
PLUMBING	
ELECTRICAL	
MECHANICAL	
STRONG MOTION FEE	.70
PLAN MAINT. FEE	
TOTAL $	

APPLICATION APPROVED BY L. Deitel
FOR BUILDING INSPECTOR

or Walls, adl garage & deck

CU. YDS.

☐ MOVE ☐ CONVERT ☐ DEMOLISH

NO. OF STORIES

NO. OF FAMILIES

THE ABOVE APPROVAL GRANTS PERMISSION TO DO THE WORK COVERE THIS APPLICATION IN ACCORDANCE WITH PLANS AS APPROVED AND A PLICABLE COUNTY AND STATE ORDINANCES, REGULATIONS AND GOVERNING LOCATION, CONSTRUCTION AND OCCUPANCY OF BUILD

EXPIRATION OF PERMIT
THIS PERMIT EXPIRES IF THE BUILDING OR WORK AUTHORIZED HEREIN IS NOT COMM WITHIN 180 DAYS FROM DATE OF APPROVAL, OR IF WORK IS SUSPENDED FOR A PE 180 DAYS OR ABANDONED, AFTER EXPIRATION, THIS PERMIT MUST BE RENEWED THE WORK MAY BE COMMENCED AGAIN.

S DECLARATION
provisions of Chapter 9 (commencing
nd Professions Code, and my license is

REQUIRED FOR CLEARANCE	OK
ZONING COASTAL - OK	14

MONTEREY CO

12/15/81 81/712

PROPERTY LOCATION:

LOT PDR 14 BLOCK 150 TRACT/SUBD: CARMEL WOODS

STREET (ADDRESS): Second Street

ASSESSOR'S PARCEL NO.: 9-122-14

NEAREST CROSS STREET: Monte Verde

POST OFFICE: Carmel

OWNER: Tim Mallory

PHONE:

MAILING ADDRESS: Same

CITY:

ARCHITECT OR ENGINEER: Alan Turpen

PHONE: 624-2833

CONTRACTOR: Tim Mallory

PHONE:

USE OF STRUCTURE: SFD Remodel - Interior Walls, add garage & deck

TYPE OF IMPROVEMENT:

☐ PLUMBING ☐ ELEC. ☐ MECH. ☐ GRADING CU. YDS.

☒ BUILD ☐ REMODEL ☐ ADD TO ☐ REPAIR ☐ MOVE ☐ CONVERT ☐ DEMOLISH

SIZE: SQ. FT. 288/100 NO. OF STORIES NO. OF FAMILIES

OTHER PERMITS	PERMIT NUMBER	FEE
POWER POLE		
GRADING		
PLUMBING		

DATE ISSUED: 12-17-81

SET BACKS

FRONT	SIDE
20	6

ZONE: R-1

RECEIPT NO.: PCM 23454 BM

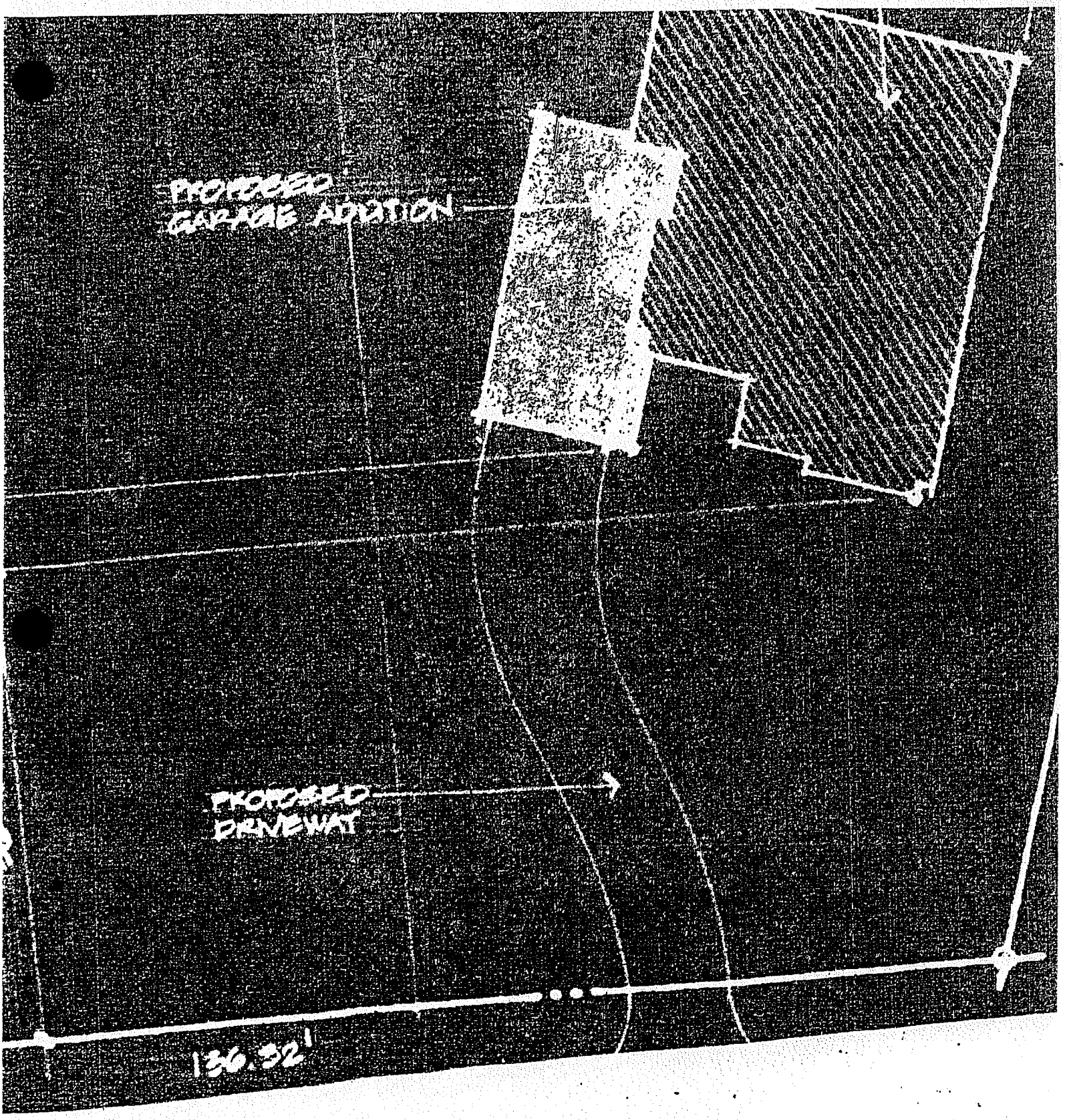
☒ CATEGORICAL

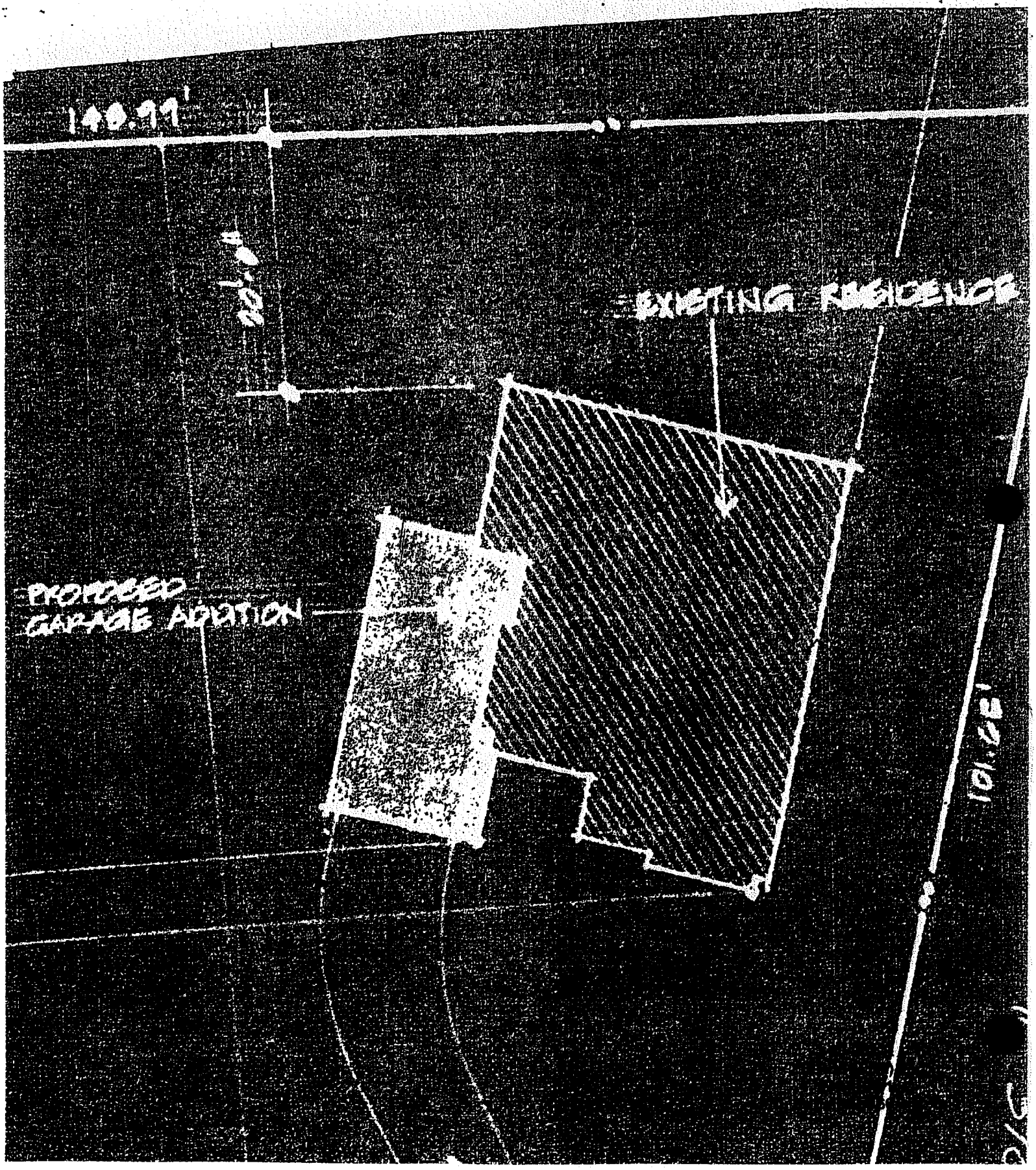
☐ ASSESSMENT

☐ NEG. DEC. AD

☐ CERTIFIED EIR

APPLICATION APPROVED BY


PROPOSED
GARAGE ADDITION
PROPOSED
DRIVEWAY
136.32'


140.99'
EXISTING RESIDENCE
PROPOSED
GARAGE ADDITION
101.68'

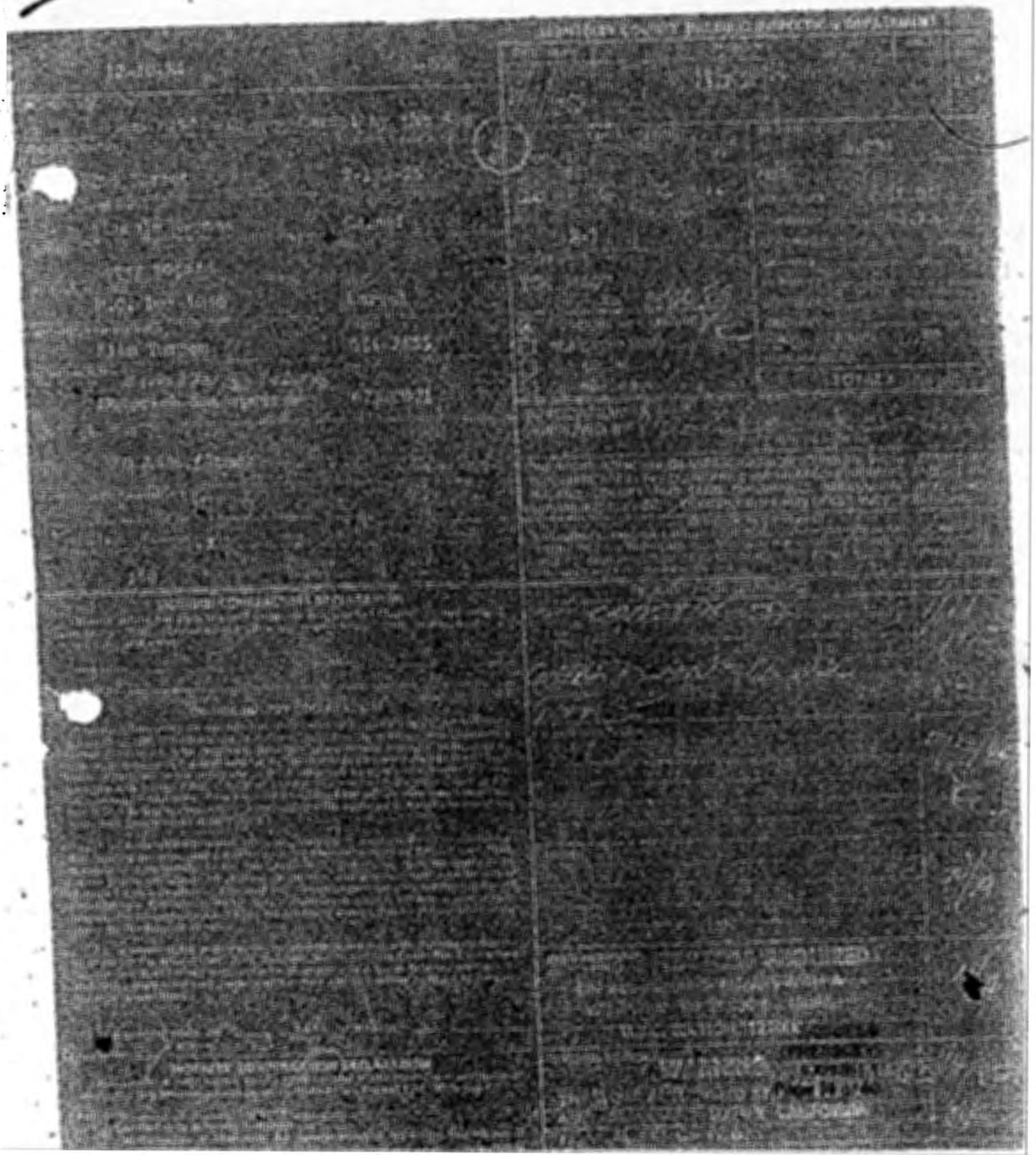


EXHIBIT 4

City of Carmel-by-the-Sea
Monterey County, California

Permit No. 1925 (C

Permit Paid $4

Refund — Aug. 19/1927 — $2

APPLICATION FOR BUILDING PERMIT

Application is hereby made for a Building Permit in accordance with the description and for the purposes hereinafter set forth. This application is made subject to all provisions of Ordinance No. 22 of the City of Carmel-by-the-Sea and State Laws applicable thereto. The plans, specifications and statements of contemplated improvements accompanying this application are made a part hereof.

1. Site to be occupied: Lot ..... acreage Block ..... Add. No. .....
   Street Second Ave.
2. Character of Building garage.
3. Owner's name and address H. C. Thompson
4. Contractor's name and address S. J. Miller.
5. Estimated cost of Building $200.00.
6. Dimensions of Building 15 X 20.
7. Materials to be used R.W. & Pine.
8. Number of chimneys and flues — 9. Size of flues —
10. Time to be occupied in building one week.

City of Carmel-by-the-Sea,
County of Monterey } ss.
State of California.

S. J. Miller, being duly sworn, deposes and says that he is the owner, (or is authorized and empowered to make this affidavit by the owner, H. C. Thompson), who makes the above application; that all the statements made in the above application are true to the best of his knowledge and belief.

S. J. Miller.

Subscribed and sworn to before me this 5th day of Aug, 1927.

Saidee Van Brewer
City Clerk.

Approved: E. O. Elwood
Trustee.

Permit No. 1925 Application Issued Aug. 5, 1927 Filed ....., 1927

3-00-082-R
(PRESSLEY)
EXHIBIT 1
Page 43 of 60

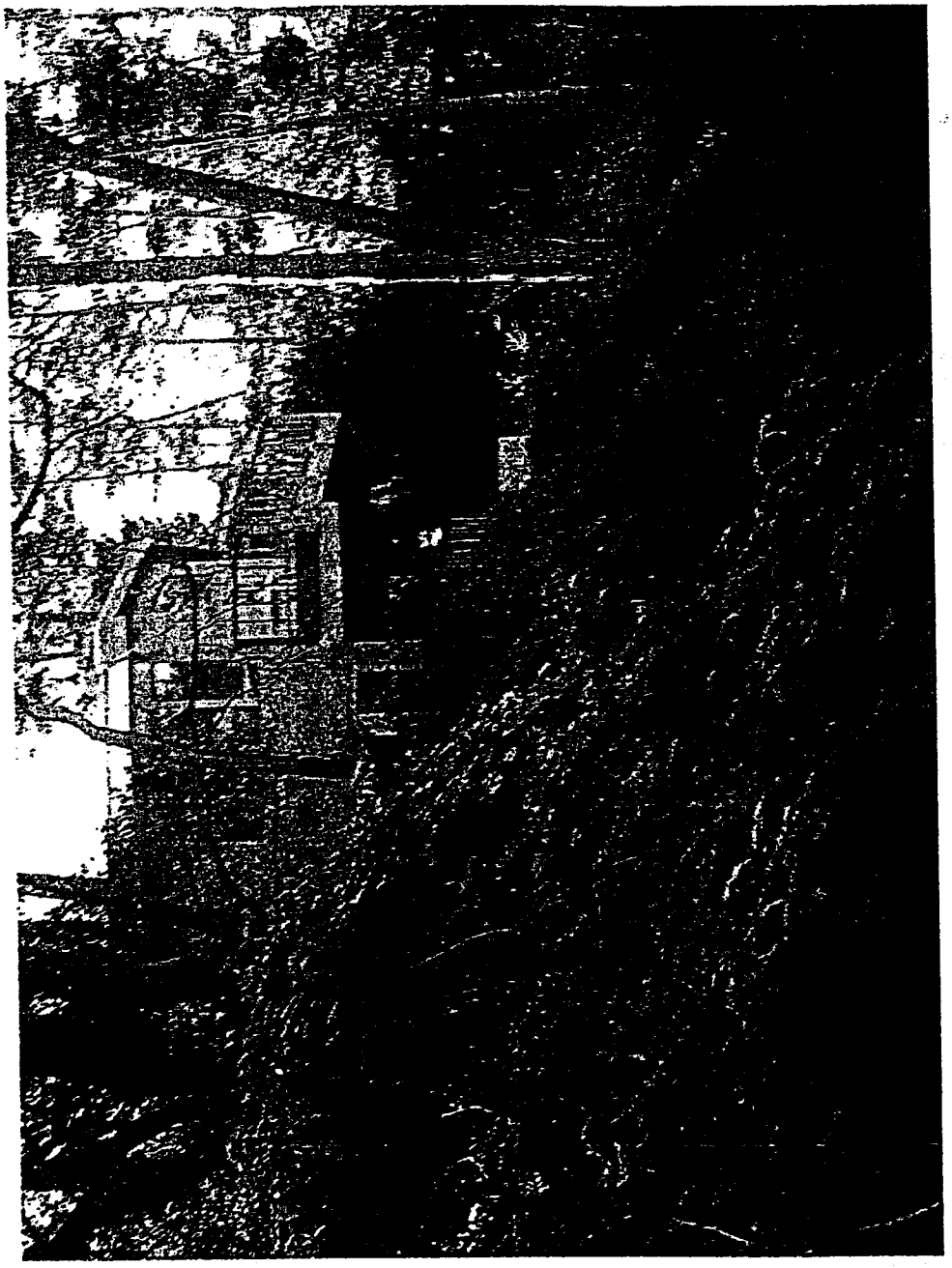


EXHIBIT 5

CITY OF CARMEL-BY-THE-SEA

Design Review Committee Report

Design Study #81-132
Mr. & Mrs. Scott Mattraw
N/s Second bet. Monte Verde & N. Casanova
2nd Street Acreage, Parcel 1

COMMITTEE MEMBERS:
Mertens
Swain
Stephenson
Date: October 7, 198

CONSIDERATION: Applicant desires to make a second story addition to an existing dwelling.

FINDINGS:

1. That the building site involved is 15,471 square feet in area and the site is developed with a two-story single family dwelling and a detached carport for one (1) vehicle.

2. That present coverage of the site is 1131 square feet or seven percent (7%) lot coverage. The applicant proposes an addition of 448 square feet which would bring lot coverage to a total of 1549 square feet or ten percent (10%) lot coverage.

3. That the addition proposed would be 15' from the front property line on 2nd Avenue and 15' from the rear property line.

4. That the slope of the land is such that the ridge elevation of the addition will be approximately 1' below the elevation of 2nd Avenue.

5. That the proposed addition will not exceed 20' to the top plate line, will not exceed 24' at any point, nor exceed an average height of 24'.

6. That the addition proposed is at the rear of the structure and from most of the public way the house will appear to be a one-story dwelling. Though the proposed addition has a 15' setback from 2nd Avenue, the large amount of greenbelt adjacent to 2nd Avenue at this point makes the visual setback approximately 40'.

7. That the addition has been broken up by irregular wall lines decreasing visual mass as would be seen across Pescadero Canyon.

8. That due to the location of this property relative to other developed properties in the neighborhood site comparison would be of no practical value and evaluation of size and bulk is more related to the elevation of 2nd Avenue and the portion of the structure which will appear from that public way.

9. That the addition would not create excessive visual mass as seen from the public way.

Adopted by Planning Commission on October 21, 1981

RECOMMENDATION: That the request be granted.

DESIGN REVIEW COMMITTEE

Arthur Mertens

Sandy Swain

Robert Stephenson

Adopted by Planning Commission on October 21, 1981

EXHIBIT 6

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING & BUILDING
P.O. DRAWER G · CARMEL-BY-THE-SEA, CA 93921
PH: (408) 624-6835 · FAX: (408) 624-4057

PERMIT NO.: 10 10
DATE: 5/26/98
RECEIPT NO: 24741

ASSESSOR'S NO.: 10-233-7 Block: 2nd Lot: S1

Location of Work: N/S 2nd bet Monte Verde & Casanova Tract:

Owner: Shirley Mattraw Address: PO. Box 3775 Carmel 93921 Phone: 625-0310

Contractor: Ailing House Address: P.O. Box 4977 Carmel 93921 Phone: 624-8211

City Lic. No.: 012598 State Lic. No. 004836 Type of Lic.: PRO516

Eng./Arch.: Address: Phone:

Permit Exp. Date: Permit Extensions:

STORIES	OCCUPANCY GROUP	TYPE OF CONST.	SITE DIMENSIONS & AREA
1	R-3	VN	irreg 12,699

SETBACKS IN FEET			
FRONT	SIDE	SIDE	REAR

OVERLAY	USE ZONE	PLANNER
PO/AS	R-1	

COVERAGE DATA	
FLOOR AREA	SITE COVER.
ALLOWED	ALLOWED
EXISTING	EXISTING
NEW	NEW
TOTAL	TOTAL
PLAN COMM. NO.	P.C. APRVL DATE

TYPE OF IMPROVEMENT

☐ BUILD ☐ DEMOLISH ☒ REPAIR
☐ REMODEL ☐ ADDITION ☐ OTHER

OWNER BUILDER SURCHARGE

A SURCHARGE OF 10% OR $3.00 WHICHEVER IS GREATER IS REQUIRED BECAUSE OF THE INCREASED NUMBER OF INSPECTIONS NECESSARY ON OWNER BUILDER PERMITS.

VALUATION	
$	20,000.00
Permit	287.25
Plan Check	186.71
Mechanical	
Plumbing	
Electrical	
Fire Dept.	
O/B	
SMIP	5.00
Encr.	
Penalty	
Plan Revisions	
Total	478.96

DESCRIPTION OF WORK:

(N) Ret Wall

EXPIRATION OF PERMIT

THIS PERMIT EXPIRES IF THE BUILDING OR WORK AUTHORIZED HEREIN IS NOT COMMENCED WITHIN 180 DAYS FROM DATE OF APPROVAL, OR IF WORK IS SUSPENDED FOR A PERIOD OF 180 DAYS OR ABANDONED AFTER EXPIRATION. THIS PERMIT MUST BE RENEWED BEFORE THE WORK MAY BE COMMENCED AGAIN.

WARNING: TREES ON THE STREETS OF CARMEL-BY-THE-SEA ARE PUBLIC PROPERTY AND UNDER CITY CONTROL. PERMISSION TO REMOVE TREES MAY BE OBTAINED ONLY FROM THE CITY COUNCIL.

GRADE LINES AS SHOWN ON DRAWING ACCOMPANYING THIS PERMIT ARE ASSUMED TO BE CORRECT. IF ACTUAL GRADE LINES ARE NOT THE SAME AS SHOWN, REVISED DRAWINGS SHOWING CORRECT GRADE LINES, CUTS AND FILLS, TOGETHER WITH COMPLETE DETAILS OF RETAINING WALLS AND WALL FOOTINGS REQUIRED MUST BE RESUBMITTED TO THE DEPARTMENT OF PLANNING & BUILDING FOR APPROVAL.

IN CONFORMITY WITH THE PROVISIONS OF SECTION 3800 OF THE LABOR CODE OF THE STATE OF CALIFORNIA, APPLICANT SHALL FILE WITH THE BUILDING OFFICAL, THE CERTIFICATES, DESIGNATED IN (1) AND (2) BELOW AND/OR SHALL INDICATE ITEM (3), (4) OR (5), WHICHEVER IS APPLICABLE.

(1) CERTIFICATE OF CONSENT OF SELF-INSURED ISSUED BY THE DIRECTOR OF INDUSTRIAL RELATIONS.
(2) CERTIFICATE (OR EXACT DUPLICATE COPY) OF WORKER'S COMPENSATION INSURANCE ISSUED BY AN ADMITTED INSURER.

☐ (3) THE COST OF THE WORK TO BE PERFORMED IS $300 OR LESS.

☐ (4) I CERTIFY THAT IN THE PERFORMANCE OF THE WORK FOR WHICH THIS PERMIT IS ISSUED I SHALL NOT EMPLOY ANY PERSON IN ANY MANNER SO AS TO BECOME SUBJECT TO THE WORKER'S COMPENSATION LAWS OF CALIFORNIA.

☐ (5) I CERTIFY THAT THE APPLICANT IS LICENSED UNDER THE PROVISIONS OF CHAPTER 9 (COMMENCING AT SECTION 7000) OF DIVISION 3 OF THE BUSINESS AND PROFESSIONS CODE AND THE CALIFORNIA STATE CONTRACTORS BOARD.

FULL DAY NOTICE IS REQUIRED FOR ALL INSPECTIONS.

PERMITEE'S SIGNATURE X [signature] DATE: 5/26/98

ADDITIONAL COMMENTS AND/OR CONDITIONS

ISSUED BY: Jose Abadilla DATE: 5/26/98

APPROVED BY: [signature] DATE: 5/22/98
BUILDING OFFICAL

THE ISSUANCE OF A PERMIT BASED UPON PLANS AND SPECIFICATION ATTACHED HERETO SHALL NOT PREVENT THE BUILDING OFFICIAL FRO THEREAFTER REQUIRING THE CORRECTION OF ERRORS IN SAID PLANS AN SPECIFICATIONS. THE BUILDING OFFICIAL/INSPECTOR MAY SUSPEND AN PERMIT WHEN IN VIOLATION OF ANY CODE AND/OR ORDINANCE. AN DEVIATION AND/OR CHANGE IN THESE PLANS SHALL BE APPROVED BY TH BUILDING OFFICIAL AND/OR PLANNING AND BUILDING DIRECTOR.

EXHIBIT 1
Page 49 of 60

EXHIBIT 7

FINAL LOCAL ACTION NOTICE
REFERENCE # 3-MCO-93-23
APPEAL PERIOD 2/11-2/26/93

RECEIVED
FEB 10 1993
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

PC92-165

PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 93-010

A. P. # 008-383-002-000

FINDINGS AND DECISION

In the matter of the application of Jack Wheatley (PC92-165)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located on a portion of Lots 1 and 2, Block 125, Assessor's Map, El Pescadero Rancho, Del Monte Forest area, fronting on and easterly of Carmel Way, Coastal Zone, came on regularly for hearing before the Planning Commission on January 13, 1993.

WHEREAS: Said proposal includes:

1) Coastal Development Permit for a single family dwelling addition, tree removal (4) and demolition of two existing out buildings, and
2) Design Approval

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto,

1. FINDING: The proposed project consists of a 1,108 square foot two story studio, study/office, bathroom, and garage addition. The addition is to be attached to the existing Single Family Dwelling. The proposed addition will increase the existing building site coverage from 4.49 to 5 percent which is within the maximum allowed 15 percent.

EVIDENCE: (1) Regulations for Development in Low Density Residential or "LDR/1.5 Acres/Unit (CZ)" District, found in Chapter 20.114 of the Monterey County Coastal Implementation Plan.
(2) The application and plans submitted for the Combined Development Permit, as found in Planning Commission File No. 92165.
(3) The on-site inspection conducted May 8, 1992 of the subject parcel by the project planner.

2. FINDING: The project is substantially consistent with Section 20.147.030.A.1 limiting structural coverage to 5000 square feet, including main and accessory structures, and impervious surface coverage to 4000 square feet in the Pescadero, Seal Rock Creek and Sawmill Gulch Watershed and the smaller unnamed watersheds which drain into the Carmel Bay Area of Special Biological significance.

EVIDENCE: The project application, including the site plan, contained in Planning Commission file No. 92165 proposes structural coverage of 7,103 square feet and impervious surface coverage of 3,710 square feet. The difference in the proposed addition coverage of 489 and the demolished 422 square foot out buildings is 67 square feet. Although the 67 square feet difference is not equal it will not have an adverse effect on the intent of the policy. However, upon meeting with the Chief of Planning, it was clarified that the practice of the department has been to strictly uphold the Pescadero Watershed Policy.

EVIDENCE: Condition No. 7.

3. FINDING: The project as proposed is consistent with policies of the Local Coastal Program dealing with development in archaeologically sensitive areas. An archaeological survey has been conducted on the project site by Archaeological Consulting on July 31, 1992. The report states that there are no identifiable archaeological resources located on site. A condition has been added to stop work in the event that any archaeological resources are found on site.

EVIDENCE: Archaeological report submitted by the applicant contained in the project file. Condition No. 6.

4. FINDING: The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15301 (e) of the Monterey County CEQA Guidelines Categorically exempts single family dwelling additions from environmental review. No adverse environmental impacts were identified during review of the proposed project.

5. FINDING: The site of the proposed development is physically suitable for the type of development proposed. The project site is generally level. No grading is proposed.

EVIDENCE: The Application and Plans contained in Planning Commission File No. 92165 in conjunction with a site visit conducted by staff May 8, 1992, found the proposed addition to be consistent with the existing architectural style.

6. FINDING: The project as proposed is consistent with policies of the Local Coastal Program dealing with visual resources and will have no significant impact on public views. The proposed addition was evaluated in terms of the impact upon the public views. a) The project will not result in ridgeline development. b) The project is not located in the public viewshed as defined in Section 20.147.020.Y of the Del Monte Forest Coastal Implementation Plan.

EVIDENCE: The on-site investigation by the project planner, pursuant to Chapter 20.147.070 of the Del Monte Forest Coastal Implementation Plan.

7. FINDING: The subject parcel is in a Design Control or "D" District requiring Planning Commission action pursuant to Chapter 20 .56.030 of the Monterey County Coastal Implementation Plan . The applicant has provided the Planning Commission with a Design Approval Request, drawings, and photos displaying the materials and colors to be used.

EVIDENCE: Policy 68b of the Del Monte Forest Land Use Plan requires all development within this area to be subject to Design Review.

EVIDENCE: Design Approval Request application contained in file No. PC-92165.

8. FINDING: The project, as described in the application and accompanying materials, and as conditioned, conforms with the plans, policies, requirements, and standards of the Monterey County Local Coastal Program.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with; 1) the certified Del Monte Forest Land Use Plan, and 2) the certified Del Monte Forest Coastal Implementation Plan regulations for "LDR/1.5 Acres/Unit (CZ)" District in the Coastal Zone, and 3) Chapter 20.147 of the Del Monte Forest Coastal Implementation Plan Regulations for development in the Del Monte Forest Land Use planning area.

9. FINDING: The establishment, maintenance, and operation of the additional applied for will not under the circumstances of the particular case, be detrimental to the health, safety , peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Pebble Beach Community Service District (Fire Department), Public Works Department, Health Department, and the Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in General.

10. FINDING: The project, a Combined Development Permit, as approved by the Planning Commission, is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: Section 20.140.080 G and J of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

1. That all landscaped areas and/or fences shall be continuously maintained by the applicant, and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection Department)

2. That all exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The location, type, and wattage must be approved by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection Department)

3. The applicant shall comply with Ordinance No. 3539 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:

   a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.5 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. (Water Resources Agency, Planning and Building Inspection department)

4. That the applicant post address at the property entrance, in minimum 3" numerals, 3/8" stroke on a contrasting background. (Pebble Beach Fire Department)

5. That the two out buildings shall be demolished prior to issuance of the final building permits for the single family dwelling addition. (Planning and Building Inspection Department)

6. If archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. (Planning and Building Inspection Department)

7. That the applicant submit a revised site plan demonstrating a reduction of 67 square feet to balance the 67 square foot difference in the proposed addition prior to issuance of grading or building permits as shown on the attached revised site plan. (Planning and Building Inspection Department)

8. As recommended, in the Forest Management Plan prepared by Hugh E. Smith, four 5-gallon Monterey Pines shall be planted wherever there is adequate space and light in the area between the existing residence and 17-Mile Drive. (Planning and Building Inspection Department)

9. The property owner agrees as a condition of the approval of this permit to defend at his sole expense any action brought against the County because of the approval of this permit. The property owner will reimburse the County for any court costs and attorneys' fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of any such action; but such participation shall not relieve applicant of his obligations under this condition. Said indemnification agreement shall be recorded upon demand of County Counsel or prior to the issuance of building permits or use of the property, whichever occurs first. (Planning and Building Inspection Department)

10. The applicant shall record a notice which states: "A permit (Resolution # 93-010) was approved by the Monterey County Planning Commission for Assessor's Parcel Number 008-383-003-000. The permit was granted subject to 10 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection Department)

PASSED AND ADOPTED this 13th day of January, 1993 by the following vote:

AYES: Evans, Jimenez, Moore, Reaves, Riddle, Stallard, Vasquez, Jr.
NAES: None
ABSENT: Calcagno, Glau, Orrett

by William L. Phillips
ROBERT SLIMMON, JR.
SECRETARY OF THE PLANNING COMMISSION

Copy of this decision mailed to applicant on FEB 9 1993

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE FEB 19 1993

This project is located in the Coastal Zone and is appealable to the Board of Supervisors AND the California Coastal Commission.

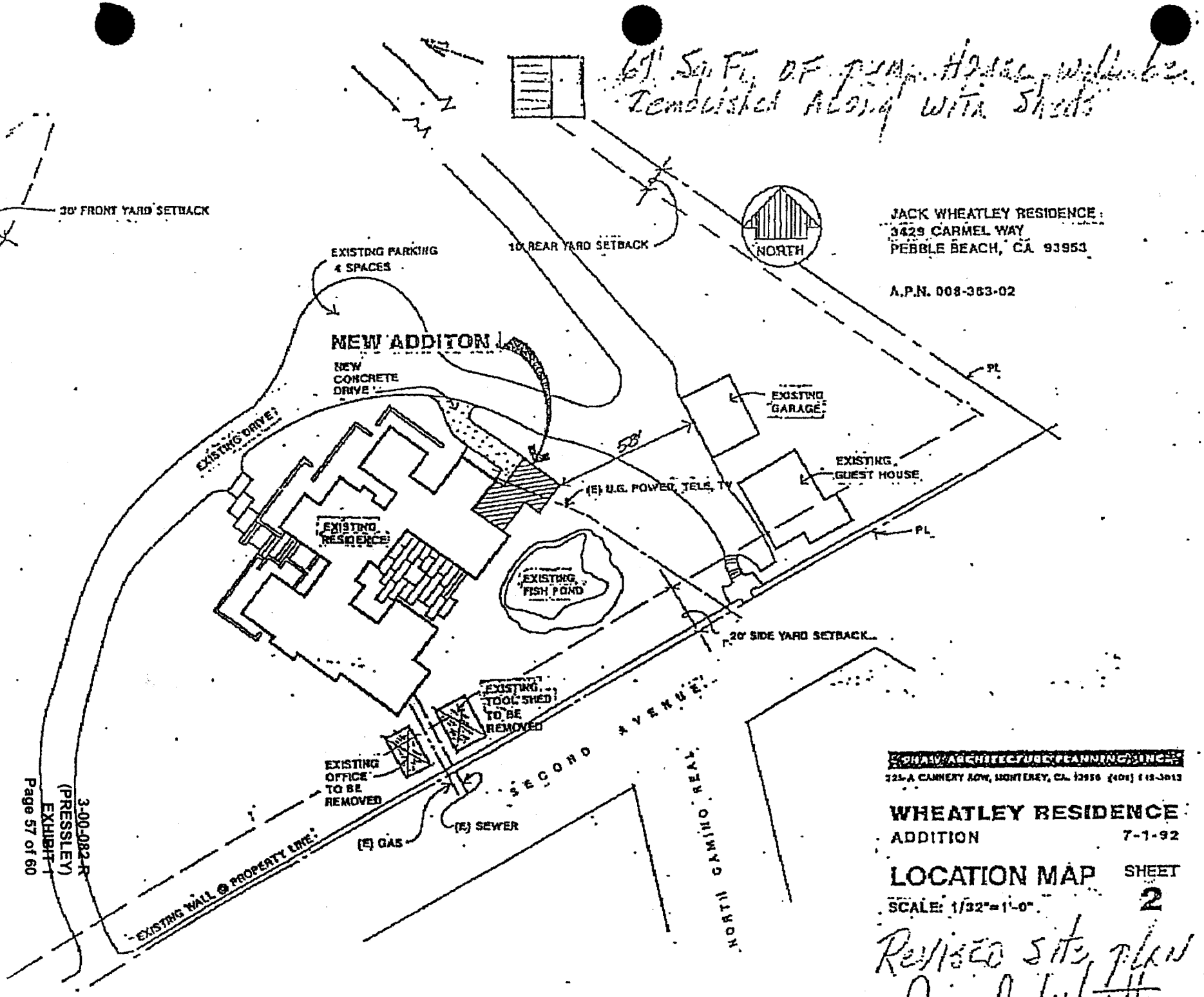
NOTES

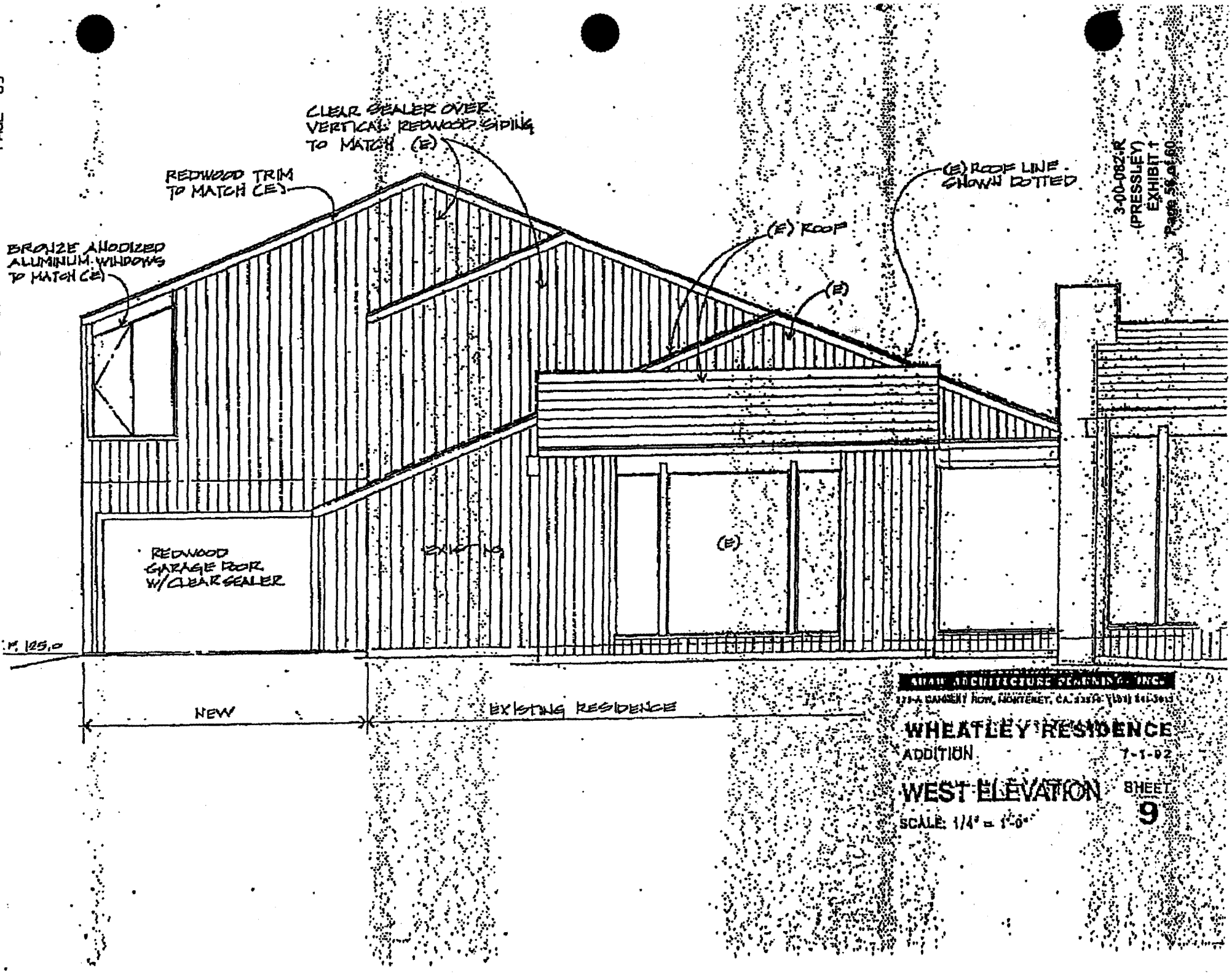
1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

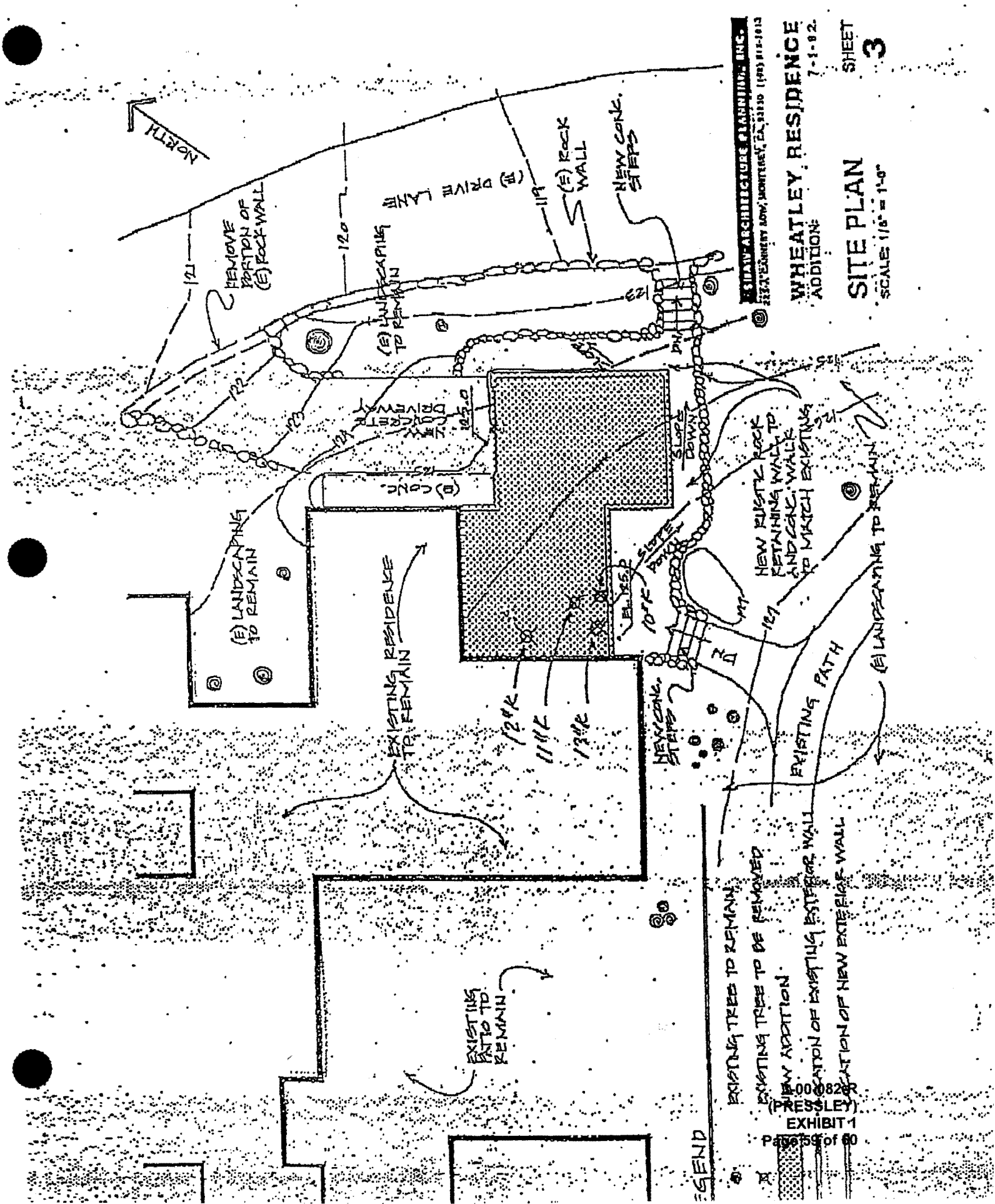
   Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Monterey.

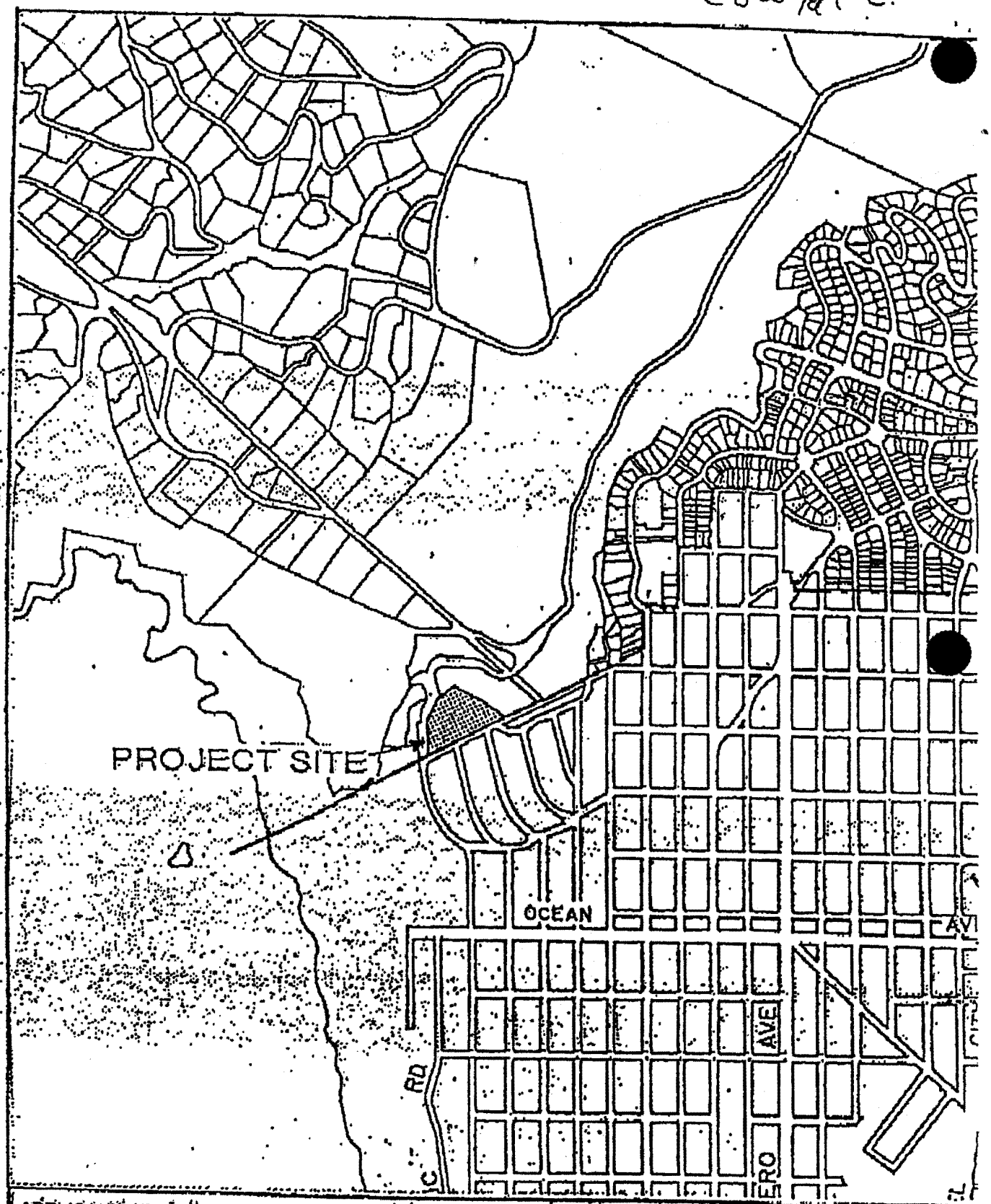
2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.


69 Sq Ft of pump house will be demolished along with shed
PL
30' FRONT YARD SETBACK
10' REAR YARD SETBACK
NORTH
JACK WHEATLEY RESIDENCE
3429 CARMEL WAY
PEBBLE BEACH, CA 93953
A.P.N. 008-363-02
EXISTING PARKING 4 SPACES
NEW ADDITON
NEW CONCRETE DRIVE
EXISTING DRIVE
EXISTING GARAGE
EXISTING GUEST HOUSE
58'
(E) U.G. POWER, TELE, TV
EXISTING RESIDENCE
EXISTING FISH POND
20' SIDE YARD SETBACK
EXISTING TOOL SHED TO BE REMOVED
EXISTING OFFICE TO BE REMOVED
SECOND AVENUE
NORTH CAMINO REAL
(E) GAS
(E) SEWER
EXISTING WALL @ PROPERTY LINE
PHAY ARCHITECTURE/PLANNING, INC.
225-A CANNERY ROW, MONTEREY, CA. 93940 (408) 649-3013
WHEATLEY RESIDENCE
ADDITION
7-1-92
LOCATION MAP
SHEET 2
SCALE: 1/32"=1'-0"
Revised site plan
O. D. Initials


CLEAR SEALER OVER VERTICAL REDWOOD SIDING TO MATCH (E)
REDWOOD TRIM TO MATCH (E)
BRONZE ANODIZED ALUMINUM WINDOWS TO MATCH (E)
(E) ROOF LINE SHOWN DOTTED
(E) ROOF
(E)
(E)
REDWOOD GARAGE DOOR W/ CLEAR SEALER
EXISTING
M. 125.0
NEW
EXISTING RESIDENCE
SHAW ARCHITECTURE DESIGNING, INC.
WHEATLEY RESIDENCE
ADDITION
7-1-02
WEST ELEVATION
SHEET
9
SCALE: 1/4" = 1'-0"


NORTH
(E) DRIVE LANE
(E) ROCK WALL
NEW CONC. STEPS
REMOVE PORTION OF (E) ROCK WALL
(E) LANDSCAPING TO REMAIN
NEW CONCRETE DRIVEWAY
(E) CONC.
(E) LANDSCAPING TO REMAIN
EXISTING RESIDENCE TO REMAIN
SLOPE DOWN
NEW RUSTIC ROCK RETAINING WALL TO AND CONC. WALK TO MATCH EXISTING
EXISTING PATH
(E) LANDSCAPING TO REMAIN
EXISTING TREE TO REMAIN
EXISTING TREE TO BE REMOVED
NEW ADDITION
LOCATION OF EXISTING EXTERIOR WALL
LOCATION OF NEW EXTERIOR WALL
EXISTING PATIO TO REMAIN
LEGEND
WHEATLEY RESIDENCE
ADDITION
7-1-02
SHEET 3
SITE PLAN
SCALE: 1/8" = 1'-0"

Coastal C.



APPLICANT: WHEATLEY

APN: 008-283-003-000 P.C.# 92165

300' LIMIT

2,500' LIMIT

0' 500' 1000'

SCALE IN FEET

Monterey County Planning and Building Inspection Department

3-00-082-R (PRESSLEY) EXHIBIT 1 Page 60 of 60

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

Adopted

Filed:	04/05/01
180th day:	10/02/01
PSA ext. until	12/27/01
Staff:	MW
Staff report:	11/29/01
Hearing date:	12/13/01

COASTAL DEVELOPMENT PERMIT APPLICATION
REGULAR CALENDAR

Application number.....**3-00-082**

Applicant.....Norm Pressley

Project location.....Adjacent to Pescadero Creek in the riparian corridor below unimproved Second Avenue between North Camino Real and Lopez, City of Carmel-by-the-Sea, Monterey County (APN 010-233-006) See Exhibit 1.

Project description.....Demolition of the remnants of a 392 sq.ft. single family dwelling destroyed by fallen tree in 1995 winter storm and construction of an approximately 1,196 sq.ft., two story single family dwelling on a steep sloping 3,629 sq.ft. lot. See Exhibit 2.

Approvals Received .....City of Carmel-by-the-Sea, February 23, 2000

File documents.....Categorical Exclusion E-77-13 for City of Carmel-by-the-Sea; Use Permit 00-04 / DS 99-01, VA 00-04/EA 00-02

Staff recommendation ...**Denial**

Staff Note: The public hearing on this project was opened at the October 11, 2001 Commission Meeting in San Diego. The Commission continued the item pending review of newly submitted materials and responses to outstanding questions on the proposed project. The applicant submitted revised project plans and elevations at the October meeting. The effect of the revisions are to re-site the structure an additional 3' further down the canyon and closer to the stream below, elongate the east-west building lines, and reduce the overall building height by 3 inches. The applicant claims that the changes will result in a 30% reduction in grading. However, staff was unable to confirm this reduction because the applicant did not submit a revised cut and fill plan, nor was a revised cut and fill plan approved by the City of Carmel. Thus, although it appears that grading may in fact be reduced by the proposed revision, it is the original cut and fill plan that has

approval by the City.

The Commission raised questions regarding the classification of the project site as environmentally sensitive habitat and whether or not the presence of riparian vegetation constitutes ESHA. Questions regarding the stability of soils, fire hazards, and jurisdictional issues were also raised along with impacts to public views of the project on the Redondo Trail. This issues are discussed within the context of the staff report.

Summary

The proposed project is located on the north (down canyon) side of unimproved Second Avenue directly above Pescadero Creek at the northwestern city limits of Carmel. Single family dwellings exist to the south on the slope above Second Avenue. The lot slopes steeply down the south side of Pescadero Canyon. Pescadero Creek flows directly below, roughly 31 feet from the proposed house site. On the opposite side of Pescadero Canyon is the unincorporated Del Monte Forest area of Monterey County. The Applicant proposes to demolish what is left (basically a small section of flooring supported by wooden piles) of a small house (392 square feet) built in 1933 that was partially destroyed by a falling tree in 1995 winter storms. He would then construct an approximately 1,196 square foot, two-story house in its place. The new house is proposed to extend about 19 feet farther toward Pescadero Creek than the pre-existing house. The setback of the previous structure was 50'. The creek flows directly into a coastal wetland at Carmel Beach and into Carmel Bay.

The City of Carmel recently (Feb. 1995) designated all of Pescadero Canyon as an Environmentally Sensitive Habitat Area worthy of protection in a manner that is consistent with PRC Sections 30231 and 30240. The Coastal Act states that the biological productivity of coastal waters shall be protected. It also states that ESHA shall be protected against any significant disruption of habitat values and only uses dependent upon the sensitive habitat itself are allowed. The proposed project requires 240 cubic yards of grading on a very steep slope. The excavation will result in the loss of approximately 410 square feet of previously undisturbed riparian habitat. Additional noise, lights, human activity, and runoff would degrade resource values surrounding the home site. The footprint will intrude further than the previous structure into this riparian corridor, one that the City has been working to protect through land purchases and other efforts. Similarly, the Monterey County LCP designates Pescadero Canyon as a permanent open space resource along the riparian corridor on the opposite side of the creek.

The proposed new development on this highly constrained site also raises concerns regarding geologic hazards, landform alteration, scenic resources, and coastal stream disturbance. Aside from the geologic hazards associated with building on this site, which has a slope in excess of 60%, the increased size and bulk of the proposed project will require significant engineering and landform alteration to develop the site as proposed. As a result, the long-term stability of site will likely be compromised. Public views from the Redondo Trail on the opposite side of Pescadero Canyon (which is very narrow in this area) will also be affected by the proposed new structure.

Thus, for these reasons, the proposed development would degrade sensitive resources, result in significant landform alteration, and impact public views. The applicant has other home design options available which are more consistent with Coastal Act policies. Because such substantial redesign of the current proposal is needed, denial of this particular project is recommended. Other options for an alternative project that would be more in keeping with Coastal Act policies are discussed in the staff report.

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I. Staff Recommendation on Coastal Development Permit

MOTION: *I move that the Commission approve Coastal Development Permit application No. 3-00-082 for the development as proposed by the applicant.*

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a NO vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY THE PERMIT:

The Commission hereby denies the coastal development permit on the grounds that the development as proposed will not conform with the policies of Chapter 3 of the Coastal Act. Moreover, approval of the application would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Location and Description

The proposed project is located on the north, down-slope side of Second Avenue at the northwestern city limits of Carmel. Second Avenue is an unimproved street cut into the steep riparian corridor above Pescadero Creek, providing driveway-like access to several homes. Through access is not available. The project site itself is located between the Second Avenue road cut and Pescadero Creek within the riparian corridor found there. The lot, on the south side of Pescadero Canyon, slopes steeply (approximately 63%) down to Pescadero Creek. On the opposite side of the creek is an undeveloped growth of Monterey pines within the Pescadero Canyon area of the Del Monte Forest and within unincorporated Monterey County. This stand of Monterey pine is the largest contiguous pine forested area remaining within Del Monte Forest. Because of the sensitivity of resources here, and based on the results of a Jones & Stokes Associate's report outlining the habitat values of Pescadero Canyon, the City of Carmel designated the entire area as Environmentally Sensitive Habitat (ESHA) in 1995. Pescadero Canyon also functions as an important semi-urban wildlife corridor for deer and other mammals.

The triangular lot associated with this project is 3,629 square feet and is substandard in size according to the City's current standards for building sites (Exhibit 3). The Applicant proposes to

completely demolish a small cottage (built in 1933) that was destroyed by a falling tree in winter 1995 storms (Exhibit 4). Currently all that remains on the site are some deteriorating foundation planking sitting atop timber piers. The Applicant now proposes to demolish what is left and construct an approximately 1,196 square foot house with 350 square feet of walkway and decking in its place (Exhibit 5). The new house is three times as large (square footage), consists of two stories, and would extend about 19 feet farther toward Pescadero Creek than did the previous small house. The proposed footing for the new structure requires 240+ cubic yards of grading. Because of its larger size, height, and bulk, it would be more visible than the pre-existing house. In order to accommodate the additional size and bulk of the structure, City staff granted a variance to the standard front yard setback for new development. As mitigation for the direct removal and substantial disruption of habitat values presented by the project, the City required the Applicant to convey a Scenic and Habitat Conservation Easement over the northern quarter of the parcel (880 square feet), measured from the centerline of the creek. Though the proposed development is located in an urban-rural boundary area that is heavily vegetated, the City's permit did not contain a special condition requiring fire clearance around the development. There is no fire clearance requirements in the City's planning code.

The northern portion of the lot nearest the creek is heavily vegetated with shrub and a small grove of coast redwood. The southern area of the lot is characterized by invasive horticultural species, native shrub, and herbaceous species. The subject lot is part of a larger system that functions as a riparian corridor following along Pescadero Creek. Several Monterey pines are growing on the upper reaches of the canyon just beyond the south property boundary near Second Avenue. At least one coast live oak is growing on site. Dense thickets of native and non-native vines also occur throughout.

A proposal to demolish the remains of the previous small home and to build a new house has been reviewed by the City twice before. After the house was partially destroyed during the winter of 1995, the Applicant submitted an application to the City for a 1,415 square foot residence. The City's Planning Commission denied that proposal based on the size of the proposed house relative to the size and constraints of the site. The Planning Commission's denial was appealed to the City Council, which ultimately upheld the denial. In 1997 the Applicant again submitted an application to the City, this time for an approximately 1,204 square foot house with a 200 square foot parking platform in the public right-of-way. The 1997 project was likewise denied on the basis of the parking platform and design review concerns. Revised plans were subsequently submitted to the City in 1998 and approved in 2000.

B. Standard of Review and Categorical Exclusion E-77-13

The City of Carmel-by-the-Sea lies entirely within the coastal zone, but the City does not have either a certified Land Use Plan or Implementation Plan, although the City is currently working on developing these LCP components. Most new residential development in Carmel does not require a coastal development permit according to the terms of Categorical Exclusion E-77-13 (approved by the Commission in 1977). However, new construction is not excluded in certain areas (such as beach fronting lots) or when a variance is involved. Due to significant site constraints here, a

number of variances are necessary and the proposed project is not excluded by E-77-13. Therefore, the standard of review for the project is the Coastal Act.

C. Environmentally Sensitive Habitat

Coastal Act Sections 30107.5, 30231, and 30240 define ESHA and afford protection of such areas and their associated biological productivity, and state:

> ***Section 30107.5*** *"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*
>
> ***Section 30231.*** *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.*
>
> ***Section 30240.*** *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
>
> *(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

1. Site is ESHA

Several types of environmentally sensitive habitat area (ESHA) occur in Pescadero Canyon. These include native Monterey pine forest, a riparian corridor and a small wetland at the point where the canyon opens onto Carmel Beach. The canyon also functions as a migratory corridor for wildlife. Due to landscaping activities, invasive exotic plants, and development activity, each of these habitats has been degraded in one way or another. However, these natural habitats still dominate throughout the canyon, and where degraded are amenable to site restoration. Accordingly, the overall picture is that Pescadero Canyon remains the largest and least spoiled of the Monterey Peninsula's canyon watersheds.

All of the applicant's small (0.08 acre) parcel lies on the northwest-facing wall of the canyon, at the northern boundary of the City. The entire project site is located on the steep slope of the canyon (in excess of 60%) below the Second Avenue road cut. All of it lies within ESHA. All of it can be

considered as within the riparain corridor of Pescadero Creek. All of it falls within the natural limits of Monterey pine forest. And, all of it is available as habitat for resident and migratory wildlife. Those portions that are nearest the stream support the most riparian species, while the upper slopes have more of the characteristics that are typical within the natural range of the Monterey pine. It was a veteran Monterey pine that fell and destroyed the original cottage on this parcel.

In February of 1995, the City of Carmel completed a detailed study of its environmentally sensitive habitat areas (Jones & Stokes, 1995). At the study's conclusion, the City designated the entire length of Pescadero Canyon, including this site, as an environmentally sensitive habitat area within the meaning of Coastal Act Section 30240 (Exhibit 7). The area was so designated because it supports a variety of habitat values, including wetland, riparian, wet meadow, and Monterey pine forest. The City's report concluded that this area has: naturally-occurring groves of Monterey pine forest that function as habitat for rare or endemic plant or animal species; special value for wildlife due to the presence of snags suitable for cavity-dwelling species, or occurrence with Coast live oak, or native shrub understory; and high aesthetic value due to its location within the public viewshed. The pine forest also functions as an important element in watershed protection and a buffer for Pescadero Creek.

A botanical survey of the site performed by the Habitat Restoration Group in June of 1995 determined that no special status plants were present on the lot, though native blackberry, melic grasses, coffeeberry, and gooseberry were found. Similarly, the Initial Study reported that no evidence of endangered species or special status wildlife or biotic species were found within the project boundaries, during site visits between March and August 1999. The Commission notes, however, that the definition of ESHA in the Coastal Act encompasses more than endangered species or special status wildlife (PRC 30107.5). But the report also finds that the project may require the removal of some native vegetation. On at least two site visits, staff observed the existence of riparian vegetation on and around the subject parcel up to the Second Avenue road cut. Staff also noted the existence of at least 3 Monterey pines growing next to the parcel boundary adjacent to Second Avenue and a small grove of redwoods near the creek.

The following is a summary of more detailed information, based on the staff biologist and field evaluations supporting the determination that the entire parcel comprises ESHA:

a. Riparian habitat. The proposed project is located just 31 feet from a coastal stream that flows directly into a coastal wetland. The Commission generally considers wetlands, estuaries, streams, riparian habitats, lakes and portions of open coastal waters to be environmentally sensitive habitat areas because of the especially valuable role of these habitat areas in maintaining the natural ecological functioning of the coastal environment and because these areas are easily degraded by human development.

Traversing the subject lot at the bottom of Pescadero Canyon is Pescadero Creek. Pescadero Creek is a perennial drainage that conveys runoff from the upper reaches of Pescadero Canyon to a pocket wetland at the mouth of the watercourse on Carmel Beach and into Carmel Bay. The drainage channel varies in width from 3 to 6 feet and is generally unvegetated. Wetland plants occurring along the lower and upper drainage edge include bulrush (*Scirpus microcarpus*), rush (*Juncus sp.*),

watercress (*Rorippa sp.*), poison hemlock (*Conium maculatum*), and horsetail (*Equisetum arvense*). French broom has invaded sandbars along the eastern portion of the drainage. Arroyo willow (*Salix lasiolepis*), bigleaf maple (*Acer macrophyllum*), and dogwood (*Cornus sericeas ssp. occidentalis*) also occur in scattered locations along the drainage. The USFWS classifies the lower creek (downstream of the project site) as a palustrine forested, intermittently flooded wetland (USFWS 1972 National Wetlands Inventory, Monterey quad).

Although staff has observed that streamflows are reduced to a mere trickle during the dry season, the creek can nonetheless be appropriately considered as perennial because water persists in the stream channel (especially in the lower reaches near the beach) throughout the year.

The line between what is ESHA and what is not is sometimes difficult to delineate, especially along urban and open space boundaries. Typically, it is the extent of the habitat that defines the boundary. The upland limit of riparian vegetation, as with the upland limit of a vegetated wetland, is determined by the extent of the vegetated cover. In Southern California, these boundaries are obvious; the riparian vegetation grows immediately adjacent to watercourses and; only extends a short distance away from the watercourse. In Northern California, however, the boundaries are much less distinct; vegetation that occurs alongside a stream may also be found on hillsides and far away from a watercourse—particularly on moist, shady, north-facing slopes.

In this case, all along Pescadero Canyon, riparian vegetation is observed up to and in some instances, beyond the Second Avenue road cut. Specifically, the presence of at least one species characteristic of the riparian corridor (wild blackberry) can presently be observed on the subject parcel in the area of the proposed development and up to Second Avenue. By observation of willow patches on nearby parcels at the same elevation, it is reasonable to assume that this additional riparian species would also (re)occupy applicant's parcel if given the opportunity. Thus, the subject parcel can be considered 100% ESHA because it is located entirely within a riparian corridor with attendant stream and wetland resources.

The presence of non-indigenous invasive plants and landscape species does not alter this determination. While it means that the habitat quality is degraded, this condition is not permanent. Restoration is feasible, and many introduced landscape species can be expected to disappear through natural succession, even without human intervention. Therefore, although presently in a degraded condition, the site is still ESHA.

b. Wildlife corridor. Pescadero Canyon comprises a heavily vegetated, little-developed buffer between the residential neighborhoods of the City of Carmel (and adjacent unincorporated Carmel Woods), and the larger residential estates of Pebble Beach to the north and west. This corridor is centered on Pescadero Creek, which threads its way through the canyon's riparian, Monterey pine forest, and wetland habitats. Wildlife is known to regularly move about the area. Deer and other mammals use the canyon for habitat and as a migratory corridor. Other wildlife such as birds, insects, and reptiles also inhabit the canyon. Commission staff has observed deer, gray squirrels, and a bobcat on nearby parcels.

Because the surrounding areas are already developed, the canyon plays a valuable role both as local

wildlife habitat and as a migration corridor that allows deer, mammals, and other wildlife to move about a semi-urban environment. The contiguous forest habitat along the canyon also provides foraging and nesting opportunities for forest and riparian-adapted raptors. Classifying the parcel as ESHA meets the Coastal Act definition as especially valuable because of its role in the Pescadero Canyon ecosystem, which could be easily disturbed or degraded by human activities and development.

c. Monterey pine forest. The project site is also located entirely within a Monterey pine forest community in Pescadero Canyon. This community has an overstory of Monterey pine, an understory of coast live oak, and shrub groundcover. Monterey pines (*Pinus radiata*) with coast live oak (*Querus agrifolia*) form a generally open forest canopy along the steep canyon slopes.

The pine forest at this particular site has been degraded by urban development along Second Ave., and by introduced tree species within Pescadero Canyon. At present, mature pines are found along the edges of the property, but not within the proposed building site. Nonetheless, the small lot is shaded by the remaining pine forest canopy and it is reasonable to expect that—through natural regeneration—seedling pines will over time repopulate the site.

The understory is an integral part of the Monterey pine forest habitat. The dense forest understory layer on applicant's parcel is comprised of invasive horticultural species, native shrub, and herbaceous species. Examples of some of the native shrub and herbaceous species present in Pescadero Canyon include California blackberry (*Rubus ursinus*), flowering current (*Ribes sanuineum*), coffeeberry (*Rhamnus californica*), sticky monkeyflower (*Mimulus auranticus*), snowberry (*Symphoricarpus mollis*), bracken fern (*Pteridium aquilinum var. pubescens*), melic grass (*Melica aff. Imperfecta*), gooseberries (*Ribes malvaceum*) and California hedge-nettle (*stachys bullata*). See Exhibit 6.

Within its native range, Monterey pine is found in just five places in the world, with the main endemic stand mantling the Monterey Peninsula. The Monterey Peninsula groves are threatened primarily by habitat conversion (e.g., housing and resort development, golf course development, urbanization), soil erosion (road grading, recreational overuse), and invasive exotic plants (genista or "broom", pampas grass, acacia, eucalyptus, etc.). Commercial logging was an issue in the past, but today is largely confined to small salvage or sanitation operations.

Pitch canker has spread throughout the main Monterey Peninsula stand of Monterey pine. Due to the threat of this disease, it is widely predicted that much of the native pine stock will eventually be affected. However, recent scientific reports offer hope. While it was originally feared that the disease might be invariably fatal, scientific observation has shown that at least some proportion of the infected trees in natural stands have demonstrated the ability to survive the contagion. (Monterey Pine Ecological Cooperative, meeting of June 26, 2001)

Because the native range for Monterey pine is limited only to the Monterey Peninsula (main) stand and four other isolated places on the globe, the hope for the survival of the Monterey pine worldwide is that there will be enough natural diversity within the native stands so that some trees will have genetic disease resistance or tolerance, that these trees can be used to propagate new trees

for urban repopulation, and that larger tracts of native pine forest can be preserved and managed so that natural regeneration can take place to repopulate pine forest habitat. Monterey pine has been listed as a federal species of concern and a California Native Plant Society's List 1B species ("Plants Rare, Threatened, or Endangered in California and elsewhere"); List 1B species are specifically eligible for state listing. Monterey pine is currently proposed for state threatened list status.

2. Impact of Project on ESHA

Coastal Act Section 30240 (a) only allows resource-dependent uses within ESHA and protects such habitat areas from significant disruption of habitat values. Section 30231 protects the biological productivity of coastal waters and streams. As mentioned above, the subject parcel borders a perennial stream and is located entirely within a riparian corridor, functions as part of a wildlife migratory corridor, and falls within the natural Monterey pine forest habitat.

Applicant proposes to replace the remnants of the demolished small home with a structure that is significantly larger and located to within 31 feet of Pescadero Creek within the riparian corridor. The previous small home was setback 50'. The proposed project would not only result in temporary construction impacts, but also result in long-range cumulative impacts by reducing the available area for the growth of riparian vegetation and native Monterey pine forest. In addition to directly removing ESHA for home development, the project would encroach on the available wildlife corridor along Pescadero Creek and would introduce an intensified urban use within the ESHA.

Construction impacts that can be anticipated, as outlined in the CEQA Initial Study, are those that will result primarily from landform alteration, vegetation removal, and degradation of the coastal stream. The Applicant proposes to make a significant cut to accommodate the new house. Grading of 240 cubic yards of soil on such a steep slope has significant potential to exacerbate erosion, increase site instability, and introduce sediment into Pescadero Creek. Other identified impacts during construction that can be expected are those resulting from the use of heavy equipment. For example, the use of mechanized equipment on a steep slope increases the risk of spills of fuels and other hazardous substances entering into the habitat and stream below. The Initial Study also identified potential "after construction" impacts. These include additional runoff from the larger house roof and hardscape surfaces. Erosion from these sources, if left unchecked, could result in increased siltation of Pescadero Creek.

Pescadero Creek flows directly into a wetland at Carmel Beach and then into Carmel Bay (comprising Carmel Bay State Ecological Reserve, and part of Monterey Bay National Marine Sanctuary). Although the Initial Study acknowledges the interrelationship between Pescadero Creek and the wetland downstream, it does not directly assess the project impacts resulting from erosion and pollutants on the inhabitants of this small but significant coastal wetland. Wetlands are not isolated, independently functioning systems. Rather, they depend upon, and are highly influenced by, their associated watersheds and upland transition areas.

Further impacts will directly result from the house itself. The introduction of noise, light, wastes and general human activities either disturb or threaten wildlife, which migrate through the area.

Trashcans attract certain scavenger species, while others have been known to compete with domesticated pets for their pet food. These encounters with wild animals pose a risk to humans, their domesticated pets, and the wild animals themselves. Wild animals carry disease that can be transferred to humans and their pets. Domesticated animals have the ability to pass on disorders to wild animals. Wildlife has a susceptibility to disease for which they themselves have no natural protection.

As mitigation for the potential impacts to the ESHA, stream, wetland, and wildlife, the City required the applicant to record a Scenic and Habitat Conservation Easement over the bottom quarter of the parcel (880 square feet) as measured from the centerline of the creek. The applicant was also required to submit a Mitigation Monitoring and Reporting Plan addressing habitat protection, erosion control, and landscaping. The MMRP identifies steps to revegetate graded areas and to minimize erosion, slope instability, and impacts on native vegetation. The Plan includes removing non-native plants and revegetating with native species.

The MMRP is to be reviewed annually by the City for the first 3 years and then extended as needed. While the MMRP comprehensive in scope, the steep grade of slope will make it very difficult to achieve the MMRP goals of not introducing hazardous substances, construction materials, and sediment into Pescadero Creek. Central to the concept of providing protection measures, the Plan should specify exactly where the construction staging area will be located and how containment of materials and wastes will be achieved, particularly in light of the fact that the project site is located on such a steep slope.

Thus, the proposed project will remove ESHA for house development and will degrade the habitat values of the site, the biological productivity of Pescadero Creek and the downstream wetland. The degree and intensity of these impacts could be reduced—but not altogether avoided--by a different project design (i.e., a more compact configuration with a substantially smaller footprint). Even with the City required mitigation measures, potential impacts from habitat degradation, erosion, and pollution are not adequately addressed to fully meet Coastal Act standards.

3. Allowable Uses in ESHA

Coastal Act Section 30240 states:

> ***Section 30240.*** *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

As established above, the entire area of the applicant's 3,629 square foot (0.08 acre) parcel is an environmentally sensitive habitat area (ESHA). The subject parcel was originally developed in 1933 with a 392 square foot residence and 350 square foot deck. Despite its substandard dimensions, the City designated the lot a legal building site in 1948.

The proposed development is for an approximately 1,196 square foot single-family dwelling and includes a 353 square foot walkway and deck. This project will require 240+ cubic yards of grading

and will result in a permanent loss (i.e., site coverage) of an additional 410 square feet of environmentally sensitive habitat. It would be located to within 31' of Pescadero Creek.

Accordingly, the type of use proposed—residential—is not a type of use that is dependent on the resources located within the ESHA. Further, because a significant amount of grading would be required, because the building footprint would be larger, and because it would encroach to within 31 feet of Pescadero Creek, the impacts of the proposed new development would be substantially greater than the residential use that previously existed here.

4. Conclusion

The Coastal Act defines ESHA as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. The subject site is located in Pescadero Canyon, a riparian corridor and designated ESHA, which supports habitats that are both rare and especially valuable. These habitats are vulnerable to degradation from development.

The project proposal is for an approximately 1,196 square foot single-family home within an identified environmentally sensitive habitat area. The project as proposed sites the replacement structure on a very steep slope within 31 feet of a coastal stream. A substantial amount of grading and landform alteration is required to place it on its foundation.

This development has the potential to significantly disrupt sensitive habitat by landform alteration, vegetation removal, disturbing wildlife migratory corridors, introduction of hazardous substances, and sedimentation of a coastal stream and wetland. Construction activities have a strong potential to exacerbate erosion, increase site instability, and introduce sediment into Pescadero Creek. Other identified impacts during construction can be expected to result from the use of heavy equipment. The use of mechanized equipment increases the risk of spills of fuels and other hazardous substances entering into the habitat and stream below.

Additional disruptions will result from subsequent residential use of the site. Further impacts result from occupancy and use of the house itself, such as, the introduction of noise, light, and wastes that either disturb or threaten wildlife, which migrate through the area. Because the proposed project does not protect the biological productivity of the Pescadero Canyon riparian corridor, it will contribute to the cumulative degradation of all the site's ESHAs.The proposed residence is not a type of development that requires a location within an environmentally sensitive habitat. As such, the proposed project will have both individual and cumulative adverse environmental impacts, and would result in significant disruption of Pescadero Canyon's environmentally sensitive habitats. Therefore, the proposed development is not consistent with the Chapter 3 policies as set forth in Sections 30231 and 30240 (a) of the Coastal Act.

D. Hazards

Coastal Act Section 30253 requires that new development minimize risk to life and property. It

states in part:

> ***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 commission's staff geologist has reviewed the most recent geotechnical reports submitted in support of the project; his review is attached as Exhibit 9.

The project site is located on a steep slope making up the south wall of Pescadero Canyon. The slope averages 63%, and is surficially unstable. As such, it is subject to shallow slumping and landsliding. Further, the site lies in a seismically active region located near several faults and will likely be subject to severe ground shaking during the useful economic life of the development. This ground shaking will further compromise slope stability. The Geology Report prepared by Grice Engineering (10/1995) for the site suggests that ground shaking is one hazard that could reasonably be expected on the site. A Geotechnical Report prepared by Tharp & Associates (00-57, November 2000) also suggests that landslides, rupture, liquefaction, ground shaking, lateral spreading, and differential compaction are other, albeit remote, possibilities on the site. The previous residence at the site was severely damaged by a falling tree. Current and potential future activities affecting the ESHA include: slope destabilization from foot traffic, residential runoff, and residential development resulting in severe gullying and sedimentation in Pescadero Creek." There are at least two gullys within Pescadero Canyon noted in the 1995 Jones & Stokes study, one of which is directly east of the subject parcel.

The previous small cottage was built in 1933 and withstood several large earthquakes including the 1989 Loma Prieta earthquake which measured 7.1 on the Richter scale. The foundation of this house consisted of deep piers.

The Grice Engineering Geology Report states that the soil types in the area of the proposed project will sustain a near vertical slope and are stable at a 2:1 (50%) slope. Although the report indicates that the sandy material is stable in near vertical slopes, no friction angle or cohesion data to support such a statement were provided. The claim also contradicts the Jones & Stokes report prepared for the City of Carmel (February 1995) which states that "the steep slopes support Monterey pine forest and are stable, but show some indications of past disturbances and erosion. The Grice report also is inconsistent with the findings of the Tharps & Associates Geotechnical Report which clearly indicates that the slope comprising the site is greater than 50% and does not meet the generally accepted stability requirements for development.

The steep canyon walls and existing slope configuration was evaluated by Tharp & Associates (#00-57, January 2000) for overall stability and surficial stability. The factor of safety for overall slope stability did not meet minimum standards (>1.5) for development in Monterey County. A

pseudo-static analysis of the overall slope stability, which assesses behavior during earthquake shaking, shows an unstable condition (factor of safety less than 1.0). The surficial static case likewise shows an unstable condition. As a result, the potential for slope failure to occur within the limits of the site and to cause damage to the structure is well above normal especially during seismic activity and when the soils are saturated.

To mitigate for slope instability, the applicant proposes to incorporate a steel reinforced retaining wall with drilled, cast–in-place, concrete shafts (caisson) imbedded into the dense basalt bedrock 12' – 14' below the unstable surface soil layers. Commission staff notes that this is a standard mitigation measure for slope instability, and may very well assure the safety of the structure. However, calculations assessing the stability of the structure with caissons in place were not performed. Furthermore, founding the structure on deep piles or caissons will not mitigate the surficial instability noted in the report. Although a deep foundation system such as proposed would likely resolve upslope instabilities, both surficially and deep seated instability below the structure would not be mitigated by either the retaining wall or proposed caissons.

The results of the Tharps & Associates stability analysis and subsurface exploration also indicate that site stability would be adversely affected by saturation of the subsurface soils. To address this concern, the report recommends that adequate subdrainage be included into the project design to collect excess water and alleviate subsurface saturation of the soils. The applicant has submitted a drainage plan that includes a backdrain with collection boxes, downspouts and collectors, and a subsurface drainage outfall system. The design specifications state that the system is "specifically engineered for drainage in medium traffic areas such as parking lots, school grounds, and walkways." These areas are typically not heavily vegetated. System efficacy will therefore be dependent upon frequent inspection and maintenance over the life of the structure to ensure that the system does not become clogged and fail to perform.

Additionally, it has not been demonstrated how the system will perform on a steep slope. There are three water collection boxes at the surface at the 120' elevation. Additional runoff from the roof surface is added via downspouts midway to the system. All the accumulated water eventually spills to a perforated pipe at about the 99' elevation, just 6" from the surface. Due to the change in elevation and surface area of roof, the accumulated water pressure could be sufficient to overload the system at the drainage outfall and cause a "blow-out." Should a blow-out occur, water will be flowing at the surface downslope of the house and carrying sediment to the creek below. The applicant needs to demonstrate that the leaching system and soil is able to absorb the amount and impact of generated runoff.

The Geotechnical report also calls for erosion-resistant landscaping, ground cover, and continual maintenance to minimize surface erosion. Plants that require minimal irrigation are recommended, as over-watering of the slopes will be detrimental to slope stability. The applicant submitted a restoration and landscape plan prepared by Rana Creek Habitat Restoration on June 5, 2000. The plan calls for revegetation and restoration of the site, maintaining the drainage and hydrology, and establishing slope stability. Although the plan stresses using native plants and grasses, there are no woody riparian trees (i.e., willows) included in the plans. The landscape plant list is comprehensive but does not adequately cover the extensive amount of bare ground that will be created by the

rehabilitation effort. The numbers of rushes and grasses should be increased.

Because of the steep slope at the site, this structure would require significant grading to provide a platform on which to frame the house. The Tharps & Associates Geotechnical Report recommends over-excavation and re-compaction of the near surface soil to ensure uniform settling characteristics and to prevent any potential for differential settlement. As mentioned previously, this construction approach has the potential to significantly contribute to erosion and site instability. The plans submitted to the Commission with the application materials required approximately 240 cubic yards of grading. At the October 2001 meeting, the applicant provided copies of revised plans that were approved by the City of Carmel in January 2001. In its staff report, the City of Carmel-by-the-Sea summarizes the changes as including: moving the structure approximately 3' to the north (down the canyon) and slightly elongating the east/west building lines, a reduction in floor area of approximately two square feet, no change in land coverage or building coverage, and an overall reduction in building height by 3 inches. The applicant contends that the changes result in a 30% reduction in grading. Based on staff's review of the site plans, no reduction in grading could be confirmed. In any case, the grading necessary to provide a level pad on such a steep slope is greater than is customary for many single-family residences.

It is anticipated in the geotechnical report that grading and excavation of on-site soils, as well as drilling and compaction activities will be accomplished with standard earthmoving and trenching equipment. An erosion control plan was developed to alleviate concerns about disruptions to sensitive habitat. Proper implementation of best management practices during construction and grading should minimize the problem, but it will be very difficult to prevent all sediment from entering the environmentally sensitive habitat. Anything less than proper implementation will lead to greater impacts.

In summary, the subject site is located in an area that is prone to potential geologic instability. The proposed project site is located on a steep canyon wall with a slope of 63%. Stability analyses indicate that the slope does not meet the accepted minimum safety standards for development in Monterey County. Although a deep foundation system has the potential to adequately mitigate these concerns, calculations have not been performed demonstrating that this is the case. Further, such mitigating measures do not ensure that surficial instability will not effect the site. Therefore, the Commission finds that the proposed project is not consistent with Coastal Act Section 30253.

As discussed in the Alternatives section below, future application materials should include slope stability calculations assessing the stability of the structures with caissons in place ("post-construction). Calculations should also be performed for grading and foundation systems that minimize the amount of grading and excavation. Drainage plans should include a means of conveying runoff either to the street, or into approved natural or artificial drainage systems such that ESHA will not be adversely affected. The drainage plan should demonstrate the capacity for the leach field to infiltrate the runoff that will be generated. Hydrologic calculations should be performed at the 85 percentile. And finally, the use of natural landscaping plants needs to be more extensive to cover the amount of bare soil and provide adequate erosion control.

E. Visual Resources

Coastal Act Section 30251 states:

> ***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.*

The subject parcel is located north of Second Avenue between Lopez and N. Camino Real at the northern extent of the City of Carmel. The site lies between the first public road and the sea. All roads north and west of the subject property in neighboring Del Monte Forest are privately owned by the Pebble Beach Corporation. The Coastal Act provides for the protection of public views in highly scenic areas.

City planners, attempting to minimize view impacts from Second Avenue, required that the structure be sited further down the slope into the sensitive habitat below. Although there are City ordinances establishing front yard setback requirements for new development, these policies do not necessarily preclude development from being sited in the setbacks if it will mitigate other impacts. However, in this case, the applicant's insistence on a larger two-story structure led to the City's requirement that it be placed further down the canyon. In its proposed location, the new structure would be approximately 28 feet above grade, exceeding the City's height limit by about four feet, but would be below the roofline of the previous house before it was destroyed.

Section 30251 states that new development shall be sited and designed to minimize alteration of natural landforms. The proposed project calls for grading 240 cubic yards of soil, plus an additional cut to facilitate construction of the house. In and of itself, 240 cubic yards of grading is usually not considered to be a sizable amount, but because of the site constraints and configuration, this amount of grading is significant. Alternatives to this type of foundation are available and would significantly reduce landform alterations on this site.

Section 30251 also requires that new development be visually compatible with the character of surrounding areas. With the exception of the house directly adjacent on the west property line and another at the eastern edge of Pescadero Canyon, the balance of the canyon north of Second Avenue to Monte Verde Street is held in open space. To the extent that the development introduces an unnatural obtrusive object in what is a relatively undeveloped open space corridor, the proposal would not be visually compatible with the character of this site.

The Redondo Trail is a traditional part of the Del Monte Forest equestrian trail network, parallel to Pescadero Creek. It runs from Carmel beach to points further inland and faces the subject site directly across the creek. Pebble Beach Corporation collects a toll for vehicles entering 17-mile

drive, but has not exacted a toll for pedestrian access. The trail network is illustrated in the Del Monte Forest Land Use Plan as part of Monterey County's Local Coastal Plan. The originally constructed trail had elaborate rockwork and was very popular with equestrians, but presently is increasingly in a state of disrepair. In time, we might look forward to the trail being rehabilitated as a link in the California Coastal Trail system. The house as it previously existed was visible from the Redondo Trail. The proposed new structure can also be expected to be in view, but because of its additional size and its current proposed location (31' from Pescadero Creek), would have a more significant impact on the trail user experience (Exhibit 8).

Thus, based on the scope of the project and constraints of the site, it may be impossible to site and construct a project of this size and bulk that minimizes impacts to visual resources. As mentioned above, the previous house was visible from the Redondo Trail. However, the proposed new structure will adversely impair the view from the trail. The previous small house was subordinate to its forested setting. Unlike its predecessor, the proposed structure attempts to override the natural features of the site and will become the dominant feature of the site, particularly with the proposed retaining wall foundation. The new structure also requires significant landform alterations and is not visually compatible with the character of the site. Thus, the proposed project is not consistent with Section 30251 of the Coastal Act. As noted in the Alternatives section below, a smaller house sited closer to 2nd Avenue would further minimize view impacts.

F. Public Access and Recreation

Coastal Act Sections 30210-30224 require that public access and recreational opportunities be protected and, where appropriate, provided. Coastal Act Section 30604(c) requires a specific finding of conformance with these policy sections in the case of any coastal development permit issued for a development located between the first public road and the sea.

This project is located on the boundary of Del Monte Forest, a privately-owned enclave with no public roads. Therefore, applicant's site is located between the first public road and the sea. However, there are a substantial number of other residential properties within Carmel City limits that intervene between this site and the shoreline. And, public access already exists nearby, between San Antonio Street and Carmel's municipal beach. Accordingly, there is no need for a public access link on the subject property. Therefore, the proposed development will not block opportunities for public access, and conformance with Coastal Act Sections 30210-30224 is not an issue in this instance.

G. Project Alternatives.

The Coastal Act Section 30010 requires:

> ***Section 30010.*** *The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment*

of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.

As proposed the current project is not consistent with the ESHA, hazards, and view protection policies of the Coastal Act. However, it is understood that the Coastal Act must be applied within the greater context of U.S. Constitutional requirements, particularly with respect to the "takings" issue. Accordingly, if a residential use must be contemplated on the site, there are at least two feasible alternatives that would result in reasonable economic use of the subject parcel, while conforming to Coastal Act requirements to the maximum degree feasible.

Specifically, there are alternatives to the proposed development that would better mitigate the impacts of residential development within the identified ESHAs, and better conform the project with Coastal Act requirements. Both alternatives discussed below provide for a substantially smaller house than that currently proposed. A significant reduction in house size for this site is not unreasonable given the very small size of the lot and the very steep slope. Indeed, a substantially smaller cottage was used for decades on this property. This site is severely constrained and it cannot be expected that anything other than a very small cottage could be constructed. Given this situation, the following alternatives would be more appropriate, although there are likely additional scenarios beyond these alternatives.

Alternative 1—Rebuild Former Residence.

Rebuilding a house similar in size to that destroyed by the felled tree is one option and would not require a coastal development permit. Coastal Act Section 30610 (g)(1) allows for replacement of an existing structure demolished by natural disaster as long as it does not exceed floor area, height, or bulk by more than 10% of previous structure. Thus, the applicant could replace the destroyed 392 square foot cottage structure with a 431 square foot house. Replacement of the pre-existing decking would also be considered under § 30610.

Alternative 2—Revised Plans with Minimal Grading and Site Coverage.

Another reasonable alternative would be a multi-level house design, to allow more floor area with a footprint no larger than 10% greater than the "hardscape" area of the original cottage--provided it was built on drilled, cast-in-place concrete reinforced caissons and sited upslope nearer to Second Avenue and adjacent to the neighboring house there. A two story design within the footprint similar to that of the pre-existing house would allow for a larger structure with less impacts. By placing the house on caissons without any other foundation structure (i.e., retaining walls) the project would require much less grading and address many of the concerns relevant to landform alteration and disturbance to the riparian and wetland habitat.

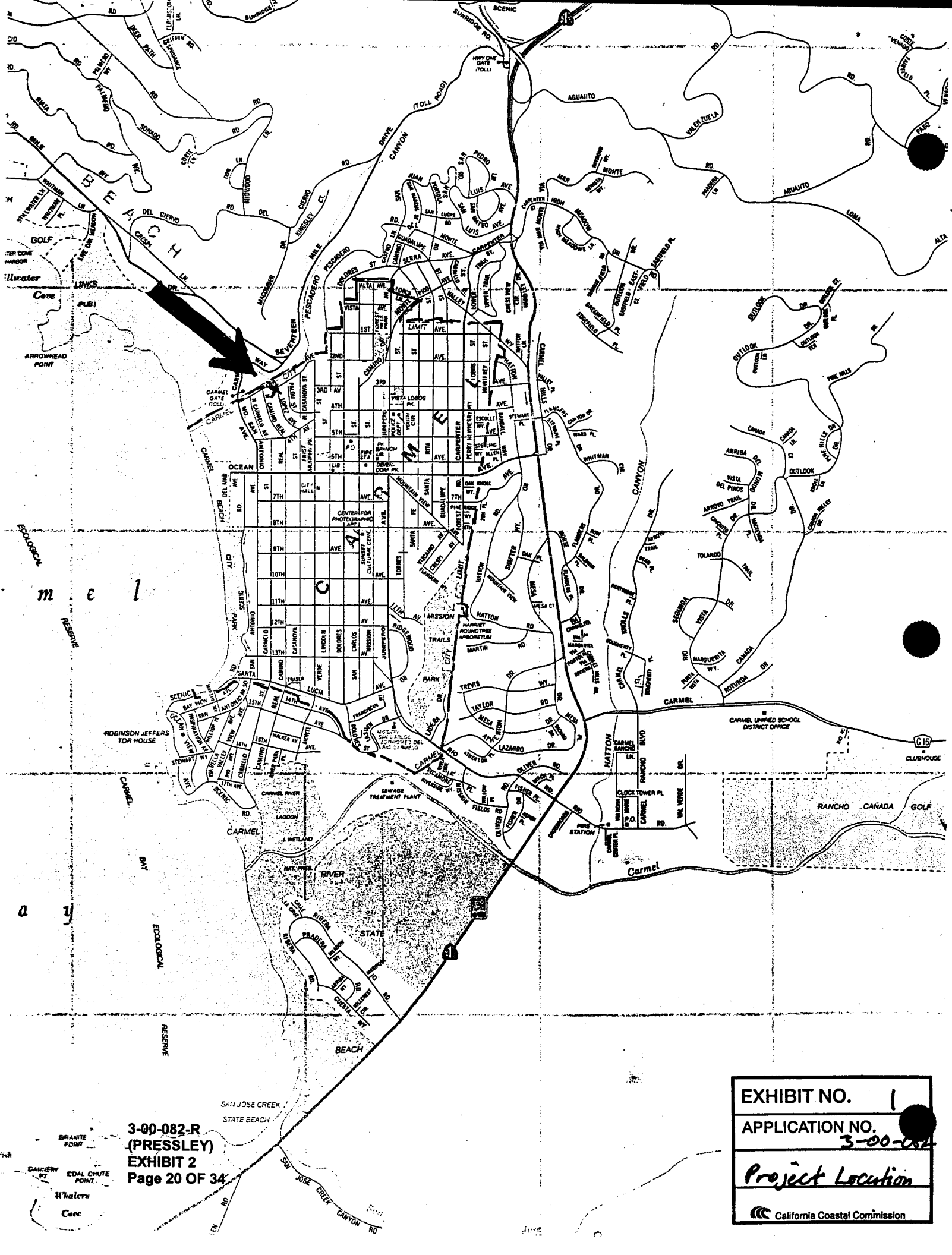
The CEQA Study mentions a similar type of foundation as a common design for siting homes on steep slopes, as it provides for both structural safety and slope stability. This design also provides greater protection to sensitive resources while providing the applicant a residential use of the site. (If a revised smaller project is submitted, the Commission as part of its consideration will also require information from the applicant to allow for an adequate "takings" analysis.)

Thus, though the current project proposal is not consistent with the Chapter 3 policies of the Coastal Act, there are feasible alternatives that would better mitigate impacts on ESHA and still provide for a reasonable use of the site. Because of the substantial redesign required to find that the proposed project is consistent with the Coastal Act, the proposed project should be denied.

H. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations, requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (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 that the activity may have on the environment.

The Commission incorporates its findings on conformity of the permit with the Coastal Act as if set forth in full. These findings address the public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. The City of Carmel certified a Negative Declaration for the proposed project on February 23, 2000. However, as detailed in the findings of this staff report, the Commission has identified environmental impacts of the project that were not effectively addressed by the Negative Declaration. In particular, there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment. As a result, approval of the project would have a significant adverse affect on the environment within the meaning of the California Environmental Quality Act.



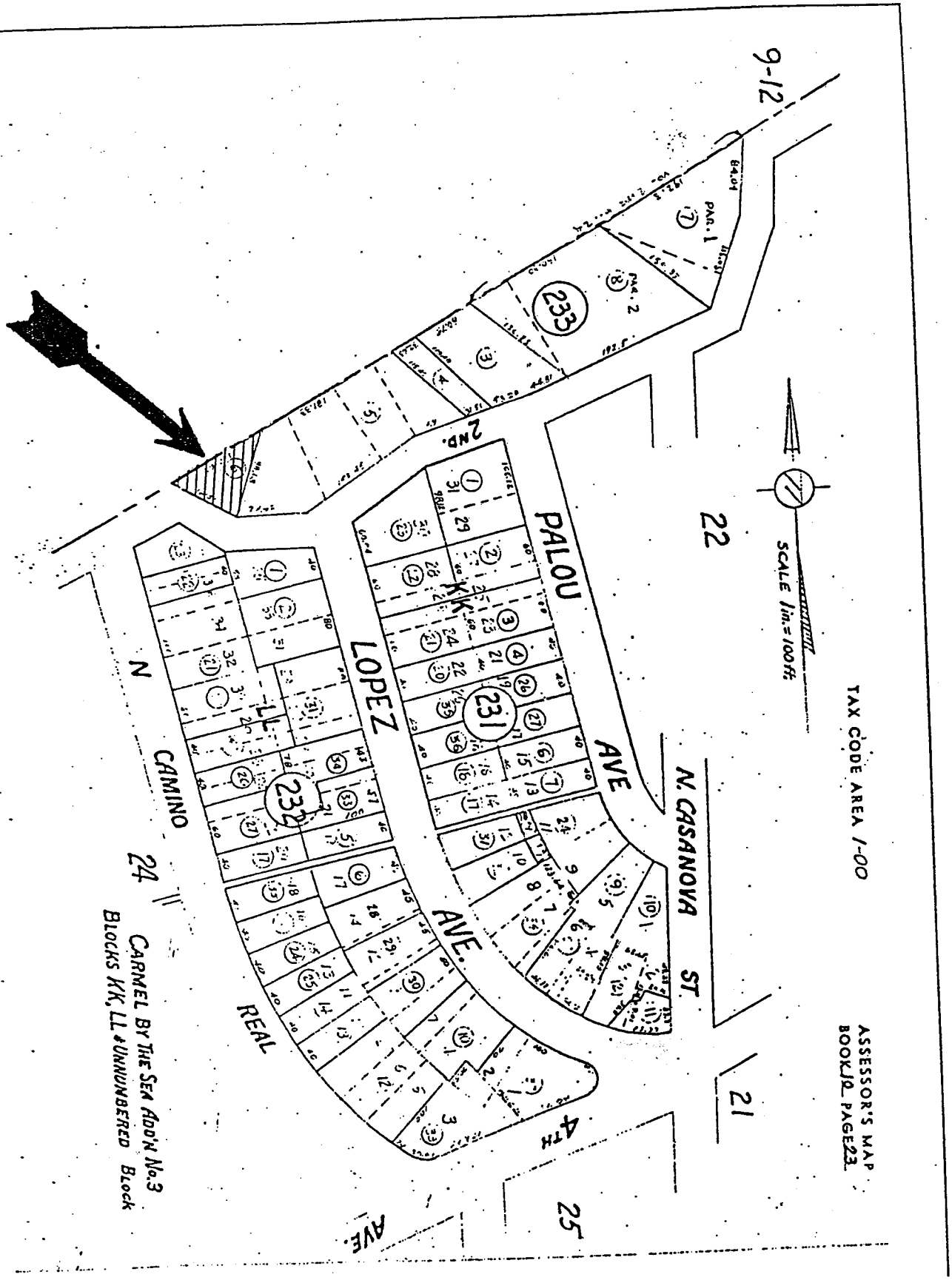
3-00-082-R
(PRESSLEY)
EXHIBIT 2
Page 20 OF 34

EXHIBIT NO. 1

APPLICATION NO. 3-00-084

Project Location

California Coastal Commission



p 2. Project Location.

3-00-082-R
(PRESSLEY)
EXHIBIT 2
Page 21 OF 34

EXHIBIT NO. 2
APPLICATION NO. 3-00-082
Parcel Map
California Coastal Commission

PROJECT INFORMATION

A.P.N. :	010-233-006
SITE AREA :	3,629.27 S.F.
ADDRESS :	BLOCK-2ND STREET ACREAGE LOT- PARCEL- 6 TRACT CARMEL BY THE SEA
ZONING :	R-1

SITE COVERAGE

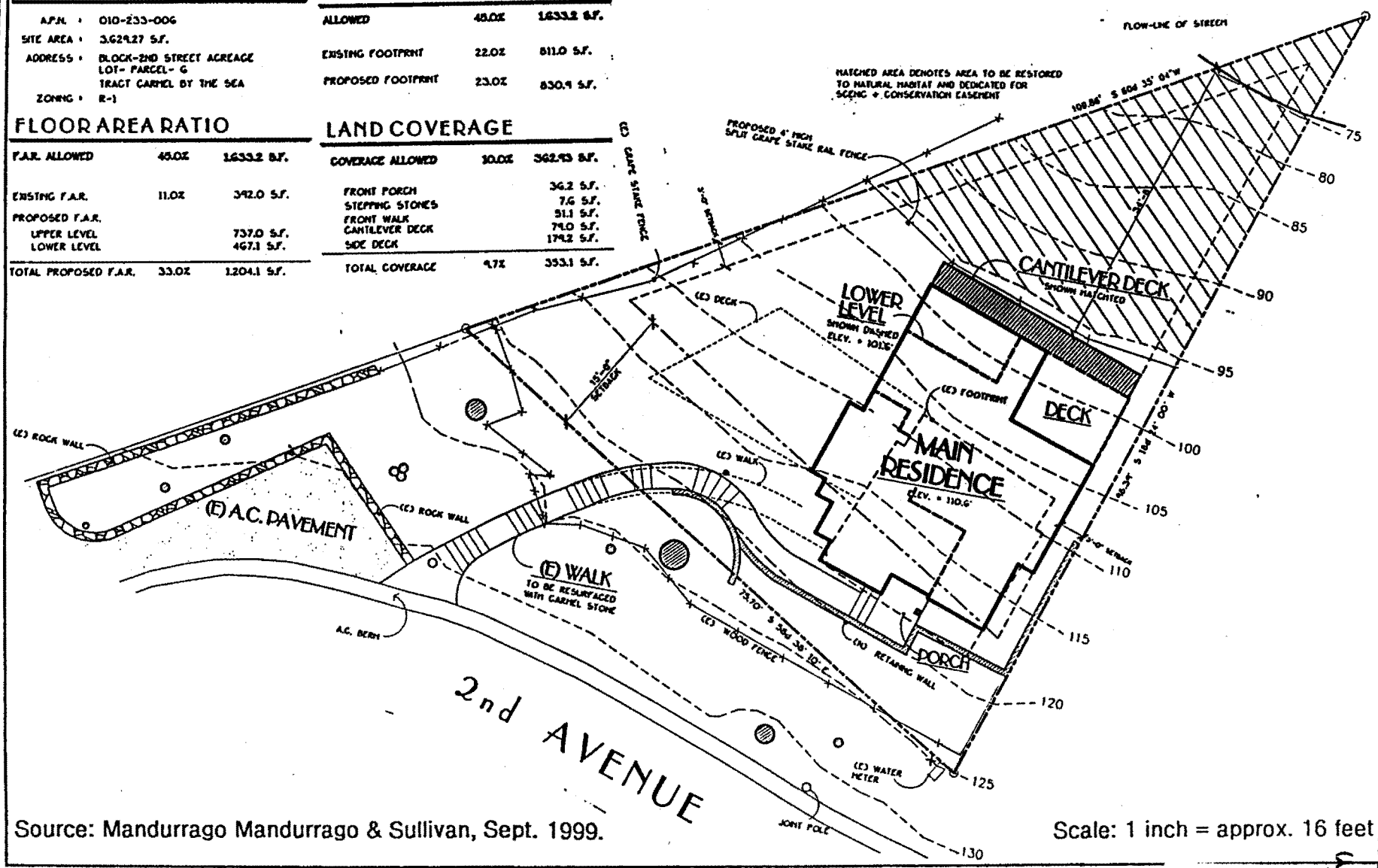
ALLOWED	45.0%	1,633.2 S.F.
EXISTING FOOTPRINT	22.0%	811.0 S.F.
PROPOSED FOOTPRINT	23.0%	830.9 S.F.

FLOOR AREA RATIO

F.A.R. ALLOWED	45.0%	1,633.2 S.F.
EXISTING F.A.R.	11.0%	392.0 S.F.
PROPOSED F.A.R.		
UPPER LEVEL		737.0 S.F.
LOWER LEVEL		467.1 S.F.
TOTAL PROPOSED F.A.R.	33.0%	1,204.1 S.F.

LAND COVERAGE

COVERAGE ALLOWED	10.0%	362.93 S.F.
FRONT PORCH		36.2 S.F.
STEPPING STONES		7.6 S.F.
FRONT WALK		51.1 S.F.
CANTILEVER DECK		79.0 S.F.
SIDE DECK		179.2 S.F.
TOTAL COVERAGE	9.7%	353.1 S.F.



Source: Mandurrago Mandurrago & Sullivan, Sept. 1999.

Scale: 1 inch = approx. 16 feet

Proposed Site Plan

EXHIBIT NO. 3-00-082R (KRESSLEY) EXHIBIT 2 Page 22 OF 34

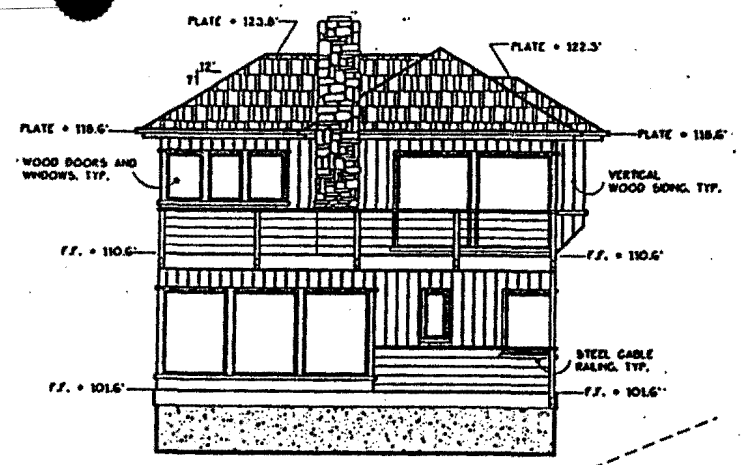
APPLICATION NO. 3-00-082

Project Site Plan

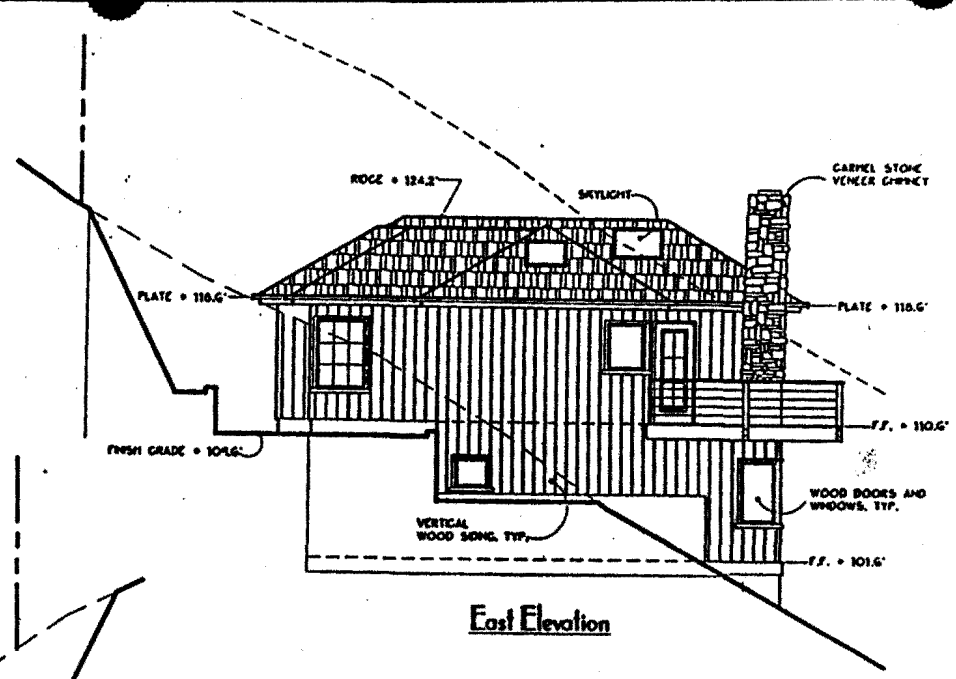
California Coastal Commission

DENISE DUFFY & ASSOCIATES, INC.

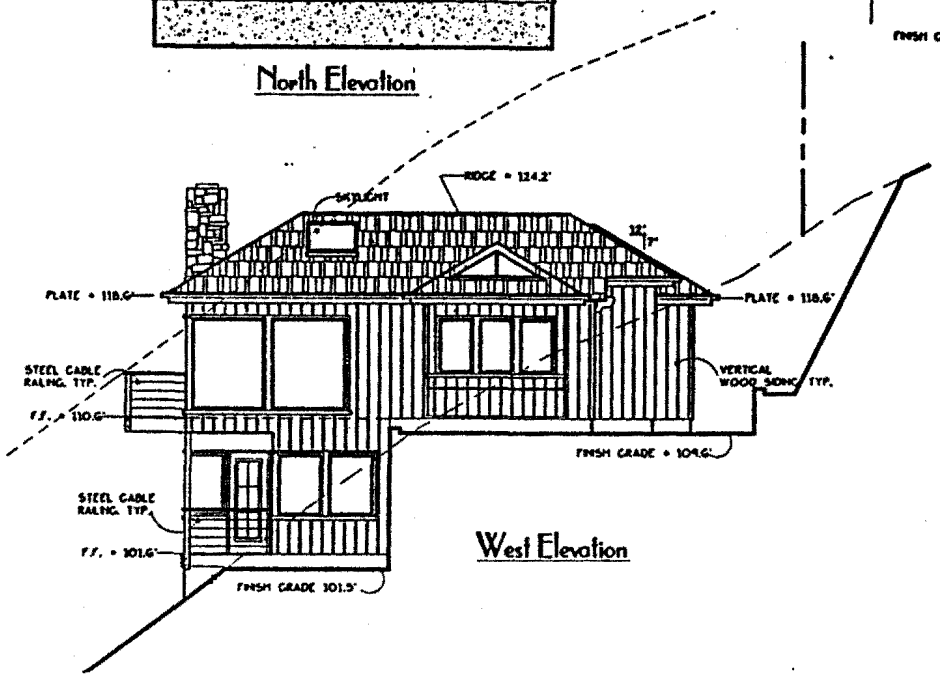
EXHIBIT NO. 4
APPLICATION NO. 3-00-082
Site Photo
California Coastal Commission



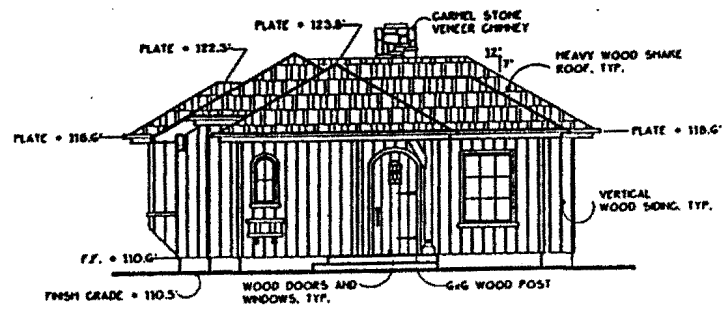
North Elevation



East Elevation



West Elevation



South Elevation
FRONT

Source: Mandurrago Mandurrago & Sullivan, March 1999.

Scale: 1 inch = approx. 19 feet

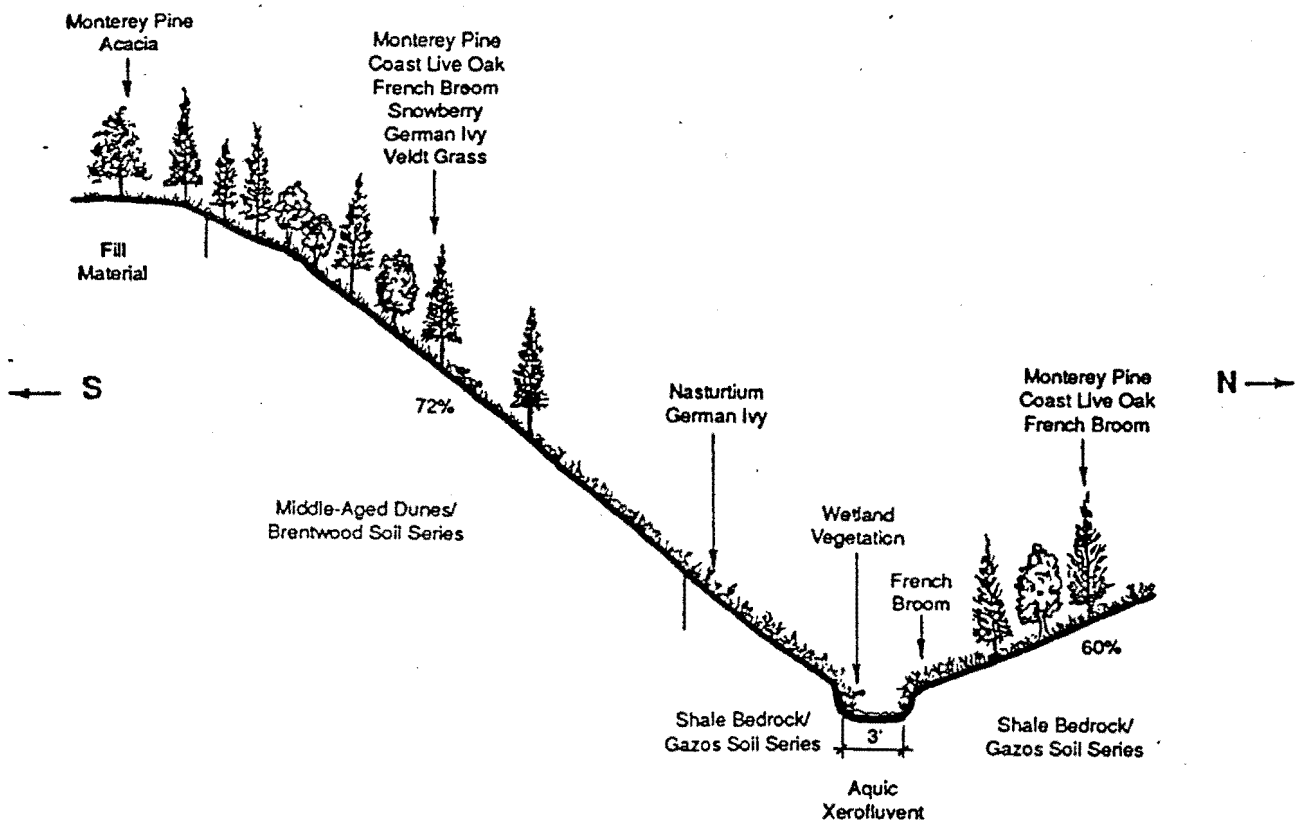
Proposed Building Elevations

DENISE DUFFY & ASSOCIATES, INC.

EXHIBIT NO. 2
APPLICATION NO. 3-00-082 (PRESSLEY)
3-00-082
Proposed Elevations
California Coastal Commission

EXHIBIT 2
Page 24 OF 34

Cross Section 1



Cross Section 2

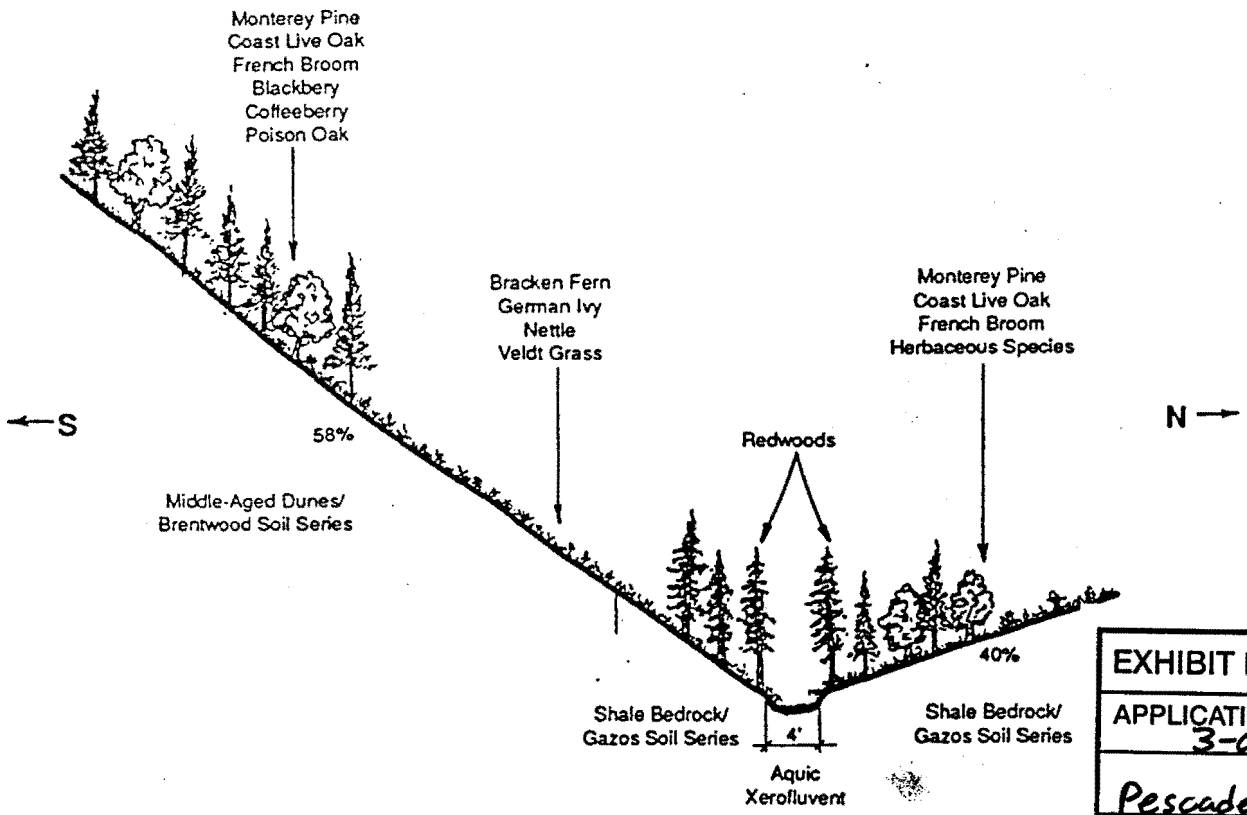


EXHIBIT NO.	6
APPLICATION NO.	3-00-082
Pescadero Canyon Cross-Section	
California Coastal Commission	

Jones & Stokes Associates, Inc.

Cross Sections 1 and 2 at Pescadero Canyon East

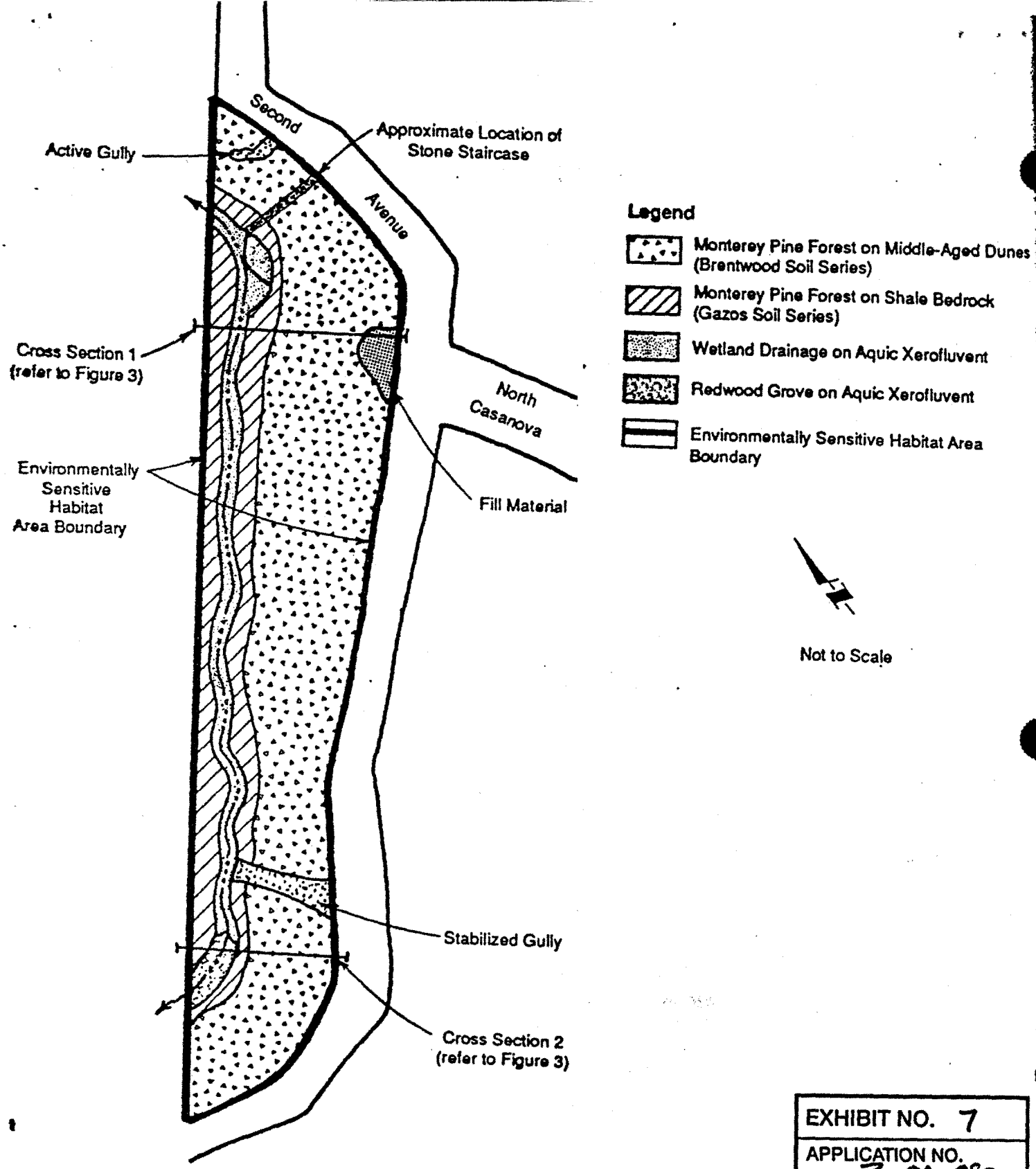
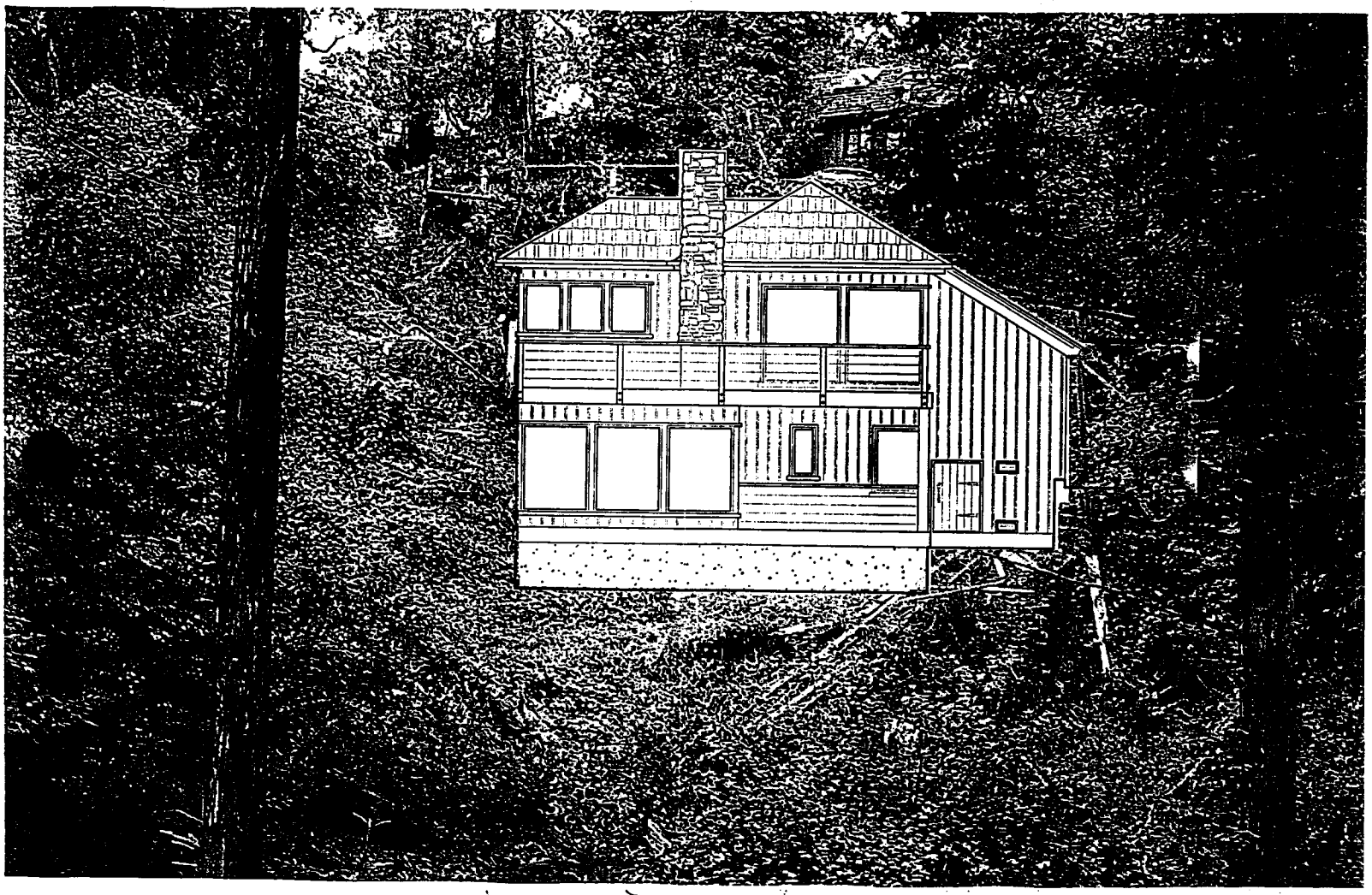


EXHIBIT NO. 7
APPLICATION NO. 3-00-082
Pescadero Canyon ESHA Boundary
California Coastal Commission

Jones & Stokes Associates, Inc.

Vegetation, Soil Types, and ESHA Boundary at Pescadero Canyon East



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(PRESSLEY)
EXHIBIT 2
Page 27 OF 34

EXHIBIT NO. 8
APPLICATION NO. 3-00-082
Digital Photo Simulation
California Coastal Commission

STATE OF CALIFORNIA— THE RESOURCES AGENCY GRAY DAVIS, GOVERNOR

CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

20 November 2001

EXHIBIT NO. 9
APPLICATION NO. 3-00-052
Geotech Review
p 1 of 4
California Coastal Commission

GEOTECHNICAL REVIEW MEMORANDUM

To: Michael Watson, Coastal Program Analyst
From: Mark Johnsson, Senior Geologist
Re: CDP 3-00-082 (Pressley)

In reference to the above coastal development permit application, I have reviewed the following materials:

1) Grice Engineering and Geology 1995, "Slope stability and foundation soils", 2 p. geotechnical letter dated 18 October 1995 and signed by H. E. Grice (RCE 19424 GE 359).

2) Tharp and Associates, Inc. 2000, "Geotechnical investigation-Design Phase, Proposed single family residence, 2nd Ave., Carmel-By-The-Sea, APN 010-233-006", 31 p. geotechnical report dated November 2000 and signed by D. M. Tharp (RCE C046432).

3) Tharp and Associates, Inc. 2001, "Response to geotechnical comments, staff review of Coastal Development Permit Application Number 3-00-082, proposed Pressley single family residence, 2nd Ave., Carmel-By-The-Sea, APN 010-233-006", 8 p. geotechnical response letter dated 7 September 2001 and signed by D. M. Tharp (RCE C046432).

The principal concern regarding development of the site is the stability of the slope, pursuant to section 30253 of the Coastal Act which requires that new development be sited so as to assure stability of the site.

Reference (1) indicates that the materials making up the subject site are "olean" sands overlying subaqueous terrace deposits. Although it indicates that these materials are stable in near vertical slopes, no friction angle or cohesion data to support such a statement are provided. Reference (2) provides a much more comprehensive set of slope stability calculations. I find the manner that these calculations were performed to be appropriate. The results clearly indicate that the slope comprising the site does not meet the generally accepted stability requirements for development. The factor of safety for overall slope stability (static) is 1.4, which is below the generally accepted value of 1.5

generally required. Further, a pseudostatic analysis of the overall slope stability, to assess behavior during earthquake shaking, shows an unstable condition (factor of safety below 1.0). Finally, the factor of safety for surficial sliding, which as assessed using the method of infinite slopes, also is less than 1.0, indicating that the site is surficially unstable.

Reference (2) concludes that the site can be developed if the residence is seated on deep foundation elements (piles or caissons) imbedded in the dense basalt bedrock underlying the sands making up the top 12-14 feet of the soil at the site. This is a standard mitigation measure for slope instability, and may very well assure the safety of the structure. However, no slope stability calculations assessing the stability of the structure with caissons in place were performed.

The surficial instability noted in the report will not be mitigated by founding the structure on deep piles or caissons. I understand that a retaining wall is planned as part of the development, which would likely mitigate upslope instabilities from affecting the site. However, instability—both surficial and deep-seated—below the structure would not be mitigated by either the retaining wall or the proposed caissons.

Reference (3) is a response to a series of questions asked by Coastal Commission staff. I did not prepare these questions, and many of them do not apply to this site. I will address the response to each concern as enumerated in reference (3):

Concern 1: That significant engineering and landform alteration will be required to develop the parcel as planned. The response is that the level of alteration is no greater than is customary for typical hillside development on similar parcels. Although I have not reviewed grading plans, the recommendations contained in reference (2) do not constitute an unusual level of landform alteration. Nevertheless, the grading necessary to provide a level pad on such a steep slope is greater than is customary for many single-family residences.

Concern 2: That the long-term stability of the parcel will be compromised by the proposed development. The response is that the proposed mitigation measures—deep foundation elements consisting of piers or caissons—will actually improve slope stability. To this I concur, although surficial stability could be compromised by the development if runoff is not handled appropriately.

Concern 3: That the site poses geologic hazards including rupture, differential compaction, liquefaction, cracking, ground shaking, and landsliding. I concur with the response that the only significant hazards at this site are ground shaking and landsliding, both of which have been addressed in the slope stability assessment described above.

Concern 4: That the grading and trenching related to the construction of the proposed retaining wall would contribute to site instability and erosion. This is a significant concern, especially

since the site is located in and above environmentally sensitive habitat. As the response indicates, proper implementation of best management practices during construction and grading should minimize the problem, but it will be very difficult to prevent all sediment from entering the environmentally sensitive habitat areas.

Concern 5: That while the smaller house that formerly occupied the site withstood several large earthquakes, it was founded on piers, and a larger house would likely not fare so well under seismic loading. I concur with the response that the proposed foundation system has the capacity to mitigate seismic concerns. It has not, however, been demonstrated quantitatively that it will do so.

Concern 6: Residential runoff could contribute to slope destabilization which might negatively affect ESHA. This is a well-founded concern, and as the response indicates, reference (2) does recommend that all runoff be collected and discharged to approved outlets, and that no runoff be allowed to discharge over the slope face. A drainage plan should be required to ensure that these recommendations are adhered to.

Concern 7: That while the applicant's geology report states the 50% slopes are stable, it does not address the stability of the 63% slope measured from the creek through the centerline of the house. I concur with the response that the slope stability analyses in reference (2) do, in fact, address the stability of the 63% slope.

Concern 8: That the site is prone to geologic instability. I concur with the response that acknowledges this instability, but that the proposed mitigation measures address overall slope instability. They do not, however, ensure that surficial instability will not affect the site.

Concern 9: That construction activities would contribute to site instability through landform alteration and vegetation removal. Like concern (4), this is a valid concern. Proper construction techniques and best management practices will minimize disruption, but some instability might be unavoidable.

Concern 10: That the project poses an undue risk to life and property. I concur with the response that there are risks associated with any such development on steep hillsides in seismically active areas, but that the mitigation measures proposed have the capacity to reduce these risks to the level considered typical of any development.

To summarize, the recommendations in reference (2) have the capacity to mitigate overall slope instability at the site. It has not, however, been quantitatively demonstrated that the proposed caissons will be ensure a factor of safety of greater than 1.5 (static) and 1.1 (pesudostatic), as typically required. A quantitative slope stability analysis, similar to those undertaken in reference (2), should be undertaken for the post-project configuration of the site.

EXHIBIT NO. 9
APPLICATION NO. 3-00-082
Geotech Review
p. 3 of 4
California Coastal Commission

Surficial failures at the site will likely continue below the residence. The proposed development has the capacity to increase surficial instability if drainage is not handled appropriately. Conversely, if an adequate drainage plan is implemented, the development could actually increase the surficial stability at the site.

I hope that this review is useful. Please do not hesitate to contact me if you have any further questions.

Sincerely,

Mark Johnsson, Ph.D., CEG

EXHIBIT NO. 9
APPLICATION NO. 3-00-082
Geotech Review
p. 4 of 4
California Coastal Commission

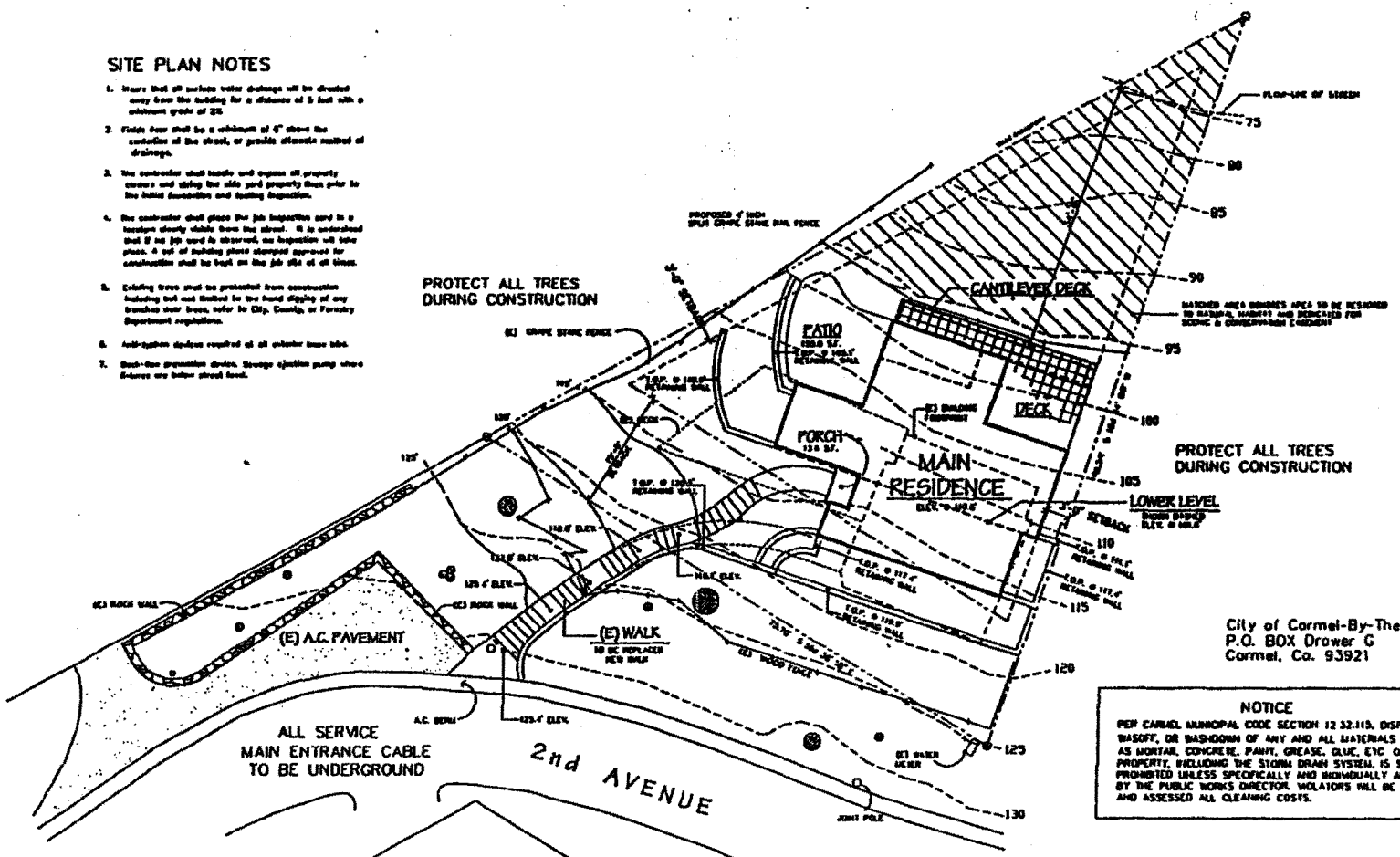
PRESSLEY RESIDENCE

REVISED

EXHIBIT NO. 10
APPLICATION NO. 3-00-082
Revised Plans
p 1 of 3

SITE PLAN NOTES

1. Insure that all surface water drainage will be directed away from the building for a distance of 5 feet with a minimum grade of 2%.
2. Finish floor shall be a minimum of 4" above the centerline of the street, or provide alternate method of drainage.
3. The contractor shall locate and expose all property corners and string the side yard property lines prior to the initial foundation and footing inspection.
4. The contractor shall place the job inspection card in a location clearly visible from the street. It is understood that if no job card is observed, no inspection will take place. A set of building plans stamped approved for construction shall be kept on the job site at all times.
5. Existing trees shall be protected from construction including but not limited to the hand digging of any trenches near trees, refer to City, County, or Forestry Department regulations.
6. Anti-syphon devices required at all exterior base bibs.
7. Back-flow prevention device. Sewage ejection pump where fixtures are below street level.



City of Carmel-By-The-Sea
P.O. BOX Drawer G
Carmel, Ca. 93921

NOTICE

PER CARMEL MUNICIPAL CODE SECTION 12.32.115, DISPOSAL, WASOFF, OR WASHDOWN OF ANY AND ALL MATERIALS SUCH AS MORTAR, CONCRETE, PAINT, GREASE, GLUE, ETC. ON PUBLIC PROPERTY, INCLUDING THE STORM DRAIN SYSTEM, IS STRICTLY PROHIBITED UNLESS SPECIFICALLY AND INDIVIDUALLY APPROVED BY THE PUBLIC WORKS DIRECTOR. VIOLATORS WILL BE CITED AND AND ASSESSED ALL CLEANING COSTS.

PROJECT INFORMATION

APJL :	010-233-006
SITE AREA :	3,629.27 S.F.
ADDRESS :	BLOCK-2ND STREET ACREAGE LOT- PARCEL- G TRACT CARMEL BY THE SEA
ZONING :	R-1

FLOOR AREA RATIO

F.A.R. ALLOWED	45.0%	1,633.2 S.F.
EXISTING F.A.R.	11.0%	392.0 S.F.
PROPOSED F.A.R.		
UPPER LEVEL		721.0 S.F.
LOWER LEVEL		474.3 S.F.
TOTAL PROPOSED F.A.R.	33.0%	1,195.3 S.F.

SITE COVERAGE

ALLOWED	45.0%	1,633.2 S.F.
EXISTING FOOTPRINT	22.0%	811.0 S.F.
PROPOSED FOOTPRINT	23.0%	830.9 S.F.

LAND COVERAGE

COVERAGE ALLOWED	10.0%	362.93 S.F.
FRONT PORCH		13.6 S.F.
FRONT WALK		64.2 S.F.
CANTILEVER DECK		79.0 S.F.
PATIO		185.0 S.F.
TOTAL COVERAGE	9.7%	318.2 S.F.

SITE PLAN

SCALE: 1/8" = 1'-0"

N

1-10-01

MANDURRAGO
MANDURRAGO &
SULLIVAN
DESIGN STUDIOS

PRESSLEY RESIDENCE
SECOND STREET
CARMEL BY THE SEA, CALIF.

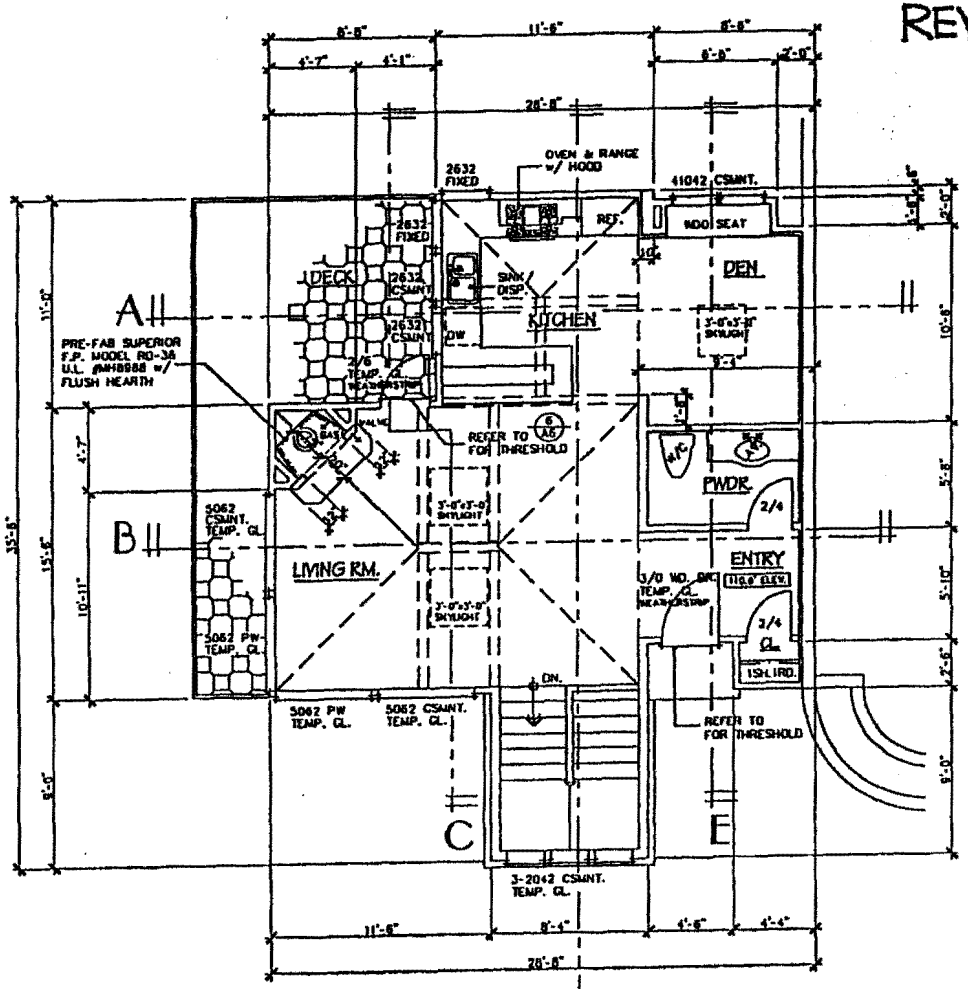
EXHIBIT 2
Page 32 OF 34

8-00-082-R
(PRESSLEY)

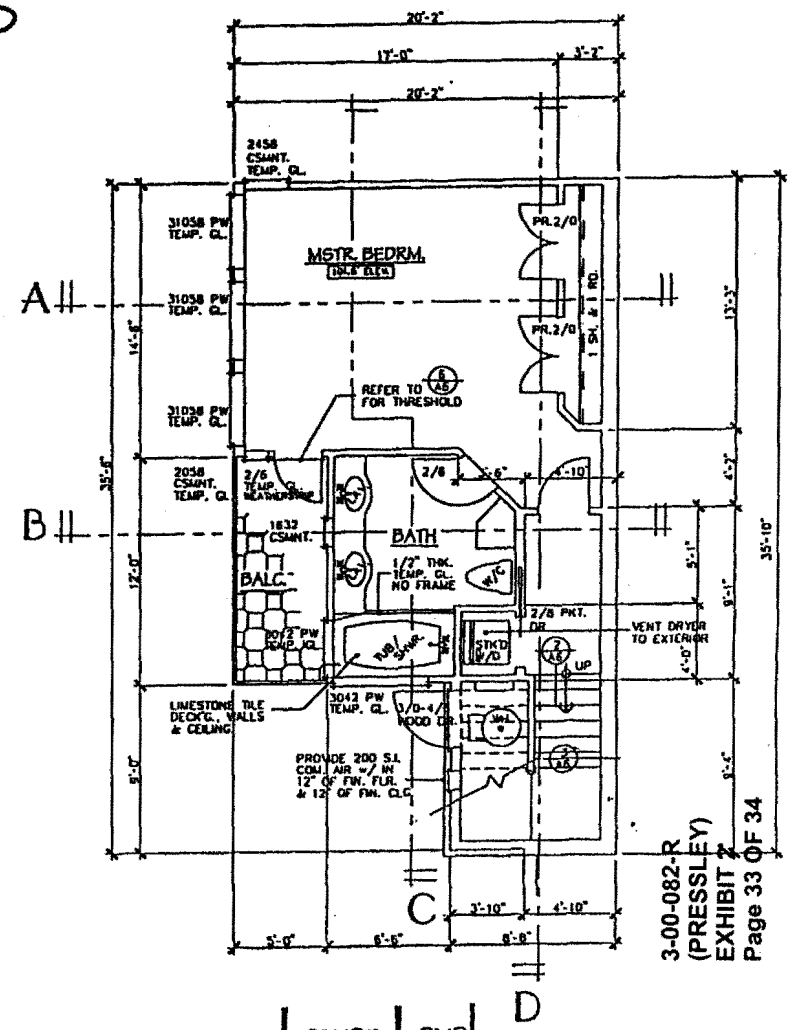
A1

EXHIBIT NO. 10
APPLICATION NO. 3-00-082
Revised Plans
p 2 of 3

REVISED



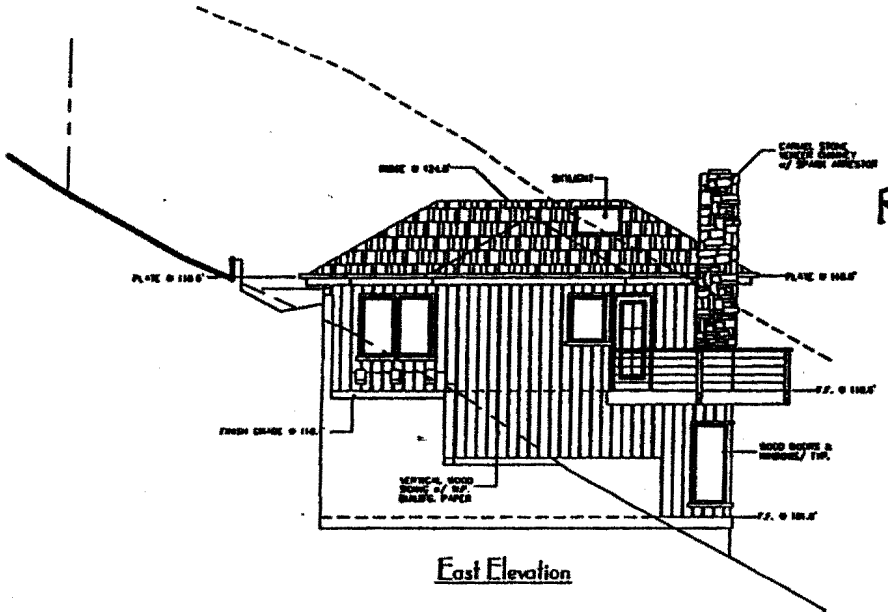
Main Level
721.0 S.F.



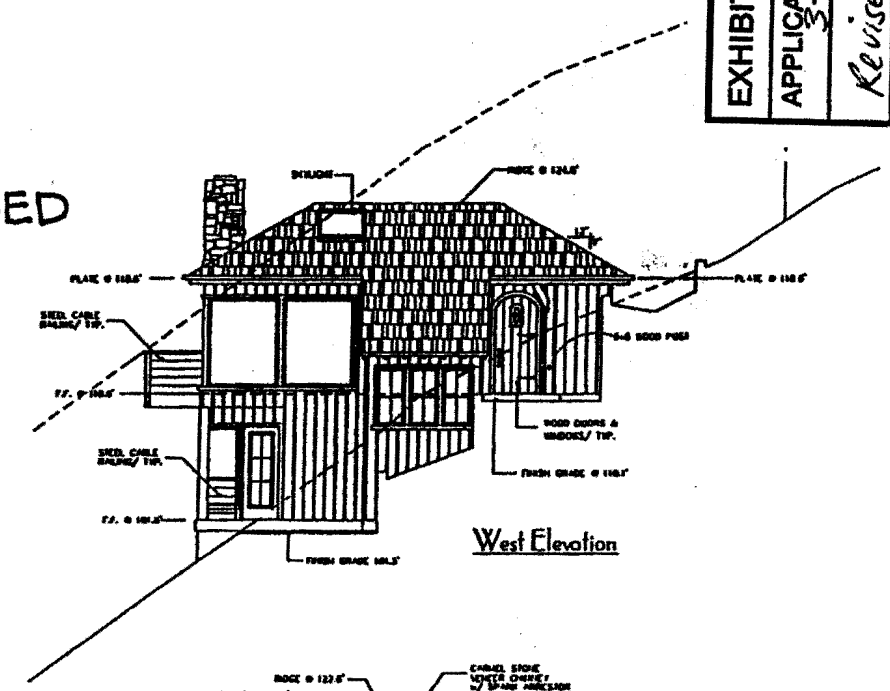
Lower Level
474.5 S.F.

EXHIBIT NO. 10
APPLICATION NO. 3-00-082
Revised Plans
P 3 of 3

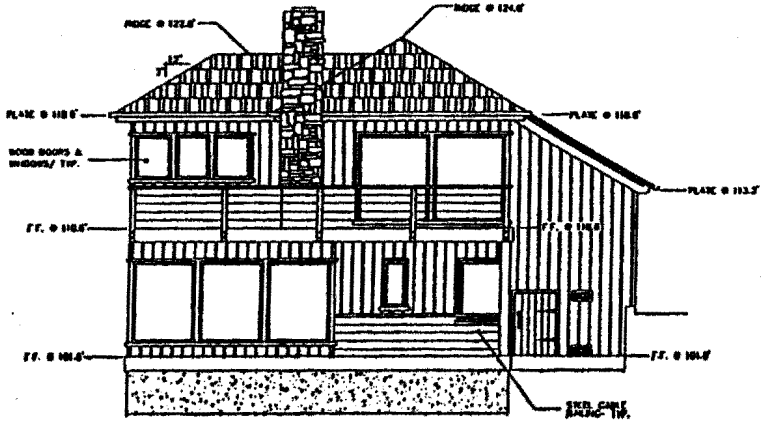
REVISED



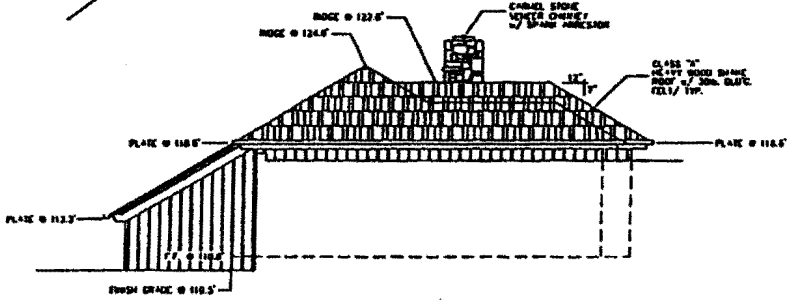
East Elevation



West Elevation



North Elevation



South Elevation

NOTE:
ALL EXTERIOR MATERIALS SHALL REMAIN IN A NATURAL CONDITION.

ELEVATIONS

SCALE: 1/4" = 1'-0"

MANDURRAGO MANDURRAGO & SULLIVAN

JOB NUMBER 9836

SHEET NUMBER A3

3-00-082-R (PRESSLEY)
EXHIBIT 2
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RESIDENCE
SECOND STREET
CARMEL BY THE SEA, CALIF.