

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



Th13b

Appeal Filed: 3/23/2018
49th Day: 6/1/2018
Staff: Mike Watson - SC
Staff Report: 4/20/2018
Hearing Date: 5/10/2018

APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION ONLY

Appeal Number: A-3-CML-18-0016

Applicant: City of Carmel-by-the-Sea

Appellant: Maria Sutherland

Local Government: City of Carmel-by-the-Sea

Local Decision: Coastal development permit (CDP) amendment application number 16-315 approved by the Carmel-by-the-Sea City Council on March 6, 2018.

Location: North Dunes area of Carmel Beach (APN 010-321-007) in the City of Carmel-by-the-Sea, Monterey County.

Project Description: Amendment to existing CDP to authorize additional dune habitat restoration activities in the Carmel Beach North Dunes, including removal of 31 trees (including 17 mature Monterey cypress trees, four mature Monterey pine trees, and 10 trees with a diameter of less than eight inches) and the planting of three Monterey cypress trees along the Ocean Avenue frontage to provide for tree succession in that area.

Staff Recommendation: No Substantial Issue

Important Hearing Procedure Note: This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally and at the

discretion of the Chair, testimony is limited to three minutes total per side. Please plan your testimony accordingly. Only the Applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which the Commission will take public testimony. (California Code of Regulations, Title 14, Sections 13115 and 13117.)

SUMMARY OF STAFF RECOMMENDATION

The City of Carmel-by-the-Sea approved a coastal development permit amendment (CDP) to remove up to 31 trees within the Carmel Beach North Dunes restoration area. The five-acre North Dunes project site is located on the north and west edge of the City just inland from Carmel Beach and is the largest and most diverse dune habitat remaining in the City. The amendment includes removal of 17 mature Monterey cypress trees and four mature Monterey pine trees together with an additional 10 smaller trees to provide for restoration activities within the sand dunes. Three Monterey cypress trees would be planted in the dunes along the Ocean Avenue parking lot to provide for tree succession in that area. The amendment also provides for timing of the tree removal to avoid bird nesting season.

The Appellant contends that the approved project is inconsistent with both the Carmel-by-the-Sea Local Coastal Program (LCP) and the North Dunes and Del Mar Dunes Habitat Restoration Plan (Restoration Plan) policies related to the identification, evaluation, maintenance, and replacement of forest resources within the North Dunes habitat area. After reviewing the local record, Commission staff has concluded that the approved project does not raise a substantial issue with respect to the project's conformance with the Carmel-by-the-Sea LCP.

In terms of the Appellant's contentions, the tree removal is intended to enhance habitat values for native dune plant and animal species, and is consistent with the LCP's environmentally sensitive habitat protection policies and is envisioned in the dune restoration policies that are specific to this particular site. Cypress and Monterey pine trees impede the growth of native dune plants and their duff degrades the delicate soil chemistry upon which native dune species depend. The tree removal will occur mostly within the interior of the North Dunes, an area that provides the greatest opportunity for re-establishment of sensitive dune species and restoration of dune habitat values, and ensures that the remaining tree density is brought closer in line with LCP requirements. Further, the CDP amendment includes planting of three Monterey cypress trees along the Ocean Avenue parking lot to provide for tree succession in that area as called for in the LCP and as necessary to maintain the scenic Carmel Beach / shoreline aesthetic. To the extent that the Appellant is arguing that the amendment does not include additional specific maintenance and tree replacement measures, such arguments are unwarranted including because the authorization to carry out those tasks has been granted via the base CDP for the North Dunes restoration activities and the CDP amendment does not alter any of those measures.

As a result, and as recommended by the Commission's Staff Ecologist, who has reviewed the local record and concurred that the City's CDP action will serve as a needed and beneficial project to restore important dune habitat, staff recommends that the Commission determine that

the appeal contentions do not raise a substantial LCP conformance issue, and that the Commission decline to take jurisdiction over the CDP for this project. The single motion necessary to implement this recommendation is found on page 4 below.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION.....	4
II. FINDINGS AND DECLARATIONS.....	4
A. PROJECT LOCATION, BACKGROUND, AND DESCRIPTION	4
B. CITY OF CARMEL-BY-THE-SEA CDP APPROVAL.....	5
C. APPEAL PROCEDURES	5
D. SUMMARY OF APPEAL CONTENTIONS	6
E. SUBSTANTIAL ISSUE DETERMINATION – BIOLOGICAL RESOURCES	6
F. CONCLUSION.....	10

APPENDICES

Appendix A – Substantive File Documents

Appendix B – Staff Contact with Agencies and Groups

EXHIBITS

Exhibit 1 – Project Site Maps

Exhibit 2 – Project Site Images

Exhibit 3 – City’s Final Local Action Notice

Exhibit 4 – Applicable LCP Provisions

Exhibit 5 – Appeal of City of Carmel-by-the-Sea CDP Amendment Decision

Exhibit 6 – Map of Trees to be Removed

CORRESPONDENCE

I. MOTION AND RESOLUTION

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the Commission will not hear the application de novo and that the local action will become final and effective. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-3-CML-18-0016 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603. I recommend a yes vote.*

***Resolution to Find No Substantial Issue.** The Commission finds that Appeal Number A-3-CML-18-0016 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.*

II. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION, BACKGROUND, AND DESCRIPTION

The City-approved project is located in the North Dunes environmentally sensitive habitat area (ESHA) that is generally west of North San Antonio Avenue, north of Ocean Avenue, and just inland of Carmel Beach in the City of Carmel-by-the-Sea. The five-acre North Dunes area is comprised of white quartz sand and ranges in elevation from about 50 to 100 feet above sea level.

The North Dunes are home to a variety of native and non-native dune plant and animal species. Most of the native dune species present are located in small isolated patches surrounded by large expanses of iceplant, acacia, or bare sand. Most notable of these species is the federally-protected Tidestrom's lupine and the California black legless lizard, which is a species of special concern. There is also a significant stand of Monterey cypress trees along the Ocean Avenue frontage of the dunes; many of these trees were planted over 100 years ago and are now considered part of the historic landscaping of this area. Additionally, there are a number of immature cypress trees that extend further into the central portion of the dunes than those located directly along Ocean Avenue. Similarly, there is a small grove of Monterey pine trees in the northeast corner of the dunes. Some of these pine trees were planted many years ago, some were planted more recently, and some are present due to natural recruitment.

In 1995, the City designated the North Dunes as ESHA. Upon certification of the City's Local Coastal Program (LCP) in 2004, LCP Policy P5-42 required the protection and enhancement of North Dunes' habitat values via the preparation of a Del Mar and North Dunes Master Plan. In January 2010, the Commission certified LCP amendment 3-09 Part 1 (Del Mar Master Plan) and the accompanying Appendix A: the "North Dunes and Del Mar Dunes Habitat Restoration Plan"

(Restoration Plan). The Restoration Plan describes the biological resources present in the dunes and sets forth the restoration goals, methods, and monitoring measures needed to recreate a self-sustaining native dune habitat, including for special-status species. The City approved CDP 16-315 on October 4, 2016, which authorized a five-year permit to implement the Restoration Plan's activities. Among a series of other activities aimed at restoring and protecting dune habitat, CDP 16-315 authorized the removal of five living planted trees in the North Dunes to improve native dune habitat.

The City's CDP amendment modifies the approved CDP to allow for the removal of an additional 29 planted trees (i.e., 15 Monterey cypress trees, four Monterey pine trees, and up to 10 additional trees (less than eight inches in diameter) of varying species) in the interior of the dunes that the project biologist has determined are significantly interfering with dune restoration activities. The CDP amendment further allows for the removal of two trees (which both present a utility hazard) along the Ocean Avenue frontage and the planting of three trees in this area to provide for tree succession and to maintain the scenic Carmel Beach / shoreline aesthetic. Tree removal is timed to occur during the months of October and November to avoid bird nesting season. The CDP amendment also allows for slight modifications to the maintenance program for acacia shrubs that are retained to maintain dune stability at the bluff edge.

See **Exhibit 1** for a location map and see **Exhibit 2** for photographs of the site and surrounding area; and see **Exhibit 6** for the locations of trees (i.e. those greater than eight inches in diameter) to be removed.

B. CITY OF CARMEL-BY-THE-SEA CDP APPROVAL

On March 6, 2018, the Carmel-by-the-Sea City Council approved a CDP amendment authorizing modifications to the 2016 CDP. The City's Final Local Action Notice was received in the Coastal Commission's Central Coast District Office on Friday, March 9, 2018. The Coastal Commission's ten-working-day appeal period for this action began on Monday March 12, 2018 and concluded at 5 p.m. on Friday March 23, 2018. One valid appeal (see below) was received during the appeal period. See **Exhibit 3** for the City's Final Local Action Notice.

C. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. (Coastal Act Sections 30603(a)(1)-(4).) In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. (Coastal Act Section 30603(a)(5).) This project is appealable because it is located between the first public road and the sea, and because it is located within 300 feet of the beach and the coastal bluff.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b)(2) of the Coastal Act requires the Commission to consider a CDP for an appealed project de novo unless a majority of the Commission finds that “no substantial issue” is raised by such allegations.¹ Under Section 30604(b), if the Commission conducts the de novo portion of an appeals hearing (upon making a determination of “substantial issue”) and finds that the proposed development is in conformity with the certified LCP, the Commission must issue a CDP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is located between the nearest public road and the sea and thus this additional finding would need to be made (in addition to a finding that the proposed development is in conformity with the City of Carmel-by-the-Sea LCP) if the Commission were to approve the project following the de novo portion of the hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons opposed to the project who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding the substantial issue question must be submitted in writing. (California Code of Regulations, Title 14, Section 13117.) Any person may testify during the de novo CDP determination stage of an appeal (if applicable).

D. SUMMARY OF APPEAL CONTENTIONS

The Appellant contends that the City-approved CDP amendment raises LCP consistency questions relating to the identification, evaluation, maintenance, and replacement of forest resources within the North Dunes habitat area. Specifically, the Appellant contends that the approved CDP amendment would violate applicable LCP policies because: 1) it does not identify areas to be maintained as historic Monterey cypress tree landscaping; 2) it allows the removal of an unspecified number of trees; 3) it fails to implement a proactive trimming and maintenance program; 4) it fails to implement a proactive tree replacement program; and 5) tree removals are resulting in stumps, not trunks. Please see **Exhibit 5** for the appeal contentions.

E. SUBSTANTIAL ISSUE DETERMINATION – BIOLOGICAL RESOURCES

Appellant’s Contentions

The Appellant contends that the CDP amendment raises LCP consistency questions relating to the protection of Monterey cypress tree resources because the approved project does not preserve

¹ The term “substantial issue” is not defined in the Coastal Act or in its implementing regulations. In previous decisions on appeals, the Commission has considered the following factors in making substantial issue determinations: the degree of factual and legal support for the local government’s decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government’s decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. Even when the Commission chooses not to hear an appeal (by finding no substantial issue), appellants nevertheless may obtain judicial review of a local government’s CDP decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, Section 1094.5.

or protect the historic and landscape value of the cypress tree resources within the North Dunes. In particular, the Appellant contends that a stand of mature Monterey cypress trees located along the Del Mar parking lot at the foot of Ocean Avenue must be preserved, in accordance with the certified Restoration Plan's recommendations, because of their character-defining quality and historic heritage. The Appellant further claims that the proposed amendment allows for the removal of an unspecified number of small diameter trees (less than eight inches in diameter) of varying species that are young, healthy, and safe when Restoration Plan provisions only provide for the removal of dead trees and those that pose a safety hazard. Finally, the Appellant contends that the amendment is inconsistent with LCP policies and certified Restoration Plan provisions because it fails to include tree maintenance measures, a program for tree replacement, and because the trunks of dead trees are not being retained as required by the certified Restoration Plan.

Applicable LCP Provisions

The Carmel LCP contains a series of policies addressing the protection and restoration of the City's dune and forest resources, which both provide habitat for sensitive species and serve as key character defining features of the community. For example, with respect to forest resources, Land Use Plan (LUP) Goal G5-4 requires the preservation and enhancement of the City's legacy of predominant Monterey pine, coast live oak, and Monterey cypress trees. LUP Policy P5-60 requires the application of adopted tree density requirements in all new development, including when tree removal is anticipated. LUP Objective O5-12 requires implementation of policies, standards, and procedures to regulate removal, pruning, and replacement trees. LUP Policy P5-25 requires the use of Monterey cypress as the predominant tree species on the beach bluff and North Dunes and further directs the replacement of Monterey cypress when trees die, and establishes a low-to-medium density of trees (40 to 60 trees total) in the North Dunes. Restoration Plan Goal 3 further requires the identification of the stand of Monterey cypress trees within the North Dunes to be maintained as historic landscaping.

With respect to dunes, which the LCP designates as ESHA, the LCP is equally as protective, including through policies protecting ESHA generally (LUP Goal G5-12, LUP Policy P5-173, and LUP Policy P5-176), and through policies specific to dunes, requiring the restoration, enhancement, and protection of dune habitat and species in the North Dunes (LUP Objective O5-7 and LUP Policy P5-42). The LUP further requires the enhancement of dune-specific species, including Tidestrom's lupine and other native plants (LUP Policy P5-28) and for the black legless lizard (LUP Policy P5-30).

Because of the potential for policy conflicts between the policies cited above protecting trees and those protecting dune ESHA, the LCP requires preparation of a dune restoration plan (LUP Policy P5-176) to specifically address the particular objectives and requirements for the restoration, maintenance, and enhancement of the North Dunes ESHA. This plan requirement was realized via the Commission-certified North Dunes Restoration Plan. The Restoration Plan provides for the elimination of aggressive exotic species (Goal 2), protection and enhancement of existing populations of sensitive species (Goals 1, 7, and 8), and maintenance (Goal 10), monitoring (Goal 9), public access (Goal 11), and interpretation (Goal 12) of dune habitat. Among other things, the Restoration Plan specifically authorizes the removal of trees when such

trees are interfering with dune habitat function. See **Exhibit 4** for all of the above-cited LCP provisions.

Analysis

With regard to the Appellant's first contention, the City's action on the CDP amendment authorizes the removal of two Monterey cypress trees within the historic landscaping along Ocean Avenue that are becoming a safety hazard because they are interfering with utility lines (one of these trees is dying – see **Exhibit 6** for the locations of these two trees). The LCP and the Restoration Plan contemplate the removal of dead trees (*e.g.*, LUP Policy P5-25) and those that pose safety risks, including within this historic landscaping, provided that replacement trees are added to ensure tree succession in this area. The City conditioned its CDP amendment approval to require that three replacement Monterey cypress trees be planted within the Ocean Avenue stand in locations to be determined by the project's biologist. The replacement trees will mitigate for the loss of the two trees to be removed and ensure tree succession within the historic landscaping, consistent with LUP Policy P5-25 and Restoration Plan Goal 3. The City's condition also restricts removal of these trees to the months of October and November in order to avoid bird nesting season. As a result, the City-approved tree removal will protect the historic landscaping along Ocean Avenue, including the Monterey cypress trees, and provide for tree succession as required by the LCP. Thus, this contention does not raise a substantial issue in terms of the project's conformance with the certified LCP.

As to the second contention and the removal of trees more generally, the remaining Monterey cypress and Monterey pine trees slated for removal are located in the interior of the dunes in areas identified for restoration and enhancement of native dune habitat values including for native plant and animal species under the certified Restoration Plan (see **Exhibit 6** for the locations of trees (*i.e.* those greater than eight inches in diameter) that will be removed). Both the Restoration Plan and the LCP's above-cited ESHA and dune policies provide strong support for the removal of said trees in order to enhance habitat values for native dune plant and animal species within the North Dunes. In addition, LUP Policies P5-25 and P5-60 support a decision to remove trees within the North Dunes area to maintain a low-to-medium density of trees (40 to 60 trees), as discussed above, including to provide enhanced open space areas for dune habitat restoration. Additionally, LCP dune and ESHA policies, such as LUP Policy O5-7, call for protection of fragile dunes and sensitive plants in the North Dunes area "against any significant disruption of habitat values." The trees in question were mostly planted in the dunes (*i.e.* they are not native to the dunes), and according to the City's project's biologist, Joey Durrell-Canepa, the planted trees are interfering with ongoing dune restoration activities. Commission Staff Ecologist, Dr. Lauren Garske, concurs that the Monterey cypress and Monterey pines are not naturally occurring within the North Dunes and that duff from the introduced trees is adversely affecting the soil composition of the dunes and the ability of native dune plants to recolonize within their native habitat. Both experts have opined that the extensive restoration efforts envisioned in the certified Restoration Plan can only be successful with the removal of the planted trees. Thus, the removal of the trees will help further the goals and requirements of the LCP related to dune restoration, and thus this contention does not raise a substantial LCP conformance issue.

With regard to the claim of an unspecified number of tree removal and consistency with LCP tree density provisions, based on recommendations from the project's biologist, the City's action is appropriately conditioned to ensure that tree removal is limited to 31 total trees (i.e. 17 Monterey cypress (all but two located within the interior of the dunes; the other two located along Ocean Avenue, as discussed above), four Monterey pines, and the removal of up to 10 additional tree recruits (of varying species) of less than eight inches in diameter. Additionally, the project's biologist conducted a survey of all trees growing in the North Dunes, resulting in a total count of 101 trees. As approved, the proposed tree removal (31 trees) would bring the total number of remaining trees growing in the North Dunes to 73² individuals. The LCP's tree density policies (i.e. Policy P5-25 and Policy P5-60) recommend maintaining a low-to-medium tree density (i.e. about 40 to 60 trees) within the North Dunes. The approved tree removal would help further LCP goals of reaching a low-to-medium targeted tree density within this sand dune habitat area. (In fact, given the LCP's recommended low-to-medium tree density of 40 to 60 trees within the North Dunes area, theoretically even *more* trees could be justified for removal to achieve this tree density within the North Dunes ESHA.) Thus, this contention does not raise a substantial issue in terms of the project's conformance with the certified LCP.

Finally, as to the remaining contentions regarding the omission of maintenance measures, failure to implement a tree replacement program, and failure to retain the trunks of trees (to enhance bird habitat) – all of these activities are authorized to be implemented under the base CDP, and the City-approved amendment has not modified any of these measures. For example, the base CDP's scope of work includes tree pruning and catch-up on deferred maintenance and removal of dead or hazardous trees in key restoration areas. The work is performed under the recommendation and direction of the project's biologist, who (under the base CDP) has discretion in matters of tree pruning and whether or not a tree trunk should be retained or completely removed. In terms of tree replacements, the City has chosen to take a cautious approach to tree removal and has referenced the LCP and the Restoration Plan for guidance regarding whether tree replacement is necessary. The amendment that is the subject of this appeal includes tree removal that the City determined was necessary to improve dune habitat (LCP Policy G5-12), while maintaining an adequate number of trees to ensure tree succession (LCP Policy P5-25). Thus, these contentions do not raise a substantial issue in terms of the project's conformance with the certified LCP.

In conclusion, the City-amended project will protect the historic landscaping along Ocean Avenue, including Monterey cypress trees, provide for tree succession, open-up the interior of the dunes for re-establishment of native dune plant species, and maintain a more appropriate tree density, all in accordance with the requirements of the City's LCP and the certified Restoration Plan.

For all of the above reasons, the approved project does not raise a substantial issue of LCP conformance with respect to biological resources.

² This number includes the three trees that will be planted along Ocean Avenue.

F. CONCLUSION

When considering a project that has been appealed to it, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over a de novo CDP for such development. At this stage, the Commission has the discretion to find that the project does not raise a substantial issue of LCP conformance. As explained above, the Commission has in the past considered the following five factors in its decision of whether the issues raised in a given case are “substantial”: the degree of factual and legal support for the local government’s decision; the extent and scope of the development as approved or denied by the County; the significance of the coastal resources affected by the decision; the precedential value of the County’s decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance.

In this case, these five factors, considered together, support a conclusion that this project does not raise a substantial issue of LCP conformance. Regarding the first factor (degree of factual and legal support for the local government’s decision), tree removal is contemplated in both the LCP and the certified Restoration Plan for the North Dunes sensitive habitat area and two of the trees to be removed are specifically identified as either dying or causing a public safety concern. Furthermore, these two trees will be replaced with three trees to ensure proper succession as required by the LCP. As discussed above, regarding removal of the remaining trees, the LCP’s policies regarding forest resources, dune, and ESHA are not necessarily contradictory, and synthesizing the policies together (*e.g.*, P5-25, P5-42, P5-60, and O5-7) leads to the conclusion that tree removal may not only be allowable but also necessary to protect the habitat values of the sand dunes within the North Dunes area. Finally, the CDP amendment does specify a precise number of trees for removal, is consistent with LCP tree density provisions, and does not alter the maintenance measures specified under the base CDP. In conclusion, the trees growing along the Ocean Avenue historic stand will be protected and the approval includes mitigations to address the loss of trees, including to ensure for tree succession and to maintain the appropriate tree density as is required by the LCP.

Regarding the second factor (the extent and scope of the development as approved by the City), the extent of the City’s approval was to remove 31 planted / introduced trees, 10 of them less than eight inches in diameter, on a five-acre sand dune habitat area. Considering that the LCP and Restoration Plan policies specifically contemplate tree removal and the City’s proposed removals would be in furtherance of the LCP’s designated medium-to-low tree density for the North Dunes area (without even achieving the designated lower tree density), it is reasonable to conclude that the extent and scope of the project is fairly minor. Regarding the third factor (the significance of coastal resources affected by the decision), the approved project involves the removal of trees to support restoration of sand dune habitat. The trees to be removed are not designated as ESHA under the LCP (and in fact are justified for removal under the Restoration Plan and LCP in order to protect sand dunes within the North Dunes area, as discussed above), whereas the sand dune habitat and associated animal species in the North Dunes area are designated as ESHA. Thus, the approved CDP amendment will enhance sensitive dune coastal resources. Regarding the fourth factor (precedential value of the City’s approval), tree removal is supported in this case because the trees are not naturally occurring in the dunes and such removal will support sand dune habitat restoration goals specified in the LCP, and appropriate mitigation

(i.e. the planting of three new trees) was included for the removal of designated historic trees, consistent with LCP requirements. In other words, the City's action through its CDP amendment, does not raise a substantial issue regarding interpretation of the LCP. Finally, regarding the fifth factor (whether the appeal raises only local, or regional or statewide, issues of significance), the project approval is for tree removal in sand dune ESHA as is allowed under specific provisions per the LCP and does not implicate broader-level issues of regional or Statewide significance.

For the reasons stated above, the Commission finds that Appeal Number A-3-CML-18-0016 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS³

- North Dunes & Del Mar Dunes Habitat Restoration Plan, Jean Ferreira, April 2009
- North Dunes Restoration Plan Summary, Joey Durrell-Canepa, July 2016
- City of Carmel-by-the-Sea LCP, June 2003
- Carmel North Dunes Tree Survey and Biological Recommendations, Joey Durrell-Canepa, February 2018

APPENDIX B – STAFF CONTACT WITH AGENCIES AND GROUPS

- City of Carmel-by-the-Sea Planning Staff
- Chip Rerig, Carmel-by-the-Sea City Administrator
- Steve Dallas, City of Carmel-by-the-Sea Mayor
- Maria Sutherland, Appellant
- Karen Ferlito, Friends of Carmel Forest

³ These documents are available for review in the Commission's Central Coast District office.