

Draft Findings of the Monterey County LCP Periodic Review

CHAPTER 7: Scenic Resources

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CHAPTER 7: Scenic Resources

A. Coastal Act Policy Framework

The Coastal Act requires protection of scenic and visual qualities of coastal areas as a resource of public importance (Section 30251). This section also requires that new development be sited and designed to protect views to and along the ocean and scenic coastal areas, minimize landform alteration, be compatible with the character of its surroundings and, where feasible, restore and enhance visual quality in visually degraded areas. Additionally, in highly scenic areas, new development is required to be subordinate to the character of its setting. The Coastal Act also specifically protects the character of special coastal communities and neighborhoods that, due to their unique characteristics, are popular visitor destination points (Section 30253). The Commission has recently considered special communities and neighborhoods to include areas: (1) characterized by a particular cultural, historical, or architectural heritage that is distinctive in the coastal zone, (2) areas presently recognized as important visitor destination centers on the coastline, (3) areas with limited automobile traffic that provide opportunities for pedestrian and bicycle access for visitors to the coast, and (4) areas that add to the visual attractiveness of the coast.

In order for a jurisdiction to effectively implement its local coastal program in conformance with these Coastal Act provisions, land use plans (LUPs) need to identify highly scenic coastal areas and special communities and neighborhoods and establish land use designations that ensure the protection of the scenic and visual qualities of these areas.¹ They should also describe landmark registry programs, such as the National Register of Historic sites, to preserve individual historic sites and buildings. Design review criteria and standards in the LCP need to ensure that new development will be visually compatible with existing natural features and the special values and character of the community and will not block public views of scenic areas. Regulations should also ensure that signs and billboards will not degrade significant coastal views, and grading and filling will be designed to minimize alteration of natural landforms.

B. Monterey County Certified Local Coastal Program

1. Background

The Monterey County coast is blessed with a variety of visually stunning landscapes, including the azure waters of the Pacific Ocean and Monterey Bay, the low sweeping beaches and coastal dunes that stretch across most of the north county shoreline, the extensive salt marsh and riparian wetlands of the county's major estuaries and coastal rivers (including the Elkhorn Slough, Salinas River, Carmel River, and Little Sur River, to name a few), the steep coastal bluffs, rocky headlands, and sea cliffs that in some portions of the Big Sur Coast rise to over 300 feet, and the coastal hillsides and mountain ranges that back many of these areas, and, in some cases, rise dramatically from the

¹ California Coastal Commission, *Local Coastal Program Manual*, July 1977.

shoreline adjacent to the Pacific. Other valuable scenic resources include the rolling hills and terraces upon which lie open grazing lands, cultivated fields, farm buildings and other structures that characterize the past and present operations and foundation of the agricultural economy and history of Monterey County. The Monterey Bay area and Big Sur Coast are known worldwide for the natural beauty of their landscapes, and the number of visitors who come to stay or travel through this area along Highway 1 sustain a strong tourist economy which is second only to the agricultural output of the County's economy as a whole.

2. Summary of Local Coastal Program Provisions

Protection of the County's scenic and visual resources is one of the most significant issues of the County's Local Coastal Program. Strong resource protection policies established in the County's LCP are intended to safeguard the County's natural appearance and scenic beauty throughout the coastal zone. Policies protecting visual resources are, therefore, aimed at protecting areas within the public "viewshed," which is defined somewhat differently in the various LUPs (see Table SR-7.1 below).

The primary goals of the County's LCP protection policies are to preserve scenic resources in perpetuity, to protect unique landscapes, and restore visually degraded areas. The policies require that any new development be sited in such a way as to avoid or minimize visual intrusion into public viewsheds, minimize landform alterations and be subordinate with the natural topography of the site. Native vegetation is to be preserved, the undergrounding of public utilities encouraged, the size and placement of commercial signs limited, development on beaches, dunes, estuaries, and wetlands prohibited, and development on bluff faces, scenic hillslopes and ridgelines restricted. Because the Big Sur Coast is one of California's most important scenic treasures, the LCP includes a strong key policy that prohibits, with some exceptions, all future public or private development within the "Critical Viewshed" (areas visible from Highway 1 and major public viewing areas as defined in *Big Sur Coast LUP* Policy 3.2.2.1). Discussion of specific visual resource policies for various portions of the Big Sur Coast follows later in this chapter.

The LCP also contains development standards to protect the character and historical resources of special coastal communities in areas such as Moss Landing, the Carmel area, and rural community centers along the Big Sur coast. The County's LCP also requires proposed projects in all segments but North County to be subject to a design review process for local aesthetic guidance (*County Code* Chapter 20.044). In North County, a design review process is currently required only for development in the Moss Landing Community area (*North County LUP* policy 5.6.3.7), although recommended design guidelines for Moss Landing have never been prepared.

Table SR-7.1. LUP Viewshed Definitions

Land Use Plan Area	Viewshed description	Public viewing areas
North County	No specific viewshed definition in LUP text, but protects views to and along the ocean shoreline from: ...and to and along the shoreline of Elkhorn Slough	Highway One, Molera Road, Struve Road and public beaches. ...from public vantage points...
Del Monte Forest	No specific viewshed definition in LUP text, but refers to "...viewshed of scenic corridors identified on the LUP Visual Resources Map" which is Figure 2C in DMF LUP; <i>County Code</i> Section 20.147.070.A2 requires a public viewshed determination based on whether development is visible from "...any public viewing area...visibility will be considered in terms of normal, unaided vision in any direction for any amount of time at any season..." and refers to Visual Resources Map, Figure 2C of DMF LUP	LUP describes scenic shoreline areas, corridors along Highway 68 and 17-Mile Drive and ridges identified on the LUP Visual Resources Map
Carmel Area	Defines "viewshed" or "public viewshed" as the composite area visible from major public use areas, including:	17-Mile Drive views of Pescadero Canyon, Scenic Road, highway 1 and Point Lobos Reserve
Big Sur Coast	Defines the term "critical viewshed" as everything within sight of Highway 1 and major public viewing areas, including:	Turnouts, beaches and the following specific locations: Soberanes Point, Garrapata Beach, Abalone Cove Vista Point, Bixby Creek Turnout, Hurricane Point Overlook, upper Sycamore Canyon Road (Highway 1 to Pais Road), Pfeiffer Beach/Cooper Beach, and specific views from Old Coast Road as defined in policy 3.8.4.4.

C. Local Coastal Program Implementation Issues

1. Overview of Issues and Recommendations

The most significant LCP implementation issues concerning scenic resource protection in Monterey County fall into three main areas: protection of important viewsheds including Big Sur's critical viewshed, community character and historic resource protection, and mitigation of the adverse visual impacts of specific development types. This section provides a summary overview of the issues

covered in this Periodic Review. While all of the issues are important, the most critical steps that the County could take to better implement its LCP in conformance with the Coastal Act would be to fully implement its policies prohibiting development in the Big Sur critical viewshed and clarifying some ambiguities in the policies. (See Recommendations SR10.1-SR10.18.)

a. Important Viewsheds

Monterey County has a highly scenic coastline, as described above, especially along the Big Sur coast. The County's coastal permit data shows continued activity in the public viewshed. Thus, an issue that deserved detailed focus is to ensure that visual resources are still being protected within the defined Big Sur Critical Viewshed. (See Issue SR-10 below) As a result of a Commission appeal in Big Sur, recommendations are made to ensure that future additions do not make a structure more visible (see **Issue SR-2: Air Space Protection in Critical Viewshed**). A recommendation to clarify that scenic easements can be used to prevent additional, inappropriate height is found on pages 175-177 of Appendix A. Issue scoping also elicited the suggestion that the County explore extending the type of viewshed protection that Big Sur receives to other coastal planning areas. A review of this suggestion determined that applying Big Sur-like critical viewshed policies throughout the County was not warranted. However, reliance on alternative prescribed measures, particularly screening, is not always appropriate either in order to achieve the desired result pursuant to Coastal Act objectives (**Issue SR-7: Critical Viewsheds**). Recommendations to clarify policies in order to better protect the viewsheds outside of Big Sur in conformance with Sections 30251 and 30253(5) are found on pages 189- 198 of Appendix A.

A related viewshed issue that surfaced in some coastal permits was the effect of developing on ridge tops, where again the appropriateness of screening is of concern. Review of this issue found ridgetop protective policies varied by segment (**Issue SR-8: Ridgetop Development**). Recommendations to develop more consistent and clarified policies are on pages 198 –203 of Appendix A. Finally, the visibility of structures is determined by assessing impact from certain vantage points. Commission permit experience elsewhere highlighted the issue of protecting views from the shoreline and offshore, and found that Monterey County generally does not consider these vantage points, except from some beaches (**Issue SR-4: Views from Offshore**). Recommendations for requiring consideration of these views where warranted are on pages 180-182 of Appendix A.

b. Historic Resource and Community Character

Two communities along the Monterey County coastline are especially noted for their historic aspects: Moss Landing and Carmel. Permit data shows extensive activity in these communities. Most of what visitors experience as quaint Carmel is incorporated as the city of Carmel-by-the-Sea. Recent consideration of the City's coastal land use plan highlighted the twin issues of protection of historic resources and community character. Since portions of unincorporated Monterey County are almost indistinguishable from land within the City limits, this issue is addressed in some detail below (Issue SR-11). This issue for Moss Landing is linked to land use changes and so is discussed in Chapter 2 (Issue LU-11). Some historic resources exist outside of these two communities;

therefore, general County historic protection policies have been reviewed as well (**Issue SR-1: Historic Resource Protection**). Recommendations for more directive policies to protect scenic values and historic resources are given on pages 165-175 in Appendix A.

c. Types of Development with Potential Adverse Visual Impacts

Staff review and analysis of local coastal permits through the post-certification monitoring process and this Periodic Review, and public comments during issue scoping, also revealed that certain types of development including power lines, wireless communication towers, and extra-large homes can degrade scenic resources and public views where they are visible, as discussed in, **Issues SR-3: Undergrounding Utilities; SR-5: Cellular Towers; and SR-9: “Trophy Homes,”** respectively. Recommendations are made to clarify the exceptions to the utility undergrounding requirements (found on pages 178-179 of Appendix A), to require use the latest technologies for reducing cellular tower visual impacts (pages 184-185 of Appendix A), and to develop criteria to guide development of large homes and a process to determine when such requirements should be imposed in order to protect scenic resources (pages 204-208 of Appendix A). A similar concern is raised by the removal of landmark trees that contribute to the attractiveness of the area. Removal of such landmark trees is defined as “development,” and removal would conflict with Coastal Act visual resource protection policies, as well as possibly habitat protection policies, (see **Issue SR-6: Landmark Trees**). Recommendations for preserving landmark trees are on pages 185-188 of Appendix A.

2. Issues Analyzed in Detail

In addition to the issues mentioned above that are covered in Appendix A, the following issues are discussed in more detail in this section: Issue SR-10: Big Sur Critical Viewshed and Issue SR-11: Carmel Area Community Character. An overview of each issue leads, followed by background information, applicable County LCP policies, a description of how the policies have been implemented, analysis, and, finally, corrective recommendations.

a. Issue SR-10: Big Sur Critical Viewshed

(1) Overview

This subchapter addresses the following concern identified through issue scoping: **Ensure that scenic resources within the Big Sur Critical Viewshed are protected, by requiring that new development not be sited within the critical viewshed, and that additions or expansions of existing structures located in or out of the viewshed not encroach into the critical viewshed.**

The coastal viewshed of the Big Sur coast has been recognized as a national treasure requiring a very high level of protection. It is threatened by man-made development. Responses to date have included purchasing land (or easements on land) in the critical viewshed. Review of coastal development permits since certification, backed by field inspections, has revealed that some new development has continued to be approved that intrudes on the critical viewshed. Recent trends in development of residential and commercial accessory features have also impacted the scenic

corridor. Elaborate gates, replacement of residential fences with solid walls, utility poles, intrusive lighting, landscaping that blocks public views, sign clutter, and other accessory developments continue to detract from the Big Sur Coast Highway's scenic values. The LCP has, therefore, not been implemented in a manner totally consistent with Sections 30251 of the Coastal Act to protect scenic views. This is due in part to the County not fully implementing LCP policies protecting the critical viewshed. Part of this finding is due to exceptions included in the LCP. Thus, recommendations are made to clarify visibility policies, especially for additions to and replacement of structures, as well as to continue eliminating the development potential of parcels in the critical viewshed.

(2) Resource Background

Critical Viewshed Characterization

The Big Sur coastline is world-renown for the natural beauty of rugged, steep cliffs that rise dramatically from the ocean, jagged mountain tops of the Santa Lucia Range, gently sloping marine terrace grasslands, and numerous stream-carved canyons. The Big Sur coast segment extends 68 miles from Malpas Creek to the Monterey/San Luis Obispo County Line. Since 1937 when the Coast Highway was completed, millions of visitors have traveled along this spectacular coastline, marveling at the dramatic views afforded from Highway One as well as various trails, parks and beaches.

The Big Sur Land Trust assessed in detail the existing scenic resources along this stretch of coastline around the time of LCP certification for their 1988 study: *Protecting Scenic Lands of the Big Sur Coast*.² The sections that follow summarize the description of the north, central, and southern viewsheds at the time of the study.

At time of LCP certification in 1988, The northern section of the Big Sur coast, from Malpas Creek to Castro Canyon, considered of the most renowned coastal landscapes, was bounded by two state parks and offered nearly pristine views with little visible development, past Otter Cove.³ Unspoiled

² Big Sur Land Trust, *Protecting Scenic Lands of the Big Sur Coast*, November 1988. This report surveyed the scenic quality of the Big Sur viewshed, determined where preservation needs are most critical, and prioritized properties within highly scenic areas for acquisition or other means of protection. It also identified existing development within the viewshed, and noted development that was visible within the critical viewshed at that point in time. Since the report was completed in 1988, it provides a snapshot of the amount of development and what was then visible in the viewshed at approximately the same time that Monterey County began implementing its LCP.

³ The original Otter Cove Subdivision consists of 17 residential lots along the shoreline immediately south of Mal Paso Creek, on the coastal terrace between Highway One and the ocean. The subdivision was approved prior to the Coastal Act, and given the topography of this area, all of the Otter Cove lots are in the critical viewshed. Some of these lots had been developed prior to enactment of the Coastal Act, and the Commission approved others prior to certification of the County LCP. During the time that this area was under the jurisdiction of the Coastal Commission, the Commission had generally refrained from approving additional visible homes along the Big Sur Coast, but because the area had already been subdivided into seventeen lots, the Commission did allow development of the remaining lots on a case-by-case basis, with the goal of minimizing visibility as much as possible while allowing modest sized homes to be built. Nearly all of the houses in the Otter Cove area are visible from Highway One, although some are barely noticeable. For the most part, the houses have been designed using colors and materials (such as rock walls, and sod roofs) to blend into the environment, however many of them could not be screened from view without a substantial increase in

panoramic vistas of ridges and the ocean were available from road turnouts and public visitor points. West of Highway One were views of marine terraces, long sandy beaches and coastal bluffs and cliffs including three of the most visually significant headlands, one being the headland and lighthouse at Point Sur. Inland views offered dramatic vistas of high ridges and peaks, coastal dunes and the Big and Little Sur Rivers. The Bixby and the Little Sur Bridges, which cross major canyons, offered an astonishing visual experience.

In 1988 the Land Trust noted that this viewshed section was impacted by development of several houses on small lots at Otter Cove and on either side of the highway in the area from Kasler Point to Rocky Point. Planted trees restricted some scenic views from the road. At Point Sur some former military installations were visible and at the El Sur Ranch some ranch buildings were located in the viewshed. Along the road some commercial development was visible in the Big Sur Valley as was some residential development in the Sycamore Canyon area. This section of the viewshed included noted visitor attractions at Nepenthe and Ventana Inn.

The Central section of the Big Sur coast, from Castor Canyon to Mill Creek, was characterized by views of steep mountainous ridges, numerous stream canyons and rocky shoreline. A large landslide area along Highway One was visible near McWay Canyon. Numerous road turnouts offered dramatic views of cliffs and ocean north to Pfeiffer Point and south Lopez Point. However, because of the rugged terrain, some of the viewshed in this area was limited by road curves and road cuts. Development and planted tree screens impacted some sections of the viewshed. Scattered development was visible near the Big Sur Inn, an historic facility and along Partington Ridge. Near Julia Pfeiffer Burns State Park the viewshed was relatively pristine with only two houses west of the highway partially visible. Much of the area was protected through public ownership, scenic easements or land restrictions. Going south from Anderson Landing to the John Little State Reserve, Highway One straightens out to cross coastal terraces. Trees often blocked distant views in this area and the viewshed contained signs of a development with visible portions of houses screened by trees, driveways, road cuts, and mailboxes. The views from Highway One further south along the Dolan Coast offered more open expansive views of ridges, rocky shoreline and forested benches. Little development was visible along this stretch except for the Esalen Institute. The road continued through an undeveloped, viewshed corridor offering ocean views but less spectacular vistas from Dolan Rock south to the Gamboa Coast. From Square Black Rock to Gamboa Point the viewshed again became rugged and dramatic, with a variety of views of ocean, mountains and rocky shoreline. The views were essentially pristine with only a few houses and ranch roads visible. The Lucia Coast at the southern end of Central Big Sur viewshed consists of steep cliffs, deep, forested canyons, and the shoreline, but was marked by areas of roadwork and road cuts. Development in this section of the viewshed included day use facilities and campgrounds and some commercial facilities at Lucia.

The 1988 study noted that the southern section of the Big Sur coast, from Mill Creek to the San Luis Obispo County line, was characterized by panoramic views from Highway One, turnouts and inland

vegetation that would significantly block ocean views. In fact, much of the coast between Mal Paso Creek and the southern end of Otter Cove is blocked from view by cypress trees that have been planted as part of earlier landscape screening plans.

recreational areas. The road traveled along a broad open marine terrace with nearly pristine views. Views west to the shoreline included rocky cliffs and headlands and extensive ocean vistas and cove beaches. Inland views consisted of grassy marine terraces, forested ridges and redwood canyons. The Pacific Valley Store, public campgrounds, a picnic area, a few residences and Plaskett Ridge Road were visible near Pacific Valley. No development was visible from north of Willow Creek south to Cape San Martin. A few houses and a commercial development were visible near Gorda. South of Gorda the road traveled along steep cliffs with views restricted by terrain, road cuts and lack of turnouts. However, views of the ocean and the San Luis Obispo County shoreline could be seen from the highway and turnouts north of the County line.

Since this description of the viewshed was written in 1988, with the exception of some additional development, the natural scenic conditions have changed little. Large parcel sizes, modest residences, agricultural land uses, and public ownership, have helped stave off development that would mar the scenic viewshed. There are only approximately 855 parcels within the potential critical viewshed, 727 of them private.⁴ The average size of the private parcels is 34.6 acres (parcels sizes range from 0.2 to 625 acres).⁵ Approximately 360 of the 855 parcels are developed. Much of this development is modest, rustic, and tucked out, or mostly out, of the public view. Agricultural lands, primarily used for grazing, comprise 9,558 acres. They may contain some visible dwellings, barns, corrals, stables and other out buildings, but are predominantly undeveloped grasslands. Public lands account for 213,186 acres or 86% of the potential viewshed. Table SR-7.2, below, summarizes the number of parcels containing visible development in the northern, central, and southern sections of the Big Sur Coast planning area.⁶ The number of parcels with visible development is only 3.2 per mile in the northern section and 1.1 per mile in the central and southern sections. When the Otter Cove, Rocky Point and Big Sur village exception areas are removed from

⁴ Note: the Big Sur “critical viewshed” can not be precisely mapped, because it is defined as everything within sight of Highway One and major public viewing areas, including turnouts, beaches and defined public viewing areas. Thus, the same piece of land may be considered in the critical viewshed if it contains a visible structure, while it would not be considered in the critical viewshed if it contained development that was underground or screened from public view. It is possible to illustrate the potential critical viewshed, especially if one has certain categories of development in mind (e.g., residential) by determining what lands can be seen from the defined public viewing areas. There have been several attempts to do this. The line of the potential critical viewshed used for this Periodic Review represents areas visible from Highway One using a computerized simulation of topography, prepared by a consultant to Monterey County. The digital elevation model uses 500 x 500 foot elevation data and site line evaluation from roads with scenic designations (Personal Communication, Mark Gomes, Monterey County). Again, it must be stressed that this line can only be an approximation: the taller the proposed development, the greater the area of potential critical viewshed; the shorter, the lesser area of potential critical viewshed.

With regard to vacant and developed parcels, the numbers presented in this Periodic Review are approximate. This is because the parcel status is based on an interpretation of assessor’s information and is not based on aerial photo analysis or field evaluation of visible development.

⁵ All acreages are based on calculations made in GIS from Assessor Parcel information and scenic viewshed layers provided by Monterey County.

⁶ Based on a visual resources field survey conducted by Coastal Commission staff throughout the Big Sur planning area in 2002 to document visible development within the critical viewshed. Using aerial photos and a parcel based GIS system, staff identified and counted the number of parcels with development visible in the critical viewshed.

the northern section calculations, then the average number of parcels with visible development is 2.0 parcels per mile.⁷

⁷ See Local Coastal Program Policy section, above, for description of exception areas (*Big Sur Coast LUP* Policy 3.2.5).

Table SR-7.2 Big Sur Critical Viewshed Development Summary.

Viewshed Areas	<i>Areas with Exceptions to Critical Viewshed policies</i>	Total number of parcels	Developed parcels in 2002^a	Parcels with development visible from Hwy 1 and Upper Sycamore Canyon^b	Parcels in scenic viewshed with development approved by Monterey County	Parcels with County permits - development visible (# of permits)^c	Number of parcels with County permits - development not visible (# of permits)
Otter Cove-Victorine Ranch thru Andrew Molera State Park		260	130	79	53	29 parcels (29 permits - including: 9 New SFDs 12 Additions 1 demo/ rebuild 2 PQP 1 CVS)	24 parcels (29 permits - including: 6 New SFDs 1 Addition 2 demo/ rebuild 3 PQP trails, etc.)
	<i>Otter Cove Exception Area</i>	17	16	15	8	7 parcels (11 permits – including: 1 New SFD 9 Additions 1 demo/ rebuild)	1 parcel (1 permit, for: 1 New SFD, not yet constructed)
	<i>Rocky Point Exception Area</i>	23	21	15	10	9 parcels (13 permits – including: 6 New SFDs 3 Additions 2 demo/ rebuilds and 2 others)	1 parcel (1 permit, for: 1 Addition)
Big Sur Valley - Sycamore Canyon To Nepenthe		241 ^d	138	14	62	5 parcels in Big Sur Valley	5 parcels in Big Sur Valley
	<i>Big Sur Valley Rural Community Center</i>	59	34	14	10	5 parcels (7 permits – including: 4 CVS 2 Rec. Facilities)	5 parcels (6 permits – including: 1 New SFD 3 CVS and 2 others)

Viewshed Areas	Areas with Exceptions to Critical Viewshed policies	Total number of parcels	Developed parcels in 2002 ^a	Parcels with development visible from Hwy 1 and Upper Sycamore Canyon ^b	Parcels in scenic viewshed with development approved by Monterey County	Parcels with County permits - development visible (# of permits) ^c	Number of parcels with County permits - development not visible (# of permits)
Grimes-Partington Ridge area to Mill Creek at south end of Lucia coast		274	70	28	37	8 (17 permits-including: 1 New SFD 5 Additions 1 Res. Infrastructure 1 Res. Relocation 5 CVS)	29 (28 permits – including: 12 New SFDs 6 Additions 1 Res. Infrastructure 4 CVS)
	<i>Lucia Rural Community Center</i>	2	1	1	0	0	0
Wild Cattle Creek to southern Monterey / San Luis Obispo County line		80	22	20	8	1 (1 permit, for: 1 demo/ rebuild)	7 (10 permits - including: 3 New SFDs 1 Res Trailer 1 Res demo rebuild 1 PQP & 1 CVS)
	<i>Pacific Valley Rural Community Center</i>	1	0 ^e	1 (ruins)	0	0	0
	<i>Gorda Rural Community Center</i>	5	2	2	2	1 ^f	1
<u>Total</u>		855	360	141	160	43 (54 Permits)	65 parcels (73 permits)

^a Based on land use codes provided in assessors parcel data, 2002.

^b Based on field survey conducted throughout Big Sur Coast Planning Area in January and November 2002 .

^c Abbreviations used for types of development include: SFDs = Residential Single Family Dwellings; PQP = Public/Quasi-public facilities; CVS = Commercial Visitor-Serving.

^d This value may be inflated due to the fact that the viewshed boundary obtained from Monterey county includes all parcels west of Big Sur Valley and Sycamore Canyon/Pfeiffer Beach area, even those that are outside of the critical viewshed.

^e Pacific Valley parcel contains ruins of the Pacific Valley Store, a commercial structure lost to fire some years ago; the current assessor's land use code is given as vacant commercial.

^f Treebones Campground, under construction at the time of this writing, has a water tank that is currently visible from Highway One. Coastal Development Permit was conditioned for long-term screening of any potentially visible structures.

Threats to Visual Resources

New development, improvements, visual clutter within the Highway 1 corridor, and some natural phenomena threaten to further degrade the scenic character of the Big Sur coast. The greatest threat to the pristine nature of the Big Sur critical viewshed is from new development that would be visible. There are approximately 202 vacant parcels on which future residential development might be proposed that could be visible.⁸ As home sizes increase, there is more potential for new development to be visually intrusive. And, even where a new residence can be hidden on a site, some ancillary facilities (such as new driveways) are likely to be visible. Also, landscaping can grow over time to be intrusive, while existing vegetation that had originally screened the new development could die or otherwise be removed over time, exposing a visible structure.

Another source of new, potentially visible development comes from further construction on existing developed parcels. A related threat is redevelopment of existing visible development, public or private, in a manner that is incompatible with the area's scenic character. There are many cases of slightly visible homes in Big Sur that could become more noticeable if added to or redeveloped.

Numerous other developments that occur in the highway corridor threaten to continue degrading the overall character of the scenic drive as well. These include installation of landscaping that creates visual barriers; urban style mailboxes, roadside gates, walls and fences; additional utility lines and poles; private and public agency signs; and intrusive private and commercial string lights and outdoor lighting.⁹

Some natural occurrences that are human influenced, such as the spread of pampas grass and other invasive species or landslides, also degrade the viewshed to some observers. Other activities such as storm damage repair activities can also impact the viewshed.

Responses to Protect Visual Resources

The primary response to protecting viewshed land, beyond regulation, has been to restrict development on it by encumbering it with scenic easements and/or acquiring it by a party that does not intend to develop it.

The aforementioned Big Sur Land Trust study was a catalyst for that non-profit organization to be involved in purchasing properties or easements that are in the critical viewshed. Additionally, the County became involved through Proposition 70, the Wildlife, Coastal and Park Land Conservation

⁸ Based on assessor land use codes, for which at least 15 parcels have no land use code defined, so the number of vacant undeveloped parcels could be higher.

⁹ Public Affairs Management, *Corridor Intrinsic Qualities Inventory: Scenic Qualities*, December 2001, prepared for Caltrans Big Sur Coast Highway Management Plan.

Fund of 1988. This measure allotted \$25 million to Monterey County for the acquisition in fee title of critical viewshed parcels or of scenic easements across critical viewshed parcels. Other public agencies have also purchased viewshed lands, such as the U.S. Forest Service, which bought the highly scenic Brazil and Sur Sur Ranches; the California Coastal Conservancy, which purchased lands at the former Victorine Ranch, Abalone Cove/Kasler Point, and Gorda; and State Parks, which acquired Point Sur State Historic Park and Limekiln State Park.

(3) Local Coastal Program Policies

The *Big Sur Coast Land Use Plan* has policies for protecting views within the critical viewshed from new and existing development, as well as for protecting the scenic quality of areas outside of the critical viewshed.

Critical Viewshed Policies

A key policy (3.2.1) of the *Big Sur Coast Land Use Plan* is “to prohibit all future public or private development visible from Highway 1 and major public viewing areas (the critical viewshed).” This policy was first accepted in 1976 in the Big Sur Coast Pilot LCP. It has its antecedents in previous regulatory efforts dating back to banning billboards in 1946, State scenic highway designation in 1965, County design review, and Proposition 20, through which the Regional Coastal Commission attempted to protect Big Sur’s visual resources by regulating residential design to “minimize” the impact on public views. However, it was eventually realized that every single structure in view of Highway 1— “minimized” or not — cumulatively contributes to the overall degradation of Big Sur’s wild and scenic character and that an objective, effective, easily interpreted new policy was needed.

Thus, Monterey County’s LCP has provisions to determine what constitutes the critical viewshed, policies generally prohibiting visible development within the critical viewshed, and exceptions.

The *Big Sur Coast LUP* defines the critical viewshed as follows:

Policy 3.2.2.1: Critical viewshed: everything within sight of Highway 1 and major public viewing areas including turnouts, beaches and the following specific locations: Soberanes Point, Garrapata Beach, Abalone Cove Vista Point, Bixby Creek turnout, Hurricane Point Overlook, upper Sycamore Canyon Road (Highway 1 to Pais Road) Pfeiffer Beach/Cooper Beach, and specific views from Old Coast Road as defined by policy 3.8.4.4.¹⁰

Procedures for identifying whether a proposed project would intrude on the critical viewshed are as follows:

¹⁰ *Big Sur Coast LUP* Policy 3.8.4.4 includes views of Pico Blanco from the Old Coast Road in the Critical Viewshed as that term is used in Policies 3.2.1 and 3.2.2. Pico Blanco is defined in Policy 3.8.4.4 as “that landform bounded on the south by the South Fork of the Little Sur River, on the north by the North Fork of the Little Sur River and on the east by the Ventana Wilderness Area. All other views from the Old Coast Road are excluded from the Critical Viewshed except those views visible from Highway One.”

3.2.3.B.1: All development applications shall require individual onsite investigations to determine whether they would intrude on the critical viewshed. The proposed buildings shall be accurately indicated as to dimensions, height, and rooflines by poles and access roads, by stakes with flags which shall remain in place for the duration of the project review and approval process. Such indications of the extent of development shall be recorded photographically with superimposed representation of the proposed project. The standard for review is the objective determination of whether any portion of the proposed development is visible from Highway 1 or the major public viewing areas identified in the definition of the critical viewshed.

Visibility will be considered in terms of normal, unaided vision in any direction for any amount of time at any season. Ocean views from Highway 1 shall not be obscured by artificial berming/mounding or landscaping. Distant development, although in the technical line of sight, will not be considered visible if sited and designed so as not to be seen from Highway 1 and other major public viewing areas. Exterior light sources shall be prohibited if such light source would be directly visible from the locations designated in Policy 3.2.2.1 above. The critical viewshed does not include areas visible only from the hiking trails shown on the Trails Plan (Figure 3).

All new development not in conformance with the approved representations shall be removed.

The County has developed guidelines for visual representations that are not included in the LCP. Guidelines for staking and flagging currently require representation of building dimensions, height and rooflines with flags of international orange, bright red or other visible color attached to 2"x4" poles. When there is potential for ridgeline development or when the site is within a visually sensitive area, as is all proposed development in the Big Sur critical viewshed, the County guidelines require the additional use of 2-foot wide woven plastic snow fencing, or other suitable material in similar bright colors, supported by stakes or support wires be assembled to outline the entire building perimeter and height.

Big Sur Coast Land Use Plan policies for development within the critical viewshed include the following:

3.2.3.A.1: In order to avoid creating further commitment to development within the critical viewshed all new parcels must contain building sites outside the critical viewshed.

3.2.3.A.2: The best available planning techniques shall be used to permit development of parcels partially in the critical viewshed. These may include clustering of structures, sensitive site design, design control, transfer of development credits, and other techniques designed to allow development on such parcels outside the critical viewshed.

3.2.3.A.3: Where it is determined that an alternative building site on a parcel would result in conformance to the Key Policy, then the applicant will be required to modify his proposal

accordingly. Similarly, changes in the design, height, or bulk of proposed structures will be required where this will result in an approvable project.

3.2.3.A.4: New roads, grading or excavations will not be allowed to damage or intrude upon the critical viewshed. Such road construction or other work shall not commence until the entire project has completed the permit and appeal process. Grading or excavation shall include all alterations of natural landforms by earthmoving equipment. These restrictions shall not be interpreted as prohibiting restoration of severely eroded water course channels or gulying, provided a plan is submitted and approved prior to commencing work.

3.2.3.A.5: Where it is determined that a proposed development cannot be resited, redesigned, or in any other way made to conform to the basic critical viewshed policy, then the site shall be considered environmentally inappropriate for development.

3.2.3.A.7: The general policy concerning replacement of structures shall be to encourage resiting or redesign in order to conform to the Key Policy. Replacement or enlargement of existing structures, or structures lost in fire or natural disaster within the critical viewshed shall be permitted on the original location on the site, provided no other less visible portion of the site is acceptable to the property owner, and provided the replacement or enlargement does not increase the visibility of the structure. Replacement or enlargement of structures outside the critical viewshed shall be permitted as long as such replacement or enlargement does not cause the structure to intrude into critical viewshed.

3.2.3.A.8: Landowners will be encouraged to grant scenic easements to the County over portions of their land in the critical viewshed.

Pursuant to policy 3.2.3.A.5, *County Code* Section 20.02.060's override provisions (to prevent an unconstitutional taking by allowing development on vacant parcels that would otherwise be prohibited) do not extend to allowing otherwise unapprovable development within the critical viewshed. Instead, the acquisition or TDC programs described below must be employed to compensate a property owner.

Certain areas within the critical viewshed are exempted from the policies for specific uses. These uses include certain: commercial centers, essential agricultural and ranching structures, public Highway 1 facilities and private road improvements, utilities, State Parks parking areas; additional residential development in the Otter Cove and Rocky Point areas; and coastal dependant uses. For these, the following *Big Sur Coast LUP* Section 3.2.5 exceptions to the Key policy apply:

A. Rural Service Centers

Development within the following Rural Community Centers--Big Sur Valley, Lucia, Gorda, and Pacific Valley, as well as at Rocky Point Restaurant, Big Sur Inn, and Coast Gallery - provide essential services to the community and visiting public, and shall be permitted under

careful design and siting controls as provided for in the County Zoning Ordinance (Title 20 of the County Code) and by Policy 5.4.3 of this Plan [see below].

B. Essential Ranching Structures

Essential agricultural structures required by commercial ranching and agriculture operations that cannot be feasibly located outside the viewshed shall be permitted under careful design and siting controls. Examples include barns, fences, windmills, water pumps, water tanks, stockponds and corrals. However, all aquaculture facilities will be subject to the same resource protection criteria and environmental standards as other development. Such uses shall conform to all non-critical viewshed standards.

C. Highway 1 Facilities

1. Public Highway Facilities.

Road capacity, safety and aesthetic improvements shall be allowed, as set forth below, provided they are consistent with Section 4.1.1, 4.1.2, and 4.1.3 of this plan [regarding Highway 1 and County Roads]. Signs, guardrails, and restrooms shall be of a design complementary to the rural setting and character of Big Sur, with preference for natural materials. Protective barriers constructed by Caltrans should utilize boulders or walls of rock construction. Public agency permanent highway signs should be framed with unpainted redwood. All highway signs should be reviewed once every three years by Caltrans to determine the need for their continued use. All unnecessary signs should be removed.

2. Private Highway Improvements.

Private driveway entrances, gates, roadside fences, mailboxes, and signs shall be of a design complementary to the rural setting and character of Big Sur, with preference for natural materials.

D. Utilities

It is the County's intent that utilities be installed underground. Overhead power or telephone lines will be considered only where overriding natural or physical constraints exist. Poles will be placed in the least conspicuous locations out of public, and where possible, private view. Exterior lighting will require shielding to reduce its long-range visibility, and to cause the light source to not be visible. Further, exterior lighting shall be downlite and minimal to reduce as much as possible light pollution. Transmitter towers and power facilities must not appear in the critical viewshed. Water lines or underground conduits should be buried or otherwise obscured by vegetation.

E. State Park Parking

In order to provide for parking and other low intensity support facilities for the State of California system of parks on the Big Sur coast, flexibility in the basic viewshed policy may be permitted to allow use of excavating, berming, and indigenous plant screening at Soberanes Point, Garrapata Beach, Little Sur River Mouth, and Point Sur Lighthouse if no environmentally suitable site is available that meets the critical viewshed criteria. Other new parking facilities shall be provided at off highway locations rather than on the Highway One shoulder. The creation of new parking lots between Highway One and the ocean shall be avoided wherever possible to avoid detracting from scenic coastal views. This policy shall also apply to new units within the system that may be opened to the public. Parking and support facilities existing at current facilities shall be removed from Highway One whenever the necessary off-highway parking is provided. New off-highway facilities shall be designed, to conform to viewshed policy 3.2.4.3 if located in the critical viewshed (except for necessary entrance ways, which cannot be hidden from Highway One), and to policy 3.2.4 if located outside the critical viewshed. Existing facilities shall be brought into conformance to the greatest extent possible. Land acquired for viewshed protection shall not be developed for parking or visitor serving facilities. Parking facilities for Soberanes Point, Garrapata Beach, and Little Sur River Mouth shall be located on the east side of Highway One and be completely out of the view of the Highway through the use of excavation, indigenous forestation and berming techniques which shall obscure all vehicles and facilities. Restroom facilities shall be located with the parking facilities. For public safety at Soberanes Point, Garrapata Beach, Little Sur River Mouth, and any new units on the east side of Highway One connecting the parking and beach areas are highly desirable. Parking shall be provided for a maximum of 75 vehicles at these facilities.

F. Rocky Point Area Vacant Parcels

Existing vacant residential parcels in the critical viewshed between Highway 1 and the sea, from (and including) the southernmost existing residential parcel on Rocky Point, to the northernmost developed residential parcel on Kasler Point and from the southernmost developed parcel north of Abalone Cove to the northernmost developed parcel south of Garrapata Creek shall be permitted to be used for residential purposes subject to policies of Section 3.2.4 of this plan and the following standards.

Additional standards shall include keeping driveways as narrow as possible, avoiding paving where practical and consolidation of driveways; the use of roof and surface treatments, colors and materials which will visibly blend with the surrounding environment; the use of berming and other measures designed to minimize views of structures without blocking ocean vistas seen from Highway 1; prohibiting the dumping of excavated materials over the coastal bluff, and additions, antennae, night flood lighting, or other improvements in view of Highway 1 without separate permit consideration; and dedication of scenic easement over undeveloped portion of lot. Guest houses shall be attached to the main dwelling except where they can be sited to better implement these policies.

G. Otter Cove

Existing vacant residential parcels in the critical viewshed in the Otter Cove Subdivision seaward of Highway 1, south of Malpaso Creek, shall be permitted to be used for residential purposes subject to policies of Section 3.2.4 of this plan.

Additional standards shall include keeping driveways as narrow as possible, avoiding paving where practical and consolidation of driveways; the use of roof and surface treatments, colors and materials which will visibly blend with the surrounding environment; the use of berming and other measures designed to minimize views of structures without blocking ocean vistas seen from Highway 1; prohibiting the dumping of excavated materials over the coastal bluff, and additions, antennae, night floodlighting, or other improvements in view of Highway 1 without separate permit consideration; and dedication of scenic easement over undeveloped portion of lot. All guest houses shall be attached to the main dwelling.

H. Coastal-dependent Uses Exception

Coastal-dependent uses, natural resource management needs, and certain necessary public facilities as specified below are permitted provided that in each case there be a finding that no reasonable alternative exists, that no significant adverse visual impacts will result, and that all such uses are in conformance with Scenic Resources Policy 3.2.4 and all other policies. The exceptions are limited to:

- a. Removal of non-native trees;*
- b. County road improvements in keeping with Policy 3.2.5.C-1;*
- c. Minimal public access improvements on the beach along shoreline lateral accessways, such as litter collection facilities and rustic stairways;*
- d. On-shore navigational aids (lights, radio beacons, weather stations) needed by the commercial fishing industry; and*
- e. Improvements to Pacific Valley School.*
- f. The joint U.S. Forest Service-State Parks-Caltrans administrative site in Pfeiffer-Big Sur State Park.*

The referenced additional standards for Rural Community Centers are found in *Big Sur Coast Land Use Plan* policy 5.4.3.L.4:

Visual emphasis for development in the Big Sur Valley should be on tasteful, rustic design using natural materials and careful siting of structures to meet scenic protection objectives rather than the criteria of non-visibility. This policy variation is needed because of the importance of the area as a recreation destination point and because development is already visible.

Further guidance for development of new or expansion of existing commercial facilities is found in *County Code* Section 20.145.140.B.2 and includes: rustic design, use of natural building materials and earth-toned colors, two-story height limit, subordination to surrounding landforms and building scale, bulk, and size comparable to existing structures in the area.

Scenic Resource Protection Policies for Development not in the Critical Viewshed

For those areas outside of the Critical Viewshed, the following policies apply:

3.2.4.A.: So that the visual continuity may remain undisturbed, the design and siting of structures, whether residential, commercial, agricultural, or public, and access thereto, shall not detract from the natural beauty of the undeveloped skylines, ridgelines, and the shoreline.

3.2.4.A.2: New applicants, when selecting a building site, must consider the visual effects upon public views as well as the views and privacy of neighbors. The portion of a parcel least visible from public viewpoints will be considered the appropriate site for the location of new structures. New structures shall be located where existing topography or trees provide natural screening and shall not be sited on open hillsides or silhouetted ridges. Sites shall not leave excavation scars or slope disturbance. Structures and access roads shall be designed to minimize alterations of the natural landform and to avoid, insofar as feasible, removal of healthy tree cover.

3.2.4.A.3: New development should be subordinate and blend with its environment, using materials or colors that will achieve that effect. Where necessary, appropriate modifications will be required for siting, structural design, size, shape, color, textures, building materials, access, and screening.

3.2.4.A.4: Landscape screening may be used wherever a moderate extension of native forested and chaparral areas is possible. Other screening must be of similar plant or tree species.

3.2.4.A.5: Sites for new structures shall be selected to avoid the construction of visible access roads and minimize the extent of environmental and engineering problems resulting from road construction.

3.2.4.A.6: New roads providing residential, recreational, or agricultural access will be considered only where it has been demonstrated that the use of existing roads is not feasible, or that permission for the use of an existing road is shown in writing to be unobtainable from neighboring property owners.

3.2.4.A.7: New roads shall avoid steep slopes and shall be located along the margins of forested areas, along natural land contours, or within existing vegetation. Road shall be aligned to minimize removal of native trees, and constructed to minimum standards consistent with the requirements of fire safety and emergency use. Drainage and erosion

control measures must be adequate to prevent erosion. During road construction, side casting of earth materials shall not be permitted; all materials not used for onsite fill shall be removed from the area.

3.2.4.A.8: Television antennas shall be unobtrusive.

3.2.4.B. Procedures For Applying the General Scenic Resources Policies That Apply Outside the Critical Viewshed:

All development applications shall require individual on-site investigations. The proposed dimensions of buildings shall be accurately indicated as to dimensions, height, and rooflines by poles and access roads marked by stakes with flags which shall remain in place for the duration of the project review and approval process. The County shall determine whether the proposed development conforms to the policies set forth in Subsection A of this section.

Regulatory Requirements for Viewshed Development

While most new development requires authorization through a County-issued coastal permit, some does not. The *California Code of Regulations* specifies which improvements to existing development require coastal permits. One category of development that requires a permit is improvements to any structure in an area designated as highly scenic in a certified land use plan (Sections 13250(b)(1) and 13253(b)(1)). Another category is improvements to structures resulting in increased height or increased size in significant scenic resource areas (Sections 13250(b)(4) and 13253(b)(4)). *County Code* Section 20.70.120 includes the latter category for scenic road corridors, but not the former. Thus, only improvements resulting in an increase in an additional story, an increase in floor area (by at least 10%), a significant non-attached structure, or a satellite dish within the Highway One corridor need County coastal permits.

Even if a coastal permit is not required, all of the Big Sur Coast is in a design control district (*County Code* Chapter 20.44). The purpose of the “D(CZ)” district is to regulate the location, size, configuration, materials, and colors of structures and fences to protect the public viewshed. Design permits must be approved prior to the issuance of building permits for structures and must be consistent with the *Big Sur Coast Land Use Plan*.¹¹

Removal of trees and other major vegetation requires a coastal permit pursuant to *County Code* Section 20.145.060. An exception from permit requirements for non-native or planted trees does not apply if removal would result in the exposure of structures in the critical viewshed. There is, however, an exception for thinning of small trees in densely forested areas under Section 20.145.060.A.1.c. And while there is not an explicit provision that requires permits for planting of trees in the critical viewshed, there is a provision that ocean views from Highway 1 shall not be obscured by artificial berming/mounding or landscaping (*LUP* policy 3.2.3.B.1).

¹¹ Fences under six feet tall are not defined as structures under *County Code* Section 20.06.1200, but since they are mentioned in the purpose section of the Design Control district, they are apparently subject to its provisions.

Programs to Protect the Critical Viewshed

The LCP also relies on three non-regulatory programs to protect the critical viewshed: acquisition, transfer of development credits, and restoration. *Big Sur Coast Land Use Plan* policy 3.2.3.A.6 states:

The County will participate with other public agencies and private groups to secure adequate funds to purchase critical viewshed parcels proposed for development or to secure for use by restricted landowners, other developable land areas to which new development can be transferred. The value of parcels, for purposes of establishing purchase price, shall not be diminished by virtue of their location in the viewshed or by the policies of this section.

Big Sur Coast Land Use Plan action 3.2.6.1 commits the County to exploring “all sources of funds - County, State and Federal - to compensate property owners denied development permits due to viewshed restrictions” and requests the Coastal Conservancy’s assistance in this task.

Recommended action 3.2.6.3 establishes that:

Where no other feasible mitigation measures for eliminating the adverse visual impacts of new development in the critical viewshed are available, the County may institute and utilize a Transfer of Development Credits (TDC) system that will permit development credits for a parcel determined to be developable except for the critical viewshed restrictions. Such credits may be transferred at the owner's option to a receiving parcel not in the viewshed and otherwise found to be suitable for an increased density of development. The use of transferred credits will be allowed as a conditional use under this Plan. However, the increase in residential density on the receiving parcel shall not exceed twice that which is specified by Section 5.4 of this Plan, except where: a) an environmental impact analysis reveals site suitability for more units; b) traffic impacts will be mitigated through reduction in the number of driveway encroachments onto Highway 1; and c) consistent with all other standards listed in this Plan.

Critical viewshed parcels protected under a TDC system shall be secured through enforceable restrictions (e.g., scenic easement dedication), subject to County Counsel review and approval of the applicable documents.

The transfer of development credit program is further detailed in *Big Sur Coast LUP* Section 7.2.5 and *County Code* Section 20.64.190. The TDC program is not available to vacant parcels in the viewshed exception areas.

Under *Big Sur Coast LUP* policy 3.2.3.A.9, “The County encourages creative public and private efforts to restore the scenic beauty of visually/impacted areas of the coast and will assist such efforts where possible.” A basic objective and Key policy 3.2.1 of the *Land Use Plan* is “to preserve these scenic resources in perpetuity and to promote the restoration of the natural beauty of visually degraded areas wherever possible.” *Big Sur Coast LUP* Action 3.2.6.2 calls on the California Coastal Conservancy to:

- undertake a study to identify areas of the Big Sur coast suitable for visual restoration and should propose specific measures to encourage restoration. This study may be a cooperative effort between interested residents, groups, and other agencies, the Conservancy, and the County. At a minimum, the study should:

-identify specific parcels unsuitable for development due to viewshed restrictions and recommend means of avoiding development on the properties.

-prepare a map and list of specific developments, including roads that impact visual quality and propose means of gradually reducing such impacts. This should include an incentive program, including cost-sharing, for private landowners and residents to voluntarily undertake such work.

(4) Local Coastal Program Implementation

Permit Review: Overview

Since 1988, 211 coastal development permits have been issued for parcels located within the potential Big Sur critical viewshed. Of these, 67 permits (32 percent) were for new single-family dwellings on vacant parcels, 55 permits (or 26 percent) were for additions or remodels, 18 permits (9 percent) were for commercial visitor-serving developments, and the remaining 69 permits (or 33 percent) were for various other types of development. Of the 67 permits approved for new residential development, 9 permits (13 percent) were in critical viewshed protection exception areas (i.e., vacant parcels located in the Otter Cove and Rocky Point areas, or rural community centers of Big Sur Village, Lucia, Gorda, etc). No permits were for subdivisions that created new lots within the viewshed.

In order to focus this analysis, permit review was conducted for those parcels that had development visible from Highway 1 or other points listed in the critical viewshed definition based on field review. Of the 143 parcels in Big Sur that contain visible development, approximately 43 parcels have 54 County coastal permits associated with them. Some parcels contained multiple permits. A review of 50 of these permits was conducted to evaluate how the Big Sur critical viewshed policies were applied. Only 14 (28%) of the permits reviewed had findings indicating that the applicants provided a visual representation of the proposed development by staking or other means. While it is probable that the County's permit files contained this information, the permit findings did not say so. Only 15 (30%) of the permits reviewed required scenic easements on the remaining portions of the parcel within the critical viewshed or had findings as to why no easement was required. Following is a review of some of these permits categorized by whether the parcel was in or was not in an exception area and whether the development was approved on a vacant or previously developed parcel.

Permit Review: New Development on Vacant Parcels in the Critical Viewshed

Three parcels that had been vacant were developed with approved homes that are visible from Highway One: two are in the Victorine Ranch area and one is across from Nepenthe. The permits associated with these are discussed in the following paragraphs.

One permit each for single-family homes is associated with parcels APN 243-221-024 and APN 243-221-029 on the former Victorine Ranch. Both permits indicated that the new development would not be visible within the public viewshed from Highway One. However, field survey indicates that portions of both developments approved by the County are visible from Highway One. The chimney and portions of the roof of the residence on APN 243-221-024 are visible east of Highway One along the foreground ridge. Much of the home on APN 243-221-029 is visible through and above trees. In response to correspondence from the Coastal Commission that the house on APN 243-221-029 was in apparent violation of the requirement not to be visible, the County indicated that the owner would be required to plant more tree screening.¹² The permit for APN 243-221-024 includes no specific finding or condition requiring a scenic easement, as required by policy 3.2.3.A.8. The permit for APN 243-221-029 is conditioned to add to an existing scenic easement covering slopes greater than 30%, an area to protect habitat outside of the building envelope, but there is no mention of viewshed protection.

The County Board of Supervisors also approved a permit for a 1,538 square-foot, single story, single-family dwelling, with a 90 square-foot covered parking space, a water storage tank and grading in the area near Nepenthe and Grimes Point (high on the hillside above Deetjen's Big Sur Inn) on APN # 420-191-011, on appeal of a Planning Commission denial.¹³ The Planning Commission's denial findings noted that project was located within the critical viewshed, and staking of the proposed project was visible from Highway One. The Board of Supervisor's approval noted that the project would be located in the same place as an existing water tank and would not be visible "provided that the sod roof, landscaping and berming incorporated in the design [were implemented]." The project approval was also conditioned to require that no lights could be visible from Highway One and to require undergrounding of all utility lines. The project also required a scenic easement over portions of land located in the critical viewshed but outside of the approved development area. The constructed house is plainly, albeit distantly, noticeable high up a hill to the unaided eye from Highway 1 immediately south of Deetjen's Big Sur Inn.

Permit Review: New Development on Vacant Parcels in Critical Viewshed Exception Areas

The County has issued seven permits for new development on vacant parcels in viewshed exception areas: three permits for residences in the Otter Cove area, three permits for residences in the Rocky Point area, and one permit for a new commercial facility in a Rural Community Center.

In the original 17 lot Otter Cove subdivision exception area, two parcels remained vacant at the time of certification: Lots 12 and 13 (APN 243-351-001 and APN 243-351-002, respectively). To the south, State Parks bought a series of parcels except for the two lots immediately adjacent to the

¹² Correspondence from Coastal Commission to County December 18, 2000 and County to Coastal Commission January 31, 2001.

¹³ County coastal permit 965269 (#3-MCO-97-061; later appealed as #A-3-MCO-97-085).

original 17-lot subdivision. A permit and subsequent court case affirmed that these two additional lots were subject to the *Big Sur Coast Land Use Plan's* Otter Cove policy (3.2.5.G). One of these lots (APN 243-241-015) has been built on, and the remaining vacant parcel (APN 243-241-014) has a permit application pending.

The County approved a 2,567-square foot, one-story single-family dwelling and 750-square foot garage on Lot 12 of Otter Cove, finding that the low, flat-roofed design of the house and earth-covered garage were consistent with visual resource policies.¹⁴ To mitigate future potential visual impacts, the County also required an easement be placed over portion of the property not proposed for development, and landscaping that would not impact views from Highway One. The constructed and landscaped home is low profile. It is not visible from Highway One directly east of the parcel, but the rooftop is distantly visible from further south along Highway One.

The County also approved a 4,942-square foot, one-story single-family dwelling and garage, which are currently under construction on Lot 13 of Otter Cove.¹⁵ The County found that the project design conformed to the LCP provisions for Otter Cove, noting:

...the project underwent design changes to limit the visual impact from Highway One and the surrounding Otter Cove neighborhood. The project was redesigned from a two-story structure to a single-story residence with a maximum structure height of 10'4", measured from average grade.

The County also required the project to include native landscaping that would protect ocean views above and across the structure, and the permanent protection of the undeveloped portion of the parcel (excluding the access roadway and building footprint) by recordation of a scenic easement. In response to comments by the Coastal Commission staff, the County subsequently approved a permit amendment to address exterior lighting, scenic easement requirements, and landscaping plans.¹⁶ Changes to the scenic easement were required to allow only a single family dwelling with patio, garage and other accessory structures limited to one-story within the building envelope, and to constrain development outside of the building envelope to nothing other than the driveway, septic system and landscaping as shown on approved plans.

The County also approved a new 7,625-square foot single-family dwelling, 5,127 square feet of impervious surface, and lap pool on APN 243-241-013.¹⁷ The County found that the project would have no significant impact on the public viewshed based on its low profile and proposed landscaping. The County required a minimum 12-foot wide driveway. The County also required a scenic easement over portions of both parcels APN 243-241-014 and -013, respectively located between Highway One and the easternmost boundary of an existing 40-foot road and utility

¹⁴ County coastal permit PC-6761 (#3-MCO-92-068).

¹⁵ County coastal permit PLN990044 (#3-MCO-99-154).

¹⁶ County coastal permit amendment 990490 (3-MCO-00-262).

¹⁷ County coastal permit PC93127 (3-MCO-94-003).

easement, and on APN 243-241-013 for all additional areas other than the approved building envelope. This permit was appealed to the Coastal Commission, which found no substantial issue. In subsequent litigation of the decision, the California Court of Appeals, found the County's action consistent with the LCP. The house has been built with a partial sod roof and low profile to reduce visual impacts. Nevertheless, the full house and substantial asphalt paving are plainly visible from Highway One, as is an apparent utility building not shown in the original permit approval.

In the Rocky Point exception area, five vacant parcels out of 23 remained at the time of certification; three subsequently received County permits, and two parcels currently remain vacant.

The County approved a 4,228-square foot single-family house on APN 243-251-009.¹⁸ The County found that the project would have no significant impact on the public viewshed and would be screened from Highway One by low-growing shrubs. A visible wooden stake fence runs along the entire Highway One frontage, except for a metal-gated driveway, through which most of the house is visible. The entire property frontage constructed house is low profile and landscaped when viewed directly from the east. However, more of the house is visible from a turnout.

The County approved a one-story house on APN 243-251-020.¹⁹ No findings were made about visibility from Highway One. The constructed home is large, blocks views of the ocean vista, and is not of materials that blend into the surroundings.

The County also approved a one-story 4,898 square foot house next door on APN 243-251-019.²⁰ Previously the County had denied a proposed two-story 4,650-square foot home with 576-square foot detached garage on the site due to viewshed policy inconsistencies.²¹ The subsequent permit was conditioned for earth tone colors, landscape screening that would not block ocean views, and a driveway that was as narrow as possible, preferably unpaved, and consolidated with others. The constructed home is brown and low profile, but is of a boxy design, is fully visible from Highway One and blocks ocean views.

In the Gorda Rural Community Center exception area, as designated in the certified LCP, the County approved a campground complex in the viewshed.²² The project (Treebones) was to consist of a recreational campground, including 18 yurts, a 3,386 square foot bathhouse building with deck and swimming pool, three employee houses, a 24-space parking lot, and water, septic and other utilities. The County found that the site is a designated Rural Community Center, which allows the use to be located within the critical viewshed under careful design. However, the Coastal Commission heard the project on appeal, based primarily on allegations of the project's inconsistency with density standards for rustic campgrounds in Visitor-Serving Commercial zones. The Commission

¹⁸ County coastal permit PC07050 (3-MCO-91-124).

¹⁹ County coastal permit PC92061 (3-MCO-93-122).

²⁰ County coastal permit 970024 (3-MCO-97-052).

²¹ County coastal permit PC07151 (3-MCO-92-182).

²² County coastal permit PLN980363 (appealed as A-3-MCO-99-097).

subsequently approved a slightly revised project for 16 yurts and five conventional tent sites. The two yurts eliminated would have been the most visually prominent from Highway One. The approval did result in four yurts, the manager's house and the guest services building that would be visible, with the finding that they should be hardly noticeable with proposed tree screening. The permit was conditioned for removal of any other visible structure, a scenic easement on the portion of the property outside of the building envelope, and a long-term permanent landscape screening tree program to ensure permanent screening of the proposed structures. Construction has commenced on the project, and reportedly a temporary water tank and trailer are currently visible from Highway One.

Permit Review: Additions and Remodels to Existing Development in the Critical Viewshed

Several permits were issued for additions and remodels on parcels where visible development already existed. In one other case the County denied a permit for an entrance road due to critical viewshed requirements.²³ In some cases, the new additions did not render the existing development any more visible.²⁴ For example, for a road-widening project, the permit approval required that the road remain one-lane over the short distance it traversed within the critical viewshed and only be widened outside of the critical viewshed in order to make the project consistent with *LUP* policy 3.2.3.4.²⁵ The County also approved a waiver of the requirement to underground utility lines to a house. Assuming they were installed, the utility lines are not visible.²⁶

In other cases, new development added to the public visibility of existing structures. These include three instances of residential rebuilds and one water tank, discussed in the following paragraphs.

The County issued two permits for a parcel (APN 243-301-030) with an old former home/real estate office clearly visible from Highway One. The first permit was for a 310 square foot addition to the rear of the residence and a new 547 square foot lower level garage. A follow-up amendment was to demolish the existing structure and rebuild a much larger building than that permitted even with the original addition.²⁷ While the original permit for the addition included a finding that the structure was in the critical viewshed, it noted that the addition was to be located on the back side of the existing structure and so would not increase visibility of the structure, consistent with critical viewshed policies. However, because of problems encountered during construction (e.g., substandard framing, wood rot) the owners fully demolished the original structure and started to rebuild a revised design without benefit of a permit. Following a stop-work order, the applicants applied for a permit amendment. The amendment allowed for after-the-fact demolition of the existing 1,251-square foot, one-story single-family dwelling and construction of a 2,564-square foot, two-story single-family dwelling. The current project results in a total increase of 1,313 square feet

²³ County coastal permit PC7591 (3-MCO-91-126).

²⁴ For example, two County permits PC7817 (3-MCO-91-118) and PC7358 (3-MCO-90-110) for improvements to the California Department of Fish and Game laboratory at Granite Creek.

²⁵ County coastal permit 990377 (3-MCO-00-491) for APN 243-221-026.

²⁶ County coastal permit PC-7355 (3-MCO-90-096).

²⁷ County coastal permits 980521(3-MCO-99-012) and 010559 (3-MCO-02-409).

and a second story in the critical viewshed. The permit for the after-the-fact development does note that the lot is highly visible from Highway 1, that no other less visible portion of the site was “acceptable to the property owner,” and that landscape screening was required to reduce potential visual impacts of the new structure. However the infill landscaping necessary to screen the second story addition in this case, results in an unnatural looking “forest” in the viewshed.

The County issued a design permit to add a bedroom and remodel a house using redwood siding and non-reflective glass on APN 418-121-001 atop Division Knoll, the topographic high point northeast of the Bixby Bridge, which is visible for miles.²⁸ A related building permit allowed for the majority of the house to be demolished and rebuilt.²⁹ The County subsequently issued a separate coastal permit for the demolition of an existing garage and construction of underground garage and caretakers unit attached to the remodeled home.³⁰ The undergrounding was to result in reducing the visibility of the structure. The rebuilt house, with extensive windows, along with apparent tree removal, is now a much more visually prominent structure.

The County has so far issued five permits for residential improvements at the Old Seaside School, APN 420-021-030).³¹ The first permit retroactively legalized remodeling and additions to existing structures that had occurred prior to the current ownership, including additions to a 2,362-square foot single family dwelling, redesignation of a second 764-square foot structure to a caretaker unit, conversion of a third 553-square foot structure to a workshop/storage building, the repair and upgrade of an existing water system and installation of an additional septic system. Subsequent permits allowed a two-story addition to the existing residence to connect the house to the workshop/storage building; demolition and relocation/rebuild of the caretaker unit, which was enlarged to 843-square foot and relocated behind an existing earthen berm to screen it from Highway One; and finally, a fourth permit that allowed demolition of the (original) caretaker unit and construction of a new 1,200-square foot sod roof utility building with underground tunnel connecting to the residence, and new 4-foot high stone clad walls designed to tie into existing stone walls around the modified residence. The County noted that the site is visible from a turnout about ½ mile south and that the structures are in the critical viewshed, but found that approval would either have no significant impact on the critical viewshed (since consolidation and two-story addition would not increase the visibility of the existing structures), or would not be visible in the critical viewshed (relocation of caretaker unit). The first permit also required that wood siding be used to help blend the structures into the setting, vegetation be used to decrease overall visibility of the existing structures, and undergrounding of utility lines. While the first two permits did not have any findings or conditions on requiring scenic easements, the third permit finally did require a scenic easement for areas in the critical viewshed and for slopes over 30%. The net result of these permits has been to consolidate or relocate existing structures out of the critical viewshed, however it has

²⁸ County design approval DA95293 (no coastal permit).

²⁹ County building permit 51004.

³⁰ County coastal permit 965021 (3-MCO-96-126).

³¹ County coastal permits 965101 (3-MCO-96-152), 970217 (3-MCO-97-086), 980186 (3-MCO-98-154), and 000482 (3-MCO-01-126).

also resulted in an increase in the number of ancillary structures, and increased grading. The entrance to the property contains a large metal gate, uncharacteristic of the area, and through which additional retaining walls can be seen. While relocation of the caretaker unit behind the earthen berm screens most of the structure from view, the chimney and a portion of the structure are still visible from Highway One. Additionally, retaining walls and grading on the south-facing hillslopes of the parcel are very visible within the critical viewshed from Highway One, south of the site.

Finally, the County approved construction of a 34-foot water tower replica of what had once been at the Lighthouse to conceal a wireless communication facility at Point Sur Historic State Park.³² The County found that the project would recreate the historical 1929 structural skyline. The new tower is visible among the other lighthouse structures.

Permit Review: Additions and Remodels to Existing Development in Critical Viewshed Exception Areas

Several permits were issued for additions and remodels on parcels in the viewshed exception areas, including seven in Otter Cove and seven in Rocky Point. These are discussed in the following paragraphs.

A subsequent owner of Lot 12 in Otter Cove applied for a second-story addition to the permitted, existing 3,317-square foot single-story house. The County approved a 1,552-square foot second-story addition with a 180-square foot breezeway enclosure and 900-square foot garage addition.³³ The County's decision was taken on appeal by the Coastal Commission, which found that approval of the second-story addition was not consistent with *Big Sur Coast LUP* Policies 3.2.3.A.7 and 3.2.3.A.3.³⁴ The Commission's findings noted that these were the applicable policies rather than the Otter Cove exception policy 3.2.5.G because the exception policy states: "**existing vacant residential parcels** in the critical viewshed in the Otter Cove Subdivision... shall be permitted to be used for residential purposes subject to policies of Section 3.2.4..."[emphasis added]. Nevertheless, the Commission also found that even applying policies in Section 3.2.4 would not allow adding the second-story. However, the San Francisco Superior Court overturned the Commission's decision, leaving the County's approval of the addition valid. The Court concluded, in an unpublished decision, that evidence in that particular case did not support the Commission's finding of substantial issue and that the Otter Cove exception policy in that specific case applied both to new construction projects and remodels. Site investigation of the second-story under construction on Lot 12 reveals this addition has resulted in a significant increase in visibility of the structure.

³² County coastal permit PLN990079 (3-MCO-99-127).

³³ County coastal permit PLN980245 (A-3-MCO-99-36).

³⁴ These policies cited above require, respectively, that enlargement of structures in the Big Sur critical viewshed not increase the visibility of the structure (3.2.3.A.7) and that modifications be required for design, size and siting to ensure that new development will be subordinate to the environment (3.2.3.A.3).

In Otter Cove five other permits involving four parcels (Lots 6, 7, 16, and 17) for additions to or remodels of existing development were also reviewed.³⁵ Visibility findings varied. One permit stated that the project would not be visible from Highway 1.³⁶ One permit found no significant impact on the public viewshed.³⁷ One permit said the structure was visible but designed to be subordinate.³⁸ One of the permits made no such findings regarding critical viewshed policies because it incorrectly cited the *Carmel LUP* instead of the *Big Sur Coast LUP*.³⁹ Finally, one permit did not include any visibility finding at all.⁴⁰ Four of the five permits included conditions requiring landscape/topographic screening, but none of the permits indicated that only a moderate amount of landscape screening be used or that such screening not block ocean views from Highway 1 as required by the specific policies for Otter Cove. While the addition on Lot 6 does not make structures any more visible, additions on Lots 7 and 17 added more visible structures, but did not block any more ocean views.⁴¹

For Lot 8 in Otter Cove one permit was approved for the demolition of an existing house and reconstruction of a new residence at a lower height. The permit found no significant impact on the public viewshed.⁴² Only a portion of the white reflective roof and the chimney are now visible, but they do block a blue water ocean view.

At Rocky Point, four homes were replaced and three homes were expanded. Two permits were issued for demolition and rebuild on APN 243-251-018, increasing a residence approximately 2,500-square foot to 4,082 square feet.⁴³ The County approved structures that were more visible than the current one and would block more ocean views. Findings indicated that berming and landscaping would minimize visibility. These were appealed to the Coastal Commission, which approved a redesign that would be no more visible than the existing home. The built house is screened by vegetation, but the upper portion of the walls and flat roof fascia are visible. This result conforms to the visual representations made to the Coastal Commission.

³⁵ County coastal permits PC-6440 (3-MCO-88-020) for a 170-square foot home addition on Lot 6, PC-6373 (3-MCO-88-010) for a 2,250-square foot house addition on lot 7; PC94129 (3-MCO-94-108) for a 76-square foot home addition on Lot 16, and ZA-7544 (3-MCO-92-78 and 3-MCO-95-39) for a conversion of an existing detached structure to a guesthouse, construction of a new detached garage and storage/darkroom and amendment to create a covered walkway between the detached guesthouse and home on Lot 17.

³⁶ County coastal permit PC94129 (3-MCO-94-108).

³⁷ County coastal permit PC06440 (3-MCO-88-020).

³⁸ County coastal permit amendment ZA-7544 (3-MCO-95-086) for a design change of a trellis walkway and garage entry to a covered walkway and garage entry.

³⁹ County coastal permit PC-6373 (3-MCO-88-010).

⁴⁰ County coastal permit ZA-7544 (3-MCO-92-078) for conversion of existing detached garage to guesthouse and construction of a new detached garage and darkroom/storage room.

⁴¹ It is undetermined if the addition on Lot 16 added to the amount of visible development.

⁴² County coastal permit PC-7054 (3-MCO-89-227).

⁴³ County coastal permits 980041 (3-MCO-98-185, later appealed as A-3-MCO-98-109) and 965381(3-MCO-98-193, later appealed as A-3-MCO-99-001).

Also at Rocky Point a new house, studio and garage totaling approximately 7,000 square feet were permitted on APN 243-251-022) where a guesthouse previously existed.⁴⁴ The County found that the new house would be located in a depression and not block ocean views from Highway One. The driveway width was required to be reduced from 20 to 18 feet. While the house is low profile, it is partially visible among screening cypress trees, which block some ocean views.

The County also approved a Rocky Point permit for the replacement of a 1,300-square foot one-story house with a two-story 4,344-square foot house with attached garage on APN 243-251-024.⁴⁵ The County found that the new home would not be more visible. The house does not appear to be noticeable from Highway One.

Also at Rocky Point a replacement house was permitted on APN 243-251-021 that is prominently visible due to its large size, its location close to the bluff top, its white exterior and Grecian design, and its lack of significant landscape screening.⁴⁶ The County's permit required that exterior color had to be darker earth-tone colors; the current house certainly does not meet this requirement.

And finally, at Rocky Point, three permits were issued for house additions that were found not to increase visibility.⁴⁷ This result was achieved for all three additions, including one that is not visible at all. However, another of the three additions is not visible because it is behind an existing retaining wall. The wall, a fence, landscaping, and a mailbox sculpture were all added since the Coastal Commission originally approved the house in 1985.

In Big Sur village only two major new construction projects occurred on already developed parcels. The County approved one permit for a 3,200-square foot art gallery on a parcel with an existing house across from Nepenthe.⁴⁸ The findings acknowledge that the project was in the critical viewshed and that visual impacts were mitigated by conditions for a landscaping plan and unobtrusive lighting. The building is plainly visible: a blend of rustic and modern architectural features, including substantial glass and a large solid massive wall and fencing.

The County also approved a multi-agency facility consisting of several buildings and parking at Pfeiffer Big Sur State Park.⁴⁹ The County found that visual impacts would be minimized by exterior and roof color, siting, materials, rustic style, and required landscape screening. Portions of the rustically designed complex are visible below the highway grade, most notably the entrance road and the administrative building, which is surrounded by native landscaping.

Permit Review: Visibility from Trails

⁴⁴ County coastal permit PC92038 (3-MCO-92-101).

⁴⁵ County coastal permit PLN010558 (3-MCO-02-457).

⁴⁶ County coastal permit PC05943 (3-MCO-88-033).

⁴⁷ County coastal permits PLN 00579 (3-MCO-01-219), 965199 (3-MCO-97-107), and PC-7602 (3-MCO-90-197), respectively.

⁴⁸ County coastal permit PC93-128 (3-MCO-94-15).

⁴⁹ County coastal permit PC6386 (3-MCO-89-204).

The County issued some permits for development at Victorine Ranch where visibility of structures from public trails was at issue. Three permits were associated with APN 243-221-026; one each for a water storage tank, swimming pool, and the primary residence.⁵⁰ In one case the incorrect land use plan (*Carmel Area LUP* instead of *Big Sur Coast LUP*) was referenced and no findings were made regarding visibility from Highway One.⁵¹ The permit for the actual residence did include a finding that the project would not be visible from any public viewing area, but also stated that it would be visible from Yankee Point Drive area (which is a public viewing area within the Carmel planning area). The original approval of this project was appealed to the Board of Supervisors and the issue regarding visibility from trails in Garrapata State Park was raised. The Board of Supervisors denied the appeal based on the strict definition of public viewing areas including only areas visible from hiking trails shown on the trails plan (Figure 3 in the *Big Sur Coast LUP*; *Big Sur Coast LUP* policy 3.2.3.B.1).

In another case, the County issued a permit to a subsequent owner to add a guesthouse on APN 243-221-026 also at Victorine Ranch.⁵² The County found that although the addition was not visible from Highway One or from the trail to Soberanes Point, it was visible from the trail on top of north hill of Soberanes Point, but only with binoculars. The County permit required a landscape plan to include native trees to screen the south and east sides of the guesthouse.

Highway Corridor Changes

The Periodic Review did not precisely document all the changes to the public viewshed within the Highway One corridor since LCP certification especially those that were not subject to coastal permit authority, but undertook general field observations. There are several new fences, driveway pavement, trees, and urban-style aluminum mailbox sets visible in the Highway One corridor in addition to those discussed above.⁵³ These small additions, while individually minor, have cumulatively affected the scenic resources of the critical viewshed.

Permit Review: Acquisitions, TDC, and Restoration

The County implemented its LCP with regard to acquisitions using public funds available through the Proposition 70 program mentioned above. Land or scenic easements were acquired on at least 32 parcels, protecting approximately 4,286 acres of land. The County purchased parcels or easements on a “first come, first-served” basis, as property owners submitted applications. Review of the Proposition 70 acquisitions indicates that approximately half of the subject parcels appear to have had potentially developable building sites that would not have been visible from Highway One.⁵⁴

⁵⁰ County coastal permits PC6670 (3-MCO-89-011); ZA7537 (3-MCO-91-036), and PC06478 (3-MCO-90-829 and 3-MCO-92-144).

⁵¹ County coastal permit ZA7537 (3-MCO-91-036).

⁵² County coastal permit 000016 (3-MCO-00-408).

⁵³ In addition to the Coastal Commission staff site investigation, other inventories include Caltrans, *A Bridge Rail Inventory Along Route 1 Big Sur*, June 2001 and Public Affairs Management, *Corridor Intrinsic Qualities Inventory-Scenic Qualities*, January 2002.

⁵⁴ Review of parcels obtained using Proposition 70 funds was conducted by Coastal Commission staff using aerial photographs of each site and the GIS developed for this Periodic Review.

The County has recorded deed restrictions on almost all of these parcels that preclude any future public use or access. While the scenic easements do not permit visible development, the deed restrictions or easements do not extinguish development rights and these rights can presumably be transferred to another site

The transfer of development credit program has resulted in the creation of six critical viewshed donor sites. In return for prohibiting development on these lots, twelve development credits for use elsewhere (outside of the viewshed) were created. The coastal permits required that the donor parcels be placed in scenic easements. One donor site was created on a 1.48-acre parcel off of Highway One, resulting in two credits.⁵⁵ The permit was conditioned to require a scenic easement at the time that the credits would be used, as opposed to requiring an offer to dedicate. One credit was subsequently used to create a new parcel outside of the viewshed; the other credit has apparently not yet been used.⁵⁶ There appears to be a scenic easement over part of the donor parcel.⁵⁷

A second donor site was created on the adjacent donor parcel, also resulting in two credits.⁵⁸ The Post Ranch subsequently used one of these credits for an additional residence⁵⁹ and a property owner on Clear Ridge subsequently used the other credit for an additional residence.⁶⁰ However, there is no evidence of a scenic easement over the donor site.⁶¹

The third donor site was created on the south side of Abalone Cove on Highway One, where the Coastal Commission had denied a permit because it lacked a building site outside of the critical viewshed.⁶² The Coastal Conservancy purchased this site and applied for donor status. The Conservancy has planned for the receiver site to be on a 100-acre parcel located on part of the former Victorine Ranch. This site is bordered on its entire eastern and southern sides by Garrapata State Park and on its entire northern side by open space lands subsequently purchased by Proposition 70 funds.⁶³

⁵⁵ County coastal permit PC950513 (MCO-95-095) for APN 418-121-045.

⁵⁶ County coastal permit PC96046 (3-MCO-96-130) approved a subdivision of a 102-acre parcel into two parcels of 53 and 49 acres. The new parcel utilized the TDC credit.

⁵⁷ Assessors parcel map shows a scenic easement only over part of the donor site (APN 418-121-045). Further research would be necessary to ascertain if the required easement has been fully perfected.

⁵⁸ County coastal permit PC951073 (3-MCO-96-021) for APN 418-121-046.

⁵⁹ County coastal permit 9804533 (3-MCO-98-189) for APNs 419-261-012 & 419-311-034.

⁶⁰ County coastal permit PC960473 (3-MCO-96-139) for APN 419-231-015.

⁶¹ Review of the assessors parcel map does not show a scenic easement over donor parcel APN 418-121-046. Further research would be necessary to ascertain if the required easement has been fully perfected.

⁶² County coastal permit PC063653 (3-MCO-88-024) for APN 243-251-014.

⁶³ A final instance of TDC involved retiring a parcel (donor site) in Sycamore Canyon and transferring development credits in order to build additional units at the Post Ranch (receiver site).

A fourth donor site was created on a parcel within the Pfeiffer Beach viewshed.⁶⁴ Two donor sites were created on parcels on a ranch in southern Big Sur that then allowed the Ranch to be subdivided.⁶⁵

No known scenic restoration projects have occurred within the critical viewshed. Neither has the recommended restoration program required by *Big Sur Coast Land Use Plan* action 3.2.6.2 been prepared.

(5) Analysis of Coastal Act Conformance

Monterey County's critical viewshed protection policy for the Big Sur Coast can be heralded as one of California's great regulatory success stories. This policy is unique because it provides an objective, easily understood, unequivocal standard: either development is visible or not. Except for development in the excepted Otter Cove and Rocky Point tracts and three other anomalies, the pre-LCP proliferation of new residences on vacant lots in view of Highway 1 has been halted. So, too, has the LCP been remarkably successful in ending the creation of new vacant residential parcels in the Critical Viewshed. Plus, potential development in the viewshed has been eliminated for a significant number of existing lots through acquisition of parcels by public or private trusts, or through use of the transfer of development credit program. However, despite this broad success, smaller incremental impacts have occurred, especially as a result of "improvements" to existing development; some authorized by County coastal permits; some exempt or occurring without coastal permit authorization. In carrying out requirements governing such improvements, the County's implementation of the LCP has not fully protected scenic resources in conformity with Sections 30251 and 30253(5) of the Coastal Act.

Implementation of Regulatory Provisions

Permit review supplemented by site inspections reveals that in some cases the County is not completely following its LCP provisions and some of these provisions are not as directive as necessary to fully protect the Big Sur public viewshed, notably those containing exceptions to allow development in the critical viewshed. This concern should not detract from the County's positive accomplishment of generally not allowing new homes on vacant lots to be visible, outside of the exception areas. And, although not possible for this Periodic Review to quantify, the County has similarly approved many improvements that did not add to the visual clutter. But, from the examples noted in this report of instances of more visible development, implementation can be strengthened in order to better protect the viewshed.

Some projects have been approved that should not have been visible under the LCP. These projects were found to not be visible by the County, but are now clearly visible to some degree. This finding indicates that some improvements to project review are needed. Recommendations, SR-10.2, SR-10.6, SR-10.8, and SR-10.10 are proposed to ensure improved application of policies in project

⁶⁴ County coastal permit PC94155 (3-MCO-94-120) for APN 419-110-011.

⁶⁵ County coastal permit PC06540 (3-MCO-89-213) for APNs 421-021-005, 421-011-031, 421-021-007, and 421-241-006.

review. Additionally, some permits have required landscape screening that has ultimately resulted in blocking scenic views inconsistent with LCP policies. Recommendations SR-10.4 and SR-10.5 will increase protection of public views in the application of landscaping requirements. And not all permits were conditioned for the required scenic easements to preclude future viewshed intrusions over the remaining visible portion of the site. Recommendations SR-10.1 through SR-10.10 will provide a comprehensive update to standards intended to protect the scenic resources and Big Sur critical viewshed in conformity with Coastal Act policies. Additionally Recommendations for Issues SR-2: Air Space in Critical Viewsheds, SR-3: Undergrounding Utilities, SR-4: Views from Offshore, SR-5: Cellular Towers, and SR-9: “Trophy Homes” should help protect the Big Sur viewshed.

Several provisions that except some development from being invisible should be strengthened. Implementation review indicates that with regard to the *Big Sur Coast Land Use Plan* exception policy 3.2.5, several subsections lack necessary specificity to ensure adequate protection of the viewshed. Permit review for development in Rural Community Centers (Exception 3.2.5.A), for example, reveals a lack of standards to ensure compatible development. Recommendation SR-10.7 calls for adoption of such standards. And, the standard to favor compatible design over invisibility may not be completely appropriate in all cases. The new gallery near Nepenthe and the Big Sur Multi-agency Facility are examples where additional measures to reduce visibility would have resulted in better viewshed protection, as these modern developments stand out in the viewshed. Recommendation SR-10.8 addresses this concern. The yurt campground case involved multiple structures on a visible hillside, where the applicant, County and Coastal Commission agreed that there should be some degree of screening. Furthermore, designation of this site as a Rural Community Center (RCC) reveals a conflict with viewshed protection principles. As described in *Big Sur Coast LUP* Section 5.3.2, the RCC is intended to illustrate the approximate area where existing development is located, and “*within which a variety of land use activities are **now** carried on*” [emphasis added]. But the yurt campground site was actually a vacant parcel surrounded by Forest Service land and is located at least a half-mile from the developed Gorda enclave (see Issue LU-4: Gorda Rural Community Center). In addition, given the extent of ranches in the Big Sur area, Exception 3.2.5.B of the *Big Sur Coast LUP* should also be updated to reflect clearer criteria to assure any future ranch structures will not impact the viewshed. Recommendation SR-10.1 suggests measures to improve the exception standards in order to provide more specific standards to protect the viewshed consistent with scenic resource protection policies of the Coastal Act.

With regard to the State park parking exception 3.2.5.E, LCP review reveals that the LCP text no longer accurately reflects the current status of lands in the State Park system. And, in the case of the anticipated need for public parking at Little Sur River, this location was previously proposed for addition to the State Park system but instead was included in the El Sur Ranch conservation easement purchased with County-administered Proposition 70 funds. This easement prohibits most kinds of development, including the construction of a State Park-style parking facility. Accordingly, Recommendation SR 10.1 is suggested in order to update the standards addressing State Parks development.

Exception criteria for the Otter Cove and Rocky Point areas (3.2.5.F & G) leave room for interpretation and hence do not mandate the least visually intrusive projects. Structural visibility and amount of visible pavement could have been further reduced by requiring smaller homes, narrower driveways, and unobtrusive paving material on the vacant lots that were since allowed to develop. The County's requirement for covered parking conflicts with policies to minimize the visibility of structures. Recommendation SR-10.10 would allow exceptions to this requirement for the Big Sur viewshed. Also, the TDC option is not available to these parcels. Given that there are only a few highly scenic vacant parcels left in these areas, updating the LCP to allow the option to transfer development rights, as provided in Recommendation SR-10.9, will help strengthen viewshed protection. Furthermore, the County determined that the exception policy for vacant lots in Otter Cove (and could, by extension, for Rocky Point, since the texts governing both areas are almost verbatim) applies to additions as well, although it is not written that way. The County's application of the policy to some of the noted additions indicates that it lacks the necessary specificity if it is to be so applied. For example, the Coastal Commission found that even applying the exception policy ("use measures designed to minimize views of structures without blocking ocean vistas seen from Highway 1") to a proposed addition on Lot 12 in Otter Cove would not have allowed the second story that the County interpreted the policy as allowing. This finding was later overturned by a court decision, but the concern over the cumulative impacts to the scenic viewshed resulting from additions to development within these areas remains.

Finally, with regard to the Otter Cove exception area (3.2.5.G), although the preponderance of evidence available to Coastal Commission staff indicated its applicability was limited to the 17 lots of the original subdivision, the lack of an explicit provision in the LCP allowed the County to apply the policy to a broader area (two more parcels) than the original 17-lot subdivision, and this position has been upheld by the courts.⁶⁶ Despite this affirmation of the policy intent, the cumulative impacts from expanding the exception area by continuing with this policy interpretation could result in significant degradation of the scenic resources of the viewshed. Therefore, the Commission recommends that the specific requirements and intent of this policy need to be revised and clarified as recommended in SR-10.2, in order to assure adequate protection of scenic resources.

With regard to additions and replacements in general, permit review reveals two concerns with the way *Big Sur Coast Land Use Plan* policy 3.2.3.A.7 is written. First, it treats additions and whole scale structural replacements in the same manner.⁶⁷ Second, it treats disaster and non-disaster

⁶⁶ Correspondence from Commission staff to Monterey County Board of Supervisors, February 2, 1994, regarding PC-93127 Campbell/Ryter property, indicated that based on staff involvement with the planning process in drafting the Otter Cove exception language, "...at no time was there ever any question that the Otter cove exception would apply to any location outside the original 17-lot Otter Cove Subdivision...; and that the intention of the policy appeared equally clear to all public officials and private landowners who participated in the process. The letter goes on to indicate that the property therefore represents a viewshed lot, and development that would impact the public view from Highway 1 must be precluded. Nonetheless, the County approved the project, finding that the Otter Cove exception area could be applied here as well – and, upon appeal, the Coastal Commission voted no substantial issue with regard to LCP compliance. The Commission's decision was appealed. Both the Superior and Appellate Courts upheld the County's determination and the Coastal Commission's decision.

⁶⁷ This issue also arose in County coastal permit PLN000441 (#A-3-MCO-02-006), where the existing structure was partially visible and the new structure was represented to be no more visible. But since the proposal involved a complete demolition, the rebuild

replacements the same manner. If someone is completely replacing a home, then resiting options are available that might not be available to someone who is just remodeling or adding to an existing home. In some cases where the primary structure is very old, it may be more protective of resources to encourage demolition and reconstruction of the structure rather than approve an addition that impacts the viewshed. In this case, resiting out of the viewshed may be more feasible. However, the permit experience suggests such situations are difficult to achieve, and the impact of additions on the viewshed will occur despite the best precautions. Instances of multiple permits for the same parcel reveal how seemingly benign incremental property improvements can cumulatively have adverse impacts.

Development Review Process

Permit review and field investigation has revealed instances of where the regulatory authority currently employed by the County has not resulted in adequate viewshed protection.

Site investigation revealed some obtrusive new fences, walls and gates along Highway One in Big Sur. Fences and some other improvements are exempt from coastal permit requirements under the *County Code*. Although the *Big Sur Coast Land Use Plan* is clear that the critical viewshed is very important, the *Plan* does not precisely define the viewshed as “highly scenic.” This definition is required by *California Code of Regulation* Sections ((13250(b)(1))) and ((13253(b)(1))), if all development is to be subject to coastal permit requirements. Thus, Recommendation SR-10.5 suggests this definition be explicitly in the LCP. Permit review has revealed that structures can become more visible through remodels and additions that only require design approval, not coastal permits, even though the same zoning standards are applicable to both types of permits. Design approvals are on Planning Commission agendas, but typically are not sent to the Coastal Commission for staff review and comment.

There is also a gap in the County’s regulatory requirements in that fences under six feet tall are exempt from needing building permits. Although they appear to require design permits, the *County Code* language is not that clear. Since the County official that issues building permits will not see applications for such projects, he or she cannot alert the property owner to the need for obtaining a design permit. Recommendation SR-10.6 addresses this deficiency.

Although all County issued permits seaward of Highway One in Big Sur are appealable to the Coastal Commission, most permits issued for development inland of Highway One are not appealable. However, all conditional uses are appealable. The County defines which uses are conditional by type of use, not by location or other criteria. Also, all variances are appealable.⁶⁸ Some of the problematic permits that were mentioned were for principal uses, namely residences, and, hence, were not appealable. Had they been appealable, it is possible that either the County

might have been able to be completely hidden. Thus the County’s approval was appealed to the Coastal Commission. However, the applicants subsequently withdrew, so this issue was never resolved for this site.

⁶⁸ Also, any overrides of LCP policies to otherwise prevent an unconstitutional taking of property are defined in the LCP as “conditional uses” and therefore appealable; however, as noted, no override is permitted to allow development in the critical viewshed.

would have had more incentive to ensure consistency with the LCP or that the Coastal Commission would have taken issue with the County permit decision.

Additionally, the County implementation of landscape policies has impacted scenic resources in a manner inconsistent with Section 30251 of the Coastal Act. Field inspection observed instances of both tree removal resulting in structural visibility and tree planting to block public views to the ocean. The LCP's exemption allowing tree thinning may be responsible for resulting increased visibilities of existing structures and impacts to scenic resources in a manner not consistent with *Big Sur Coast LUP* policy 3.2.3.B.1 and Section 30251 of the Coastal Act. With regard to new trees blocking views, the County has typically applied landscape plan and maintenance conditions to the approval of coastal permits that should prevent this from occurring, based on LCP policies directing that new plantings not impact the viewshed. However, the County apparently does not require permits for other tree planting. Therefore, Recommendation SR-10.4 is proposed in order to assure that implementation of LCP policies on landscaping will protect scenic resources from the cumulative impacts of tree thinning and planting.

Implementation of Non-regulatory Scenic Viewshed Protection Provisions

Non-regulatory measures that are available to protect the viewshed, including a transfer of development credit program and acquisition of critical viewshed parcels with public and private funds have not been implemented in a manner that maximizes viewshed protection. Private non-profit organizations and other agency acquisitions have commendably eliminated the development potential of some viewshed parcels that these County programs did not reach. But, unfortunately, no efforts have occurred to restore degraded viewshed areas. Unfortunately, the transfer of development credit program has only been used sparingly. Where it was applied, it should have resulted in removing six parcels from the critical viewshed inventory of vacant developable parcels. However, the legal paperwork to ensure that this occurred in a manner consistent with *County Code* Section 20.64.190.040.5 (requiring offers of dedication of scenic easements) was not required and, thus there may be deficiencies.⁶⁹ The Coastal Conservancy project on the former Craven-Nation parcel (ex-Victorine Ranch) was intended to be a model receiver site for this program. Instead the Conservancy is now planning to sell its planned receiver site. While this is a large parcel (two lots, with a total of 100 acres) that does contain potential building sites hidden from public view, the extension of development into this area is potentially problematic in light of the access road to the site washing out and acquisition of open space lands now surrounding the parcel. Thus, because of recent acquisitions to State Parks and County open space lands, the increased density of development in this area might not be the preferred alternative.

The \$20 million dollars of Proposition 70 funds obtained by the County for the acquisition of fee title or scenic easements over parcels within the Big Sur Critical Viewshed has been completely allocated. Use of these funds resulted in removing several parcels from the critical viewshed inventory. However, it also removed several parcels that had potential building sites outside of the

⁶⁹ This section requires an offer to dedicate an easement over the donor site, which is a legal document. Instead the County permit conditions just required the easement to be recorded prior to validation of the first development credit.

viewshed. This may not be considered a detriment from the perspective that it eliminates any controversy about ensuring that new development is completely hidden, however, in terms of priorities, it means that several other, more problematic critical viewshed parcels remain unprotected. Similarly, the use of a first-come, first-serve approach meant that willing sellers were accommodated, without regard to any priority system or merit evaluation as public open space. This may not be considered a detriment from the perspective that money should be available as needed, and several viewshed parcel owners may not have any immediate plans to develop. But in terms of priorities, this random approach does not guarantee that the most problematic parcels get protected.

The lack of pro-active coordination in the implementation of the TDC program and the Proposition 70 acquisitions has limited their effectiveness in targeting priority sites for viewshed protection in order to carry out Coastal Act objectives. As noted previously, Victorine Ranch was a vacant 17-parcel tract ripe for viewshed and other resource protection programs. Looking at the Ranch as a whole, its frontal slopes are visible from Highway One, while other portions have development sites hidden from public view. In the same time period that Monterey County was active in purchasing land in this tract with Prop 70 funds (primarily for protecting scenic value), and the Big Sur Land Trust and State Parks were expanding their adjacent holdings for recreational purposes, the Coastal Conservancy had been planning to subdivide its tract to use as a receiver site for new homes. The current state of the ranch now includes a mix of ownerships and development status. While some parcels were acquired with Proposition 70 funds that had building sites outside of the viewshed, two parcels that were not acquired or subject to TDCs ended up with visible development. Coordinated planning for protection of the viewshed at this site may have resulted in siting all development out of the viewshed and assuring that open space land that was publicly acquired could be contiguous and open for public recreational use. An example of this approach, which admittedly took years to achieve, occurred at Del Monte Beach in the City of Monterey where 48 existing legal lots of record were merged and resubdivided into 11 legal lots of record (now called Del Monte Shores) and 2 public open space lots for habitat restoration and public access.⁷⁰

Because the implementation of these programs narrowly focused on critical viewshed protection, other Coastal Act objectives for maximizing public access, public recreation, resource management and view protection from trails were not fully considered. In fact, by recording deed restrictions on almost all of the Proposition 70 parcels that preclude any future public use or access, future public access opportunities are precluded. The County currently has no management program oversight or follow-up monitoring to ensure that these properties are being cared for and properly managed. In Big Sur, transient camping, untended campfires, and the spread of invasive exotic plants are of concern if property is left unmanaged. Recommendation SR-10.11 encourages the County to revise and expand efforts for managing lands to protect the scenic resources and public views consistent with Coastal Act policies.

Implementation of Viewshed Restoration Provisions

⁷⁰ Coastal Commission coastal permit 3-01-101.

The Periodic Review identified no examples of viewshed restoration since certification of the LCP as called for in *Big Sur Coast LUP* policy 3.2.3.A.9. A review of development within the viewshed reveals several opportunities for eliminating man-made development within the viewshed, including the removal or undergrounding of power lines along Highway One, removal of derelict gates in the viewshed and, where necessary, replacement with structures that meet specific design guidelines, removal of unpermitted development, relocation of smaller structures on lots that have alternative building sites, the removal of structures that have been built in topographically and/or geologically precarious areas, and the removal of excessive signs (see Issue LU-13: Big Sur Coast Highway Management Plan). Recommendations SR-10.16 and SR-10.18 encourage efforts to restore the viewshed.

There have also been cases of unpermitted development, such as additions and accessory structures, and road widening that have been conducted without benefit of permit; these cases have generally been dealt with through the enforcement staff, by issue of cease and desist orders and follow-up permits once a violation is reported. However, in cases where such unpermitted development has not been reported, additional enforcement efforts have not occurred, due to limited staff resources. Therefore, it is likely that with further review of recent aerial photos, additional unpermitted development would potentially be identified, and would require further enforcement efforts to remove and restore the site. Recommendation SR-10.3 suggests measures to increase enforcement in order to ensure protection of scenic resources in conformity with the Coastal Act.

Finally, the transfer of the Pt. Sur Naval Facility (NavFac) from the US Navy to State Parks (which occurred in March of 2000) provides the opportunity to restore portions of the viewshed through the removal of at least some of the remaining abandoned structures. The NavFac site has approximately forty-two structures built in 1957 and 24 family housing units built in 1960. All of the structures at the NavFac site are located in a relatively flat, open, coastal prairie. While currently screened by a row of Monterey cypress trees along Highway One directly to the east of the buildings, they are visible from various viewpoints north and south of the site along Highway One. A majority of the structures need remodeling or replacement to be habitable and extensive new water and wastewater infrastructure is needed. Such new or additional construction, combined with the continued growth of the cypress trees, which lose their lower limbs and develop a more umbrella shape as they age, will, without additional landscape screening, result in increased visibility of the structures over time. State Parks has indicated an interest and commitment to tear down the structures, but has also indicated a desire to maintain at least some of them for employee housing, and is currently preparing a General Plan to deal with the need for and reuse of some of the structures on site. Recommendation SR-10.18 is directed to State Parks to help ensure the implementation of LCP policies in conformity with scenic resource policies of the Coastal Act.

Conclusion

The County is at a critical crossroads in determining the future of the Big Sur Coast's scenic attributes. Of approximately 269 vacant parcels within the potential viewshed, 35 parcels likely have no buildable sites outside of the viewshed (based on aerial photo and topographic map review), and approximately 202 parcels could be developed with homes that should not be visible within the

viewshed. The other 32 parcels are located in exception areas, with the majority located in the Big Sur Valley, where the dominant land use is commercial visitor serving.

Preferably, the permit process should prevent any additional development in the critical viewshed (except within specified exception areas) and the TDC program would be used to protect all parcels where new development could not be hidden (if public or non-profit acquisition did not occur). New development on already developed parcels would be similarly designed, conditioned, and constructed, or else be denied. Achieving such an outcome is a challenge and permit experience to date indicates it is not likely to fully occur.

The progression of events at Otter Cove and Rocky Point illustrates over time how the viewshed of Big Sur can be eroded. First, (prior to the Coastal Act) the areas were subdivided and the parcels sold to individual buyers. Under the Coastal Act, the Coastal Commission approved developments to avoid any claim of unconstitutional takings. Due to topography, not all homes could be as well hidden as others, although early approvals were for homes in the 2,000 square foot range, as hidden as possible. Over time the homes approved became larger, due to changing norms and economics, and new owners applied for additions to the original, smaller homes. Subsequently, in order to provide equitable treatment on the remaining vacant lots, the LCP was certified with an exception provision. As noted, although written to apply to the remaining vacant parcels, it has been applied to additions as well. And, applied in a manner that resulted in less than a literal reading, the application of these exception policies were allowed to extend to two more parcels that are not part of the recorded Otter Cove tract. For example, another house is currently pending permit approval between the original Otter Cove subdivision tract and the new house beyond (which the County reaffirmed by a court case considered to be in the Otter Cove exception area). Because this currently pending vacant site is fully exposed to views from Highway One, with very little topographic relief and no existing landscaping that would hide new development, any structures on this site will intrude into the critical viewshed.

No matter how tight exception provisions are written, they are subject to interpretation, including interpretation by Courts. . No matter how good visual representations are required to be, experience has shown that they may not all turn out to be fully accurate or able to fully convey actual visibility (e.g., due to materials, colors, lighting, etc.). Both the required support poles and netting can be difficult to see from a distance, and do not fully convey the bulk of a building, variations in roofline and chimney peaks, or reflectivity of construction materials. No matter how good conditions of approval are to ensure non-visibility, they can prove difficult to enforce, even with bonding, especially the provision that unauthorized visible development must be removed. And, enforcement over time becomes more problematic, even with deed restrictions in place, as subsequent owners make subtle changes in lighting, paint color, window treatment (e.g., glass, shades), landscaping (e.g., pruning, planting), etc. Over time tree and shrub removal can result in increased structural visibility. The reverse is also true as the use of landscaping to screen development west of Highway One can, overtime, block ocean views when the trees used grow to be higher and denser than desirable.

In conclusion, based on these experiences, it appears that the limitations of the regulatory process, coupled with the exhaustion of Proposition 70 funds and the infrequent application of the TDC program, might lead to further impacts to the critical viewshed in the future. It is very important to be concerned about the fate of the some 269 vacant parcels where development could occur in the critical viewshed. That is almost twice the number of parcels that currently contain visible development, and as noted, many of these are clustered in developed enclaves (64 are in exception areas) and/or contain modest and mostly hidden development. It is also very important to be concerned about additional development occurring on already developed parcels, especially given the trend toward larger home sizes.

This analysis suggests a multi-faceted approach towards ensuring continued viewshed protection and eventual restoration, in addition to rigorously following existing LCP provisions. The regulatory process should be improved as proposed by Recommendations SR-10.1 through SR-10.10. First, procedures for visibility determinations and enforcement should be strengthened to avoid misrepresentations of what is visible. Second, policies should be revised to lessen the possibilities that additional visible development be allowed. Third, monitoring and enforcement should be expanded to ensure that any non-approved visible construction is halted and removed as soon as possible.

Beyond these policy and procedural improvements, there should be a renewed commitment to permanently protect the viewshed parcels. A successor program to Proposition 70 is needed, as called for in Recommendation SR-10.15. This is desirable both to avoid new visible structures being allowed through the observed deficiencies in the current regulatory process and to counter requests to exempt more parcels from the current policies and to avoid possible lawsuits asserting unconstitutional takings.⁷¹ The State and Federal governments, and private parties as well, have already made a vast commitment of funds towards this purpose. While some of the money could have been more judiciously spent, the clear message of this analysis is that retiring the development potential of the remaining vacant viewshed parcels is the surest way to ensure viewshed protection. Private lot line adjustments and TDCs can and should be utilized for this purpose (see Recommendation SR-10.13), but are not likely to materialize without some proactive efforts and may be difficult to require through the regulatory process. A local citizens group that wished to see viewshed lots stay privately owned could perhaps be successful in this regard working directly with landowners. Beyond these measures, a source of acquisition funding (to purchase either fee simple interest or scenic easements in viewshed lots) should be available, as emphasized in Recommendation SR-10.14.

As to further development of existing developed parcels, the best way to ensure that the policy of no increased visibility is followed is for it to become widely accepted. Beyond unwavering regulation and enforcement, the more that prospective buyers are aware of and committed to the policy, the better the chance of it succeeding. Examples to further this objective could include prominently disclosing this policy in real estate advertising and transactions, using CC&Rs or deed restrictions

⁷¹ There have been at least four such requests made during the County's general plan update process.

that state this policy, and establishing community organizations to promote and monitor this policy. It will take a non-governmental initiative to accomplish this goal as a complement to the County's regulatory program (see Recommendation SR-10.17).

b. Issue SR-11: Carmel Area Community Character

(1) Overview

This subchapter addresses the following concern identified through issue scoping: **Ensure that there are adequate measures to protect the unique characteristics of the visitor destination areas around the City of Carmel-by-the-Sea.**

The unincorporated area around the City of Carmel-by-the Sea consists of charming cottages nestled among the native cypress, Coast Live Oak, and Monterey pine trees. This unique setting is threatened by new development that is out of character with what has existed. In adjacent Carmel-by-the-Sea, the City Planning Department has responded by adopting design guidelines to protect historical resources and community character and detailed tree protection policies to maintain the urban forest. Permit review of coastal development permits since certification in the unincorporated area surrounding the city of Carmel-by-the-Sea has revealed that new, larger development has continued to be approved in these parts of the Carmel planning area. The LCP has thus not been implemented in a manner totally consistent with Coastal Act objectives to maintain community character. Part of this is due to the County not fully implementing LCP policies that say structures shall be subordinate to and blended into the environment. A large part of this finding is due to inadequate LCP provisions to fully address the range of design issues. Thus, recommendations are made to prepare design guidelines for these areas around Carmel-by-the-Sea.

(2) Resource Background

Community Characterization

The unincorporated area around the City of Carmel-by-the Sea is a popular visitor destination point for recreational use. It also has unique aesthetic characteristics.

Carmel Area Land Use Plan Section 4.1.3 contains the following description:

As a recreation area of regional and national importance, the Monterey Peninsula area attracts millions of visitors annually. Visitors come to the Monterey Peninsula for a variety of recreation experiences, including sightseeing, scenic driving, fishing, diving, surfing, and golfing. In 1978, the Peninsula area attracted 9.7 million visitors. An annual increase in visitation of three to five percent is forecast, resulting in 16 to 22.3 million annual visitors to the Monterey Peninsula by 1995...

There is presently little data on visitor use levels at Carmel Point. However, the average daily traffic volumes of more than 1,900 vehicles per day along this narrow, residential road [Scenic Road] indicates both the high-use levels it receives as well as its primary use by visitors, i.e., scenic driving.

Although there are few commercial enterprises in the unincorporated area around the City of Carmel-by-the-Sea (the City) similar to the tourist draw of its downtown destinations, several streets serve as accessways to the City's attractions including Rio Road, Camino Del Monte, Carpenter Street, and Ocean Avenue. Other streets serve as accessways to the unincorporated area's destinations, such as Ocean View Avenue, Scenic Road and Stewart Way to the Robinson Jeffers' Tor House; Carmelo Avenue to the Carmel River State Beach parking lot; Dolores Street to the Carmel Mission; Oliver Drive to Rio Park; and Bay View Avenue, San Antonio Avenue and Martin Way to the Sandpiper Inn.

Two structures in the unincorporated Carmel area have been designated historical: the Door House (24814 Pescadero), originally built of 34 solid four-panel doors in 1906 and the 1915 Hopper-Chanslor House (Carmelo Street at 14th).⁷² Other structures considered historical in some context include the Martin House, (26317 Valley View), originally a summer home for a college president, and the Nelson/Hall House (24814 Pescadero).⁷³

Residential neighborhoods within the City of Carmel-by-the Sea are a draw themselves because of their uniqueness. Charming cottages nestled among the native cypress, coast live oak, and Monterey pine trees have an alluring appeal to many visitors. Although there are distinct neighborhoods in the unincorporated areas adjacent to the City of Carmel-by-the-Sea, a visitor would be hard-pressed to readily identify the City boundary locations as they travel through the area. Since the unique characteristics of the City spill over into the County's jurisdiction, a description of the City's characteristics is germane to this area as well.

Characteristics of the City's community character include architectural diversity with a sense of continuity to its neighborhood surroundings. This continuity is based on architectural and landscape designs emphasizing the use of natural building materials, open space, setbacks, low height, abundant natural plantings, and generally modest scale of construction. Houses and streets in the City conform to the topography of the region. Roads, in general, are narrow, making room for trees. There is an easement between the road edge and the property line, which usually consists of one or more of the following: natural landscaping, planted landscaping, dirt or loose aggregate. These softscape materials benefit the plants and trees in the area by allowing water to absorb into the ground, reducing run off, and helping to maintain a healthy water table. Softscaping, or landscaping, materials also bring a pleasant natural setting to an urban environment. Most trees in the city are native species of Monterey pine, cypress, and Coast Live oak commonly forming a canopy over the streets that they line. The abundant planting of these native species by the early developers, combined with the native species that were present, gives the feeling of houses nestled within a forested environment; this environment is commonly referred to as an "Urban forest." These factors combine to give the city of Carmel-by-the-Sea its quaint village character.

⁷² Monterey County Register of Historic Resources as of January 2003.

⁷³ Featured on a Carmel Heritage Society Historical House Tour. See <http://www.carmelheritage.org/housetour.htm>.

An inspection of the unincorporated neighborhoods contiguous to the City of Carmel reveals that they share the above-mentioned characteristics found within the City to various degrees. To the north of the City, extending from the northern City limits to Pescadero Canyon is the Carmel Woods area. Lots closest to the City continue to have a similar same size pattern to that in the City, i.e., mostly 4,000 square foot lots. Closer to the canyon the lots become larger. The Carmel Woods area also shares similar characteristics of overall consistency of diverse architectural styles, softscaping and house scale in relation with that of the City of Carmel-by-the-Sea. Tree canopy is also generally similar to what is found in the City but is less densely populated with native trees along the streets. Map SR-11a compares tree canopy in a portion of Carmel Woods with that in a portion located within the adjacent city limits. The stability of this area with regards to the low number of additions or demolition/reconstruction of houses has maintained the overall character of this area as it extends from the City.

To the south and west of the Carmel-by-the-Sea, extending from the City limits southwest to the Carmel River State Beach is the unincorporated Carmel Point area. East of Carmelo Avenue towards the Mission, the lots in this unincorporated area are larger and the streets are wider. This area (Mission Tract 1 and Tract 4) is generally a more traditional rectangular grid pattern; whereas the area to the west of Carmelo Avenue is composed of more curvilinear streets making for a greater variety of lot size and shape; though many of the lots are again around 4,000 square feet. Houses in this area tend to be more mixed. The older, unmodified homes are more similar to those in the City in regards to architectural diversity, landscaping, and scale, while newer houses and additions in the unincorporated Carmel Point area have a more diverse architectural style, have generally larger homes which area out of character with the older houses around them. Tree canopy in the Carmel Point area is much sparser than in the City, but there are pockets where full street canopy exists, which helps to preserve the character of this area, similar to that found in the City. Map SR-11b compares tree canopy in a portion of Carmel Point with that in a portion of the adjacent city limits. More hardscaping around some of the rebuilt/refurbished houses is also evident. Right along Scenic Road there is a definite different character. There are large, modern homes, without much tree cover; somewhat similar to the pattern found along Scenic Road within the City limits.

Many of the lots between the City limit and Highway 1 in the Mission Fields area are 4,000 square feet on curvy roads. But as one moves east northeast of the City limits, the lots become larger, substantially so in the Hatton Fields Tract #1. Tree canopy in a sampled area of Hatton Fields Tract #2 shows that it has less density of tree canopy than that within the City immediately to the west (see Map SR-11a).

Threats to Community Character Resources

The introductory Section 2.2.1 of the *Carmel Area Land Use Plan* states,

In spite of present controls, increasing development has gradually encroached into many areas of outstanding beauty. In some cases, this scenic encroachment has been caused by poorly sited, or inadequately designed homes which failed to blend with the surrounding natural landscape.

And though nearly two decades have passed, it remains apparent from a tour through the neighborhoods and a sampling of demolished/rebuilt houses in the Carmel Point area, that more recent development is commonly of a different character from the historic one, and that development of homes out of character with the surrounding area still remains a threat to preserving the area's community character.

Responses to Protect Carmel Area Community Character

The City of Carmel-by-the-Sea has been faced with similar threats to its community character. In response it has recently developed a local coastal program, which has more explicit discussion and policies designed to identify and protect the aesthetic attributes that maintain its unique community character. Examples of recently certified policies within the *City of Carmel-by-the-Sea LUP* include:

Each site shall contribute to neighborhood character including the type of forest resources present, the character of the street, the response to local topography and the treatment of open space resources such as setbacks and landscaping. It is intended by this policy that diversity in architecture be encouraged while preserving the broader elements of community design that characterized the streetscape within each neighborhood.

Site improvements shall be compatible with, and sensitive to, the natural features and built environment of the site and of the surrounding area. Design solutions should relate to and take advantage of site topography, vegetation and slope. Designs shall recognize the limitations of the land and work with these limitations rather than ignoring them or trying to override them.

Residential designs shall maintain Carmel's enduring principles of modesty and simplicity and preserve the City's tradition of simple homes set amidst a forest landscape. Buildings shall not present excess visual mass or bulk to public view or to adjoining properties. Buildings shall relate to a human scale in their forms, elements and in the detailing of doors, window, roofs, and walkways. Oversized design elements make structures appear dominating and monumental. This out-of-scale character represents a poor fit to the human form, vitiates the more intimate, rural charm and village character of Carmel-by-the-Sea and should be avoided.

The design of structures shall be coordinated with open space to enhance the park-like environment of the City. Open space should be distributed around buildings to provide visual relief from structural bulk and a distinct separation from buildings on adjacent sites. Designs shall coordinate structural elements with landscaping to achieve a pleasing overall site design.

Maintain and enhance the informal, vegetated, open space character of the City's right-of-way. Trees in the right-of-way shall not be removed to provide parking. With the exception of driveways, installation of new paving in the right-of-way by private property owners is prohibited.

All demolitions, rebuilds, remodels, and substantial alterations shall be consistent with the following findings:

- The design uses simple/modest building forms and a limited number of roof planes, and a restrained employment of offsets and appendages consistent with the City's Design Objectives.*
- Mass of the building relates to the context of other homes in the vicinity.*
- The development is similar in size, scale, and form to buildings on the immediate block and neighborhood.*
- The development does not require removal of any significant trees unless necessary to provide a viable economic use of the property or protect public health and safety. All buildings and structures will be setback a minimum of 6 feet from significant trees.*

The County has not modified its LCP policies regarding community character and design since the CLP was certified. These recent, updated design approaches and standards discussed herein as adopted in the adjacent *City of Carmel LUP* could provide guidance for the County's 21st Century Monterey County General Plan update and LCP.

(3) Local Coastal Program Provisions

The *Carmel Area Land Use Plan* clearly recognizes the pressure exerted on the natural and man-made resources of the area from an increasing number of visitors and responds with policies to protect aesthetic resources. The Introduction to the Resource Management section (*Carmel Area LUP* Section 2.1) states in part that: "...Any new development should complement the area and be compatible with the objective of careful resource protection and conservation..." The Overview of the Visual Resources section (*Carmel Area LUP* Section 2.2.1) states in part, "The scenic qualities of the Carmel area have long been a cherished part of the Monterey coast," including "architecturally compatible residences." This section goes on to note that: "Monterey County has been a leader in scenic area protection," including such measures as design and landscape control, critical review criteria, and a program of visual nuisance abatement.

The *Carmel Area Land Use Plan* contains the following general policies that are applicable to the unincorporated areas adjacent to the City of Carmel-by-the-Sea:

2.2.3.6: Structures shall be subordinate to and blended into the environment, using appropriate materials... Where necessary, modification of plans shall be required for siting, structural design, height, shape, color, texture, building materials, access and screening.

2.2.3.7: Structures shall be located and designed to minimize tree removal and grading for the building site and access road.

2.2.3.8: Landscape screening and restoration shall consist of plant and tree species consistent with the surrounding vegetation.

2.2.3.10: The County encourages creative public and private efforts to restore the scenic beauty of visually impacted areas of the coast and will assist such efforts where possible

2.2.4.9: ...design review of all new structures or modification of existing structures shall be exercised. "Structures" shall include commercial facilities, homes, garages, fencing, watertanks, solar collectors, utility poles, etc. Where new development or intensification of existing uses is proposed, structures shall be sited to maximize plan policy. Furthermore, landscaping plans shall also be required and approved by the County as a secondary protection.

The *Carmel Area Land Use Plan* contains additional policies written to protect the public viewshed. However, this viewshed is defined in Section 2.2.1 to only cover small portions of the unincorporated area around the City of Carmel-by-the Sea: Pescadero Canyon, the Highway One corridor, and the Scenic Road corridor. This viewshed is illustrated on *LUP Map A*. Some relevant policies include:

Key Policy 2.2.2: All categories of public and private land use and development including all structures and lighting must conform to the basic viewshed policy of minimum visibility except where otherwise stated in the plan.

2.2.3.1: The design and siting of structures, whether residential, commercial, agricultural, or public shall not detract from the scenic beauty of the shoreline in the public viewshed.

2.2.4.10.c: Structures located in the viewshed shall be designed so that they blend into the site and surroundings. The exterior of buildings must give the general appearance of natural materials (e.g., buildings should be of weathered wood or painted in "earth" tones). The height and bulk of buildings shall be modified as necessary to protect the viewshed.

2.2.4.10.e: Existing trees and other native vegetation should be retained to the maximum extent possible both during the construction process and after the development is completed. Landscape screening may be used wherever a moderate extension of native forested and chaparral areas is appropriate. All new landscaping must be compatible with the scenic character of the area and should retain existing shoreline and ocean views.

2.3.3.8: The County shall require the use of appropriate native species in proposed landscaping.

2.8.3.1: Monterey County shall encourage the timely identification and evaluation of archaeological, historical and paleontological resources in order that these resources be given consideration during the conceptual design phase of land-use planning or project development.

2.8.3.4: When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids or substantially minimizes impacts to such cultural sites. To this end, emphasis should be placed on preserving the

entire site rather than on excavation of the resource, particularly where the site has potential religious significance.

Other policies that specifically address portions of the subject area include 4.4.3.F.1, designating Mission Ranch as a Special Treatment area and requiring protection of its historic buildings, as well as the following policies:

2.2.4.6: The existing forested corridor along Highway 1 shall be maintained as a scenic resource and natural screen for existing and new development. New development along Highway 1 shall be sufficiently set back to preserve the forested corridor effect and minimize visual impact.

2.2.5.2: In order to provide for more visually compatible structures, the height limit in the Carmel Point Area should be limited to a maximum height of 18 feet from the natural average grade.

The *Land Use Plan* designation for the subject area is Medium Density Residential:

Medium-density residential development is the primary use. The density for new subdivision is 2 units per acre, except on the Mission Ranch property where a density of 4 units per acre may be allowed subject to section 4.4.3.F.1...Exception is also made for Block 6, Carmel Woods which has historically been zoned Duplex Residential (R-2). On that block, one unbuilt lot of record existed as of August 8, 1984. That lot may be allowed a single duplex use. Re-use of existing developed lots on that block shall comply with the basic density requirements of this section. Minimum parcel size will be determined upon application review. This designation is applied to the City of Carmel vicinity... Public/quasi-public uses (5.5.1) and densities of overnight accommodations currently in operation are permitted.

The *Land Use Plan* text explains:

The subdivided areas within the segment are concentrated primarily along the west side of Highway 1...It is the County's objective to promote the continued "infilling" of vacant parcels of record in all subdivided areas, namely, Carmel Woods, Hatton Fields, Carmel Point, Mission Fields, Mission Tract...Existing recreational and visitor-serving facilities located within the residential communities are considered desirable uses and should be continued where potential or existing conflicts with the surrounding residential community can be adequately mitigated.

The corresponding zoning of the subject area is Medium Density Residential MDR(2). This allows 2 dwelling units per acre. This is a residential zoning district. Existing visitor units are allowed to remain.⁷⁴ There is a minimum front setback of 20 feet and minimum side yard setback of 5 feet.

⁷⁴ 2) Up to 16 visitor-serving units and one manager apartment are permitted to remain on the property commonly known as "Grosvenor Inn;" 3) Up to 4 visitor-serving units are permitted to remain on the property commonly known as "Lincoln Green Cottages."

Maximum height is 30 feet except in Carmel Point where it is 18 feet. There is a maximum building site coverage of 35% and a maximum floor area ratio of 45%.

Coverage is defined as follows: any area covered by a structure, structures or structure protrusions including decks twenty-four inches or more above grade but not including buildings eaves of thirty inches or less and similar non-usable areas, paved driveways, sidewalks, paths, patios and decks less than twenty-four inches above grade (*County Code* Chapter 20.06).

Floor area is defined as the total gross area of all floors contained in all buildings on the building site as measured from the exterior face of the enclosing walls. Floor area shall include, but not be limited to all enclosed spaces within all buildings, finished basements, guesthouses, studios, garages, and carports. Areas of enclosed floor space constructed and maintained entirely below ground, including garages, shall not be counted as floor area (*County Code* Chapter 20.06).

Floor area ratio is figured based on: the total floor area of structure(s) on the building site divided by the total square footage of the building site (*County Code* Chapter 20.06).

The unincorporated areas around Carmel-by-the-Sea are also in a Design Control “D(CZ)” overlay district meaning that all development requiring a building permit also requires a design permit, even if it does not require a coastal permit (e.g., some additions to homes). The approving authority “shall consider the size, configuration, materials, and colors of the proposed structures” to assure protection of the public viewshed and neighborhood character (*County Code* Chapter 20.44).

Forest management plans are also required in most instances if tree removal is to be allowed (see Issue SH-9).

(4) Local Coastal Program Implementation

Ten coastal permits for residential development in the Carmel Point area west of Carmelo Avenue were reviewed and project sites inspected. Review of these permits show that not only has recent development increased scale of these sampled demolition/rebuild projects by an average of over 35%, but the scale increase has also been accompanied by bringing floor area ratio, lot coverage percentages and heights to or near the maximum allowable extents with averages of 43.9%, 32.8%, and 17 feet 8 inches respectively. These factors combine to give some of these houses a larger scale than other houses in the area. This scale factor is further exacerbated by that fact that a visual inspection showed many of these houses lacked landscaping that included native trees both original or recently planted in front of the house thereby increasing the visual impact of scale.

With regard to trees:

- Three of the ten permits had no mention of whether there were trees removed or not;
- Three specifically mentioned that there will be no native tree removal but had no mention of native tree planting;

- One allowed removal of two oaks to be replaced by two oaks (using a 1:1 replacement ratio);
- One allowed removal of a Chinese Evergreen Elm tree with no mention of replacement;
- One allowed removal of 8 non-native hollies to be replaced with 4 oaks (using a 2:1 replacement ratio); and
- One allowed removal of a Monterey pine with no mention of replacement.

Visual inspection of recently permitted development revealed two other trends that conflicted with established community character. Some of the newly built houses had installed more hardscaping (asphalt paving) than commonly found in the area, along the lot frontage (i.e., between the property line and the street line). The other trend is an abundance of stucco being used for the exterior of many of these newly built and remodeled homes, giving the area more of a uniform character rather than the variation in style commonly found.

(5) Analysis of Coastal Act Conformance

Because of the unique and varied architectural styles and relationship of structures within the urban forest, the community of Carmel is a popular visitor destination point. The Coastal Act provisions are intended to protect such special communities. Continued approval of bulkier, more massive development since LCP certification in the unincorporated areas adjacent to the City of Carmel-by-the-Sea degrades the scenic resources and community character and thus is not in conformity with Sections 30251 and 30253(5) of the Coastal Act... Some of the new development that has occurred since LCP certification has been authorized by County coastal permits; some has not required coastal permit authorization (although it has required design review). The County's LCP design criteria needs to be updated and implementation improved in order to assure protection of scenic resources in conformity with Coastal Act policies.

Implementation of Design Criteria

Implementation of the LCP has not fully maintained the community character within the unincorporated area adjacent to the City of Carmel-by-the-Sea. Out of all the factors that combine to frame the community character in this area, the lack of native tree screening is most apparent. Trees are an important component of the character themselves and serve to screen development that might in other ways appear out of character. In this regard, *Carmel Area Land Use Plan* policy 2.2.3.6, which states, "Structures shall be subordinate to and blended into the environment, using appropriate materials that will achieve that effect. Where necessary, modification of plans shall be required for siting, structural design, height, shape, color, texture, building materials, access and screening," has not been fully implemented. It would be hard to argue that many of these sampled houses blend into the environment, in part because of the lack of screening. Native trees are an extremely important part to the community character of the Carmel area. Although the data from the sampled permits was limited, the fact that there was not even mention of planting of native trees in 80% of the cases demonstrates that the County was not considering the significance of this requirement. And, on-the-ground inspection of homes in the area reveals the loss or lack of native

tree cover, especially in the Carmel Point area. Visual inspection of many of the sampled permit sites revealed development out of character with the neighborhood with respect to native trees along the frontage area. Although all the permit findings sampled mention that a landscaping plan shall be submitted, the County is not requiring the type and degree of landscaping required to maintain the community character.

The LCP requires setbacks of 20 feet from the road and 5 foot side yards. The approved projects appear to meet the setback requirements. The LCP does not contain independent streetscape policies. The visual inspection of the sampled permits revealed that many of them have large, hardscaped surface areas, which contrasts with the traditional softscape treatment.

Permit review and site investigation also revealed that the size and design of new and remodeled homes was not always in character with the surrounding area. The sampled approved house sizes were all above the average 800 to 1,500 square feet found in the City of Carmel-by-the-Sea. While the LCP does not contain an independent size limitation, it addresses scale by virtue of a floor area ratio (FAR) and lot coverage percentage. The sampled approved FARs and lot coverage percentages were all within their prescribed FAR of 45% and lot coverage percentage of 35% respectively, but generally tended toward the higher end. The LCP has a 30-foot height limit, except in Carmel Point where it is 18 feet. Again, the sampled permits followed these requirements, but tended toward the maximum allowed.

In terms of design, the styles of many of the sampled approved homes, while not totally unique to the area, were not the common Carmel cottage styles. As noted, many homes were stucco-sided, which tends to bring a sameness to the houses in an area when this exterior medium is predominantly used.

Conclusion

In conclusion, the County is not fully implementing its local coastal program in a manner that carries out the Coastal Act objective of community character protection. When one views the construction trends of apparent recent remodeled or demolished-rebuilt houses in the unincorporated areas of Carmel there are several trends which do not fit with the area's community character. They are:

- Scale is commonly larger than the original structure;
- Exterior styles lack diversity;
- Native species of trees are not being replaced or planted to maintain (or enhance) the urban forest environment; and
- Hardscaping is being extended to the street edge.

Each one of these trends by themselves detracts from the community character of the Carmel area, but in numerous cases these trends occur in combination heightening the impact.

These findings suggest that quantifiable LCP policies are more readily followed than the more open-ended provisions. One could argue that further quantification and reduced limits would be an appropriate response. Indeed consideration of these factors should be pursued (see Recommendations for Issue SR-9: “Trophy Homes”).

Yet, good design and landscaping can mitigate to some extent impacts from larger homes. As noted, these elements, including for example, variations in rooflines, use of natural material, maintaining native tree canopy, and minimizing hardscape (paving), are themselves important community character components. Although *Carmel Area Land Use Plan* policy 2.2.3.6 is certainly broad enough in scope to be used to address all of the factors needed to maintain the community character, it is fairly general and thus open to interpretation. Many elements of a comprehensive design review program, such as that required for the City of Carmel-by-the-Sea and Moss Landing, are not in the County LCP for this part of Carmel Area. For example, the *Carmel Area LUP* does not recommend any specific design treatments, does not contain direct guidance as to when it is inappropriate to build to the maximum allowed, nor is it directive with regard to strategic planting of native trees species. While such directive policies could be updated consistent with the City’s, they should be determined based on more specific neighborhood analysis and input. This analysis thus suggests that the County should embark on a program to develop more specific design guidelines for its special communities in the unincorporated areas surrounding the City of Carmel-by-the-Sea, as provided for in Recommendation SR-11.1, in order to assure that community character will be protected in conformity with the Coastal Act. (See also recommendations for Issues SR-1: Historic Resource Protection, which will become even more relevant as the neighborhoods age.)

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