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Filed:	04/21/03
180-day:	10/18/03
Staff:	MJW
Staff report:	08/21/03
Hearing date:	09/10/03

COASTAL DEVELOPMENT PERMIT APPLICATION

Application number.....3-03-053 Baker

Applicant.....Chris & Jerry Baker

Project location.....5 southwest of 12th Avenue on Casanova Street, Carmel-by-the-Sea, Monterey County (BLOCK AA, LOT 11; APN 010-281-006) (See Exhibit A)

Project description.....Demolition of an existing 1,300 square foot, one and a half story residence and construct a new 1,800 square foot two-story residence and garage. (See Exhibit B)

Local approval.....City of Carmel-by-the-Sea: DS 00-59 / RE 01-02.

File documents.....City of Carmel-By-The-Sea certified Land Use Plan and uncertified Zoning Ordinance; Categorical Exclusion Order E-77-13; City of Carmel Community Building and Planning Department Staff Report (01/24/01).

Staff recommendationApprove with Conditions

Summary: The Applicant proposes to demolish an existing one and a half story residence approximately 1,300 square feet in size and construct in its place a two-story residence of approximately 1,800 square feet on a 4,000 square foot lot in the City of Carmel-by-the-Sea. The proposed project received design review approval from the City of Carmel on January 24, 2001 and was received in the Commission's Central Coast Office for review on April 17, 2003.

The proposed project involves demolition of an older Carmel cottage that exhibits many of the small scale and architectural attributes identified by the City in its recently certified Land Use Plan (June 3, 2003). By contrast, the replacement house is much larger in size and mass than the simple modest homes in the neighborhood. The architectural design of the replacement home is modern, complex, and out of character with the existing residences in the neighborhood. The structural footprint is complex. There are numerous building elements, articulations, and appendages. The roof form is multifaceted with more than 20 roof planes. Although the architectural design is inconsistent with the Coastal Act and City-certified LUP policies, the building intensity (site coverage) is appropriate for the site and a significant portion of the lot (55%) is retained in open space. Four acacia trees will be removed and the proposed design sites the house to within 4 feet of a significant 34" Monterey cypress.

The Commission approved the City's most recent LUP submittal at its March 6, 2003 meeting and the City



California Coastal Commission
September 10, 2003 Meeting in Eureka

Staff: Mike Watson Approved by:

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adopted it on June 3, 2003. The LUP document was formally certified by the Commission at its July 10, 2003 meeting. The land use policies and objectives provide broad policy guidance on future development and redevelopment of the City's residential housing stock. In general, though, the LUP policies require that new development be consistent with the established character of Carmel's residential district and relate to the scale and massing of homes in the immediate neighborhood and block. Additionally, there are policies that protect the City's Monterey pine and oak dominated forest resources while simultaneously addressing storm water runoff and maintaining water quality.

In this case, the project was approved by the City of Carmel prior to the adoption of the LUP as modified by the Commission. Thus, the City's review did not fully address the design criteria established by the City's LUP, which provides important guidance to the Commission for evaluating the project's consistency with Coastal Act Section 30253(5) protecting community character. The proposed replacement house does not embody the characteristics identified in the certified LUP that contribute to the visual quality of Carmel. The City's approval did not require a drainage plan to address storm water runoff as required by the LUP, and the applicant did not volunteer one. As proposed, the replacement house is inconsistent with section 30253(5) of the Coastal Act for the protection of special communities and section 30231 for minimizing adverse impacts from storm water runoff.

Staff is recommending special conditions to require Final Plans showing that the house design has been simplified by reducing the number of offsets, articulations, and roof planes as well as eliminating decorating details to create a simpler home that is consistent with the City's certified LUP policies and setback adequately from significant trees. In addition, a Drainage Plan is required documenting that all runoff from the roof, driveways, and other impervious surfaces will be directed onto permeable areas onsite in a non-erosive manner. The project does not otherwise impact visual resources or coastal access.

Therefore, only as conditioned, can the project be found consistent with the Chapter 3 policies of the Coastal Act.



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I. Staff Recommendation on CDP Application

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard conditions below.

Motion. I move that the Commission approve Coastal Development Permit No. 3-03-053 pursuant to the staff recommendation.

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

Resolution to Approve the Coastal Development Permit. The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Conditions of Approval

A. Standard Conditions

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the



Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. Revised Plans. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, revised plans redesigning and simplifying the design of the approved residence including the building footprint and roof. In addition, the applicant shall eliminate decorative architectural details such as oriel windows. Redesign of the residence shall employ simple building forms and minimize the number of offsets and articulations. See Exhibit D: Revised Plan Examples. The Applicant may redesign the roof form in any manner appropriate with the Residential Design Guidelines of the City of Carmel, but shall limit the number of roof planes to no more than 14. Furthermore, the revised plans shall demonstrate that the four oriel windows have been removed. No decorative appendages that increase volume to the residence will be permitted. In addition, the Revised Plans require that the residence maintain a 6' buffer from all significant trees (i.e., oaks, pine, or cypress) and further require the applicant to incorporate all feasible construction measures and practices to avoid disruption and pruning of significant trees during construction.
2. Drainage Plan. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a Drainage Plan documenting that the runoff from the roof, driveway and other impervious surfaces shall be directed into permeable areas on the site (landscaped areas) for infiltration to the maximum extent practicable in a non-erosive manner. The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

III. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Standard of Review

The City of Carmel-by-the-Sea is located entirely within the coastal zone but does not yet have a certified LCP. The Commission recently certified a Land Use Plan (LUP) but has yet to take action on an Implementation Plan (IP). The City formally adopted the Commission's suggested modifications to the



LUP on June 3, 2003 and thus, only the IP remains uncertified. Nevertheless, until the Commission has certified the entire LCP submittal, the Commission retains coastal permitting authority over development within the City, for which the standard of review is the Coastal Act of 1976. The adopted LUP can provide broad policy guidance and staff has referred to the LUP during its evaluation of this project, however, the main issues raised by the proposed project are reviewed for consistency with Chapter 3 of the Coastal Act.

The Commission has authorized a broad-ranging categorical exclusion within the City of Carmel (Categorical Exclusion E-77-13) that excludes from coastal permitting requirements most types of development not located along the beach and beach frontage of the City. The proposed development, however, is not excluded under Categorical Exclusion E-77-13 because it involves demolition.

B. Project Location and Description

The Applicant proposes to demolish an existing one and one-half story residence (approximately 1,300 square feet) and construct a two-story residence with garage (1,800 square feet) in its place, on a 4,000 square foot lot in the City of Carmel-by-the-Sea. The proposed development is located on Casanova Street between 12th and 13th Avenues. The neighborhood was subdivided in 1908 and has the distinction of being one of the earliest subdivisions within the incorporated city limits.

The existing home is a modest ell-shaped board and batten cottage with a simple, moderately sloped gable roof with 4 roof planes. By contrast, the replacement home is more reflective of a modern stucco villa with some Tudor-esque elements. The building footprint contains numerous offsets and articulations with no real discernable shape or design. The plan incorporates a very complex roof form with at least 20 roof planes. There are a number of appendages (oriel windows) adding to the complexity and mass of the proposed replacement house, but not actual living space (i.e., floor area). The primary exterior building materials include cement plaster walls, wood shake roof, non-clad wood windows, wood doors, exposed rafter tails, and half timbering. The design includes four protruding windows including a buffet and three widow seats. Structural coverage of the site will increase approximately 33% over existing conditions (1,050 and 1,400 square feet respectively) and massing is much greater with the replacement home due to the second story element and steeply pitched roof elements. Impervious site coverage will increase over the existing site condition by approximately 400 square feet. (Exhibit C) As a condition of its design review permit, the City required the Applicant to move the proposed residence a minimum of six feet away from the 40" Monterey cypress at the rear of the lot and the second story a minimum of four feet away from the 34" cypress at the north elevation. In addition, the applicant was required to reduce the second story plate height to a maximum of 18 feet to address excess massing.

The existing home slated for demolition was constructed in the mid-1920's. The house is in very poor condition as the applicant has allowed it to become in disrepair. Several changes have altered the exterior elements of the house and as such it no longer qualifies for historical designation under either the California Register of Historical Resources (CRHR) or the City's criteria as a historic resource.



C. Issue Discussion

1. Community Character

While residential development in most of Carmel is excluded from the requirement for a coastal development permit by virtue of Commission Categorical Exclusion E-77-13, demolitions are not excluded. Because the City of Carmel does not have a certified LCP, the Coastal Commission must issue the coastal development permit.¹ The main issue raised by demolition and remodel projects in Carmel is the preservation of community character. Section 30253 of the Coastal Act addresses the issue of preserving the community character of special communities such as Carmel:

30253(5): New development shall where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Demolition of existing residential buildings in Carmel is not a recent phenomenon. However, a series of demolitions in the recent past have engendered controversy over whether or not an existing house represents the historical, architectural, and environmental character of Carmel; and if a replacement house detracts from Carmel's character because of a modern design, tree removal, proposed house size, or other characteristics. There are a number of examples where a house or houses were demolished and a single, much larger house constructed on the site. In other instances, a single house straddling a lot line has been demolished and two new, smaller houses were constructed. In either of these types of instances, the character of Carmel may or may not be preserved. The size of a house is one aspect of Carmel's character, but not all existing houses in Carmel are small. However, because the lots are almost all relatively small, about 4000 square feet, the general pattern of development is one of smaller houses.

Another aspect of Carmel's character is the pine and oak dominated landscape. Although the forest landscape is not all natural – there has been enhancement over the years by tree planting – it pervades the City and is a defining characteristic of Carmel. Demolition can result in tree damage and/or removal. New construction after demolition also may result in the loss of trees, especially if a new structure is built out to the maximum allowed by the zoning.

Carmel is also a very popular visitor destination as much for the style, scale, and rich history of its residential, commercial, and civic architecture, as for its renowned shopping area, forest canopy and white sand beach. The City is considered a "special community" under the Coastal Act due to its unique architectural and visual character. It is often stated that Carmel, along with such other special coastal communities as the town of Mendocino, is one of the special communities for which Coastal Act Section 30253(5) was written. Indeed, Carmel has been, and remains today, a spectacular coastal resource known

¹ On July 10, 2003, the Commission formally certified the City's Land Use Plan. Though the LUP can provide guidance for staff's review of coastal development permit applications, until the City has a fully certified LCP (both LUP and Implementation Plan) and assumes coastal development permitting responsibilities, the standard of review remains the Coastal Act.



the world over as an outstanding visitor destination as much for the character of its storied architecture, as for its renowned shopping area and white sand beach. In part, Carmel is made special by the character of development within City limits as various architectural styles present reflect the historical influences that have existed over time.

a. Historic Resources

Historic Resources are an important component of Carmel's community character. The recent LUP adopted by the Commission includes detailed policies about how to identify and protect historic resources. Although not the formal standard of review in this project, the policies do provide useful direction for evaluating whether the project is consistent with 30253(5) of the Coastal Act.

For example, Land Use Plan P1-88 states:

Establish procedures to add historic resources to the Carmel Inventory based on recommendations from a qualified professional, as part of the City's ongoing survey process. To qualify for listing in the Carmel Inventory, historic resources shall meet at least one of the California Register criteria, shall be representative of at least one theme included in the Historic Context Statement and shall retain substantial integrity.² Integrity (association, feeling, setting, location, design, materials and workmanship) shall be documented by comparing the existing condition of the resource with the original building plans or early photographs or other substantial evidence (e.g. literature review, architectural files, land records, Sanborn maps, etc.) and/or by physical inspection by a qualified historic preservation professional.

Additionally, LUP Policy P1-89 states:

To qualify for listing in the Carmel Inventory, an historic resource eligible under California Register criterion #3 only, shall: (1) have been designed and/or constructed by an architect, design/builder or contractor whose work has contributed to the unique sense of time and place recognized as significant in the Historic Context Statement; (2) have been designed and/or constructed by a previously unrecognized architect, design/builder or contractor if there is substantial, factual evidence that the architect, designer/builder or contractor contributed to one or more of the historic contexts³ of the City to an extent

² Integrity is based on why a property is significant. Ultimately, the question of integrity is answered by whether or not the property retains the identity for which it is significant. The steps in assessing integrity are (1) defining the physical features that must be present for a property to represent its significance, (2) determining whether these features are still visible enough to convey significance, (3) determining whether the property needs to be compared to other similar properties to understand its significance and (4) determine which aspects of integrity are vital if the property is to qualify as a resource (adapted from the National Register of Historic Resources, Bulletin #15).

³ An historic context is a body of information about historic properties organized by theme, place and time. A single historic context describes one or more important aspects of the development of an area relating to its history, architecture, archaeology and culture. A context may be based on one or a series of events, patterns of community development, or associations with the lives of a person or group of persons that influenced the destiny and character of a place or region (from National Register Bulletin #24). Currently there are five themes developed in



consistent with other architects, design/builders or contractors identified within the Historic Context Statement; (3) be a good example of an architectural style or type of construction recognized as significant in the Historic Context Statement; or (4) display a rare style or type for which special consideration should be given.

The City's recent LUP submittal contains a Historic Preservation Element that provides a process for identifying, evaluating, and designating historic resources. To ensure that all homes are evaluated for potential historic significance, when a development proposal is brought to the planning office, the assigned planner initiates the first steps in identifying whether the residence is historically significant. The first step is to consult the City's Historic Resources inventory to see if the structure has been evaluated and designated. If so, development may proceed according to the Secretary's of Interior Standards for the rehabilitation of historic resources. If the structure is not on the City's inventory, the original building plans are sought and compared with an on-site site assessment of the home. To qualify as a historic resource, the structure must retain substantial integrity. Depending on the state of a structure, a qualified professional may be called to prepare an historic evaluation that includes researching the origins of the house, its relationship to the builder, occupants, and possibly any contributions to the broad patterns of development at the local, state, or national level. The City's LUP criterion for establishing historical significance generally follows the California Register of Historical Resources eligibility requirements.⁴ For example, a structure that has retained its integrity and is a good example of a particular architectural style or constructed by a well-known builder, would qualify as a historic resource. As such, treatment of the resource under the LUP policies specifically prohibit demolition but allow for rehabilitation with a limited amount of development including the possibility of an addition consistent with the Secretary of Interior Standards.

Analysis

On July 13, 1999, an historic evaluation of the house was prepared by Paul Turner, a professor of architectural history at Stanford University, who examined a series of good-quality color photographic prints, and the relevant portions of the City's Historic Context Statement. According to the evaluation provided by the applicant's consultant, the existing residence was constructed in 1924 and the identity of the builder is unknown. The house has one and one-half stories, an "ell" shaped design with board and batten siding, wood shake roofing, a medium pitched gable roof, and wood casement windows in groups of three and four. See Exhibit E for photos of the cottage and the site. A small addition has added to the south end of the east side of the house, skylights have been added along the roof, the rear of the house has

Carmel's Historic Context Statement. They are: (1) Prehistory and Hispanic Settlement, (2) Economic Development, (3) Government, Civic and Social Institutions (4) Architectural Development in Carmel and (5) Development of Art and Culture.

⁴ The California Register has four criteria for historic significance. These are: (1) the resource is associated with events that have made a significant contribution to broad patterns of local or regional history or the cultural heritage of California or the United States; or (2) the resource is associated with the lives of persons important to local, California or national history; or (3) the resource embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of a master or possesses high artistic values; or (4) the resource has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.



been altered and various other details have been added. According to the evaluator, the house is so simple in its overall form and details that it is hard to identify it as having a consciously designed style of architecture. "The house has a kind of naïve charm, perhaps, but it does not show evidence of thoughtful design, nor does it exemplify any particular style of architecture. It is typical, I would say, of many ordinary amateur-designed dwellings constructed in California in the 1920's or 1930's."

These findings were refuted by the Carmel Preservation Foundation (CPF), which claimed the cottage was a good example of an early Craftsman house. CPF pointed to the simplicity of its construction, clear heart redwood board and batten, exposed rafter tails and use of natural materials as evidence of the Craftsman style. CPF appealed the Planning Commissions design study and demolition approval and requested that an Environmental Impact Report be prepared. However, after numerous public hearings and with the recommendations of the Historic Preservation Committee and the Planning Commission, the City Council determined that the preponderance of evidence suggested that the residence was not a historic resource. Accordingly, there was no requirement for preparation of an EIR or any other level of environmental review.

Staff made a site visit to the location of the proposed demolition and identified the changes noted by the consulting architectural historian, including an addition to the residence at the primary (Casanova Street) elevation, several skylights, and different siding at the rear of the cottage. Staff also noted that the cottage appeared to be in an advanced stage of disrepair due mainly to neglect. Windows and entries had been boarded up, the rooftop skylights are broken allowing moisture and debris from the surrounding upper canopy trees to find their way into the premises, there was some evidence of possible vandalism, and the yard was vastly overgrown. The existing cottage did have some of the characteristic features of the turn-of-the-century Craftsman homes identified in the City's Historic Context Statement (i.e., size, scale, use of natural materials, etc.), but whatever distinct architectural style that may have existed had been lost in the alterations to the residence over time.

Conclusion

Based on the available evidence including original building plans, the original occupants, the builders, a site assessment, and reference to the City's Historic Context Statement, this structure does not rise to a level of historic resource in Carmel. Although it may, at one time, have been a good example of a typical Carmel cottage, the structure does not represent the work of a master builder, the integrity of the structure has been compromised, and there are no known associations with notable persons or events. Thus, the existing structure does not qualify for listing as a historic resource under the California Register criteria for local or state or national significance.

b. Character of Existing and New Development

Historic Resources are an important aspect of Carmel's community character. There are, however, other aspects of Carmel's character that are equally important to maintain and preserve such as, size and mass, architectural style, and the celebrated forest canopy. The existing structure is a modest 1,300 square foot ell-shaped cottage built in 1924. The exterior of the cottage is board and batten and there is a moderately sloped cross-gabled roof. The house sits back from Casanova Street near the rear of the lot and is surrounded by mature pine, cypress, and oak trees. Other than for the changes described in the section



above, the dwelling is a good example of early development within Carmel that embraced modesty and simplicity of design. Due to a loss of integrity, the house no longer rises to a level of historical significance; though, it does continue to convey a sense of and contribute to the distinct character of Carmel and the neighborhood. The recently adopted LUP includes detailed policies about how to protect and maintain these “character” resources. As noted above, the LUP policies provide useful direction for evaluating whether the project is consistent with 30253(5) of the Coastal Act.

For example, adopted LUP Policy P1-40 states:

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.

Adopted Land Use Plan Policy P1-41 states:

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.

Adopted Land Use Plan Policy P1-42 states:

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.

Adopted Land Use Plan Policy P1-46 states:

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.*

Adopted LUP Policy P1-50 states:

Limit above grade floor area on 4,000 square foot lots to a maximum of 1,800 square feet. Projects with less above grade square footage shall be preferred. Structural coverage shall not exceed 45% of the site. Total site coverage (structural and other impermeable coverage) on 4,000 square foot lots shall not exceed 55% of the site. Locate open space so that it visually links with adjacent properties.

i. Size/Scale/Massing

To get a sense of the established character of Carmel, the City undertook a multiyear Design Traditions Project, which identified among other things, the essential elements of the village character. The Design Traditions Project took a comprehensive look at all natural and manmade variables that shaped Carmel's development from subdivision patterns to topographic features, the forested landscape, zoning standards, and ultimately expressions of design and architectural styles. A citizen group participating in this project under direction from the City's consultants concluded that the general pattern of development was that of small homes on small lots, and larger homes on multiple lots. Given the majority of sites are small 4,000 square foot lots, that group further distilled the essence of Carmel character to simple, modest homes nestled in the forest.

The LUP policies, which provide broad guidance for future development and redevelopment, are born out of the results of the Design Traditions Project. For example, "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" is a simple restatement of the Design Traditions Project conclusion. Other examples of LUP policies or policy excerpts, derived from the conclusions of the Design Traditions Project, include:

- Buildings shall not present excess visual mass or bulk to public view or to adjoining properties.
- The development is similar in size, scale, and form to buildings on the immediate block and neighborhood.
- 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.

The intent of these policies is to provide planners with the framework to evaluate project



consistency with the established small-scale character of the community and give them discretion to guide development/ redevelopment responsibly while still allowing for diversity in architectural expression. It is this notion of “cottage nestled in the forest” that is most noticeably threatened by redevelopment of the City’s residential neighborhoods.

Project Analysis and Impacts

In the past, the Commission expressed concern that demolitions were facilitating construction of replacement home structures that were much larger in size, scale, height, etc. The primary basis for this concern was the effects these changes would have on community character. Carmel is world-renown for its small cottages. There are many examples of modern and classic literature, which describe and/or illustrate this unique element of Carmel’s community character.

In this case, the applicant proposes a 1,800 square feet two-story replacement house with garage. This is 500 square feet or 38% more floor area than the existing cottage. Most noticeable will be the increase in mass and site coverage at this location, which is currently only developed at the back third of the lot. As is typical of several homes on Casanova between 12th and 13th Avenues, the exiting structure is barely visible through the wooded vegetation. The block is heavily vegetated with pine, oak, cypress, and acacia. Approximately 80% of the homes on this block retain the small-scale “cottage in the forest” character for which Carmel is known. One noticeable difference are the two homes directly south of the subject cottage, which are large, modern, residences that are out of character with the surrounding homes.

As previously noted, the architectural design includes a complex footprint with multiple offsets, articulations, and numerous roof elements that add to the massive look and feel of the replacement house (see Exhibit C). This is in stark contrast to the simple, modest cottages on Casanova Street and inconsistent with newly adopted LUP policies for preserving the established character of the neighborhood. Table 1 provides a summary of the existing and proposed site conditions.



TABLE 1 –Baker Project Site Data (40' x 100')

Lot Size = 4,000 sq. ft.	LUP Policy	Existing	Proposed	Difference
Floor Area	1,800 sf (45%)	1,300 sf (33%)	1,800 sf (45%)	38%
Building Coverage	1,800 sf (45%)	1,050 sf (26%)	1,400 sf (35%)	350 sf
Site Coverage	400 sf (10%)	0 sf	400 sf (10%)	400 sf
Height (one-story/two-story)*	18' / 24'	19'	22'	3'
Volume (staff estimate)*	20,892 cu'	unknown	23,077 cu'	2,185 cu'
Setbacks*				
Front (Casanova Street)	15'	10'	15'	5'
Rear (west)	3'	1'	5'	4'
Side yards (north)	3'	0'	4.5'	4.5'
Side yard (south)	3'	1.5'	3	1.5'

* Not in the certified Land Use Plan.

In response to concerns raised that existing standards were leading to architectural designs that are large and massive, such as that proposed in this application, the City has developed standards in conjunction with its recent LCP submittal that places a limit on volume as a means to reduce scale and mass. This concept was presented to the Commission at the March 2003 hearing on the City's LUP as part of the rationale for not incorporating a reduction in floor area into the LCP and as a way to preserve the small-scale character of the community. The City provided a visual illustration of this concept with two scaled model homes, one designed under volumetrics, the other not. Relying in part on this presentation, the Commission adopted the City's proposed floor area standard. Although not yet certified, the volumetric standard can provide useful guidance for determining the projects consistency with the Coastal Act and preserving the small-scale character of the community. Unfortunately, the current project was reviewed by the City prior to implementation of volumetrics and thus, the total volume was not calculated for the proposed residence.

Commission staff has evaluated the application materials submitted for review aside from the obvious aesthetic changes in architectural style, the scale and mass of the proposed structure deviates greatly from the size and scale of existing homes in the neighborhood. The surrounding neighborhood is a mix of wood and plaster homes, generally low in scale and unpretentious, though, there are examples of larger two-story homes nearby. The proposed home does not share these design characteristics.

LUP policy P1-41 states, in part: "buildings shall not present excess visual mass or bulk to the public



view or to adjoining properties.” Staff prepared a rough estimate of volume based on the blue-line sheets provided by the applicant and found that the project exceeded the maximum allowed volume by 2,185 cubic feet (10%).⁵ Admittedly, staff’s expertise in this area is limited. In fact, based on the difficulty in making the calculations, it should be expected that three different architects would derive three different estimates of volume. Thus, given the estimates prepared for the new residence, it would appear that the proposed residence may not be consistent with the City’s volumetric guidelines.

By contrast, there is little argument that the project is inconsistent with the more qualitative and complimentary LUP policies designed to preserve the small-scale character of the community. For example, LUP policy P1-46 requires designs to use simple modest building forms, a limited number of roof planes, and a restrained employment of offsets and appendages. The proposed design is not simple or modest and includes four oriel windows, a multifaceted roof form of gables, hips, and cross-gables, and an excessive number (20+) of roof planes, which all contribute to the massing at this location. There is no discernable building shape, but rather the residence appears to be “boxy” with a random series of offsets and articulations. Four decorative oriel windows contribute to volume and mass of the residence, but do not add any living space (i.e., square footage). These design features add to the architectural style and decorative “feel” of the proposed new residence, but are neither necessary nor consistent with the City’s certified LUP. That said, the design could be made less complicated and voluminous by eliminating all or some of the roof hips and cross-gables, particularly on the second floor element. Likewise, removing the oriel windows will eliminate gratuitous appendages that add to volume and massing while not affecting actual living space.

Thus, in order to address the excess volume and mass presented by the architectural design of the replacement home and to bring the project into conformance with LUP policies P1-41 and P1-46, staff is recommending special condition 1 to require Revised Plans demonstrating a less complicated footprint and roof form with no more than 14 roof planes. Employment of articulations and offset should be kept to a minimum. The Revised Plans further require the applicant to eliminate the four oriel windows from the proposed design and by extension, reduce the amount of unnecessary volume of the overall residence.

Conclusion

Although the LUP is not yet the formal standard of review, it is useful guidance for evaluating project impacts on community character. The existing modest house is well within the allowable limits for building density, mass, and coverage consistent with LUP policies. By comparison, the two-story replacement house, with its eclectic architectural design, complex roof form, and several superfluous appendages, will appear large and massive as viewed from Casanova Street. Although the residence may be within the limits of volume as prescribed by the City of Carmel, the size and scale of the new home could not be considered simple or modest and does not relate well to the established character of the neighborhood. Staff is recommending special conditions to address these concerns and bring the project into conformance with both the certified LUP policies and chapter 3 of the Coastal Act. Only as

⁵ The total volume of the residence is estimated based on a number of variables including site grade, building footprint and height, and roof form. Because of the difficulty in quantifying the volume of space beneath a complicated roof form, the figures presented in Table 1 are estimates only.



conditioned, can the demolition and proposed replacement house be found consistent with section 30253(5) of the Coastal Act.

ii. Architectural Style

The City's Design Traditions Project also identified Carmel's eclectic architecture as a defining element of its character. Carmel is distinctly recognized for its small well-crafted cottages, informal streetscapes, and architectural diversity. These modest residences are associated with the era in which Carmel was known for its resident artists and writers, and functioned as a retreat for university professors and other notables. Early development was greatly influenced by the Arts and Crafts movement, which stressed the use of simple designs and natural materials—quite unlike the extravagantly detailed architecture of the earlier Victorian period. Several European Revival styles became popular in the 1920's and 1930's. The introduction of more modern styles followed post-WWII. Many of Carmel-by-the-Sea's homes exhibit fine craftsmanship. Local builders often embellished their work with detailing and individual style creating a unique and appealing building design. Underlying this architectural diversity, are environmental influences (i.e., trees, topography, exposure to sunlight) and patterns of scale and form that consistently reappear to establish Carmel's character.

Project Analysis and Impacts

The City's adopted LUP policies require that all residential designs maintain the City's enduring principals of modesty and simplicity and preserve the City's tradition of simple homes nestled in the forest (P1-41). These policies likewise recommend limiting the number of roof planes and require restraint in the use of offsets and appendages (P1-46). These principles appear to most appropriately apply to the immediate neighborhood of the proposed development (i.e., Casanova between 12th and 13th Avenues). The neighborhood is comprised of simple and modest cottages generally one or one and one half stories in height, punctuated by the occasional newer two-story home. The neighborhood was subdivided in 1908 and unlike other blocks in the vicinity, Casanova Street appears to retain much of its early character, architecturally and otherwise.

Typical of the majority of homes in this neighborhood, the cottage proposed for demolition is a modest ell-shaped board and batten with a simple, moderately sloped gable roof, and wood divided windows. The house is modest in size at 1,300 square feet and its understated architectural style is clearly subordinate to several mature trees including oaks, pines, and cypress that dominate the site. The house was built in 1924 and exemplifies early Carmel development in its simple form and absence of decorative appurtenances. Though not considered historically significant, the house contributes to the distinct character of the neighborhood and community.

The applicant proposes to replace the cottage with a modern, eclectic, Tudor-inspired home that is neither simple or modest. The building footprint consists of mainly a box-shaped element with a number of offsets and appendages. The proposed design includes a complex roof form of gables, hips, and cross-gables, with roughly 20+ roof planes that adds to the complexity and mass of the replacement house. There are also four oriel windows. Primary exterior building materials include cement plaster walls, wood shake roof, and non-clad wood windows.



The design of the proposed replacement house is not consistent with intent of certified LUP policies P1-41 and P1-46 above, which generally require home designs to be simple and modest. The architectural design involves an irregular footprint and complicated roof form, numerous roof planes, and a variety of exterior building appendages and window treatments. Simplifying the house design and window treatments will remove some of the “busy” design elements that are inconsistent with guidelines set forth in the certified LUP. Thus, in order to bring the project into conformance with the certified LUP, staff is recommending special condition 1 requiring the applicant to submit Revised Plans demonstrating a less complicated footprint and roof design with no more than 14 roof planes. The Revised Plans further require the applicant to eliminate the four oriel windows.

Conclusion

As proposed, the replacement residence is not simple and modest in its architectural expression. The building footprint and roof form are complicated, there are numerous roof planes, and there is no restraint in the use of window treatments and appendages. Whereas the existing house embodies the principles of simplicity and modesty, the new home is clearly inconsistent with the City’s tradition of simple homes set amidst a forest landscape. Staff has recommended special conditions that will bring the proposed residence into conformance with the City’s certified LUP and section 30253 of the Coastal Act. As so conditioned, the proposed demolition of the existing house and construction of the new residence can be found consistent with Coastal Act section 30253(5) for the preservation of Carmel’s unique character.

iii. Trees/Forest Character

Similar to the findings on size and scale, the City’s Design Traditions Project identified the forest landscape as a significant defining element of Carmel’s character. The forest provided early builders with the context for which to base their designs. The subdivision pattern laid out by Devendorf and Powers ignored the presence of trees. However, early Carmel settlers and builders made a conscious decision to acknowledge the natural features of the site including trees when designing the eclectic cottages. These folks recognized early on that the forest provided a sense of “place” unique to the Carmel experience.

The City’s LUP likewise acknowledges the value of trees to the Carmel experience and provides specific protection measures to ensure development and redevelopment will not adversely impact those resources. For example LUP policies require site improvements to be compatible with and sensitive to natural features. Residential designs are required to maintain the City’s tradition of simple modest homes nestled in the forest. New development is required to minimize impervious surfaces and maintain open space for forest regeneration. Buildings need to be located to avoid removal and pruning and otherwise minimize damage to significant trees. All development must maintain a minimum 6-foot setback from significant trees. Moreover, removal of significant trees is prohibited unless it would preclude a reasonable economic use or pose a public threat to health and safety. These policies are absolutely necessary to preserve this aspect of Carmel’s character as the City redevelops over the years. Redevelopment of Carmel’s aging stock of residential homes poses the greatest threat to the City’s forest resources.

Project Analysis and Impacts



The Commission has expressed concern regarding the removal of significant trees and adverse impacts to the forested context of the community. Many persons believe that *the* defining characteristic of Carmel is the forested context of the landscape. Carmel is known for its Monterey pines and coast live oaks. Monterey pines are upper-canopy trees that provide the “forest” context of the village. In addition, they have been successful in colonizing the sandy soils and moderate slopes of the upper Carmel watershed where other species have not.

Many of Carmel’s Monterey pines are in declining condition. Monterey pines have an average life of 60 – 70 years, some live to 100 years. Many of these character-defining upper canopy trees were planted and/or recruited naturally when the City originally developed in the early part of the last century and are thus in the sunset period of their life. In a natural setting, recruitment of volunteer pines would eventually replace those dying and dead trees. However, human impacts and disease have disrupted the natural cycle of regeneration of the Monterey pine forest. As the City redevelops with usually larger structures, there is less space available for natural recruitment. Larger buildings often require construction next to, or as is sometimes the case, removal of trees. Disease is taking its toll as well. Pine pitch canker has significantly reduced natural recruitment of volunteer pines and the efficacy of the City’s efforts to “replant” trees. And thus, as the forest ages, there are fewer new trees to replace them when they die. This is all leading to an eventual decline in the prominence of Monterey pines in Carmel’s urbanized forest landscape. The same trend is occurring with coast live oak. Construction impacts are taking a toll, natural elements are impacting this species, and the City’s replanting efforts are not fully realizing its goals.

There are three coast live oaks (8”, 14”, 16”), two Monterey cypress (34”, 40”) one Monterey pine (21”) and five acacia trees (3”, 4”, 9”, 10”, 14”) growing on the property. The proposed demolition and construction of the new house does not require removal of any significant tree species (pine, oak, cypress), though the new house will be placed within 2’ feet of the 34”cypress growing along the northern property line. The City’s LUP policies require a minimum buffer of six feet for significant trees. This “buffer” is designed to protect trees from construction impacts and to provide plenty of space for future growth and regeneration. The proposed project may also require the removal of large branches from the mature Monterey pine that is growing near the middle of the lot. Indeed, quite a bit of pruning on the smaller oaks has already taken place to accommodate the red flagging used for visual analysis. Four acacia trees will be removed. Special Condition 1 requires the applicant to re-site the replacement house a minimum of six feet from any significant tree (pine, oak, or cypress).

Conclusion

As currently proposed, the demolition of the existing house and construction of the new house is not consistent with Coastal Act section 30253(5) protecting the character of special communities. LUP Policy P1-46 requires all buildings and structures to be setback a minimum of 6 feet from significant trees. P1-45 requires new buildings be located to avoid removal or pruning of significant trees. The City has determined that Monterey pine and coast live oaks are important to maintaining the village character of Carmel. Special condition 1 requires the applicant to submit Final Plans demonstrating that the residence has been reoriented to maintain a 6’ buffer from any significant tree (i.e., pine, oak, or cypress). The Final Plans shall also include all feasible measures have been taken during construction to avoid disruption or pruning of significant trees.



As so conditioned, the proposed demolition and construction of a replacement home is consistent with section 30253(5) of the Coastal Act.

2. Water Quality

Section 30231 of the Coastal Act states:

30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Carmel-by-the-Sea lies within and at the bottom of the Carmel River watershed. Runoff from the City flows into Carmel Bay, which is designated both as an Area of Special Biological Significance (ASBS) in the California Ocean Plan, and as a California Fish and Game Ecological Reserve. It is also part of the Monterey Bay National Marine Sanctuary. An ASBS is an area designated by the State Water Resources Control Board that requires special protection of species or biological communities that could be impacted by water quality degradation. As mentioned in the findings above, Carmel Beach and the shoreline also is a highly popular public recreation area. Maintaining and restoring water quality throughout the Carmel River watershed, and in this case, Carmel's urban landscape, is necessary to protect these sensitive coastal resources.

In past applications, (see Reimers, 3-01-123, June 2002) the Commission has approved projects as consistent with Coastal Act policies and the goals for protecting community character, that maintained a greater ratio of open space to impervious surface. In the Reimers application, the ratio was 60:40, 60% open space and 40% impervious surface. The Commission found that the project preserved a sufficient amount of open space to capture the runoff from the developed hard surface areas and function as natural filter of storm water runoff. Part of the Carmel's ambience or character is the informal streetscapes. The City of Carmel-by-the-Sea does not have any formalized drainage or storm water collection facilities throughout its moderate slopes. No rain gutters or curbs to collect and direct storm water runoff. Rather the City relies primarily on natural drainages and undeveloped land to collect runoff and filter it before conveying it to Carmel Beach and into the Monterey Bay National Marine Sanctuary (MBNMS). Engineered filtration systems incorporate the use of sands and charcoal for filtering solid materials and microscopic impurities. In Carmel, the sands are naturally occurring. Its moderate slopes are comprised primarily of ancient sand dunes on top of bedrock.

There are many elements that determine the rate at which water can be absorbed into the earth. But because sand is typically coarse, absorption is generally good. In a naturally occurring environment, we would expect the vast majority of water produced by rain to be absorbed and transported to the beach below. However, as more land is made impervious, less land is available for absorption of water. The remaining undeveloped land must be sufficient to perform the natural watershed functions otherwise



uncollected runoff is created.

Applicable LUP Standards

Adopted LUP Policy P5-195 states:

Provide development guidelines and permit conditions that limit impervious surfaces and the connection of multiple impervious surfaces; implement simple infiltration techniques throughout drainage areas to efficiently manage storm water; infiltrate runoff into the soil, retain runoff for slower release and convey runoff slowly through vegetation.

Adopted LUP Policy P5-199 states:

Consistent with section 30231 of the Coastal Act, development shall not result in the degradation of coastal waters caused by the introduction of pollutants, or by changes to the landscape that adversely impact the quality, quantity and flow dynamics of coastal waters. Runoff shall not be discharged in a manner that adversely impacts the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and protect human health.

Adopted LUP Water Quality Policy P5-201 states:

BMPs shall be incorporated into the project design in the following progression:

- Site Design BMPs (any project design feature that reduces the generation of pollutants or reduces the alteration of the natural drainage features, such as minimizing impervious surfaces or minimizing grading);
- Source Control BMPs (practices that prevent release of pollutants into areas where they may be carried by runoff, such as covering work areas and trash receptacles, practicing good housekeeping, and minimizing use of irrigation and garden chemicals);
- Treatment Control BMPs (a system designed to remove pollutants from runoff including the use of gravity settling, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process).

Site design and source control BMPs shall be included in all new developments. Where the development poses a threat to water quality due to its size, type of land use or proximity to coastal waters (or proximity to a creek, channel or storm drain system that leads to coastal waters) and the combination of site design and source control BMPs is not sufficient to protect water quality as required by P5-199, treatment control BMPs shall be implemented.



Analysis

In this specific case, the proposed demolition would facilitate the development of 45% of the lot, which is more than 50% greater than the existing condition on the site. The proposed residence has a footprint of roughly 1,400 square feet and another 400 square feet in non-structural impervious coverage. By contrast, the existing house has a structural footprint of roughly 1,050 square feet and no additional impervious site coverage. Virtually 75% of the lot is available for absorption and filtration storm water runoff prior to conveyance off-site. Without knowing the specifics of the existing condition (e.g., sand condition, depth, presence of clay, available open space on adjacent lots, water pressure created by the slope and height of the roof, etc.), it is difficult to ascertain whether the amount of undeveloped space will be adequate to handle the increased amount of storm water runoff created from the new residence and impervious coverage. But because there will be a significant change in the amount of impervious coverage with the proposed vs. existing home, we can assume that there will be additional storm water runoff generated by the new home.

The City relies primarily on natural drainages and open space to convey runoff from the upper slopes of the watershed, down through the City to Carmel Beach and the Monterey Bay National Marine Sanctuary. The City's adopted LUP policy P5-199 requires that all new development not result in the degradation of coastal waters and LUP policy P5-195 further requires new development limit impervious surfaces and infiltrate runoff into the soil to efficiently manage storm water runoff. In addition LUP policy P5-201 requires site design and source control Best Management Practices in all new development. This policy is intended to ensure that runoff created by the development is captured on-site and allowed to percolate into the soils, minimizing erosion, filtering pollutants, nurturing the forest landscape, and aiding the recharge of aquifers. The City's approval did not require any site design or source control measures.

To aid in controlling and containing runoff created from the increase in impervious surfaces of the new development, staff is recommending that the applicant submit a drainage plan. Special Condition 2 requires the applicant to submit a drainage plan for Executive Director review and approval, documenting how runoff from the new structure will be collected and directed on site for infiltration in a non-erosive manner. This special condition serves to ensure that runoff created by the development is captured on-site and allowed to percolate into the soils, minimizing erosion, filtering pollutants, nurturing the forest landscape, and aiding the recharge of aquifers. As conditioned, the Commission finds that the proposed project preserves the quality of coastal waters and is consistent with section 30231 of the Coastal Act.

Conclusion

The existing home is not completely consistent with section 30231 of the Coastal Act because it does not adequately take measures to ensure that coastal waters will not be fouled by polluted runoff. The proposed project would likely also be inconsistent with the City's adopted LUP policies because construction activity will disturb the existing drainage pattern of the site and the proposal does not include the design of on-site drainage facilities (e.g., infiltration and retention basins). Furthermore, site design and source control BMPs have not been included with the plans to demolish the existing house and construct the new house. Staff has conditioned the project to bring it compliance with chapter 3 of the Coastal Act and the certified policies of the City's LUP.



As conditioned, the Commission finds that the proposed project preserves water quality and is consistent with section 30231 of the Coastal Act.

3. Local Coastal Programs

The Commission can take no action that would prejudice the options available to the City in preparing a Local Coastal Program that conforms to the provisions of Chapter 3 of the Coastal Act (Section 30604 of the Coastal Act). As described previously, the City is currently working on a new LCP submittal (both LUP and IP), funded in part by an LCP completion grant awarded by the Commission. The Commission has approved the City's LUP and work on the IP has commenced.

The Coastal Act provides specific guidance for issuance of coastal development permits in cases where the local jurisdiction does not have a certified LCP. Section 30604(a) of the Coastal Act states:

Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200).

The City is currently in the middle of a community planning process to determine, among other things, the basis for defining Carmel's community character and ways to protect and preserve said character consistent with the Coastal Act. The City's Land Use Plan has been approved by the Commission and staff has referred to its policies for guidance on the proposed development. Nevertheless, the Coastal Act remains the standard of review and staff has had to use its best professional judgement to assess the individual and cumulative effect that projects such as this will have on the community character of Carmel.

As described previously, to implement community character protection requirements of the Coastal Act, the Commission evaluates projects and measures a project's impact on coastal resources across a number of variables. These changes are also evaluated in the overall context of changes in community character. Because the more specific features that define Carmel's character, as well as their significance, has yet to be decided, it is important to focus on measures of significant change to community character so that the completion of an LCP consistent with the Coastal Act is not prejudiced. One such criterion is whether the development will result in an increase in impervious surfaces, involve the demolition of notable or historic buildings or result in the removal of significant trees or vegetation. Each of these factors must be evaluated separately and together as a whole. As discussed above, the proposed demolition does not involve a historic resource. The rebuild may exceed the volume standard for single-family residence on 4,000 square foot lots, has a complex footprint and roof design, numerous roof planes, and unnecessary exterior appendages. There are also potential tree disturbance and water quality issues as well. As a result, individual and cumulative adverse impacts on community character, water quality, drainage, and the health of the Monterey pine forest may occur. Staff has recommended special conditions to address these concerns and bring the project into compliance with the Coastal Act sections for protecting coastal



waters and preservation of special communities. The proposed project will replace the existing aged cottage with a modern Tudor-inspired design. Only, as conditioned will the proposed demolition and rebuild be consistent with the overall character along Casanova Street and the neighborhood.

Additionally, the proposed project will not otherwise impact public access or view opportunities available to the coast. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Policy 30604(a) in that approval of the project has been found consistent with the Chapter 3 policies of the Coastal Act and will not prejudice development of the LCP in conformance with Chapter 3 policies of the Coastal Act.

4. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has analyzed the environmental impacts posed by the project and identified changes to the project that are necessary to reduce such impact to an insignificant level. Based on these findings, which are incorporated by reference as if set forth herein in full, the Commission finds that only as modified and conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA.

