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COASTAL DEVELOPMENT PERMIT APPLICATION

Application number.....**3-02-019, Calamia**

Applicant.....Donna & Alan Calamia

Project location.....E/S Santa Fe Street between 4th and 5th Avenues (Block 39, Lot 6), City of Carmel-by-the-Sea, Monterey County (APN 010-029-022). See Exhibit 1.

Project description.....Demolition of an existing 824 square foot single-story residence to facilitate construction of a two-story 1,800 square foot residence and garage.

File documents.....Categorical Exclusion E-77-13 for City of Carmel-by-the-Sea; Design Study, Demolition permit, and Historic Resource review: DS 01-25 / RE 01-23.

Staff recommendation ...**Denial**

Summary: Carmel is 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. Carmel is made particularly special by the character of the residential development within its City limits. Homes are nestled into the native Monterey pine/Coast live oak forest on a grid of streets that is executed in a way to yield to trees more than to engineering expediency. This is the context for Carmel's community life and its built character.

The proposal raises questions as to whether this project would protect Carmel's special community character consistent with the Coastal Act Section 30253(5). In particular, the project will result in a significant change in the spatial relationships and architectural character on the site. For example, the existing house is a small single-story cottage built in 1930. The proposed replacement structure is an eclectic Tudor-revival architectural design, with a two-story element at the mid-point of the structure setback nearly 30 feet from the west elevation. The size and massing of the structure is larger than the traditional established character of structures in the neighborhood. The existing single-story structure is 824 square feet as compared to the replacement house at 1,800 square feet, a 118% increase. The existing structure ridge height is 13 feet as compared to 23 feet for the proposed house at the west (street frontage) elevation. The replacement structure roof form is more complex than the existing structure, with more than 20 roof planes.

The cumulative impacts of demolitions like this are also a concern. In the past 24 months, staff has received and processed more than 50 applications for demolitions in Carmel. The Commission continues

to receive 2 applications for demolitions in Carmel monthly. By demolishing the subject structure as proposed, its overall contribution to community character will be forever lost. Additionally, a significant number of substantial alterations and remodels are issued each month that also result in a significant change in character. See Figure 2. As is shown in the findings below, the overall cumulative effect of demolitions, such as the current project, is having a deleterious effect on Carmel's established character. The project cannot be found to be consistent with section 30253(5) at this time.

Part of the reason for this is that although the elements that define the City's established character can be generally described, for the purposes of the Coastal Act, it has not yet been, translated into specific comprehensive LCP planning objectives and standards designed to protect Carmel's community character. The City Council took action to approve both a Land Use Plan and Implementing Ordinances and submitted it to the Commission in December 2001 for review and approval. Staff has been collaborating with City planners over the past eight months, reviewing and evaluating background materials and LCP supporting documents, such as the City's Design Traditions study and Forest and Beach Management Plan in the quest to identify the elements of community character. Staff has analyzed specific LCP policies, standards, and guidelines, and started to assess the potential individual and cumulative impacts of future development on the community allowed under those standards and ordinances. Until a set of standards for redevelopment in Carmel is certified in the LCP, though, projects must be evaluated in part on whether their approval might prejudice the completion of an LCP that is consistent with the Coastal Act.

Overall, Staff is recommending that the project be denied because it cannot be found to be consistent with 30253(5), and because it will prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the Coastal Act, inconsistent with Coastal Act Policy 30604(a). The denial would be without prejudice to the proposed project inasmuch as once the City's LCP has been finished, and ultimately certified by the Commission, the proposed project could be held up against the applicable LCP standards and evaluated accordingly at that time. Until that time, however, Staff cannot recommend that the Commission find this application consistent with the Coastal Act.

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1. Staff Recommendation on CDP Application

The staff recommends that the Commission, after public hearing, **deny** a coastal development permit for the proposed development.

Motion. I move that the Commission approve Coastal Development Permit Number 3-02-019 for the development proposed by the Applicants.

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

Resolution to Deny a Coastal Development Permit. The Commission hereby denies a coastal development permit for the proposed development on the grounds that the project will not conform with the policies of Chapter 3 of the Coastal Act, and will 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 would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse effects of the development on the environment.

2. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Location and Description

The applicant proposes to demolish an existing 824 square feet single-story residence and construct in its place, a two-story 1,800 square foot single family residence on a 4,000 square foot lot on the east side of Santa Fe between 4th & 5th Avenue in the City of Carmel-by-the-Sea. The proposal also includes removing 835 square feet of walks, drives, and otherwise impermeable site coverage and replacing it with 574 square feet of driveway, walkways, patios, and porches. Ridge height for the new structure is 23 feet, one foot below the maximum allowed by City standard. Proposed side yard setbacks are 3 feet and 3 feet at the north and south elevations. The proposed rear yard setback is 13 feet and the front yard setback (Santa Fe Street) is 15 feet. For a comparison of setbacks, please see Table 1. Total proposed site coverage is 2,197 square feet. The proposed exterior materials include Carmel stone and cement plaster walls, ornamental redwood beams and flower boxes, wrought iron railings, slate roofing, wood doors, and three chimney's with copper flues.

According to the submitted Historic Evaluation report, the proposed structure to be demolished was constructed in 1930. It is a single-story, wood-framed structure with a front facing medium-pitched gabled roof. The residence is an example of a small board and batt cottage of simple but non-descript design. The overall appearance is a neat and well-maintained small structure. In light of the fact that there is no particular association with master builders, important persons, significant events, or exemplary architectural design, the structure was not designated as a historical resource.

The site has a slight grade rise of approximately 2% from front to rear. An unimproved right-of-way exists on the west frontage adjacent to Santa Fe Street and supports a single significant tree –a 14" Monterey pine. Additionally, there are two other significant trees on the lot: a 30" and a 34" Monterey pine. Though, no trees are proposed for removal, the proposed replacement structure siting places the house to within 4 feet of the 30" Monterey pine.

B. Standard of Review/LCP History

The entire City of Carmel falls within the coastal zone, but the City does not yet have a certified LCP. Approximately twenty years ago, the City submitted the Land Use Plan (LUP) portion of its LCP for review by the Coastal Commission. On April 1, 1981, the Commission certified part of the LUP as

submitted and part of the LUP with suggested modifications regarding beach-fronting property. The City resubmitted an amended LUP that addressed the beach-fronting properties provisions, but that omitted the previously certified portion of the document protecting significant buildings within the City. On April 27, 1984, the Commission certified the amended LUP with suggested modifications to reinstate provisions for protecting significant structures. However, the City never accepted the Commission's suggested modifications and so the LUP remains uncertified.

The LCP zoning or Implementation Plan (IP) was certified by the Commission with suggested modifications on April 27, 1984. However, the City did not accept the suggested modifications and so the IP, too, remains uncertified.

Predating the City's LCP planning efforts, the Commission authorized a broad-ranging categorical exclusion within the City of Carmel in 1977 (Categorical Exclusion E-77-13). E-77-13 excludes most types of development not located along the beach and beach frontage of the City from coastal permitting requirements. Demolitions, though, such as that proposed in this case, are not excluded. Likewise, the Commission retains permitting authority over the rebuild in this case because the project exceeds the exclusion standards for building coverage and falls short of the minimum rear yard setback requirement.

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. This current City effort is focused on protecting the significant coastal resources found in Carmel, including the spectacular public beach and recreational amenities along the City's frontage, the urban forest that uniquely identifies Carmel as the City within the trees, the substantial riparian and habitat areas (such as Mission Trails Nature Preserve and Pescadero Canyon), and the unique community and visual character of Carmel as exhibited by the style, scale, and rich history of its residential, commercial, and civic architecture. Taken as a whole, these resources combine to form the special character of Carmel; a character that is separately a significant coastal resource worthy of protection in its own right. The City Council took action to approve both a Land Use Plan and Implementing Ordinances and submitted it to the Commission in December 2001 for review and approval. Staff has been collaborating with City staff and planners to evaluate the submittal and is nearing completion of it review.

Unless and until the Commission has certified any future City LCP submittals, the Commission retains coastal permitting authority over non-excluded development within the City. As a result, although the City's current ordinances and policies can provide context and guidance, the standard of review for this application is the Coastal Act.

C. Community Character

The current project raises doubts about its consistency with Coastal Act Section 30253(5), which protects and preserves the character of special communities and neighborhoods. Coastal Act Section 30253(5) states:

> ***Section 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.

Sections 30251 of the Coastal Act adds further protection to the scenic and view qualities of coastal areas:

Section 30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality on visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Carmel's Community Character

Carmel, of course, is a very popular visitor destination, known 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 the world over as an outstanding visitor destination.

In particular, as a primarily residential community, the web of residential development in Carmel plays a key role in defining the special character of the City, as various architectural styles present reflect the historical influences that have existed over time. Carmel is distinctly recognized for its many small, well-crafted cottages. These modest, sometimes quaint 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. These little homes were nestled into the native Monterey pine/Coast live oak forest, on a grid of streets that was executed in a way that yielded to trees more than to engineering expediency. This was the context for Carmel's community life and its built character.

The demolition and replacement of existing residential buildings in Carmel, such as this project, have great potential to alter this special community character protected by the Coastal Act. In particular, these projects raise questions as to (1) whether or not an existing house represents the historical, architectural, scale, and environmental character of Carmel; and (2) if a replacement house detracts from Carmel's character because of a modern design, tree removal, proposed house size, or other characteristics.

The impacts of a residential demolition on community character can depend on a variety of factors. For example, there are a number of cases 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, depending on the context, but it is certainly changed, either through the increase in residential density or a change in mass and scale. 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.

The architectural style of houses in Carmel is another aspect of the City's character. Many of the houses were built in the first quarter of the century in the Craftsman style; others resemble houses that might be found in an English village. Modern style houses, while they do exist, are not prevalent in Carmel. A residential demolition and rebuild project can both remove a structure that expresses the community character, and result in a new structure that may not reflect the surrounding neighborhood character.

A third 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 often 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. And, the potential for the growth of the next generation of trees is reduced in proportion to the increase in hardscape because there is less room for seedlings to get started.

The historic resource value of a structure is another important factor to consider when evaluating impacts to community character. In general, structures greater than 50 years old may be considered historic, depending on the results of a specific historic resource assessment. In some cases, depending on the persons associated with a structure, or the significance of a structure to Carmel's local history, a building may be deemed to be a historic resource by the City, the State Office of Historic Preservation, or other public agency. The Carmel Preservation Society also may have identified a structure as an historic structure, or a structure may be eligible for listing in the California Register of Historical Resources (CRHR), particularly if it is found to be a contributing element of the potential District One historical district in Carmel. (One consideration in the City's development of its LCP is the creation of historic districts. The City is assessing the viability of establishing a historic district where a critical mass of historical structures are known to exist. Structures located within one of these districts would be preserved and recognized for their contribution to the historical character of Carmel.) Finally, individual structures may be historically significant because they convey the design principles of a distinctive artistic or architectural style, such as the Arts and Crafts movement, which is typical in Carmel. The landscaping of a site may also be part of such a style.

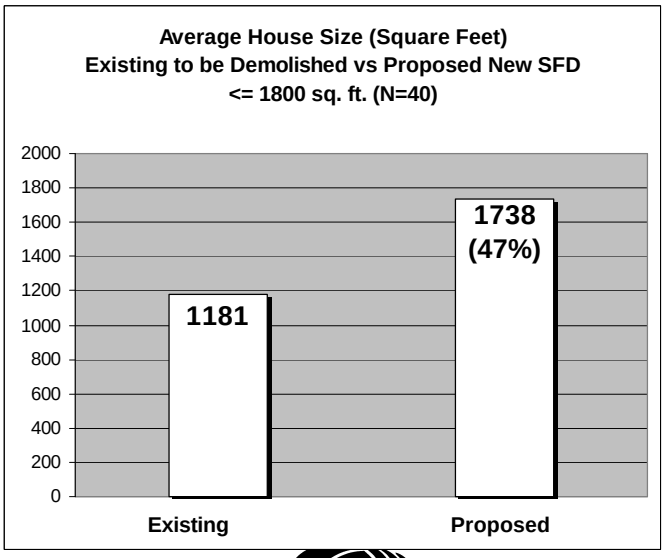
Cumulative Community Character Impacts

Recent trends in demolitions have also exacerbated the adverse cumulative impacts of individual projects on Carmel's established community character. It is important, therefore, that the effect of this particular demolition/rebuild be evaluated within the context of the larger pattern of demolition and rebuild over the years in Carmel.

Over time, the character of Carmel has been changing as its older housing and commercial stock makes way for new, usually larger in size and scale, developments. According to the Commission's permit tracking database, approximately 170 projects involving demolition have received coastal development permit authorization in Carmel since 1973. Of those, 23 CDP's were issued before 1990. Since 1990, roughly 13 residentially related demolition project applications per year have been received; nearly all of these have been approved. Other than the three-year period from 1992 – 1994 when a total of 13 applications were received, the number of development proposals in Carmel had been rising fairly steadily until 2000. However, in the year 2000 alone, the Commission received 44 applications; a full quarter of all applications received by the Commission for development in Carmel in the last decade. Of these 44 applications received in the year 2000, 33 of these involved some form of demolition, rebuilding and/or substantial alteration of residential structures. In 2001, 24 applications were received; 16 of these involved residential demolitions/alterations. Thus far in 2002, 17 applications have been received; 12 of these involve residential demolitions/alterations. Clearly the trend for demolition/rebuild/substantial remodel has been magnified in current years as demand for Carmel properties has outstripped the limited supply represented by the approximately 3,200 parcels within the boundaries of this small town. As this trend has continued, it has become increasingly difficult to conclude that the demolition of residential structures is not significantly changing the unique character of Carmel.

Staff recently evaluated a sample of these projects (40 projects), which revealed that the average size of the small cottages to be demolished was approximately 1,180 square feet, whereas the replacement structures approved were just under 1,740 square feet on average –a 47% increase in size (See Figure 1). Staff also found from the sample that nearly 60% of the residential demolition and rebuilds involved the replacement of a one-story structure with a two-story structure. This data analysis is consistent with the results of the City of Carmel's own Design Traditions project released in October 1997. That project evaluated the recent development trends in the City from January 1990 to May 1997 and found that 1,192

Figure 1. Carmel, Changes in House Size



building permits were issued for development in the residential district during that time. This represents roughly 180 permits per year. Of those 1,192 building permits issued, only 242 (20%) received design review; 950 did not. The report did not specifically break down by type of development the 950 building permits issued without the benefit of design review, however it did note that the permits were issued for alterations, repairs, and remodels. Of those receiving design review, 128 involved substantial alterations, 49 involved demolitions with a single replacement home, 14 involved demolition with two or more replacement homes, and 39 involved new construction on vacant lots. The vast majority of those projects other than substantial alteration were for new two-story homes. 88% or 90 out of 102 new homes were two-story. The Design Traditions project also found that the established pattern of development was of larger homes on larger lots and smaller homes on small lots. Historically, given the common sized 4,000 square foot parcel, on average houses ranged in size between 800 and 1,500 square feet.

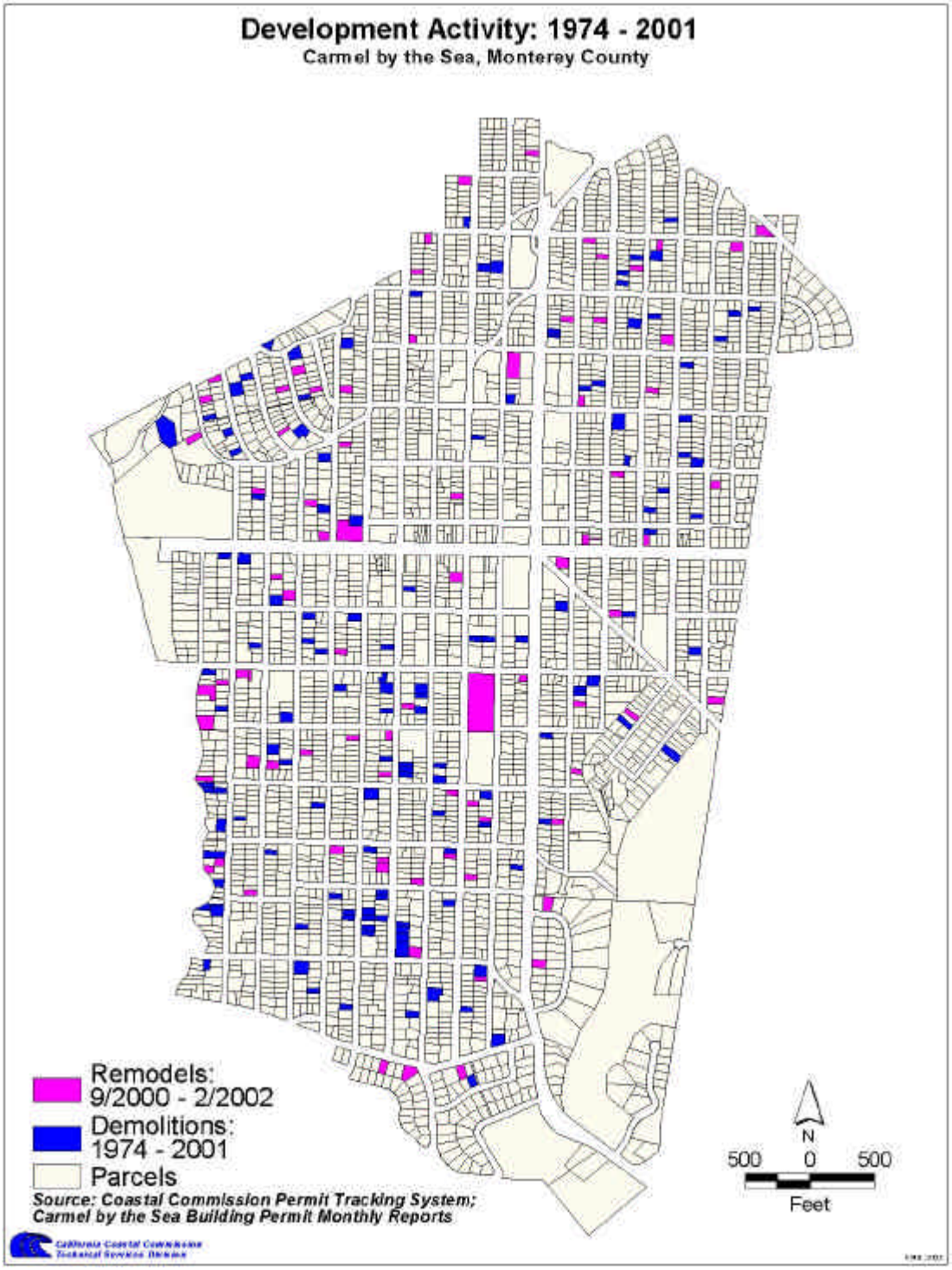
Since mid-1997, the City has continued to experience unprecedented development activity during one of the most prolific economic expansions in modern times. Staff evaluated building permits issued by the City during one 18 month period at the height of the boom (i.e., 9/2000 – 2/2002) and discovered that more than 80 substantial alterations and remodel permits were issued; 55 of those involved development in excess of $50,000. Though not technically considered demolitions (according to the City's definition), these types of construction activities have significantly altered the character of existing structures and neighborhoods, but have been excluded from the coastal development permit review process. Please see Figure 2.

Figure 2 illustrates the scope and magnitude of the development activity occurring in Carmel. Of the approximately 170 demolition permits issued by the Commission, only 128 are represented on the figure.[1] Additionally, as noted above, the data from the City building permits monthly reports are from one 18-month period. Staff did not incorporate data from the City's Design Traditions project in Figure 2.

This information shows that a significant number of smaller cottages have been demolished or altered or remodeled in a relatively short period of time. Further, the replacement homes and substantial remodels are resulting in larger floor area, mass, and site coverage. The streetscapes and spatial relationships are changing, the forest prominence as a defining character element is declining, open space is disappearing, and more traditional architectural styles are being supplanted by modern eclecticism. There are also as yet unmeasured impacts on the watershed functions of the forest including absorption and conveyance of storm water and filtration of pollutants. Considering the trend of demolition, substantial alteration, and remodel over the past 10 years, it is becoming evident that this development activity is having a significant cumulative impact on the unique character of Carmel.

[1] Because of changes in parcel numbers and sporadic data on block and lot number, staff was unable to precisely locate the site of an additional 40+ approved demolition permits.

Figure 2: Development Activity: 1974 - 2001



Prejudice to LCP Planning Efforts

In addition to the direct concerns with whether a particular demolition is consistent with Coastal Act Section 30253(5), there is real concern that the individual and cumulative impact of changes in community character, primarily through the approval of residential demolitions, in the City of Carmel-by-the-Sea is prejudicing the City's efforts to prepare and complete a certified LCP that is consistent with the Coastal Act. The Coastal Act provides in Section 30604(a):

> *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). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for that conclusion.*

It is clear that the history of demolition/rebuild/remodel has altered the special community character aesthetic of Carmel that is protected by the Coastal Act. There is little doubt that structures within the City have generally been getting larger, and that many structures of at least some individual historical and character value have been demolished. As a result, the Commission can no longer ensure that continuation of residential demolitions and rebuilds will not adversely impact Carmel's community character. In other words, such projects may be prejudicing the City's completion of an LCP that is consistent with the Coastal Act.

Part of the reason for this is that although the elements that define the City's established community character can be generally described (as discussed above; e.g., "the City in the forest", architectural style, historic value, small scale cottages, etc.), there has yet to be completed a comprehensive assessment and articulation of how all of these factors translate into specific LCP planning objectives and standards. Although individual projects may raise many concerns, depending on the facts of the structure, the nature of the proposal, the context of the development, etc., there are no Commission certified LCP planning standards and ordinances to provide a clear framework for whether a project meets the requirements of the Coastal Act – i.e., to protect the special community character of Carmel.

To implement the community character protection requirements of the Coastal Act, the Commission has always emphasized the importance of having local communities define their community character through a local planning process, so that a Local Coastal Program, when certified, will meet both the community's vision and understanding of its character, and the requirements of the Coastal Act. Although the Coastal Act provides a more general statewide policy framework for protecting community character, the details, for example, of whether particular types of structures should be deemed to be historic, or whether certain architectural styles reflect the character of a community, need to be

developed through a local planning process such as that provided by the LCP process of the Coastal Act.

As mentioned earlier, the City of Carmel is currently finishing up a community planning process to determine, among other things, the basis for defining Carmel's community character, and ways to protect and preserve that character consistent with the Coastal Act. The City Council took action to approve both a Land Use Plan and Implementing Ordinances and submitted it to the Commission in December 2001 for review and approval. Staff has been collaborating with City staff and planners to evaluate the submittal and is nearing completion of it review. Conclusions, though, about which standards/guidelines are most appropriate for the protection of community character in the future have not been finalized. In the meantime, though, Coastal Act Section 30253 requires that individual projects not have direct or cumulative adverse impacts on Carmel's character; and Section 30604 requires that individual projects not raise significant concerns about consistency with Section 30253, lest they prejudice the completion of an LCP consistent with the Coastal Act. As discussed above, the cumulative residential demolition trend in Carmel has made it increasingly difficult to conclude that these projects are not significantly changing the special community character of Carmel. Although each project must be judged on its individual circumstances, the cumulative context necessarily shapes these judgements, precisely because the community character of a place is in part the sum total of its parts.

Because the more specific features that define Carmel's character, as well as their relative significance, are 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. Thus, the Commission can be assured that projects that do *not* result in significant changes in the various features of Carmel's community character, will not prejudice the completion of an LCP consistent with section 30253. Examples of such measures of change in community character include the following types of questions:

Would the proposed project:

- Result in a 10% or greater increase in the gross square footage, height, or footprint (site coverage) from that which is currently present (the 10% measure reflects the standards of the Coastal Act for evaluating replacements of structures destroyed by a disaster (section 30610))?

- Result in the removal of any significant (i.e., 6" or greater in diameter) native pine, willow, cypress, or oak trees? Or, even if no trees are removed, involve sufficient limb removal to be a significant loss of forest canopy?

- Involve a structure greater than 50 years old for which the City has not performed a historic resource assessment (i.e., the potential historic value of the structure is uncertain)?

- Modify a structure deemed to be a historic resource by the City, the State Office of Historic Preservation, the Carmel Preservation Society, or other public agency or knowledgeable entity (since the value of the historic resource within the context of the community has not yet been defined, the demolition of such structures may prejudice the LCP)?

- Not identify a City-approved replacement structure (i.e., the project is a "speculative" demolition and thus by definition has an uncertain impact on community character)?
- Facilitate an increase in residential density (a common type of application is to demolish one house that straddles two parcels, to allow a replacement house on each parcel)?
- Facilitate replacement of traditional architecture style in favor of contemporary or modernistic styles (from the visitor's perspective, rustic cottage and Craftsman styles are those most likely representative of Carmel's architectural traditions)?

Specific Project Impacts and Coastal Act Consistency Analysis

As discussed below, the proposed demolition and rebuild raises significant concerns about consistency with Coastal Act section 30253(5). Because it will result in a number significant changes to aspects of Carmel's community character, it must be denied at this time.

The c. 1930 structure is a modest single-story, wood-framed Carmel cottage with a front facing medium-pitched gabled roof. The board and batt cottage is an example of a simple, well-maintained, unpretentious design. Typical of the homes in the neighborhood, the size, scale, and height of the existing structure are well below the City's current allowable maximum standards (not certified by the Commission). The home immediately adjacent to the north is likewise a small cottage. Indeed, many of the existing structures in the neighborhood are made of wood and generally small in scale and unpretentious. Though there are two-story residences located on the same block, including the house directly adjacent to the south, within the larger context, the neighborhood is predominately comprised of single-story residences. The dominant features of the site are the slight slope to the street and the mature trees growing on the property and in the City right-of-way. The right-of-way supports a 14" Monterey pine and there are two additional pines (30" and 34") growing on the property. No evidence has been submitted to suggest that the house is not inhabitable, in fact, the City staff report findings state that the house has been owner-occupied for the past year.

As mentioned above, the structure does not qualify as a historical resource under local, state, or federal criteria for Historic Preservation, because there is no known association with important persons, events, or significant architectural style. Even still, it exhibits many of the design qualities and site characteristics for which Carmel is well known. It is a modest board and batt home with a simple rectangular footprint and medium pitched gabled roof, typical of many Carmel cottages from the early-1900's. See Exhibit 2. The structure blends in with, and is subordinate to, the dominant site features rather than attempting to override them. It is modest in size and scale, and height. The house is 824 square feet. Setbacks are 15 feet, 34 feet, 4 feet, and 15 feet at the north, east (rear), south and west (Santa Fe Street) elevations. See Exhibit 3. Ridge height of the main structure is 13 feet. The structure is setback 15' from the Santa Fe frontage and there are no second-story elements. The combination of low overall height, generous setbacks, and understated size and scale of the structure contribute to a sense of open space and the feeling of a cottage located in a forest. The cottage is constructed of natural materials and appears to be fairly well maintained.

Demolition of the existing house will lead to a change in character at this site, particularly when considered in light of the proposed replacement structure that will be facilitated by the demolition. The applicant proposes to construct a new house and garage that has a second-story element at the midpoint of the lot. And though it is somewhat stepped back from Santa Fe Street, the second-story element will effectively eliminate the open air view and crowns of upper canopy trees behind the structure to the east. In addition, in tandem with the large-scale structure directly to the south (lot 8), views to the east along this section of Santa Fe will be obscured entirely. The bulk and massing of the structure will appear out of character with the cottage directly adjacent to the north and is insensitive to the natural site characteristics. Contrary to the understated expression of the existing cottage, the replacement structure will eliminate any or all sense of open space and "in-the-forest" ambiance.

Likewise, the architectural design of the replacement structure represents a significant departure from the traditional architecture exhibited at this site and elsewhere in the City. The applicant proposes to construct a Tudor-revival, complete with Carmel stone and cement plaster walls, wrought iron deck railings, slate roof, and copper chimney flues. The roof design incorporates a complex roof form with more than 20 roof planes. The proposed replacement is 23' in overall height or 10 feet greater than existing. The proposed building footprint is 97% larger than the existing house and at 1,800 square feet, the replacement structure would be 118% larger in floor area and considerably more in volume. Side yard setbacks are 3 feet and 3 feet at the north and south elevations. The rear yard setback is 13 feet and the front yard setback (Santa Fe Street) is 15 feet. The proposed demolition will remove approximately 260 additional square feet of site coverage, but that will not ameliorate at all the overall mass and bulk increase of the new structure. Table 1 illustrates the differences in the existing and proposed site characteristics.

Table 1: Comparison of Existing and Proposed Structures

Lot Area (4,000sf)	**Existing Structure**	**Proposed Structure**	**Difference**
Floor Area	824 sf	1,800 sf	118% increase
Building Coverage	824 sf	1,623 sf	97% increase
Land Coverage	835 sf	575 sf	31% decrease
Height	13 ft	23ft	10 foot increase
Setbacks			
Front (Santa Fe St.)	15 ft	15 ft	no change
Rear (East)	34 ft	13 ft	21 ft decrease
North	15ft	3 ft	12 ft decrease
South	4 ft	3 ft	1 ft decrease

The City-approved permit also inappropriately sites the replacement structure to within 4' of a mature 30" Monterey pine. As noted elsewhere in this document, the Monterey pine dominated landscape provides a unique backdrop for this scenic coastal village and is considered to be one of the defining elements of community character. The forest also performs important watershed functions upon which the City heavily relies for drainage, absorption of storm water runoff, and filtration of pollutants. The City's Forest Management Plan was developed to address among other things, potential impacts from construction and development in and around the forest habitat. The plan notes that the greatest proportion (90%) of roots is found within the first three feet of soil, with most absorbing roots located within 8-12 inches of the surface where water and oxygen can readily penetrate. A network of supporting and absorbing roots grow well beyond the trunk and may extend two or three times the radius of the crown. See Exhibit 4.

According to the plan, trenching within just a few feet of a trunk can reduce the functional root system by as much as 50%. Each root that is cut reduces the trees capacity to supply water and nutrients to the leaves. Additionally, soil compacted during construction squeezes out the air spaces making the soil

more dense greatly reducing the infiltration of water and oxygen into the soil. Thus, in order to reduce the impacts from construction activity, the plan recommends fencing around the area within drip-line. However, since roots grow beyond the drip-line, the plan also suggests enclosing a larger area. The guidelines for tree protection in the City's Forest Management Plan state that adequate root protections is usually provided by preventing or limiting impacts within the drip-line.[2] As mentioned above, the replacement structure will encroach well within the drip-line of a mature, healthy 30" Monterey pine. Construction of the new house is likely to have an adverse impact on a significant and important tree at this location and as a result, the City approval is not consistent with the guidelines for the protection of its urban forest resources. Thus, as proposed, the current project cannot be found to be consistent with preserving community character.

As mentioned above, the architectural design represents a significant departure from the traditional architecture exhibited at this site. It is substantially different and almost twice the size of the typical Carmel cottage. The City Planning Commission requires that all projects be consistent with Design Study Municipal Code findings before proposed changes such as these are approved. Although the Commission does not certify these Code Findings, they do provide important context for understanding the potential community character impacts of the project. In particular, Section 17.18.170, *Findings Required For Design Study Approval*, require that City evaluate whether the submitted plans support adoption of the findings. Those findings in part, include:

3. *All improvements are designed to a human scale and a residential character, and the improvements will not appear excessively massive or dominating, as viewed from adjoining properties or from any public right-of-way.*

The City's staff report does not discuss in detail the issue of scale, character, and mass. However, City staff indirectly acknowledged the project's inadequacy by noting the project would only be "partially" consistent with the design study finding 17.18.170 (3) for scale, character, and mass.

Conclusion

Overall, as proposed, the demolition of the existing structure to facilitate construction of the new two-story residence will result in a significant change to the neighborhood's special character. Section 30253(5) of the Coastal Act requires that new development protect the character of special communities and neighborhoods. Whether or not this "change" is appropriate, has yet to be defined through a certified LCP. The critical point is that there would be a significant change in community character with this project. If there were no significant changes in the various aspects that together make up community character in Carmel, the project might otherwise be approvable. (For example, the Kashfi demolition (3-02-005) represented a slight decrease in the size and scale from the old to new building.) Moreover, when the cumulative trend of increasing residential demolitions in Carmel is considered, it is difficult to conclude that this project does not result in significant impacts to community character. As such, the

[2] See "Tree Roots –Major Considerations for the Developer" by Forester Bruce W. Hagan, City of Carmel-by-the-Sea LCP Forest Management Plan, Appendix H, page 15.

project as currently proposed cannot be found to be consistent with Section 30253(5) of the Coastal Act, either individually or cumulatively, because of uncertainties about what exactly would protect Carmel's character, consistent with 30253(5). Therefore, the project must be denied.

Further, by demolishing the subject structure now, its overall contribution to community character will be forever altered; replaced in some way by the structure meant to take its place at this location. Because the current project is inconsistent with the established character in Carmel, the effect of such a demolition will further degrade Carmel's established character. Because it cannot be guaranteed that such a demolition would protect Carmel's community character, consistent with 30253(5), the project will prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3, and is thus inconsistent with Coastal Act Policy 30604(a) and must be denied. This denial is without prejudice to the proposed project inasmuch as once the City's LCP has been finished, and ultimately certified by the Commission, the proposed project could be held up against the applicable LCP standards and evaluated accordingly at that time. Until that time, however, the Commission cannot find this application consistent with the Coastal Act.

Alternatives

As discussed above, the project must be denied because it cannot be found to be consistent with Coastal Act Section 30253(5) and is inconsistent with 30604(a). The Coastal Act also requires that any action by the Commission not adversely impact or result in a take or damage of private property rights. Coastal Act Section 30010 specifically states:

> ***Section 30010.*** *The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.*

In this case, the Applicant proposes to demolish an existing residence and replace it with another residence of different size and architectural style. There are alternatives, though, that also would allow for a reasonable economic use of the site.

The first alternative is the "no project" alternative. The current development proposal may have significant adverse effects on community character and/or prejudice the City's ability to prepare and complete an LCP. As an alternative to demolishing the existing home and reconstructing a new house on site, the applicant can live in the existing structure. There was no information provided to suggest that the structure was uninhabitable or in a state of disrepair. In fact, from the information supplied by the applicant, the existing house appears to be well maintained and in reasonably good condition. Living in the existing house will maintain the existing character of the neighborhood and have no effect on the City's ability to prepare an LCP.

A second alternative would be to submit an application for a structure of similar size, height, and volume as the existing structure. The design would also emphasize traditional architectural styles similar to the craftsman-type structures immediately adjacent to the subject property and seen elsewhere in the neighborhood. If a larger home is desired, a second level below the main structural element could also be considered.

The applicant may also choose to wait until the City's LCP is complete. The alternative would be to withdraw the current application and keep the existing use with the expectation that the applicant will resubmit after the City's LCP has been certified. Once the City has a certified LCP in place, the application for a CDP (demolition and reconstruction) would be evaluated by the City for consistency with the LCP. The City Council took action to approve both a Land Use Plan and Implementing Ordinances and submitted it to the Commission in December 2001 for review and approval. Staff has been collaborating with City staff and planners to evaluate the submittal and is nearing completion of it review.

Thus, though the current project proposal is not consistent with the Chapter 3 policies of the Coastal Act, there are feasible alternatives that would protect against the loss of community character and that would not prejudice the City's ability to prepare and complete its LCP.

D.California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect that 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. Notwithstanding the City's adopted CEQA document, the Commission's findings above (incorporated herein by reference) have documented that the proposed project could lead to significant adverse effects to Carmel's community character protected by the Coastal Act, impacts that cannot be adequately evaluated without completion of the City's LCP. Approval of the proposed project in the face of this uncertainty would prejudice the City's LCP planning efforts. All public comments received relevant to this application have been addressed either in these findings or in other correspondence. As such, the Commission finds that the proposed demolition would result in significant adverse effects on the environment within the meaning of CEQA, and that at least two alternatives to the project are available. Accordingly, the proposed project is not approvable under CEQA and is denied.