### CALIFORNIA COASTAL COMMISSION

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# **COASTAL DEVELOPMENT PERMIT APPLICATION**

Application number3-01-123 Domnick						
Applicantk	Keith & Margaret Domnick					
•	Dolores Street, 3 <sup>rd</sup> Southwest of 8 <sup>th</sup> Avenue, Carmel, Monterey County BLOCK 95, LOTS 5 & 7; APN 010-149-018) (See Exhibit A)					
C	Demolition of an existing single-story residence and garage to facilitate construction of a new two-story single family residence and garage and merger of two 4,000 square foot lots. (See Exhibit B)					
Local approval <u>C</u>	City of Carmel-by-the-Sea: DS 01-30 / RE 01-28.					
(	City of Carmel-By-The-Sea uncertified Land Use Plan and Zoning Ordinance; Categorical Exclusion Order E-77-13; City of Carmel Community Building and Planning Department Staff Report (11/28/01);					

#### Staff recommendation ... Approve with Conditions

**Summary:** The Applicant proposes to demolish an existing single-story residence (approximately 2,068 square feet) and construct in its place a two-story single-family residence (approximately 2,960 square feet) on two 4,000 square foot lots in the City of Carmel-by-the-Sea. The proposal also includes merging both lots of record into one 8,000 square foot lot. The resultant structure is 43% larger (892 sq. ft.) than the existing residence, however, building site coverage remains at roughly 30% of the site. The applicant proposes a modest 875 square feet of walks, driveway, patio, and porches bringing overall site coverage to approximately 41%. The lots are well screened with a mature canopy of Coast live oaks and the proposed building footprint leaves a significant portion of the property in open space for natural regeneration of trees. Demolition of the existing structure does not involve a historic resource, will not require removal of any trees, and will reduce the amount of total site coverage by 13%. Setbacks and overall height are within the limits of the City's current planning ordinances.

The proposed two-story residence will be 24' in height. The architectural style and details are reflective of a Tudor Revival home. Building materials include a random stone veneer and mission finish exterior stucco siding, a slate roof with two copper barrels, a copper barrel chimney cap, exposed stained wood rafter tails, beams and corbel. The proposed windows are leaded with beveled glazing. Size and height of the proposed rebuild are at the maximum allowed by City ordinance for double-wide lots in the R-1



California Coastal Commission July 12, 2002 Meeting in Huntington Beach Staff: Mike Watson Approved by: (7, 7, 2, 4/20/0 2-G:\Central Coast\STAFF REPORTS\2. CCC Meeting Packet\02\07\3-01-123 Domnick demolition.doc district, but the design minimizes the footprint and impacts on the forest resources. As a result, the combination of site coverage, location, existing vegetation, and architectural detail preserves the existing street ambience.

The project does not impact visual resources, community character, or coastal access, nor will it prejudice the completion of an LCP consistent with the Coastal Act. Therefore, the project is consistent with the policies of Chapter 3 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 Number 3-01-123 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a YES vote. Passage of this motion will result in approval of the coastal development 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 a Coastal Development Permit.** The Commission hereby approves the coastal development permit on the ground that the development as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the coastal development 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 amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development.

## **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.
- 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. <u>Future Development</u>. This permit is only for the development described in Coastal Development Permit No. 3-01-123. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including but not limited to, a change in the density or intensity of use land shall require an amendment to



Permit No. 3-01-123 from the California Coastal Commission or shall require an additional Coastal Development Permit from the California Coastal Commission or from the applicable certified local government.

- 2. <u>Drainage Plan</u>. **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 collected and directed into pervious areas on the site (landscaped areas) for infiltration to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site. 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.
- 3. Lot Merger. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide to the Executive Director for review and approval evidence that the existing lots of record (Block 95, Lots 5 and 7) have been legally merged into one 8,000 square foot lot.

## **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 approved a Land Use Plan (LUP) and an Implementation Plan (IP) at different times in the early 1980s, but the City did not accept the Commission's suggested modifications. Thus, both the LUP and the IP remain uncertified. 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 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. Part of 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 single-story residence (approximately 2,068 square feet)



and construct a two-story residence (2,960 square feet) in its place, on two 4,000 square foot lots in the City of Carmel-by-the-Sea. The proposal also includes merging both lots of record into a single 8,000 square foot lot of record. The architectural style and details are reflective of a Tudor Revival house. Building materials include a random stone veneer and mission finish exterior stucco siding, a slate roof with two copper barrels, a copper barrel chimney cap, exposed stained wood rafter tails, beams and corbel. The proposed windows are leaded with beveled glazing.

The total site coverage under the existing configuration is 3,795 square feet, consisting of the existing structure at 2,068 square feet and the non-permeable and semi-permeable land coverage (walkways, driveway, etc) of 1,727 square feet. The total site coverage for the proposed replacement structure is 3,290 square feet (2,415 + 875) or roughly 13% less than currently existing on-site and only 41% of total site area. (Exhibit C) Design and orientation of the replacement structure maintain a 21-foot setback, larger than required by code, along the Dolores frontage. The rear yard setback also exceeds the minimum required at 15 feet. Side yard setbacks are proposed at the 6-foot minimum. If approved, the new residence will be sited at the center of both lots in a U-shape that opens to the rear of the property. Construction of the house does not require the removal of any significant trees. There are more than 10 coast live oaks that aid in the screening of the subject site.

According to the City staff report, the existing home and the garage slated for demolition were constructed in 1967, and as such do not for historical designation under either the California Register of Historical Resources (CRHR) or the City's criteria as a historic resource. Typically, structures must be at least 50 years of age before they can be considered eligible for historical designation.

### **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 and development along Scenic Road are not excluded. Because the City of Carmel does not have a certified LCP, the Coastal Commission must issue the coastal development permit. The main issue raised by demolition and remodel projects in Carmel is the preservation of community character. Sections 30253 and 30251 of the Coastal Act address 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.

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.

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.

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 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 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 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.

#### Analysis

According to the City of Carmel, the existing structure was constructed in 1967. It does not resemble any of the traditional architectural styles exhibited throughout the City and because it is less than 50 years of age, the structure is not eligible for listing on the state roster of historical or architecturally important structures in the City.



The project site is an 80' x 100' lot made up of two parcels that is currently developed with a singlefamily residence and detached garage. In the past, the Commission has identified development that results in changes to residential density as one criteria or measure of significant change to community character. Over the years, there have been several requests for permits to demolish a single structure occupying two lots and rebuild in its place two homes, the result being a doubling of residential density at the location. This has lead to the greatest increase in density in the past few years. The proposed development, however, maintains the current configuration (i.e., density) of one single home on two lots of record. Moreover, the applicant is proposing to merge the two lots.

The applicant proposes to demolish the existing house and detached garage, walkways, and decking, and rebuild the new residence over the centerline of the two lots. See Exhibit D. The proposed home and garage will be aligned in a U-shape similar to other craftsman-influenced homes in the City. The south wing contains the garage, two bedrooms, and one bathroom. The north wing contains the kitchen, dining, and living rooms. The centerpiece of the structure has an entry, office space, and restroom on the first level and the master bedroom, bath, and balcony on the second floor. Size, scale, and height of the proposed rebuild are larger than then existing structure but within the limits of the City design ordinances. Though larger in actual square footage, total site coverage (i.e., building footprint and impervious materials) is less than that currently exists on site. If the project is approved, the square footage will increase 43%, however, building coverage will increase by only 17%, and other impervious and semi-pervious surfaces will decrease by 50%. As a result, overall permeable and semi-permeable site coverage will decrease to just more than 40% of the total site area. This is a significant improvement over current site conditions and is consistent with Commission goals for minimizing impacts from storm water runoff, preservation and enhancement of the urbanized forest, and maintaining community character. See Table 1 for figures.

In the past, the Commission has expressed concern regarding replacement structures that were more than 10% greater 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. Few, if any, trumpet the virtues of Carmel's mansions. In this instance, the applicant proposes to construct a two-story structure 2.960 square feet in size that is 43% larger than the existing structure. However, the footprint of the proposed structure covers only 30% of the lot. The demolition will also facilitate a 500 square foot (6%) reduction in overall impermeable and semipermeable site coverage, bringing total site coverage to roughly 40% of the lot area. Conversely, 60% of the lot area remains as open space. Thus, though the proposed square footage of the replacement structure is designed at the maximum allowed by City ordinance, the footprint is small and total site coverage is minimal. As we are beginning to learn, maintaining this small-scale quality is principal to protecting Carmel's community character. Furthermore, the proposed architectural style adds to the ambience along Dolores Street. Thus, although the change brought about by the demolition would increase total floor area, the replacement structure still would be considered "characteristic" for its size and scale.



In recent 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 an adequate ratio of open space to impermeable surface. In the Reimers application, the ratio was 60: 40, 60% open space and 40% impermeable 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. Similarly, the proposed demolition would facilitate the reduction of nearly 500 square feet of site coverage. As a result, 60% of the 8,000 square foot lot will remain undeveloped. This newly reclaimed undeveloped land would be "open-to-the-sky" and in turn, may lessen the impacts of storm runoff and erosion of the moderately sloped site by making available additional open space for water absorption and filtration of impurities. Additionally, the reduction of impermeable surface will preserve and promote natural regeneration of the City's urbanized forest.

Many have opined that the defining character element of Carmel is the forest landscape. The project site currently supports approximately 12 coast live oaks of various sizes distributed throughout, though the majority (more than half) are present in the front yard. Additionally, there is one significant Monterey pine (26") in the City right-of-way along the Dolores Street frontage. Some of the neighboring residences have lower level living spaces placed toward the rear of the property to take advantage of the slope. Regarding site topography, the project site slopes down from Dolores Street to the rear of the lot. The proposed replacement structure has a small two-story element near the middle of the lot. Though not ideally sited for taking advantage of the slope, the design is appealing from an architectural standpoint, does not impact or require the removal of any trees, and provides an opportunity for natural regeneration of the forest landscape. The existing oaks at the front of the property exhibit a mature mid-height canopy that will provide screening for the second-story element. The proposed landscape plan includes lower level plants and shrubs that will provide layering to the streetscape at the front of the property. The 26" Monterey pine contributes vertical scale to the proposed new structure, also helping to soften the additional height. Thus, as sited, placement of the proposed structure demonstrates sensitivity to the existing natural resources and provides an opportunity for planting of additional tree(s) near the rear of the property.

Lot Size = 8,000 sq. ft.	Allowed/Required	Existing	Proposed	Difference
Floor Area	2,960 sf (37%)	2,068 sf (26%)	2,960 sf	43%
Building Coverage		2,068 sf	2,415 sf (30%)	17%
Site Coverage	800 sf (10%)	1,727 sf (22%)	875 sf (11%)	-50%
Total Coverage	······································	3,795 sf (47%)	3,290 sf (41%)	-6%

#### TABLE 1 – Domnick Project Site Data



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Height	24 ft.	20 ft.	24 ft.	4 ft.
Setbacks				
Front (Dolores Street)	15 ft.	28 ft.	21 ft.	-7 ft.
Rear	3 ft.	15 ft.	15 ft.	0
Side Yards	6 ft.	7 ft. / 3 ft.	6ft. / 6ft.	-1 ft. / 3ft.

#### Conclusion

As shown in the findings above, the proposed demolition and subsequent rebuild are consistent with the general character of the community and the City of Carmel. In order to be sure that the project is fully consistent with the Coastal Act, staff recommends attaching special conditions that preserve open space, address drainage and storm water runoff, maintain residential density, and protect the forested context of Carmel's community character.

As noted in the finding above, the proposed demolition and rebuild would eliminate approximately 500 square feet (6%) of site coverage. The additional space can be expected to help in the absorption and filtration of storm water runoff, as well as, providing suitable habitat for natural forest regeneration. 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 Monterey Bay. Section 30231 of the Coastal Act provides for, among other things, controlling runoff, maintaining vegetation buffers, and minimizing impacts from waste water discharges. Special Condition 1 will require the applicant and/or any future property owners to submit a permit amendment or new coastal development permit before any future development occur on the site. To help in controlling and containing runoff created from the impermeable 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 prior to being conveyed off-site. As conditioned, the Commission finds that the proposed project preserves community character and is consistent with Section 30231 of the Coastal Act.

The proposed project site is located within the city limits of the City of Carmel. There are currently two lots of record developed with one single-family dwelling and detached garage. In order to protect the unique character of the site and the current level of residential density, the applicant is also proposing as part of this application, to merge the lots into one lot of record. Special Condition 3 is attached requiring the applicant to submit evidence that the proposed lot merger has been accomplished. As conditioned, the proposed project is consistent with section 30253(5) of the Coastal Act for the protection of special communities. Parcels in the vicinity of the subject parcel are developed with single-family dwellings at



urban densities. All utilities are connected to the existing house on this site. There are adequate public services for the proposed new house and parking is adequate.

The c. 1967 home is not eligible for designation as a historic resource. The architectural style and details of the proposed rebuild reflect a Tudor Revival style. Building materials include a random stone veneer and mission finish exterior stucco siding, a slate roof with two copper barrels, a copper barrel chimney cap, exposed stained wood rafter tails, beams and corbel. The proposed windows are leaded with beveled glazing. Overall height is on the high side at 24', however the proposed structure will be well screened with vegetation and trees, which softens the overall appearance of the structure. Thus, the combination of site coverage, design, orientation, and architectural detail does not significantly change the current ambient quality of the site and the overall character and street ambience. See Exhibit E.

The proposed demolition and rebuild will not adversely affect the unique characteristics that make Carmel a special community. Neither the demolition nor the new construction would adversely or significantly affect any public view. The area is developed at urban densities and with urban services in an area able to accommodate the replacement of the existing house with a new one. Therefore, the demolition of the existing structure and the construction of the new structure are consistent with Coastal Act Sections 30251 and 30253(5).

#### **2. 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 City has made progress on the LCP submittal and has indicated that they expect the Land Use Plan and Implementation Plan to be submitted for Commission review in December 2001.

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).

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.



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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. Until that time, Commission staff has been given guidance to use their 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 more than a 10% increase in the gross square footage, height, or footprint (i.e., size, scale, bulk, etc). Other measures of change in community character, though, include changes in architectural style, demolition of notable or historic buildings, the removal of significant vegetation or trees, any development that facilitates an increase in residential density, etc. Each of these factors must be evaluated separately and together as a whole. As discussed above, the proposed rebuild is greater than 10% larger in square footage, however, the proposed overall site coverage is reduced by 13%. Though the project exceeds the limits for increase in floor area, staff has found that the proposed design and configuration are allowable because it maintains nearly 60% of the site in open space and will not facilitate an increase in residential density. The proposed project does not involve demolition of a structure of any historical or architectural significance; but in fact will replace the existing non-descript structure with a Tudor Revival of thoughtful design. The architectural style of the proposed rebuild is compatible with and compliments the architectural styles noted elsewhere in the City and no significant trees will be removed or affected by construction. The proposed project preserves the current ambient quality of the site and the overall character along Dolores Street. Thus, in the larger context of community character, the proposed demolition and rebuild will not significantly change the community character of the area.

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 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.

### **3. California Environmental Quality Act (CEQA)**

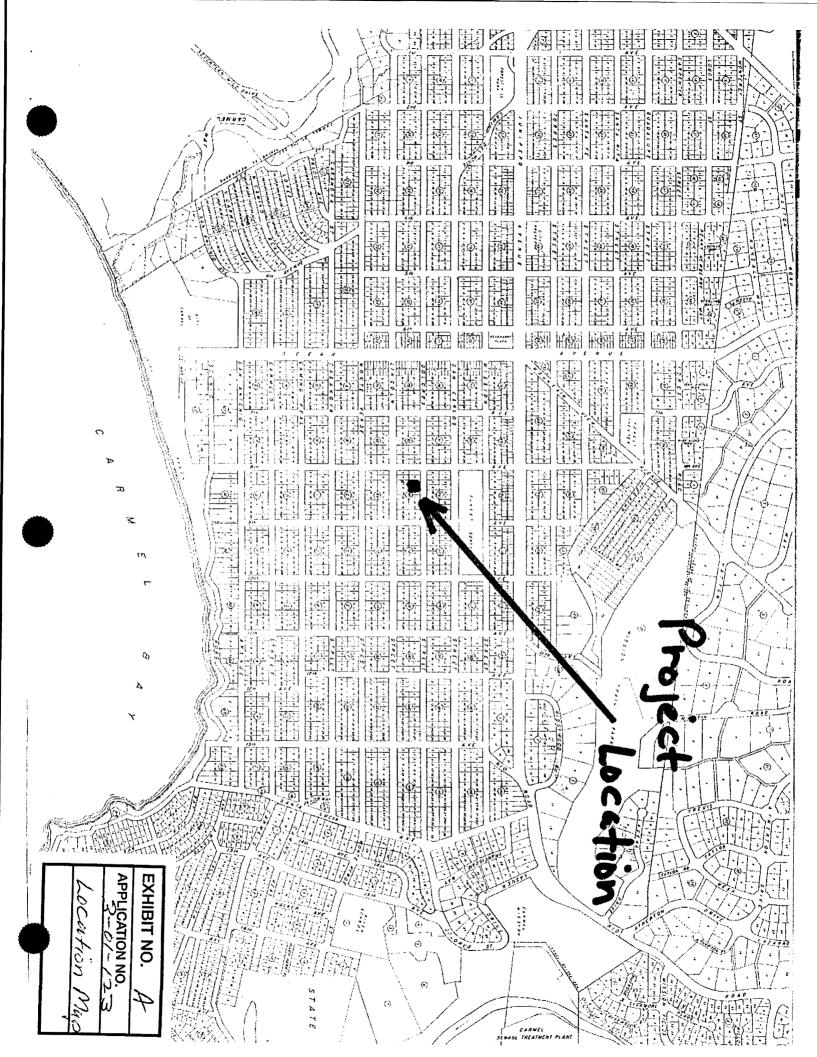
Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development 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

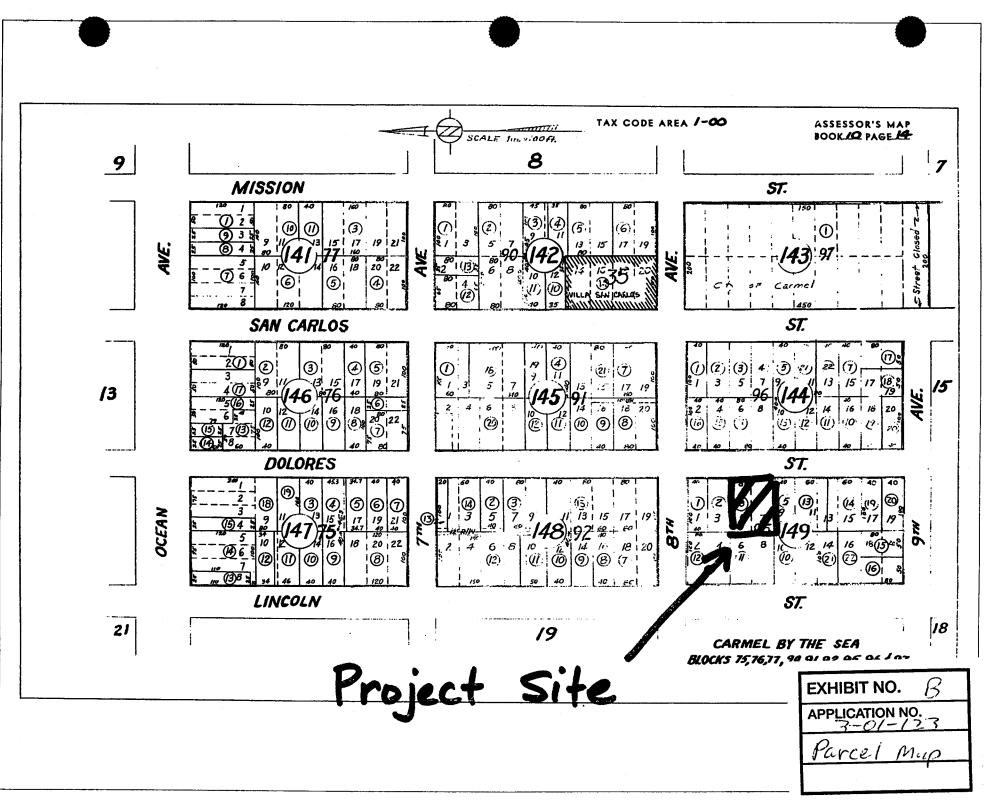


the environment.

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. The findings, incorporated by reference herein have discussed the relevant coastal resource issues with the proposal. Accordingly, the project is being approved without special conditions or the need to implement mitigating actions required of the Applicant by the Commission. 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 project will not have any significant adverse effects on the environment within the meaning of CEQA.







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