

CALIFORNIA COASTAL COMMISSION

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COASTAL DEVELOPMENT PERMIT APPLICATION

Application number 3-02-005 Kashfi

Applicant..... Nedj Kashfi

Project location..... Santa Rita Road, 3rd southeast of 2nd Avenue, Carmel, Monterey County (BLOCK 23, LOT 8; APN 010-025-016) (See Exhibit A)

Project description Demolition of an existing 1,868 square foot, two-story residence and garage to facilitate construction of a new 1,800 single-story residence and garage. (See Exhibit B)

Local approval..... City of Carmel-by-the-Sea: DS 01-44 / RE 01-35.

File documents..... 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 two-story residence (approximately 1,868 square feet) and construct in its place a single-story residence (approximately 1,800 square feet) on a 4,000 square foot lot in the City of Carmel-by-the-Sea. The existing structure has seen numerous modifications since its original construction in the 1940's. The house no longer retains any of its original character in architecture, size, scale, or site sensitivity. As proposed the replacement structure would be only slightly smaller in size as the existing residence. The applicant also requests 585 square feet of walks, driveway, patio, and porches. Total site coverage would be approximately 2,385 square feet or 60% of the total lot area. This amounts to a 3% reduction over the current non-conforming site condition. The project site is located in an area of the City with naturally-occurring Monterey pines including two significant trees on the subject lot, one in the extreme southwest corner, the other in the northeast corner. As noted above, the proposed building footprint occupies a significant portion of the property that when combined with the other site coverage, maintains the bare minimum open space for the natural functioning of the watershed (i.e., absorption and filtration of storm water), preservation and regeneration of the forested context of the site, and maintaining the general character of the neighborhood.

The single-story residence is proposed to be 18' in height. Setbacks are reduced though within the limits



California Coastal Commission
July 12, 2002 Meeting in Huntington Beach

Staff: Mike Watson Approved by:

of the City’s current planning ordinances. The architectural style and details are reflective of a traditional Carmel Craftsman home including typical board and batten siding, wood unclad windows, redwood shake roof, copper gutters and downspouts, and exposed wood rafter tails. Size and scale of the proposed rebuild are at the maximum allowed by City ordinance for single lots in the R-1 district. As with the setbacks above, these ordinances have yet to be certified by the Commission. Though there are significant unanswered questions regarding the appropriate size and scale of a replacement house at this location, because the proposal represents a modest improvement in site coverage and is replacing an out-of-character two-story structure with a single-story Craftsman, staff is recommending that the project be approved, with conditions, as consistent with section 30253(5) of the Coastal Act for the protection of special communities. Furthermore, the project can be found to be consistent with section 30231 of the Coastal Act for minimizing adverse impacts from storm water runoff and erosion. As a result, staff is recommending special conditions to require a drainage plan and limit future development.

The project does not otherwise impact visual resources or coastal access, nor will it prejudice, if conditioned as recommended herein, the completion of an LCP consistent with the Coastal Act. As conditioned, the project can 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 Number 3-02-005 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 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. **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 collected and directed into permeable 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.
2. **Future Development.** This permit is only for the development described in Coastal Development Permit No. 3-02-005. 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. 3-02-005 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.

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. The proposed development,



however, is not excluded under Categorical Exclusion E-77-13 because it involves demolition and because it includes a structure within the front yard setback.

B. Project Location and Description

The Applicant proposes to demolish an existing two-story residence (approximately 1,868 square feet) and construct a single-story residence and detached 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 the third lot southeast of 2nd Avenue on Santa Rita. The neighborhood was subdivided in 1888 and has the distinction as the earliest subdivision within the incorporated city limits. The architectural style of the replacement home is reflective of a modern Craftsman. The primary exterior building materials include board and batten siding, redwood shake roof materials, exposed rafter tails, and copper rain gutters and downspouts. The proposed windows are true divided unclad wood windows with redwood trim. The relative size and scale of the proposal are distinctly different from the traditional Craftsman homes in the neighborhood.

The total site coverage for the existing site condition is 2,524 square feet, consisting of building coverage (1,413 square feet) and the impervious and semi-pervious land coverage (1,111 square feet). The proposed total site coverage for the replacement structure is 2,385 square feet (1,800 + 585) or roughly 3% less than currently existing on-site. Proposed total site coverage represents roughly 60% of the area of the lot. (Exhibit C) Design and orientation of the replacement structure and garage requires an exception to 15-foot front yard setback. The northeast corner of the proposed home encroaches to within 6' of a significant 35" Monterey pine. Side yard setbacks are a combined 10' cumulative except near the front of the home where the combined cumulative setback is only 7 feet. Unlike the simple Craftsman designs from the past, the proposed new residence is large and complex. Construction of the house does not require the removal of any significant trees, though as mentioned above, will encroach to within 6 feet of a significant 35" pine.

According to the City staff report, the existing home and the garage slated for demolition were constructed in the 1940's but have undergone a significant amount of remodels and additions. As such, the existing structure does not qualify 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, in general, 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

This project is in an area of the first land subdivision, which formed the basis for subsequent development and the system of roads and streets. It occurred in 1888 before the City was incorporated. By 1912, more than 85% of the current city limits had been subdivided. Blocks of 20 lots, each measuring 40 feet by 100 feet, were arranged in an east-west orientation. The subdivision established a potential residential density of 11 units per acre. Development of these small lots proceeded with small craftsman-style cottages generally 800 – 1,200 square feet with no garage. Garages weren't really needed at the time, as many persons didn't have cars. This pattern of development established the character for which Carmel is now well known (i.e., small-scale homes generally 2 bedroom, one bath, single-story Craftsman's nestled in the Monterey pine forest.). This character differs considerably from the expectations persons now have for a home with all modern conveniences. The idea of a satisfactory sized house today is a 3 bedroom, 2 baths, one or two story structure with a 2-car garage. More often than not, the modern house is located on a lot that is typically 7,500 square feet in area, almost double the 4,000 square foot lots existing in Carmel.

According to the City of Carmel, the existing structure was originally constructed in the 1940's as a small cottage that has subsequently undergone numerous revisions, particularly in the 1970's and 1980's. It does not at this time resemble any of the common architectural styles exhibited throughout the City. As a result of the numerous changes to the structure, the site no longer retains the unique character that it originally possessed. Arguably, size and scale relative to the forest environment cannot be considered harmonious. Whatever distinct architectural style or charm that may have existed has been lost in the flurry of remodels that have occurred over time. Thus, the existing structure may be out of character with the site, the neighborhood, and the larger community that is Carmel. Similarly, the proposed rebuild is decidedly large within the context of the larger community.¹ Unlike other craftsman notables in the City, which typically are arranged in a simple "L" or "U" shape, the proposed home and garage is more complex. See Exhibit D. The layout of the proposed home is single-story with numerous offsets that together create a large rectangle with a U-shaped patio cut out of the length of one side. Though the patio may provide some small measure of relief to the neighbor immediately adjacent to the south, this cut-away is undetectable from the Santa Rita frontage (i.e., public view).

The proposed and existing houses are similar in square footage (i.e., 1,800 sf. vs. 1,868 sf.). The existing

¹ Commission staff evaluated a sample of 40 requests for permits to redevelop (demolish and rebuild) existing cottages and replace them with new structures. This analysis demonstrated that the typical existing cottage was single-story and averaged 1,180 square feet in size. By contrast, the proposed replacement structures averaged 1,740 square feet. Sixty percent of the requests resulted in a redesign from a single-story to a two-story residence.



building footprint is 1,413 square feet. Due to its single-story design, the proposed new building footprint is 387 square feet or 18% larger. Demolition will facilitate the removal of 526 square feet of impervious and semi-pervious site coverage, as currently there is 1,111 square feet on-site. As a result, overall site coverage will decrease from roughly 2,524 square feet (63% of the total area) to 2,385 square feet (60% of the total site area). Though only a slight improvement, the proposed overall site coverage may be excessive, when considered in the larger context of the cumulative redevelopment in Carmel. As further discussed in the water quality section below, the proposed replacement structure and site coverage may also be inconsistent 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 a single-story structure, 1,800 square feet in size that is actually 68 square feet or 4% smaller than currently existing on-site. The demolition will facilitate an additional 3% reduction in overall site coverage. Still, the proposed footprint of the replacement structure is 45% of the lot. The applicant proposes another 15% in impervious (non-penetrating) site coverage, bringing the total impervious site coverage to 60%. Historically, Carmel cottages were much smaller in size, averaging roughly 1,200 square feet. As noted by the staff of the City of Carmel, the original structure at this site was built in the 1940's and was subsequently remodeled several times to include additional bathrooms, bedrooms, second floor, and decking. Thus, though the current structure represents an uncharacteristically large and rambling string of additions, the original character of the site was likely a cottage of much more modest proportions.

The Commission has also expressed concern regarding the removal of significant trees and adverse impacts to the forested context of the community. Many have opined that *the* defining characteristic of Carmel is the forested context of the landscape. Carmel is known for its Monterey pines. Monterey pines have been successful where other species have not, in colonizing the sandy soils and moderate slopes of the upper Carmel watershed. Indeed, two significant trees have grown to mature size on the subject lot. The site currently supports a 24" near the southwest corner of the lot and a 35" near the northeast corner of the lot. Additionally, there is a 20" pine in the undeveloped street right-of-way. Though the 20" and 24" pines near the Santa Rita frontage appear to have plenty of room for growth and absorption of water, the 35" pine at the rear of the site will not. As illustrated on the proposed project plans, a small vegetated strip approximately 4 to 6 feet wide along the sides of the house, a narrow band of open space 8 feet wide at the rear, and a 15' x 20' garden area in the front setback are all that would remain "open to the sky." Some of the elements necessary for success include open space or room to grow, adequate sunlight, and plenty of water. Pines of this size can be expected to absorb thousands of gallons of water annually. The size of the root ball is approximately the size of tree-crown. However, much of the surface area in and around the rear pine will be covered over by the new structure. Certainly, lot conditions have



changed over time and the proposed development will further change the elements vital for continued success at this site. Encroachment onto the root area of these trees may adversely impact the ability for growth by physically reducing the area of land available for expansion of roots and the above ground portion of the tree. Further, an increase in impervious materials will reduce the amount of land available for absorbing water and nutrients. The proposed plan places the new structure to within 6 feet of a 35" pine at the rear of the lot. The existing structure is more than 15 feet from its base. Finally, Monterey pines have a relatively short life cycle, generally less than 100 years. As these older trees reach the apex of their lifespan, it becomes more important to preserve the areas where they have been successful as potential future regeneration sites. The current design of the new structure, as proposed, may not be considered consistent with the preservation of this element of community character.

TABLE 1 –Kashfi Project Site Data

Lot Size = 4,000 sq. ft.	Allowed/Required	Existing	Proposed	Difference
Floor Area	1,800 sf (45%)	1,868 sf (47%)	1,800 sf	-4%
Building Coverage		1,413 sf (35%)	1,800 sf	10%
Site Coverage	400 sf (10%)	1,111 sf (28%)	585 sf (15%)	-47%
Total Coverage		2,524 sf (63%)	2,385 sf (60%)	-3%
Height (single/two-story)	18/24 ft.	22.5 ft.	18 ft.	-4.5 ft.
Setbacks				
Front (Santa Rita Ave.)	15 ft.	15.5 ft.	7.5 ft.	-8 ft.
Rear	3 ft.	3 /20 ft.*	8 ft.	5 /-12 ft.
Side Yards	3 ft.	6 / 12 /3 ft**	4ft. / 6ft.	-2 ft. / -6ft.

* Rear shed is 3 feet from rear property line.

** Setbacks reflect 6 feet at south, 12 feet at the north, and 3' garage setback at the north.

The project site is a 40' x 100' lot that is currently developed with a single-family 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 one lot of record.

Conclusion

As shown in the findings above, the proposed demolition and subsequent rebuild may not be consistent with the general character of the community and the City of Carmel. However, the project has some positive aspects. For instance, the demolition will facilitate a modest reduction in overall site coverage. By replacing a two-story design with a single story structure, overall height will be reduced and the replacement is more consistent with the general character of the neighborhood. The floor area ratio is a bit large, but the architectural style is desirable and will be a welcome improvement to the Santa Rita streetscape. That being said, 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, and protect the forested context of Carmel's community character.

As noted in the finding above, the proposed demolition and rebuild would eliminate approximately 139 square feet (3%) 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. However, it is inadequate in addressing the cumulative impacts associated with increased coverage of the watershed. 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. Similarly, to aid in controlling and containing runoff created from the impervious surfaces of the new development, staff is recommending that the applicant submit a drainage plan. Special Condition 1 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. 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 community character and is consistent with section 30253(5) of the Coastal Act.

Finally, in order to preserve the overall small-scale charm and forested context along with the streetscape quality that together comprises the character of the neighborhood and community, staff is recommending special condition 2. This condition requires a coastal development permit or CDP amendment for any future development of the project site. As so conditioned, the combination of site coverage, design, orientation, and architectural detail will significantly improve the current ambient quality of the site and the overall character and street ambience of the neighborhood.

As conditioned, 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 section 30253(5).

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.

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 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. 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 [efficacy] at which water can be absorbed into the earth. But because sand is typically coarse, absorption is generally good. In a naturally occurring [undeveloped] 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. In this specific case, the proposed demolition would facilitate the development of nearly 60% of the lot. That means there is 40% of open space available for absorbing 1.5 times more runoff from the developed portion of the lot. In addition, the undeveloped land must also absorb the water it would normally receive. In essence, the undeveloped land must absorb 2.5 times the amount of water than it would if the lot were undeveloped. Without knowing all the variables associated with the rate of absorption at this particular site (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 impossible to know whether the amount of proposed open space



available to absorb runoff is sufficient. The individual impact of this one project may not be a problem. However, it is almost certain that if all lots are likewise developed at a similar ratio of coverage, there will not be enough open space to collect and absorb the amount of storm water runoff created by the development. And as we have seen over the past few years, many if not most, of the requests for permits to develop these small 4,000 square foot lots have been for 1,800 square foot homes with an additional 400 – 500 square feet of site coverage (i.e., 60% coverage). As a result, the cumulative effect of all past development and future proposals will eventually overwhelm the natural ability of the watershed to function through absorption and filtration of storm water runoff. And along with it water quality along Carmel's pristine beach and the Monterey National Marine Sanctuary will degrade.

Thus, in order to mitigate potential adverse site runoff from the 60% site coverage the permit is conditioned to require on-site handling of excess runoff through implementation of a drainage plan. Special Condition 1 requires the applicant to submit a drainage plan that addresses 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. 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 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 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.



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 similar in square footage to the existing structure and will slightly reduce the overall impervious site coverage. However, the project well exceeds the natural limits for a properly functioning watershed. Staff believes this because the proposed design and configuration covers nearly 60% of the site in impervious and semi-pervious surfaces. As a result, individual and cumulative adverse impacts on water quality, erosion, 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 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 thoughtful Craftsman 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. As conditioned, the proposed demolition and rebuild will improve the ambient quality of the site and the overall character along Santa Rita Avenue.

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.

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.



Project Location

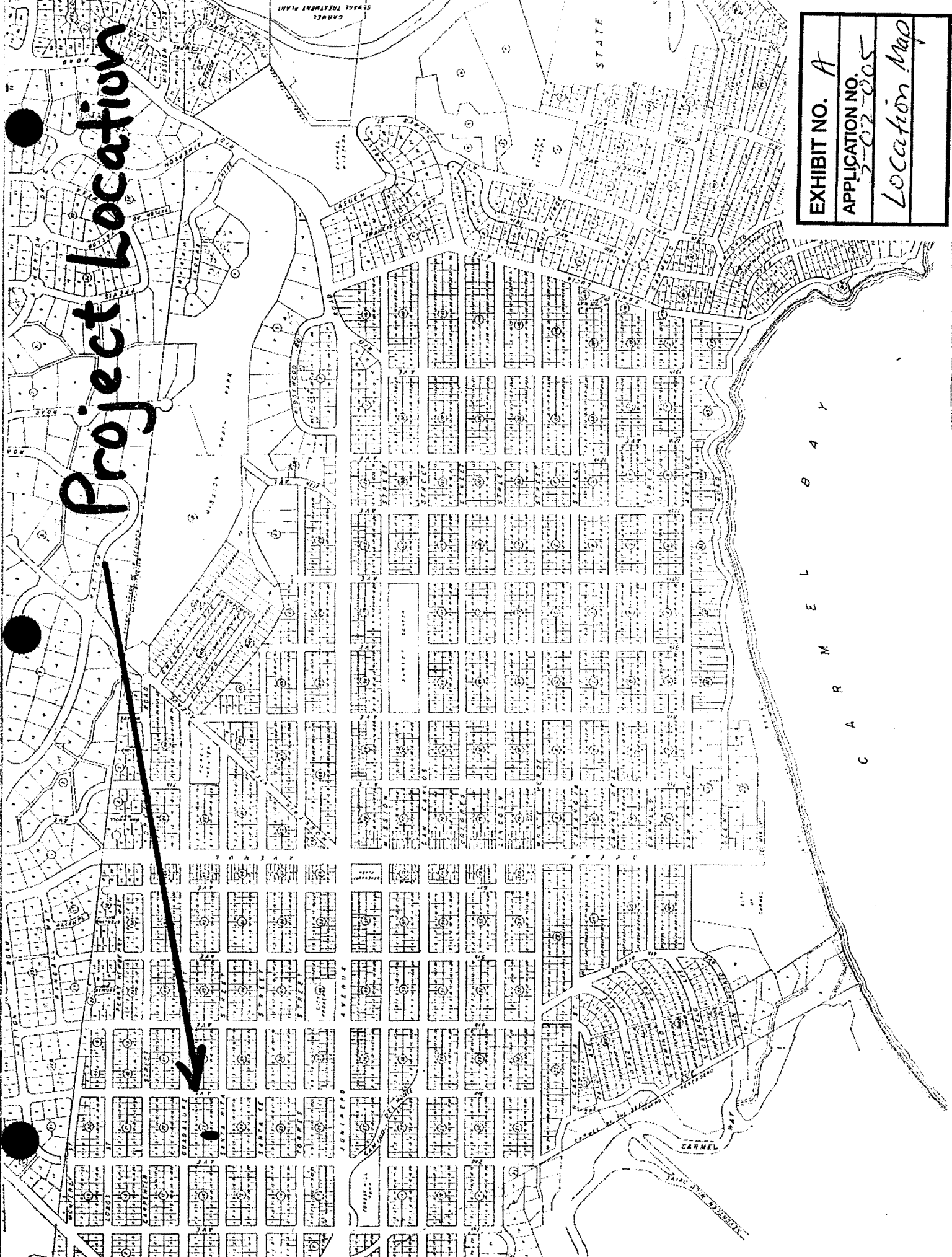


EXHIBIT NO. A
APPLICATION NO. 3-02-005
Location Map

C A R M E L B A Y

Project Site

THIS MAP IS INTENDED TO BE USED FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY.

TAX CODE AREA 1-00

ASSESSOR'S MAP BOOK 10 PAGE 02

9-14

CARPENTER ST.

9-16

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
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GUADALUPE ST.

9-14

1ST AVE

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2ND AVE

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3RD AVE.

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4TH AVE.

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SANTA RITA ST.

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SANTA FE ST

10

CARMEL CITY
BLOCKS 15, 16, 17, 22 23, 24, 39, 40, 41

9

EXHIBIT NO. B
APPLICATION NO. 3-07-005
Parcel Map

RECEIVED

JAN 22 2002

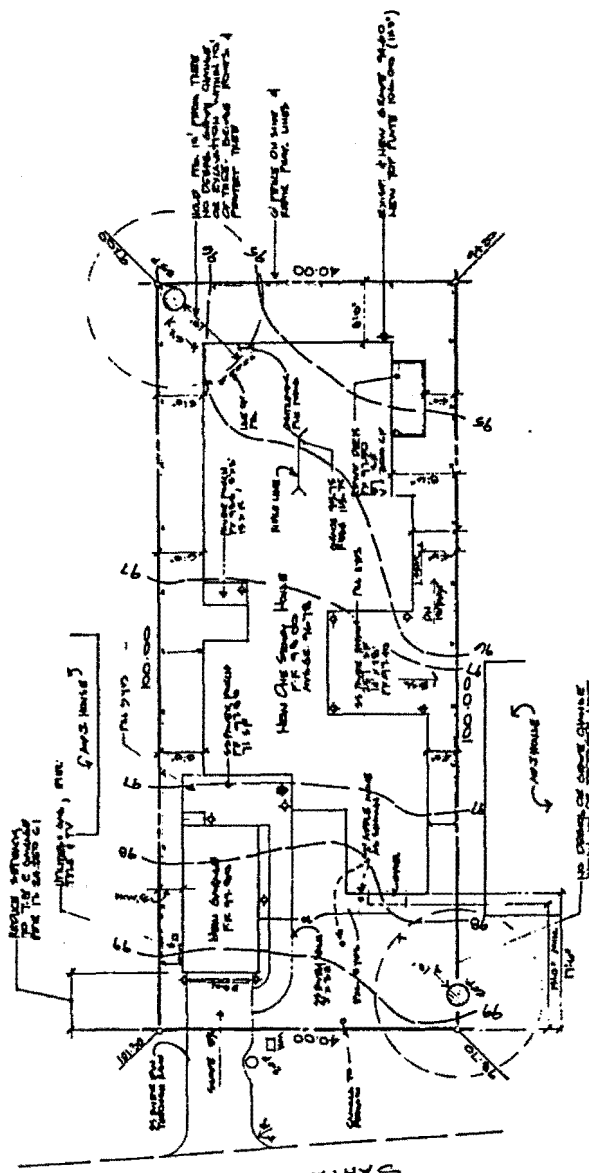
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Copyright by Draftact
2150 AVENUE 40, SUITE 201, MONTEREY, CA 95030
TEL: (831) 464-9988
FAX: (831) 464-9988

BRUNING DESIGN
& CONSULTING
DRAFTACT

NEW RESIDENCE FOR:
NEDU & LORI KASHFI
3.8 E. OF 2ND ON SANTA RITA
LOT 8, BL. 23, CARMEL BY THE SEA
APN: 010-025-016 PH: 626-2896

EXHIBIT NO. C
APPLICATION NO. 2-07-005
Site Plan



* SEE SH#4 FOR LAMPFARE

S.S. = SHIP SET
Y = YIELDING
P = PILING



SITE PLAN - PROPOSED

FAR & Dual Cais

HOUSE	1400 SF
CONCRETE	500
TOTAL	1900
LOT AREA	4000
	48% = 48%

Lot Area

DESCRIPTION	AREA	SETBACK FROM	IN FEET
FRONT P.V.	N/A	N/A	
FRONT YARD	N/A	N/A	
FRONT PORCH	50	5	
FRONT DECK	257	5	
TOTAL	347		
Lot Area	4000		
	10%		

Volume

DESCRIPTION	VOLUME
HOUSE	1982 CF
CONCRETE	12000
HOUSE	1400
HOUSE ROOF	9735
CONCRETE ROOF	400
CRIBB WALLS & CHIMNEY	175
ROOF DECK	300
TOTAL	21200
Air Volume	21200 CF

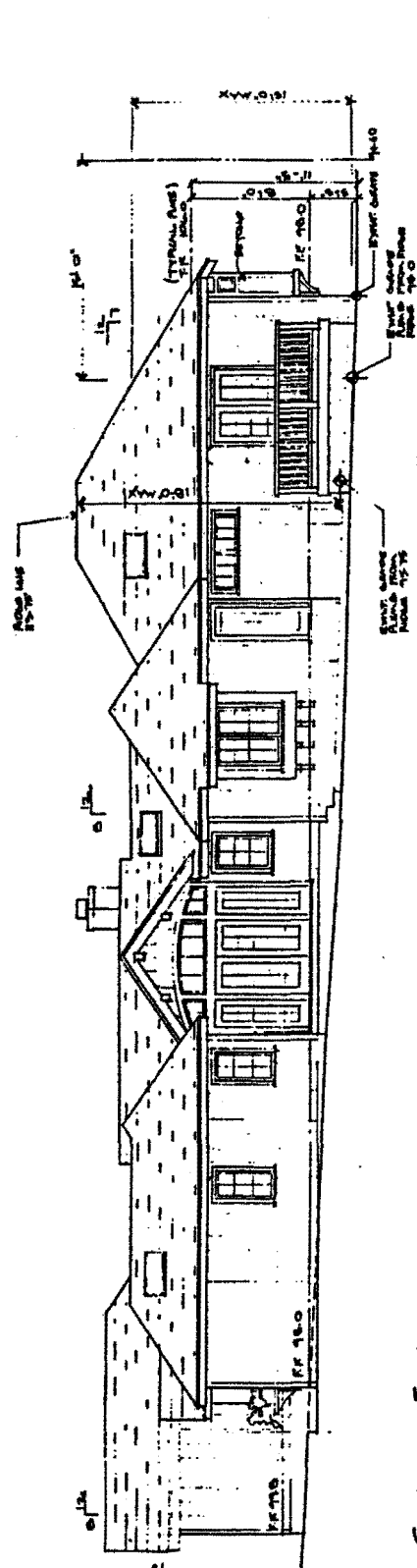
LEISURE
25 W. HEIGHTS
57000 CONTOURS
PROPOSED CONTOURS

NOTES
1. SIZE (1) HOUSE CONTOUR & STEP, SEE SH#2
2. DIMENSIONS FOR SITE

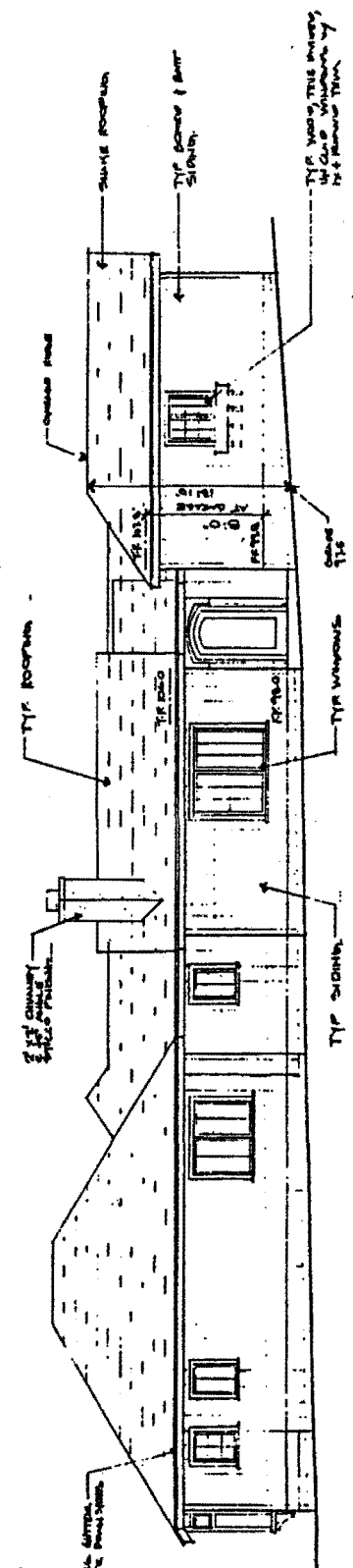


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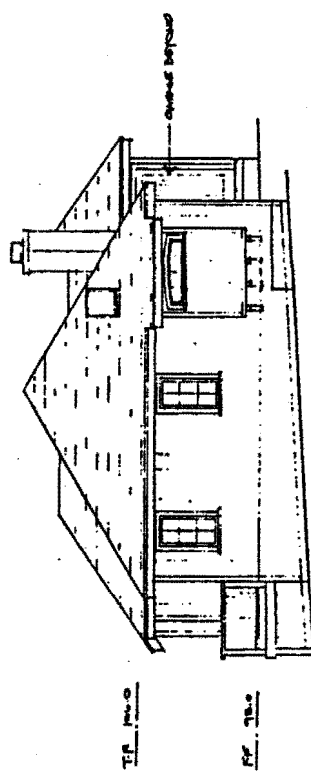
RAISING DESIGN
1 COMPANY
DRAFTING
7180 GARDEN RD., SUITE 20 / MONTEREY, CA 94028
(415) 642-2222



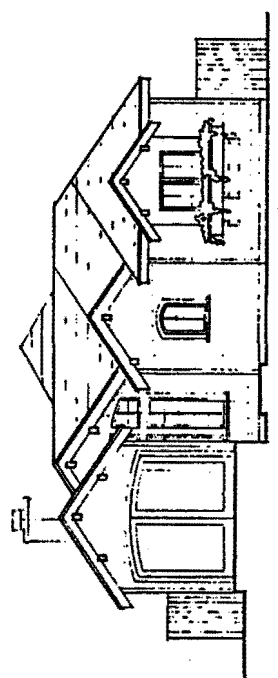
SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION

EXHIBIT NO. D
APPLICATION NO.
S-02-005
Elevations

CLERICAL PERSONNEL

Existing Streetscape Views of Kashfi Residence

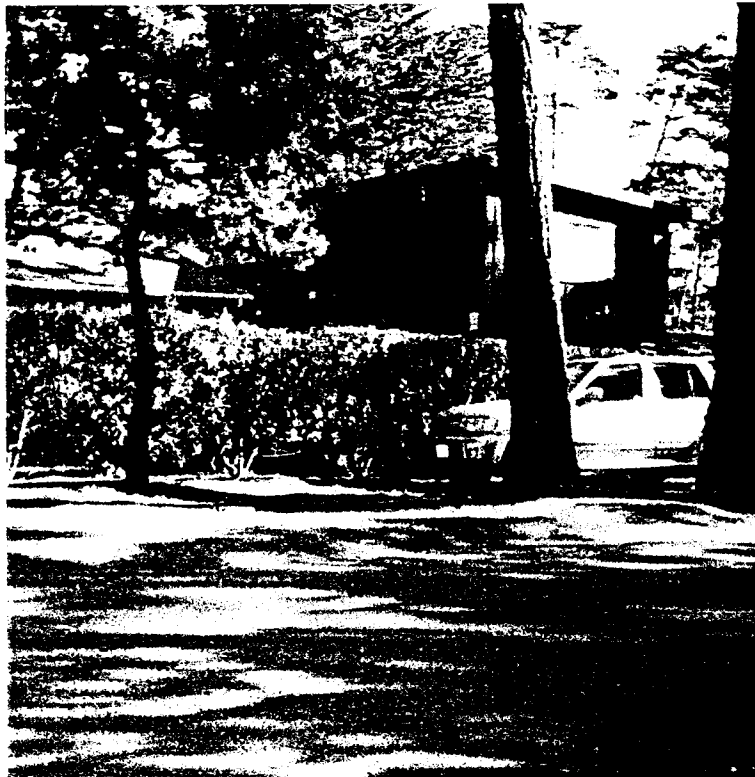


EXHIBIT NO. E
APPLICATION NO. 3-02-005
Site Photos

