

CALIFORNIA COASTAL COMMISSION

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COASTAL DEVELOPMENT PERMIT APPLICATION**Application number**3-03-055 Albert**Applicant**.....Steve Albert

Project location.....Westside of Junipero Avenue between 10th & 11th Avenues, Carmel, Monterey County (BLOCK 118, LOTS 23 & North 15' of 24; APN 010-075-004) (See Exhibit A)

Project descriptionDemolition of an existing 650 square foot, single-story residence and construction of a new 1,600 square foot two-story residence without garage. (See Exhibit B)

Local approval.....City of Carmel-by-the-Sea: DS 01-40 / RE 01-32 / VA 01-6.

File documents.....City of Carmel-By-The-Sea approved Land Use Plan and uncertified Zoning Ordinance; Categorical Exclusion Order E-77-13; City of Carmel Community Building and Planning Department Staff Report (02/13/02).

Staff recommendation ...Approve with Conditions

Summary: The Applicant proposes to demolish an existing single-story residence approximately 650 square feet in size and construct in its place a two-story residence of approximately 1,600 square feet (without garage) on a 4,000 square foot lot in the City of Carmel-by-the-Sea. The proposed project received design review approval from the City in February 2002 and was submitted for Commission consideration in April 2003.

The project involves demolition of an older Carmel cottage that exhibits many of the small scale and architectural attributes identified by the City in its recently certified Land Use Plan (June 3, 2003). By contrast, the replacement house is larger in size and mass than the existing modest home, though it does not exceed the City's floor area and volume standards for single-family residence on standard 4,000 square foot lots. The architectural design of the replacement home is modern, yet uncomplicated and can generally be considered consistent with the character with the existing residences in the neighborhood. The existing house has no historic associations with important persons, master builders, or significant events. An historic evaluation provided by the applicant concluded that the bungalow lacks any architectural distinction as well.



California Coastal Commission
October 10, 2003 Meeting in Coronado

Staff: Mike Watson Approved by:

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The project will, however, adversely impact community character by removing a significant coast live oak tree and pruning two major limbs of another. The project, which is located on a moderately sloping site, will also impact coastal water quality by increasing the amount of impervious surfacing and altering existing drainage patterns. These impacts conflict with policies of the Carmel Land Use Plan (LUP) that require new development be consistent with the established character of Carmel's residential district, among other ways by protecting forest resources, and with LUP policies addressing storm water runoff and maintaining water quality.

The City of Carmel approved this project prior to the adoption of the LUP as modified by the Commission, and as a result, specific development criteria contained in the certified LUP that provides important guidance to the Commission for evaluating the project's consistency with the Coastal Act, were not effectively applied. In this instance, the proposed development conflicts with LUP policies protecting oak and pine forest resources, because the design unnecessarily removes a significant oak tree. In addition, the project lacks a sufficient drainage plan to address storm water runoff as required by the LUP. Thus, as proposed, the replacement house is inconsistent with section 30253(5) of the Coastal Act for the protection of special communities and section 30231 for minimizing adverse impacts from storm water runoff.

Staff is therefore recommending special conditions to require modifications to the submitted plans that will avoid oak tree removal and nonessential pruning. The recommended conditions also call for a Drainage Plan documenting that all runoff from the roof, walkways, and other impervious surfaces will be directed onto permeable areas onsite in a non-erosive manner. Only with these conditions can the project be found consistent with the Chapter 3 policies of the Coastal Act.

Staff Report Contents

I. Staff Recommendation on CDP Application.....	3
II. Conditions of Approval	4
A. Standard Conditions.....	4
B. Special Conditions	4
III. Recommended Findings and Declarations	5
A. Standard of Review	5
B. Project Location and Description	5
C. Issue Discussion.....	6
1. Community Character	6
a. Historic Resources	7
Analysis.....	9
Conclusion	9
b. Character of Existing and New Development.....	9
Project Analysis and Impacts	11
Conclusion	14
2. Water Quality.....	14



Applicable LUP Standards.....	14
Analysis.....	15
Conclusion	16
3. Local Coastal Programs	16
4. California Environmental Quality Act (CEQA)	17

IV. Exhibits

- Exhibit A: Location Map
- Exhibit B: Parcel Map
- Exhibit C: Site Plans
- Exhibit D: Elevations
- Exhibit E: Site Photo's

I. Staff Recommendation on CDP Application

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

Motion. I move that the Commission approve Coastal Development Permit No. 3-03-055 pursuant to the staff recommendation.

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

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



II. Conditions of Approval

A. Standard Conditions

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

B. Special Conditions

1. **Revised Plans.** **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit to the Executive Director for review and written approval, revised plans that provide a six-foot minimum setback from all significant trees, and minimize the need for significant branch removal. Where it is not feasible to provide a six-foot setback, foundation plans shall include measures to avoid disturbance of tree roots. All other aspects of the project (e.g., size and design) shall be in substantial conformance with the plans submitted with the application. The Revised Plans shall also identify construction measures and practices that will avoid impacts to significant trees during construction.
2. **Drainage Plan.** **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit to the Executive Director for review and written approval, a Drainage Plan documenting that the runoff from the roof, driveway and other impervious surfaces shall be directed into permeable areas on the site (landscaped areas) for infiltration to the maximum extent practicable in a non-erosive manner. The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be



reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

III. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Standard of Review

The City of Carmel-by-the-Sea is located entirely within the coastal zone but does not yet have a certified LCP. The Commission recently certified a Land Use Plan (LUP) but has yet to take action on an Implementation Plan (IP). The City formally adopted the Commission's suggested modifications to the LUP on June 3, 2003 and thus, only the IP remains uncertified. Nevertheless, until the IP is certified, the Commission retains coastal permitting authority over development within the City, for which the standard of review is the Coastal Act of 1976. The adopted LUP provides policy guidance, and staff has referred to the LUP during its evaluation of this project. However, the main issues raised by the proposed project are reviewed for consistency with Chapter 3 of the Coastal Act.

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

B. Project Location and Description

The project site is a rectangular 4,000 square foot lot, the typical lot size in Carmel. It is located on the west side of Junipero Street between 10th and 11th Avenues, eleven blocks inland from the beach. The site has an existing 650 square foot single-story residence with detached 297 square foot deck, in what appears to be a modified California bungalow style. According to the City staff report, the project site is presently encumbered by a structure that was originally constructed in 1920. The applicant proposes to demolish the existing small bungalow and replace it with a two-story 1,600 square foot residence (without garage). The existing bungalow is "u" shaped with two protruding wings at the west elevation. The exterior wall cladding is wood shingle and there is a low-pitched cross-gabled roof with exposed rafter tails. The replacement home is a mix of wood and plaster exterior with a medium pitched slate tile roof, brick veneer chimney, and shaped rafter tails.

Structural coverage of the site will increase 35% (i.e., 650 s.f. existing to 880 s.f. proposed) and massing will increase with the replacement home due to the second story element, though both measures are well within the City's allowable limits. Non-structural site coverage for the existing and proposed site condition is relatively similar at approximately 10% (please see Exhibit C). The proposed design



requires removal one significant 14" oak tree, and pruning two major limbs off another significant double trunk coast live oak. The City's Forest and Beach Commission approved the oak removal and pruning, but required three upper canopy replacement trees to be planted.

The existing home and deck slated for demolition were constructed in the early 1920's, and though well maintained, has undergone significant changes that have altered its integrity and as such no longer qualifies for historical designation under either the California Register of Historical Resources (CRHR) or the City's criteria as a historic resource.

C. Issue Discussion

1. Community Character

While residential development in most of Carmel is excluded from the requirement for a coastal development permit by virtue of Commission Categorical Exclusion E-77-13, 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.¹ The main issue raised by demolition and remodel projects in Carmel is the preservation of community character. Section 30253 of the Coastal Act addresses the issue of preserving the community character of special communities such as Carmel:

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

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

Another aspect of Carmel's character is the pine and oak dominated landscape. Although the forest landscape is not all natural – there has been enhancement over the years by tree planting – it pervades the

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



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.

a. Historic Resources

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

For example, Land Use Plan P1-88 states:

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

Additionally, LUP Policy P1-89 states:

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



To qualify for listing in the Carmel Inventory, an historic resource eligible under California Register criterion #3 only, shall: (1) have been designed and/or constructed by an architect, design/builder or contractor whose work has contributed to the unique sense of time and place recognized as significant in the Historic Context Statement; (2) have been designed and/or constructed by a previously unrecognized architect, design/builder or contractor if there is substantial, factual evidence that the architect, designer/builder or contractor contributed to one or more of the historic contexts³ of the City to an extent consistent with other architects, design/builders or contractors identified within the Historic Context Statement; (3) be a good example of an architectural style or type of construction recognized as significant in the Historic Context Statement; or (4) display a rare style or type for which special consideration should be given.

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

³ An historic context is a body of information about historic properties organized by theme, place and time. A single historic context describes one or more important aspects of the development of an area relating to its history, architecture, archaeology and culture. A context may be based on one or a series of events, patterns of community development, or associations with the lives of a person or group of persons that influenced the destiny and character of a place or region (from National Register Bulletin #24). Currently there are five themes developed in Carmel's Historic Context Statement. They are: (1) Prehistory and Hispanic Settlement, (2) Economic Development, (3) Government, Civic and Social Institutions (4) Architectural Development in Carmel and (5) Development of Art and Culture.

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



demolition but allow for rehabilitation with a limited amount of development including the possibility of an addition consistent with the Secretary of Interior Standards.

Analysis

The existing residence was originally constructed as modest 650 square foot ell-shaped cottage in 1922. The original owner/builder is unknown and there has been several other subsequent owners, none of whom are identified as notable within the City's context statement. Review of the building files reveals that there have been significant alterations at the primary elevation (Junipero Avenue), rear elevation, an southwest corner that have diminished the importance of this home within its original context. Since its construction, the house has had seen several remodels including the additions of small rooms and enclosure of the rear porch. As noted above, the bungalow is no longer ell shaped but more closely resembles a "u." A historic evaluation provided by Kent Seavey concluded that the house lacks any architectural distinction, is not associated with important persons or master builders, and there is no record of any significant events occurring at this location. Because the house no longer retains its original integrity and is not associated with any notable persons, events, or architectural style, the house cannot be considered historic. Though its size and scale relative to the site and forest environment can be considered harmonious, whatever distinct architectural style or charm that may have existed has been lost in the remodels that have occurred over time.

Conclusion

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

b. Character of Existing and New Development

Historic Resources are an important aspect of Carmel's community character. There are, however, other aspects of Carmel's character that are equally important to maintain and preserve such as, size and mass, architectural style, and the celebrated forest canopy. Such is the case here, where the existing modest cottage is thoughtfully integrated into the slope of the lot and is surrounded by mature pine and oak trees. The existing structure conveys a sense of, and contributes to, the distinct character of Carmel and the neighborhood. The recently adopted LUP includes detailed policies about how to protect and maintain these "character" resources. As noted above, the LUP policies provide useful direction for evaluating whether the project is consistent with 30253(5) of the Coastal Act.

For example, adopted LUP Policy P1-40 states:

Site improvements shall be compatible with, and sensitive to, the natural features and built environment of the site and of the surrounding area. Design solutions should relate to and take advantage of site topography, vegetation and slope. Designs shall recognize



the limitations of the land and work with these limitations rather than ignoring them or trying to override them.

Adopted Land Use Plan Policy P1-41 states:

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

Adopted Land Use Plan Policy P1-42 states:

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

Adopted Land Use Plan Policy P1-46 states:

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

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

Adopted LUP Policy P1-50 states:

Limit above grade floor area on 4,000 square foot lots to a maximum of 1,800 square feet. Projects with less above grade square footage shall be preferred. Structural



coverage shall not exceed 45% of the site. Total site coverage (structural and other impermeable coverage) on 4,000 square foot lots shall not exceed 55% of the site. Locate open space so that it visually links with adjacent properties.

Project Analysis and Impacts

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

The LUP policies, which provide broad guidance for future development and redevelopment, are born out of the results of the Design Traditions Project. For example, "Residential designs shall maintain Carmel's enduring principles of modesty and simplicity and preserve the City's tradition of simple homes set amidst a forest landscape" is a simple restatement of the Design Traditions Project conclusion. Other examples of LUP policies or policy excerpts, derived from the conclusions of the Design Traditions Project, include:

- Buildings shall not present excess visual mass or bulk to public view or to adjoining properties.
- The development is similar in size, scale, and form to buildings on the immediate block and neighborhood.
- Buildings shall relate to a human scale in their forms, elements and in the detailing of doors, window, roofs, and walkways. Oversized design elements make structures appear dominating and monumental.

The intent of these policies is to provide planners with the framework to evaluate project consistency with the established small-scale character of the community and give them discretion to guide development/ redevelopment responsibly while still allowing for diversity in architectural expression. It is this notion of "cottage nestled in the forest" that is most noticeably threatened by redevelopment of the City's residential neighborhoods.

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



In this case, the applicant proposes a 1,600 square foot two-story replacement house without garage. This is 950 square feet or 146% more floor area than the existing cottage. The demolition will also facilitate an increase in mass, which will be noticeable along Junipero Avenue (east elevation) frontage. The lot has a moderately steep grade (approximately 18%) that slopes from east to west and is moderately forested with coast live oak. These site conditions have constrained the buildable area of the lot to eastern half of the property, and as a result, the applicant's architect designed a home that is more box-like than is typically seen in Carmel. The second story is roughly 82% of the size of the ground floor. Though there will be a noticeable change in the size and scale of the new home, the replacement structure is within the City approved limits for square footage and volume, and the footprint of house will occupy only 22% of the lot. There are very few offsets and appendages and the roof form is uncomplicated. The proposed design uses natural materials in a handsome unpretentious manner. Though the new home will be larger in size and scale, it is consistent with the floor area and volume standards established by the City, and the architectural design relates well to the established character of the neighborhood.

Although the replacement structure is of appropriate architectural style, the proposed development will adversely impact Carmel's unique character by removing a significant oak tree and heavily pruning another. Similar to the findings on size and scale, the City's Design Traditions Project identified the forest landscape as a significant defining element of Carmel's character. The forest provided early builders with the context for which to base their designs. The subdivision pattern laid out by Devendorf and Powers ignored the presence of trees. However, early Carmel settlers and builders made a conscious decision to acknowledge the natural features of the site including trees when designing the eclectic cottages. These folks recognized early on that the forest provided a sense of "place" unique to the Carmel experience.

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

The Commission has expressed concern regarding the removal of significant trees and adverse impacts to the forested context of the community. Many persons believe that *the* defining characteristic of Carmel is the forested context of the landscape. Carmel is known for its Monterey pines and coast live oaks. Monterey pines are upper-canopy trees that provide the "forest" context of the village. In addition, they have been successful in colonizing the sandy soils and moderate slopes of the upper Carmel



watershed where other species have not.

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

The site contains approximately 13 trees, predominately coast live oak. There are three trees located within the public right-of-way. On September 6, 2001, the Forest and Beach Commission approved a proposal to remove one 14 inch coast live oak located on the project site and also approved trimming two major limbs of a double trunk coast live oak near the north property boundary. The approval was granted prior to the City's adoption of its now certified LUP and was conditioned on planting two upper canopy trees. The City's LUP policies require a minimum buffer of six feet for significant trees. This "buffer" is designed to protect trees from construction impacts and to provide plenty of space for future growth and regeneration. In this case, the City Forester did not make a determination of significance for these oaks,⁵ though, in the past, the Commission has found that oak trees greater than 6" in diameter qualified as significant. Based on staff's evaluation of the circumstances, the trees proposed for removal and pruning are significant because: 1) they are a species of special significance; 2) the size of the trees suggest that they are very old; 3) these lower canopy trees provide a unique contribution to the site's character; and 4) the trees help to screen the existing and proposed development on the site. Removal of these trees will result in the loss of an additional character-defining element of Carmel's unique community character and a significant coastal resource, which will take many years to replace.

As noted above, the City conditioned its approval on the planting of a pair of upper canopy trees to mitigate for the loss of the oaks and requires the applicant/owner to maintain the trees for a period of at least five years. The City has undertaken replanting as a way to enhance forest resources with limited success, as there is difficulty in monitoring the health and condition of trees and/or enforcing minimum tree requirements on public property. Therefore, the LUP requires pruning and removal of significant trees be avoided, and calls for new development to provide adequate setbacks from trees as well as carefully designed construction and drainage plans that minimize impacts to the forest.

⁵ Significance is determined through an evaluation of the species, age, health, and general contribution to the site.



Conclusion

As proposed, the demolition of the existing house and construction of the new house is not consistent with Coastal Act section 30253(5) protecting the character of special communities, and conflicts with LUP Policies P1-46 and P1-45 because the replacement home will result in the loss of forest resources. The coast live oaks proposed for removal and pruning are important components of the village character of Carmel and protected by the Coastal Act and LUP. Special condition 1 thus requires the applicant to submit revised plans that provide a six-foot minimum setback from all significant trees, and that minimizes the need for significant branch removal. Where it is not feasible to provide a six-foot setback, the condition requires the foundation to be designed and constructed in a manner that avoids disturbance of tree roots. Finally, the condition requires construction measures and practices that will avoid impacts to significant trees before and during construction. Only with this condition will the demolition and construction of a replacement home be consistent with section 30253(5) of the Coastal Act.

2. Water Quality

Section 30231 of the Coastal Act states:

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

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

Applicable LUP Standards

Adopted LUP Policy P5-195 states:

Provide development guidelines and permit conditions that limit impervious surfaces and the connection of multiple impervious surfaces; implement simple infiltration techniques throughout drainage areas to efficiently manage storm water; infiltrate runoff into the soil,



retain runoff for slower release and convey runoff slowly through vegetation.

Adopted LUP Policy P5-199 states:

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

Adopted LUP Water Quality Policy P5-201 states:

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

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

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

Analysis

The proposed demolition and replacement structure involves a 25% increase in the amount of impervious coverage of the site. Because there is a significant change in the amount of impervious coverage with the proposed vs. existing home, the development will increase the quantity of storm water runoff from the site. The new house will be built on a moderately sloping lot and required carefully designed drainage facilities to prevent this runoff from causing erosion or adversely affecting coastal water quality. For example, an on-site storm water retention feature is needed to minimize the amount



of runoff discharged onto the City street (Junipero Avenue) that will eventually enter into Carmel Bay.

The City relies primarily on natural drainages and open space to convey runoff from the upper slopes of the watershed, down through the City to Carmel Beach and the Monterey Bay National Marine Sanctuary. The City's adopted LUP policy P5-199 requires that all new development not result in the degradation of coastal waters and LUP policy P5-195 further requires new development limit impervious surfaces and infiltrate runoff into the soil to efficiently manage storm water runoff. In addition LUP policy P5-201 requires site design and source control Best Management Practices in all new development. In order to comply with these requirements, a condition is needed to ensure that runoff created by the development is captured on-site and allowed to percolate into the soils. This will minimize erosion, filter pollutants, and aid the recharge of aquifers. Accordingly, Special Condition 2 requires the applicant to submit a drainage plan for Executive Director review and approval, documenting that runoff from the new structure will be collected and directed on site for infiltration in a non-erosive manner. Only with this condition will the proposed project preserve the quality of coastal waters consistent with section 30231 of the Coastal Act.

Conclusion

The existing home is not consistent with section 30231 of the Coastal Act because it does not adequately take measures to ensure that coastal waters will not be fouled by polluted runoff. The proposed project is also inconsistent with the certified LUP because the changes to existing drainage patterns have not been addressed through the provision of on-site drainage facilities (e.g., infiltration and retention basins). Furthermore, site design and source control BMPs have not been provided by the project. The required drainage plan is therefore needed carry out Coastal Act Section 30231 and the policies of the certified LUP.

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 towards completion of its LCP, funded in part by a grant awarded by the Commission. The Commission has certified the City's LUP and work on the IP has commenced.

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

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



The City is currently in the middle of a community planning process to determine, among other things, the specific development standards that will be incorporated in its upcoming IP submittal. The Commission has approved the City's Land Use Plan and staff has referred to its policies for guidance on the proposed development. Nevertheless, the Coastal Act remains the standard of review and staff has used its best professional judgment to assess the individual and cumulative effect that projects such as this will have on the community character of Carmel.

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. . One such criterion is whether the development will result in an increase in impervious surfaces, involve the demolition of notable or historic buildings or result in the removal of significant trees or vegetation. Each of these factors must be evaluated separately and together as a whole. As discussed above, the proposed demolition does not involve a historic resource. The rebuild is consistent with the size and volume standards for single-family residence on 4,000 square foot lots, and employs a simple architectural style with a limited number of offsets and roof planes.

However, the projects impacts on oak trees and water quality addressed in the findings above will have individual and cumulative adverse impacts on community character and coastal resources. 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. Only, as conditioned will the proposed demolition and rebuild be consistent with the overall character along Junipero Avenue and the neighborhood.

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

4. California Environmental Quality Act (CEQA)

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

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary



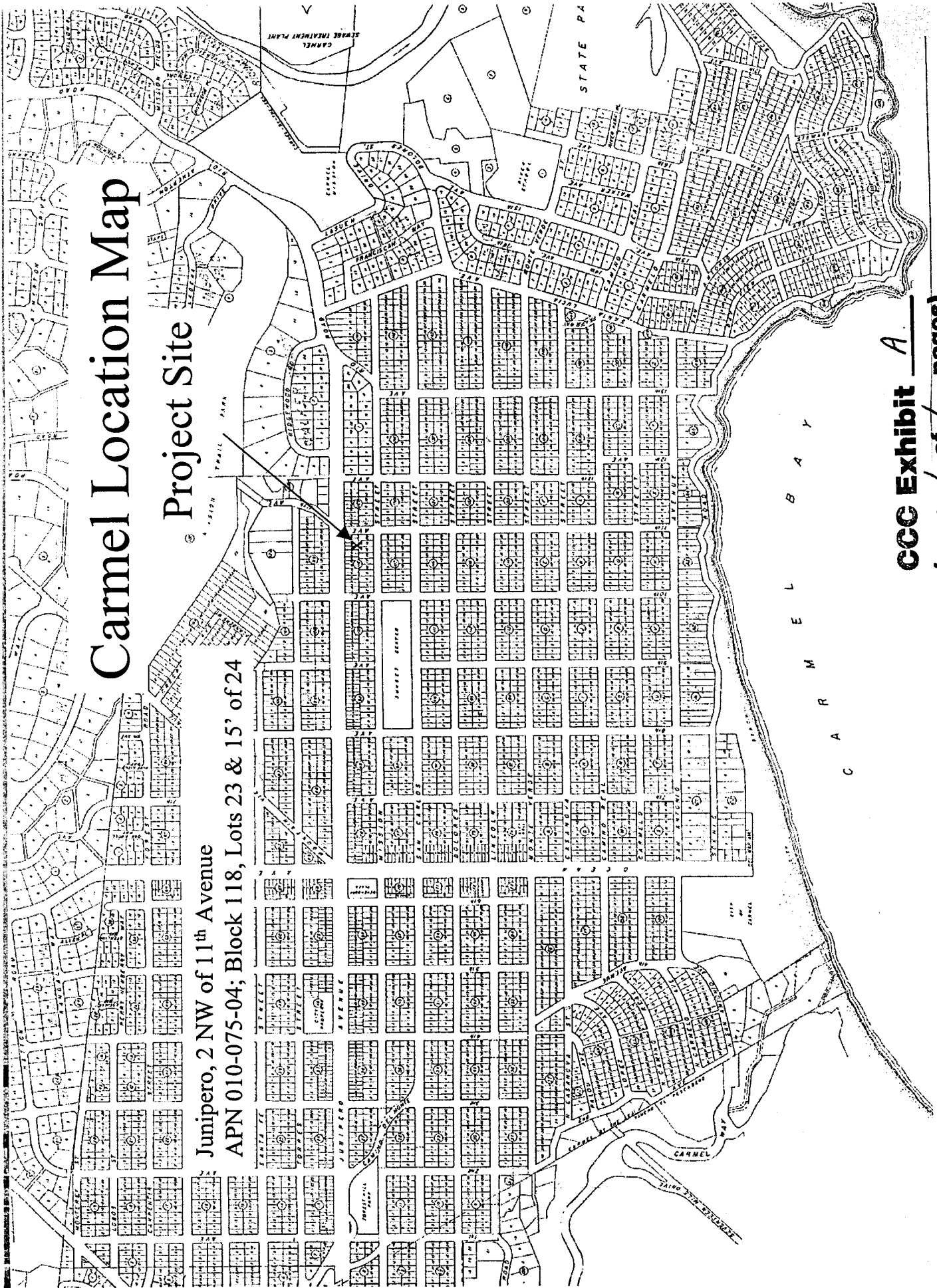
of Resources as being the functional equivalent of environmental review under CEQA. This staff report has analyzed the environmental impacts posed by the project and identified changes to the project that are necessary to reduce such impact to an insignificant level. Based on these findings, which are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



Carmel Location Map

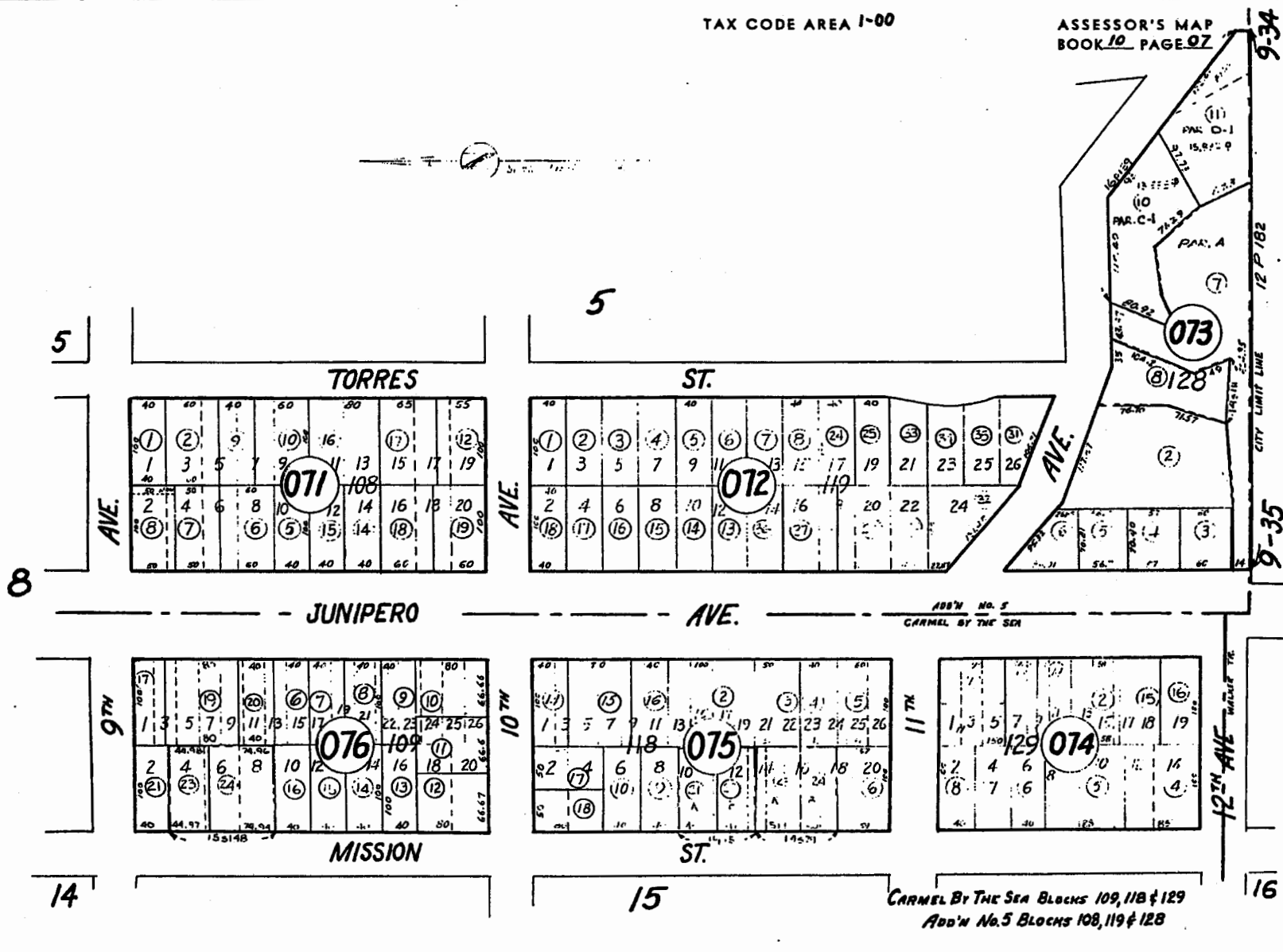
Project Site

Junipero, 2 NW of 11th Avenue
APN 010-075-04; Block 118, Lots 23 & 15' of 24

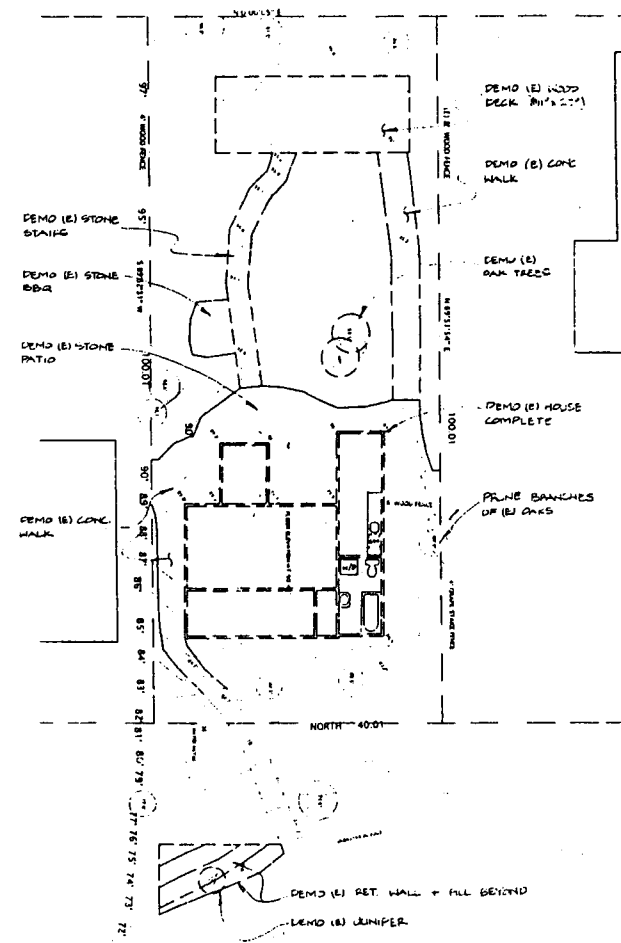
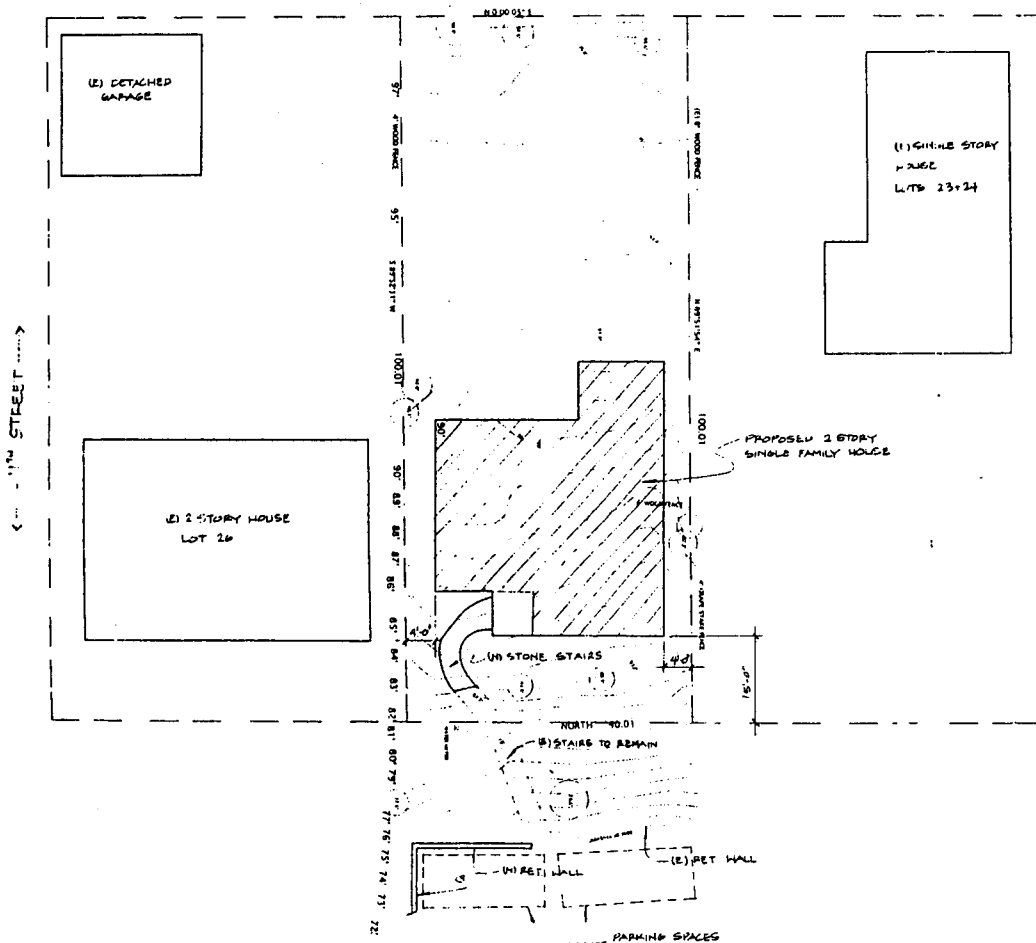


TAX CODE AREA 1-00

ASSESSOR'S MAP
BOOK 10 PAGE 97



CCC Exhibit B
(page 1 of 1 pages)
3-03-055



Marc A. Lindsell Architect 1000 17th Street San Francisco, CA 94103 415.774.1111	Project Name	Description Date	ALBERT HOUSE JUNIPERO STREET CARMEL CA	EXISTING, DEMO & PROPOSED SITE PLANS
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CCC Exhibit C
 (page 1 of 2 pages)
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CCC Exhibit C
(page 2 of 2 pages)
3-03-055



Photo 1: Existing bungalow as seen from Junipero Avenue (east elevation).



Photo 2: Existing bungalow as seen from the west elevation. Note the trees on left which are slated for removal.