

CALIFORNIA COASTAL COMMISSION

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COASTAL DEVELOPMENT PERMIT: REGULAR CALENDAR

Application Number3-01-104 (Adams, San Carlos Inn)
Applicant.....Brian Adams, (John C. Mandurrigo, Agent)
Project location.....East side of San Carlos and West side of Mission St. between 7th and 8th Avenues, Carmel (APN 010-142-003 and 010-142-011). See Exhibit A.
Project descriptionConstruction of a new 7,429 square foot, 13-unit, residential care facility and a 5,000 square foot basement, garage, storage, and kitchen area accessed from Mission St. by a sloped ramp. Proposal of a roof garden accessed by elevator, a public mini-park, a private/public courtyard, and a gated inter-block walkway.
Approvals ReceivedCity of Carmel-by-the-Sea: Commercial Design Review, Use Permit, and Variance (DR 98-41 / UP 98-04 / VA 00-03) for Demolition and Construction of San Carlos Inn Addition.
File documents.....Coastal Development Permit files 3-00-090 (San Carlos Inn); City of Carmel-By-The-Sea uncertified Land Use Plan and Zoning Ordinance; Draft EIR (8/25/1999); Response to Comments on Draft EIR (10/20/1999); Superior Court Ruling, County of Monterey, Case No. M 49762 (3/5/2001).
Staff recommendation ...**Denial**

Staff Note:

This project was previously reviewed and agendized for Commission action at the October, 2001 meeting. The applicant withdrew the project prior to the hearing and subsequently resubmitted the same project. The public hearing on the prior project was opened at the June 13, 2001 Commission Meeting in Long Beach. The Commission continued the hearing on this item pending the receipt of additional information on associated litigation filed by *Friends of Carmel Cultural Heritage et al v. The City of Carmel*. The complaint addressed three components: the action of the City to approve demolition of the "Periwinkle" and "Sea Urchin" cottages; approval of demolition of the Hitchcock House (the subject of this permit application); and the City's action to amend an existing ordinance by resolution rather than by ordinance. According to the City Attorney, the "Periwinkle" and "Sea Urchin" portion of the



California Coastal Commission
March 8, 2002 Meeting in Monterey

Staff: Mike Watson Approved by: *672 2/14/02*

litigation settled. On the other two matters, the trial court ruled that the "record contained substantial evidence" to support the City's action to approve the demolition of the Hitchcock House but that the City acted improperly in amending the ordinance by resolution. The written decision regarding the City's action on the Hitchcock House was released March 5, 2001. This decision has been appealed by the "Friends" although the City Attorney indicates that the appeal may be time barred. The written decision on the procedural issue regarding the amendment to the ordinance has recently been released. The Commission, at its June 2001 meeting, suspended its vote pending the outcome of this case and any potential implications for this application. The recently released writ throws out the City's resolution invalidating the previous historical resource inventory and requires that the City reinstate the inventory. Thus, all future requests for demolition or substantial remodel require a historic evaluation be performed by a licensed historic architect for any structure on the historical resource inventory. This requirement had already been met in this application prior to the release of the writ.

I. Summary

The proposed project includes the demolition of four existing structures: a 1,200 square foot single family residence; a 1,000 square foot commercial space; a 300 square foot studio; and a 800 square foot apartment all within the City's Residential/Limited Commercial District of the City of Carmel-by-the-Sea. In its place, the applicant proposes to construct a new, 13-unit residential care facility approximately 7,429 square feet, located on the East side of San Carlos and West side of Mission between 7th and 8th Avenues. The proposed project also includes a 5,500 square foot parking garage with seven (7) spaces, storage, and kitchen area that will be accessed from Mission Street. A roof garden, public mini-park, public/private courtyard, and gated inter-block walkway are also part of the proposal.

Carmel is a very popular visitor destination as much for the style, scale, and rich history of its residential, commercial, and civic architecture, as for its renowned shopping area, forest canopy and white sand beach. Carmel is made particularly special by the character of the residential development within its City limits. Homes are nestled into the native Monterey pine/Coast live oak forest on a grid of streets that is executed in a way to yield to trees more than to engineering expediency. This is the context for Carmel's community life and its built character.

The proposal raises questions as to whether this project would protect Carmel's special community character consistent with the Coastal Act Section 30253(5). In particular, the project may result in the loss of a significant historical resource, the Hitchcock House. This structure was evaluated by at least two historic resource experts and was found to possess historic associations with notable persons. An EIR prepared for this structure concurred with the historic findings of these evaluations and concluded that demolition of this structure would constitute a significant impact. The City overrode the findings of the EIR and the courts concluded they had the discretion to do so. Therefore, although there has been considerable debate on this issue, much uncertainty still exists.

Likewise, the EIR and historical evaluation made findings that the Hitchcock House is a significant historic resource for its Art & Crafts architectural styling. The existing structure is a single-story



Craftsman design nearly 100 years of age. The proposed replacement structure is a Spanish revival architectural style complete with Mission clay barrel tile roof, wrought irons gates, and a stucco exterior. The replacement structure is complex in design, two-stories in height, and includes an elevator shaft that extends to 30 feet in the air. There will also be a significant change in site coverage due to the proposed increase in size, scale, and mass. The existing structures combined equal 3,300 square feet. The proposed replacement structure would be nearly 7,500 square feet and also include a 5,500 square foot subterranean parking garage.

The cumulative impacts of demolitions like this are also a concern. In the past 24 months, staff has received and processed nearly 40 applications for demolitions in Carmel. The Commission continues to receive 2 applications for demolitions in Carmel monthly. By demolishing the subject structure as proposed, its contribution to community character will be forever lost. Similarly, because community character has not yet been clearly defined, the overall cumulative effect of demolitions, such as the current project, on Carmel's character is unclear. The project cannot be found to be consistent with section 30253(5) at this time.

Part of the reason for this is that although the elements that define the City's character can be generally described, it has not been determined, for the purposes of the Coastal Act, how these elements interact to make Carmel special. The specific comprehensive planning objectives and standards to protect Carmel's community character are best determined through a community process culminating in a LCP. The City has submitted a LCP, which is currently under review by Commission staff.

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



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III. Staff Recommendation on Coastal Development Permit

Motion: I move that the Commission approve Coastal Development Permit Number 3-01-104 as submitted.

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

Resolution to Deny a Coastal Development Permit. The Commission hereby denies a coastal development permit for the proposed development on the grounds that the project will not conform with the policies of Chapter 3 of the Coastal Act, and will prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse effects of the development on the environment.

IV. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Description and Background

The proposed project includes the demolition of four existing structures: a 1,200 square foot single family residence; a 1,000 square foot commercial space; a 300 square foot studio; and a 800 square foot apartment all within the City's Residential/Limited Commercial District of the City of Carmel-by-the-Sea. In its place, the applicant proposes to construct a new, 13-unit residential care facility approximately 7,429 square feet, located on the East side of San Carlos and West side of Mission between 7th and 8th Avenues. The proposed project also includes a 5,500 square foot garage, storage, and kitchen area that will be accessed from Mission Street. A roof garden, public mini-park, public/private courtyard, and gated inter-block walkway are also part of the proposal. The structures to be demolished are located on two back-to-back 4,000 square foot parcels (APN 010-142-03 and 010-142-011) in the Residential/Limited Commercial District (Exhibit B).

The proposed San Carlos Street level (upper floor) would consist of 3,783 square feet and contain seven



(7) units ranging in size between 320 and 380 square feet. Each unit contains its own bathroom, walk-in closet, and balcony. The San Carlos Street level also contains a lobby, communal dining area with fireplace, kitchen, elevator access, and covered public mini-park.

The proposed Mission Street level (ground floor) would consist of 3,572 square feet and contain six (6) residential units ranging in size between 280 and 320 square feet. The Mission street level also contains sitting area, exercise/steam bath/massage area, library, staff office, living area, elevator access, and access to observation deck. Each unit contains individual bathrooms, walk-in closets, and private patio areas; planter boxes and benches delineate the private areas. The originally proposed facility appears to be Spanish Revival in design with shallow, cement plaster exterior siding, a Mission clay barrel tile roof, multi-lite non-clad wood windows, exposed rafter tails and wrought iron railings. The proposed elevator shaft would extend to approximately 30 feet which is four (4) feet higher than permitted by city Municipal Code, the remainder of the building would be 26 feet in height. Accordingly the applicant has applied for and received from the City a height variance for the elevator shaft. More recently, the applicant has proposed an alternative exterior façade for the project (see Exhibit F).

There currently exists on-site a 1,000 square foot commercial space, 1,200 square foot uninhabited single family residence, an 800 square foot apartment, and a 300 square foot studio slated for demolition. The project requires a transfer of water credits from the existing buildings on-site to meet the Monterey Public Water Management District water allocation for residential care facilities.

To address CEQA, a draft Initial Study was published and circulated for public review in 1998. Along with a historical analysis, the Study found that the residential structure (i.e., 1,200 square foot "Hitchcock House") was not eligible for listing in the California Register of Historic Resources or for designation as a significant resource by the City of Carmel. The Carmel Preservation Foundation (CPF) refuted the Initial Study's findings and historical evaluation report. At its January 19, 1999 meeting, the Historic Preservation Committee of the City of Carmel acknowledged the questions and uncertainty regarding the historical aspects of the structure and thus requested that an Environmental Impact Report (EIR) be prepared. The EIR found that:

..the proposed project includes the demolition of the Hitchcock House, a historically significant resource in the City of Carmel. Demolition would result in a significant and unavoidable effect on the environment, since it would destroy a significant historical resource, and there are no mitigation measures available that would reduce the impact to less than significant.

The City of Carmel voted to certify the EIR as procedurally complete (October 1999) but found that the structure currently existing on the site did not constitute a historic resource. On February 9, 2000, the Planning Commission approved the Design Review (DR 98-41), Use Permit (UP 98-04), and Variance (VA 00-03) for the San Carlos Inn project (Exhibit C). The matter was taken up in Superior Court (Case No. M 49762, March 5, 2001) which found that the administrative record contained substantial evidence to support the City's claim that the Hitchcock House was not a locally significant historic resource.



B. 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 (1) it involves demolition, (2) it requires variances greater than 10% of the applicable standards under the City's Zoning Ordinance, and it is not a principally permitted use. As mentioned above, the applicant has received a 4-foot height variance for the elevator shaft, which is approximately 15% greater than the City's applicable standard.

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

C. Issues Discussion

1. Community Character

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

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

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

Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality on visually degraded areas. New



development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Carmel's Community Character

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

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

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

The impacts of a residential demolition and rebuild on community character can depend on a variety of factors. For example, there are a number of cases where a house or houses were demolished and a single, much larger house constructed on the site. In other instances, a single house straddling a lot line has been demolished and two new, smaller houses were constructed. In either of these types of instances, the character of Carmel may or may not be preserved, depending on the context, but it is certainly changed, either through the increase in residential density or a change in mass and scale. The size of a house is one aspect of Carmel's character, but not all existing houses in Carmel are small. However, because the lots are almost all relatively small, about 4000 square feet, the general pattern of development is one of smaller houses.

The architectural style of houses in Carmel is another aspect of the City's character. Many of the houses were built in the first quarter of the century in the Craftsman style; others resemble houses that might be found in an English village. Modern style houses, while they do exist, are not prevalent in Carmel. A



residential demolition and rebuild project can both remove a structure that expresses the community character, and result in a new structure that may not reflect the surrounding neighborhood character.

A third aspect of Carmel's character is the pine and oak dominated landscape. Although the forest landscape is not all natural – there has been enhancement over the years by tree planting – it pervades the City and is a defining characteristic of Carmel. Demolition often can result in tree damage and/or removal. New construction after demolition also may result in the loss of trees, especially if a new structure is built out to the maximum allowed by the zoning. And, the potential for the growth of the next generation of trees is reduced in proportion to the increase in hardscape because there is less room for seedlings to get started.

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

Cumulative Community Character Impacts

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

Over time, the character of Carmel has been changing as its older housing and commercial stock makes way for new, usually larger in size and scale, developments. According to the Commission's permit tracking database, approximately 650 projects involving development have received coastal development permit authorization in Carmel since 1973. The overwhelming majority of these involved residential development of one sort or another ranging from complete demolition and rebuild to small additions to existing structures. It is likely that this number undercounts this trend inasmuch as the Commission's database was created in 1993 and, while every effort was made to capture archival actions, the database may not reflect every single such action taken. In addition, due in part to the City's categorical exclusion, it is not clear how many projects involving substantial remodel (but not complete



demolition) have taken place over the years.

In contrast, the Commission's database for the period since 1990 is fairly robust. Since 1990, there have been roughly 185 coastal permit applications in Carmel. Of these, approximately 150 projects (or over 80%) involve some form of demolition, rebuilding and/or substantial alteration of residential housing stock in Carmel. This comes out to roughly 14 such residentially related projects per year since 1990; nearly all of these have been approved. Other than the three year period from 1992 – 1994 when a total of 13 applications were received, the number of development proposals in Carmel had been fairly constant until 2000. However, in the year 2000 alone, the Commission had received 44 applications; a full quarter of all applications received by the Commission for development in Carmel in the last decade. Of these 44 applications received in the year 2000, 33 of these involved some form of demolition, rebuilding and/or substantial alteration of residential structures. Thus far, in 2001, 13 applications have been received; 8 of these involved residential demolitions/alterations. As of this writing, another 19 demolitions are in various stages of City Planning review. Clearly the trend for demolition/rebuild/substantial remodel has been magnified in current years as demand for Carmel properties has outstripped the limited supply represented by the approximately 3,200 parcels within the boundaries of this small town. As this trend has continued, it has become increasingly difficult to conclude that the demolition of residential structures is not significantly changing the unique character of Carmel.

Prejudice to LCP Planning Efforts

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

Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for that conclusion.

It is not entirely clear whether and to what extent the history of demolition/rebuild/remodel has altered the special community character aesthetic of Carmel, that is protected by the Coastal Act. The Commission has not undertaken a formal cumulative impact assessment of such a trend to date. There is little doubt that structures within the City have generally been getting larger, and that many structures of at least some individual historical and other value have been demolished. The difficulty is that the Commission cannot necessarily ensure that continuation of residential demolitions and rebuilds will



protect Carmel's community character. In other words, such projects may be prejudicing the City's completion of an LCP that is consistent with the Coastal Act.

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

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

As mentioned earlier, the City of Carmel is currently finishing up a community planning process to determine, among other things, the basis for defining Carmel's community character, and ways to protect and preserve that character consistent with the Coastal Act. It is anticipated that the City will be submitting both a Land Use Plan and an Implementation Plan to the Commission for review in December of 2001. In the meantime, though, Coastal Act Section 30253 requires that individual projects not have direct or cumulative adverse impacts on Carmel's character; and Section 30604 requires that individual projects not raise significant concerns about consistency with Section 30253, lest they prejudice the completion of an LCP consistent with the Coastal Act. As discussed above, the cumulative residential demolition trend in Carmel has made it increasingly difficult to conclude that these projects are not significantly changing the special community character of Carmel. Although each project must be judged on its individual circumstances, the cumulative context necessarily shapes these judgements, precisely because the community character of a place is in part the sum total of its parts.

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

Would the proposed project:



- Result in a 10% or greater increase in the gross square footage, height, or footprint (site coverage) from that which is currently present (the 10% measure reflects the standards of the Coastal Act for evaluating replacements of structures destroyed by a disaster (section 30610))?
- Result in the removal of any significant (i.e., 6" or greater in diameter) native pine, willow, cypress, or oak trees? Or, even if no trees are removed, involve sufficient limb removal to be a significant loss of forest canopy?
- Involve a structure greater than 50 years old for which the City has not performed a historic resource assessment (i.e., the potential historic value of the structure is uncertain)?
- Modify a structure deemed to be a historic resource by the City, the State Office of Historic Preservation, the Carmel Preservation Society, or other public agency or knowledgeable entity (since the value of the historic resource within the context of the community has not yet been defined, the demolition of such structures may prejudice the LCP)?
- Not identify a City-approved replacement structure (i.e., the project is a "speculative" demolition and thus by definition has an uncertain impact on community character)?
- Facilitate an increase in residential density (a common type of application is to demolish one house that straddles two parcels, to allow a replacement house on each parcel)?
- Facilitate replacement of traditional architecture style in favor of contemporary or modernistic styles (from the visitor's perspective, rustic cottage and Craftsman styles are those most likely representative of Carmel's architectural traditions)?

Specific Project Impacts and Coastal Act Consistency Analysis

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

Demolition of the Hitchcock House

The proposed project is located on two (2) adjacent parcels fronting San Carlos and Mission Streets between 7th and 8th Avenues. On the property adjoining Mission Street is the Hitchcock House, a two-story single family residence built in 1907. The Hitchcock House has maintained exceptional integrity in its 95+ years with changes mostly confined to the interior. It is located in its original site. It has almost always served as a residence except for a few years as an insurance office. The surrounding neighborhood, though zoned Residential/Limited Commercial, is mainly commercial in nature but does still retain a few examples of low-density single family residences. Even though the neighborhood has changed from a mixed Residential/Commercial zone to a more Commercial area in recent times, the Hitchcock House is sited in an area of the City that has historically been zoned for this type of mixed use. (See Exhibit D).



The Hitchcock House was previously owned by Joseph Hitchcock Jr. (1881-1937), a historian, surrey driver, and descendent of early Carmel settlers. The original two-story structure was built in 1907 by Mr. Hitchcock possibly with the help of M.J. Murphy, a noted architect and craftsman. In May of 1993, the Carmel Preservation Foundation (CPF) prepared a historic evaluation for the survey file of the City of Carmel's Inventory of Historic Resources. This evaluation stated, in part:

This is an irregularly shaped Craftsman bungalow, with a low pitched gabled roof, wide overhangs and exposed rafters. There is a cross gable on the north side and a second story at the rear, below the main floor level due to the slope of the lot. The sheathing is a narrow molded siding with shingles in the gable. There is an interior brick chimney rising through the ridge. The entry is recessed creating a large porch, supported at the front of the roof with square pedimented posts. The entry door is off center and flanked by wide, multipaned, fixed window. Other visible side windows are double-hung. A brick walkway circles the large live oak tree in the front yard and leads to the three entry steps. (CPF DPR 523 5/1993)

CPF placed the Hitchcock House on its list of significant resources based on a finding that the structure was clearly related to local events, associated with important persons, and contributed to the unique architecture of Carmel:

Born in Carmel Valley in 1881, Joseph Hitchcock was the grandson of Lt. Issac Hitchcock, who arrived with Commodore Sloat in the first wave of westward migration. Over his lifetime, Joseph had many jobs ranging from rancher, surrey driver, blacksmith, auto trimmer, and historian. His own accounts of his involvement in the development of Carmel are partially chronicled in his memoirs compiled by Marion Crush in the early 1970's. He worked in Monterey in Fletchers saddle and harness shop and later went to Oakland, fascinated with the automobile, he learned the auto trimming trade. Coming home to Carmel he set up business, as many remember, in a shed back of the house on Mission Street, where he did upholstery, particularly for the automobile. It was at this time that Joe began writing columns for various publications, most often for the Game and Gossip magazine. His colorful tales of early Carmel Valley, Carmel and Monterey life were run consistently for almost 12 years in this publication. (Letter from CPF to City Planning Commission 11/26/96)

In light of this information and public comments raised by the proposed project, the City's Historic Preservation Committee requested that an EIR be conducted for the project. The EIR, undertaken by Denise Duffy & Associates, reported there was significant unavoidable impacts to cultural resources associated with the proposed project (including demolition of Hitchcock House) for which there were no feasible mitigation measures available that would reduce the impact to less than significant:

The proposed project includes demolition of the Hitchcock House, a historically significant resource in the City of Carmel-by-the-Sea. This action would result in a significant and unavoidable effect on the environment since it would destroy a significant historical resource. This is a significant impact, which cannot be reduced to a less-than-significant level (EIR p.2-3).

The primary basis for this finding of significance was the fact that the Hitchcock House was listed as a significant historical resource in the CPF Carmel Historic Survey. According to CPF and the City's



Historic Preservation Committee, this listing itself was based on a comparison of the structure with the existing Historic Resource preservation standards of Carmel's zoning code. The code provides that a structure may be designated as significant if it is 50 years old or older, and exhibits one or more of the following characteristics:

1. *Cultural Heritage: its character, interest, or value as part of the development, heritage, or cultural characteristics of the community, county, state, or country.*
2. *Significant Event: its location as a site of a significant local, county, state, or national event.*
3. *Important Person: its identification with a person or persons who significantly contributed to the development of the community, county, state, or country.*
4. *Architectural Distinction: its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials.*
5. *Notable Construction: its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state or country.*
6. *Architectural Detail: its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant.*
7. *Architectural Innovation: its embodiment of design elements that make it structurally or architecturally innovative.*
8. *Unique Site Conditions: its unique location or singular physical characteristics that make it an established or familiar visual feature.*

As concluded by the City's Preservation Committee and subsequently in the EIR, the Hitchcock House:

... meets the Ordinance Criteria Number 1; for its close association to Carmel's cultural heritage, as it was the home of a notable family for almost fifty years; Number 3; it embodies essential characteristics of the architecture of the early Carmel developmental years; Number 4; uses typical and locally indigenous materials of the period as well as helping to create the Carmel style.

Upon full disclosure of the EIR's findings and after addressing public comment, the City of Carmel-by-the-Sea adopted the EIR as procedurally correct but also found that the structure currently existing on the site did not constitute a historic resource. The finding was based on the results of an independent evaluation report of the Hitchcock House performed by Susan Lassell of Jones & Stokes Associates.

In the course of investigating the historicity of the structure, Ms. Lassell determined that the house was not eligible for designation as significant because it did not (1) convey the cultural heritage of Carmel, (2) was not the site of an important event, (3) did not convey the significance of an important person,



and (4) was not architecturally significant within the context of the Historic Context Statement for Carmel-by-the-Sea. The Jones & Stokes report reasoned that the structure did not convey any cultural heritage because the Hitchcock family members did not live in the house while they were actively participating in forging Carmel's cultural heritage. Furthermore, there was no indication that significant events took place at the house on Mission Street and that the house was not directly associated with any person(s) who significantly contributed to the development of the community. The City's consultants also found that the Craftsman style of architecture was not indicative of an architecturally exemplary or significant residence of Carmel.

The November 1998 Jones & Stokes Evaluation Report, described the existing building as follows:

At the street level the house appears to be one story, though because of the slope of the lot the rear of the building is two stories. The house has a medium pitch, cross-gable roof that is covered with asphalt shingle and exposed rafters in the eaves. The gable end of the roof projects past the entry façade of the house, creating a full-width entry porch that is raised three steps above street level. The porch has an enclosed porch railing with four wooden piers that support the boxed gable. The entire top level of the house, including the enclosed porch railing, is covered with a narrow wooden shiplap. Each of the gable ends have wooden shingle siding. Fenestration's throughout the house is wood frame and appears to be original. On the front (east) façade there are two tri-partite windows with fixed sashes and simple but decorative muntins and a wooden Dutch door with a three panel bottom half and a six light upper half. Fenestration's on the remaining facades consist of 1/1 light double hung sash windows, sliders with simple decorative muntins, single light pivot windows, and various wooden doors at the lower level of the house. There is a brick chimney on the exterior of the north façade and a chimney projecting from the west slope of the roof. (J&S 1998 p.13)

The Jones & Stokes report contended that the siting and overall character of the house as a Craftsman style residential property had been compromised by relatively more recent construction on Mission Street.

The house is flanked by a two-story 1950's era motel with a similarly small setback to the north and a small, two-story 1980's era professional office building with a large setback that is paved for parking to the south. Further south on the west side of Mission Street is a two-story, U-shaped office complex and a one-story commercial building. On the east side of Mission Street are several buildings built on the rise of a slope, sitting approximately 4 to 10 feet above the street level. These buildings include a motel, a multiunit residential building, a house with a street level garage, and another house that has been remodeled into a ballet school. The general character of the street is a continuation of the commercial and professional district that surrounds Ocean Avenue. Neither the Hitchcock House alone nor the physical context of the block convey the distinct character of Carmel's historic residential neighborhoods. (J&S 1998 p.13)

In addition, the Jones & Stokes Evaluation report on the Hitchcock family stated that:



Joe Hitchcock Jr. contributed to the early development of Carmel as an employee of the Carmel Development Company from 1903 to approximately 1915. The argument that his role as a surrey driver contributed significantly to the success of the Carmel Development Co. is not supportable. Even if his association with the Carmel Development Co. is significant, the house on Mission Street does not convey that significance. Joe Jr. moved out of his parents' house when he married in 1909, so he could have lived there only for a short time while working for the Carmel Development Co. Additionally, the residence of a person is not typically considered significant if the person is notable for activities that took place away from the home. Resources that would convey Joe Jr.'s significance would have to be related to the transportation theme, such as early trails and roads, blacksmith shops, livery stables, or stage stops, as indicated in the Historic Context Statement. (J&S 1998 p.15)

The Carmel Preservation Foundation submitted written comments rebutting the findings in the 1998 Jones & Stokes report. CPF argued that the prior evaluation performed in 1993 was historically and factually correct and was more than adequately reported and documented. The CPF was unable to persuade the City into adopting the structure as a historical resource and based on the conclusions of the Jones & Stokes report, the City instead adopted the EIR and overrode the historically significant finding of that report. Adoption of the EIR was challenged in the County of Monterey, Superior Court (Case No. M 49762). The petitioners (Carmel Preservation Foundation) contended that the City arrived at its decision without the benefit of an adequate environmental impact report (EIR). The court disagreed with the allegation and found that the City did in fact have enough evidence to support the finding that the Hitchcock House is not historic:

Petitioners argue that there cannot be a finding of substantial evidence because the EIR, although ultimately favorable, was inadequate in that it did not provide meaningful information in two key areas. It is contended that the EIR failed to consider what impact demolition would have on the City's dwindling stock of historic resources; and secondly, it failed to consider feasible alternatives recommended by the EIR.

The primary question to be answered is whether or not the evidence supports the finding that the Hitchcock House is not historic. The court has scrutinized the record and finds that it contains sufficient substantial evidence to support the City's determination in that regard. It is axiomatic that demolition of a structure that is not historic cannot contribute to a dwindling stock of historic resources. This finding of lack of historicity likewise undercuts the argument for the need to adopt feasible alternatives.

The City found that the structure is not worthy of protection because in their view the association between significant events or influential persons and the structure were not clearly made. The courts found that the City had discretion in overriding the findings of the EIR based on the conclusions made by a second "expert" regarding the historical associations of the structure.

Finally, at the request of Commission staff, the Office of Historic Preservation reviewed the evidence related to the historical significance of the Hitchcock House and found that the structure does not meet



the criteria for eligibility for the California Register of Historical Resources. See Exhibit G. Nonetheless, there remains uncertainty as to whether the structure should be considered historically significant at the local level.

Notwithstanding these prior decisions, the Commission is obligated to review the project's impacts to community character pursuant to its coastal development permitting authority. In addition, as summarized above, historic character is but one factor in evaluating the contribution of an individual structure to community character, particular in a community such as Carmel. In this case, first and foremost, there is considerable uncertainty as to the historic character of the Hitchcock House when considered in the context of Carmel not having a certified LCP. The original historic survey and evaluation prepared in 1993 determined the structure to possess historical associations with notable persons and architecture. A second evaluation performed at the request of the City of Carmel, declared the structure not to be historically significant. A written declaration from a third "expert" concurred with the findings of the first evaluation and requested that an EIR be prepared. The environmental impact report concluded that the structure is a significant historical resource. Nonetheless, the City overrode the findings of the EIR and the courts concluded that they had the discretion to do so.

Given the considerable debate on this issue, and the lack of certified LCP policies to define the historic character issue, there is too much uncertainty at this time to conclude that demolition of the Hitchcock House would not result in the loss of a historical resource or a significant change in community character. Although the City made findings that the Hitchcock House was not a significant historic resource, based on its zoning code standards, these standards are not part of a certified LCP. Further, based on these very standards, the certified EIR concluded that demolition of the Hitchcock House would constitute a significant impact. Whether or not these standards themselves are consistent with Coastal Act section 30253 is precisely the type of question that needs to be evaluated by the Commission, prior to approving projects that significantly change community character in Carmel. Otherwise the completion of an LCP that is consistent with the Coastal Act may be prejudiced. Overall, then, since the City of Carmel has yet to define its character in a certified LCP, demolition of this structure cannot be found consistent with Coastal Act section 30253 at this time, and will prejudice the City's ability to prepare and adopt a certified Local Coastal Program consistent with the Coastal Act. Therefore the project is also inconsistent with Coastal Act section 30604(a). On these grounds, the project must be denied.

Similarly, the Hitchcock House may also contribute to Carmel's character by virtue of its architectural design. The house does exhibit examples of the classic Craftsman architecture of its period. As mentioned above, the Carmel Preservation Foundation contends that that house is a unique and important example because it represents a very early local interpretation of the Craftsman style.

Note the low pitched, horizontally spreading gable roof with over-hanging eaves and exposed rafters. Further, the house has a full open porch, under the extended roof, support by square, capped posts. The siding is a locally milled, narrow notched clapboard generally only seen on building built before 1910. The top portion of the façade is shingled up to the gable ridge. Typical of this early style is the fenestration which consists of two, tripartite front windows



containing a fixed center sash and mullioned side slides. Other windows on the sides of the house are also slides and the entry opening is a two-part Dutch door. There is a cross gabled room addition set back on the left side of the main building which itself is rectangular single-storied at the front and following the terrain, contains a full basement at the rear. Adding to the historicity is a split-trunk oak tree in the front yard set back, and several old fruit trees in the rear. (Additional submission from CPF as rebuttal to Negative Declaration 2/14/99)

In a report to the Planning Director dated January 19, 1999, Jones & Stokes Associate, Susan Lassell stated that the question of [architectural] significance comes down to interpretation of the Craftsman style and whether to take an all-inclusive or a selective approach to listing properties that exhibit Craftsman influence.

The very features that the CPF letter cites as unique to the M.J. Murphy style—"narrow molded siding, its medium gabled roof, generous overhanging eaves and classic full width porch"—are the same characteristics cited in the McAlester's Field Guide to American Houses as the identifying features of the Craftsman style (McAlester and McAlester 1997: 452-453). In addition, the Carmel historic context statement cites Murphy as one of the 17 builders and 13 architects who influenced the Carmel architectural character. Thus, the CPF claim that Murphy "established the local building traditions and created the unique Carmel Craftsman architecture" and that Murphy houses as a group create the "historic ambiance of Carmel" is not supported by the historic context statement nor by any materials provided by CPF.

The all-inclusive approach supported by CPF would imply that every property designed and built by the 30 architects and builders named in the historic context statement would be determined eligible for listing. The approach guided by the preservation element considers whether the property conveys an important association with the Craftsman influence on Carmel. Because of the modest nature of the design and lack of integrity of setting, feeling, and association (with residential development of early Carmel), the house on Mission Avenue does not convey its association with the works of M. J. Murphy or early Carmel's residential development. (2/19/99 Letter from Susan Lassell, J& S Associates, to Brian Roseth, Planning Director)

Thus, as with the arguments for historical association with important persons, uncertainty exists with respect to the importance of the structure for its contribution to architectural style. Part of the debate is to what degree any individual structure is architecturally significant within the larger context of architectural resources of the City. Thus, while the Craftsman architectural style is clearly important to Carmel's residential character, the details of the importance, as evidenced by the debate summarized above, have yet to be resolved and embodied within an LCP. This is precisely the type of planning question that should be addressed through the LCP process in order to evaluate whether an individual impact is consistent with the Coastal Act. Thus, the Commission is unable to conclude that demolition of this structure will not result in a loss of character by virtue of its architectural design. Therefore, absent a certified LCP, demolition of this structure cannot be found consistent with Coastal Act section 30253 at this time, and will prejudice the City's ability to prepare and adopt a certified Local Coastal



Program consistent with the Coastal Act. Therefore the project is also inconsistent with Coastal Act section 30604(a). On these grounds, the project must be denied.

Demolition of Other Existing Structures

The proposed project also includes the demolition of two other residential structures and one commercial space on San Carlos Street in the Residential/Limited Commercial District. Neither the residential structures nor the commercial space qualify as a historic resource. There are no standout architectural designs and very little character considerations. Thus, although the project will remove three existing structures in favor of one larger structure, demolition of these structures, other than the Hitchcock House, will not result in a significant change in community character.

Proposed San Carlos Inn Residential Care Facility

As described by the City's February 9, 2000 staff report, the proposed San Carlos Inn Residential Care Facility has been designed to be architecturally compatible with the existing structures located within the Residential/Limited Commercial district. The facility proposal exhibits a Spanish Revival architectural style, including stucco exterior surfaces, a Mission clay barrel tile roof, multi-lite non-clad wood windows, exposed rafter tails and wrought iron railings (Exhibit E). The proposed elevator shaft would extend to approximately 30 feet, which is four feet higher than permitted by the City's municipal zoning code. The remainder of the structure would be 26 feet in height. Applicant has applied for and been granted a height variance for the elevator shaft. An 8.8 percent floor area design bonus was also granted by the Planning Commission for the facility's inclusion of public courtyard, mini-park, and intra-block walkway. More recently, the applicant has submitted a revised alternative with changes in the outer-façade (see Alternatives below).

The San Carlos Inn design was subject to the City's general commercial design guidelines which encourages modifications to respect and be compatible with the architectural character, scale, and design of the overall district. Design guidelines also call for providing walking malls within the interior of blocks and the use of open space and landscaping to maintain the village-like character of its commercial district. As described by the City's staff report, the proposed residential care facility appears consistent with the scale and architecture of the existing neighborhood and does not appear to conflict with the design guidelines for improvements to commercial sites. Yet, it is vastly different from the residential structures currently on site.

As noted in the 1998 Jones & Stokes report, the overall character of the surrounding neighborhood has been compromised by relatively more recent construction. The existence of the Hitchcock House and two other housing units may potentially represent the last purely residential structures left in the Residential/Limited Commercial District along Mission and San Carlos streets. Carmel is primarily a residential City, but is slowly losing a portion of its residential character in the margins surrounding its commercial core.

As alluded to above, the proposed facility is substantially larger than the existing structures on site. The



new structure represents a 30% increase in floor area, more than 50% increase in square footage, and includes an extra 5,500 square foot basement/parking garage. The dominant site features will no longer be the existing trees and open space, but rather the significantly larger structure spanning between Mission and San Carlos streets. The proposed project also requires the removal of up to 5 significant trees. The City's Forest and Beach Commission approved the removal of a 12", 14", and 19" coast live oak, one 24" holly tree, and an additional 10" double-spar oak, if needed. In places like Carmel, the Coastal Commission has typically considered removal of trees with a trunk larger than 6" in diameter as significant. All of the oaks proposed for removal are considered significant, as is the holly. Additionally, the Commission has been increasingly concerned with the replacement of traditional architectural styles in favor of modern or contemporary structures. The Spanish revival architecture (i.e., tile roof, stucco exterior, wrought iron gates) all exemplify a significant departure from the Craftsman style of the Hitchcock House currently displayed on site. In a nutshell, the proposed residential care facility represents a dramatic change from that currently existing on site. Accordingly, the Commission cannot find, at this time, that the proposed replacement structure is consistent with Coastal Act section 30253 requiring the protection of community character. Therefore the project is also inconsistent with Coastal Act section 30604(a), because it may prejudice the ability of the City to complete an LCP consistent with the Coastal Act.

Conclusion

Overall, as proposed, the demolition of the existing structure to facilitate construction of the new two-story residence will result in a significant change to the neighborhood's special character. Section 30253(5) of the Coastal Act requires that new development protect the character of special communities and neighborhoods. Whether or not this "change" is appropriate, has yet to be defined by the City of Carmel and the local community through the LCP process. The critical point is that there would be a significant change in community character with this project. If there were no significant changes in the various aspects that together make up community character in Carmel, the project might otherwise be approvable. (For example, in the recent Sparolini case (3-01-006), approved by the Commission, the house proposed for demolition was not particularly representative of the surrounding community character, whereas the replacement was more so. Similarly, there was no significant change in the scale and siting of the old and new building. Furthermore, the trees proposed for removal (the tree canopy) were fully mitigated.) Moreover, when the cumulative trend of increasing residential demolitions in Carmel is considered, it is difficult to conclude that this project does not result in significant impacts to community character. As such, the project as currently proposed cannot be found to be consistent with Section 30253(5) of the Coastal Act, either individually or cumulatively, because of uncertainties about what exactly would protect Carmel's character, consistent with 30253(5). Therefore, the project must be denied.

Further, by demolishing the subject structure now, its overall contribution to community character will be forever altered, replaced in some way by the structure meant to take its place at this location. Because community character has not yet been clearly defined, the effect of such a demolition on Carmel's character is unclear. Thus, the project will prejudice the ability of the local government to prepare a



local coastal program that is in conformity with Chapter 3, and is inconsistent with Coastal Act Policy 30604(a) and must be denied. This denial is without prejudice to the proposed project inasmuch as once the City's LCP has been finished, and ultimately certified by the Commission, the proposed project could be held up against the applicable LCP standards and evaluated accordingly at that time. Until that time, however, the Commission cannot find this application consistent with the Coastal Act.

Alternatives

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

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

In this case, the Applicant proposes to demolish three existing residences and one other structure and replace it with a residential care facility of much larger size and different architectural style. There are alternatives, though, that allow for a reasonable economic use of the site.

One alternative discussed in the EIR is the incorporation of the Hitchcock House and Craftsman style into the project design. This alternative would require retooling of the proposed structure on the Mission Street frontage to include a rehabilitated Hitchcock House as the east entry into the residential care facility. This alternative would also entail a stylistic change from Spanish revival to classic Craftsman. In so doing, the applicant could take advantage of the structures potential historic "associations" to create a point of interest for those beyond residents of the care facility.

On September 26, 2001, staff received a correspondence from the applicant's attorney with a recommendation for a variation on the above alternative. See Exhibit F. The applicant proposes to revise the façade of the new structure on the portion of the property presently occupied by the Hitchcock House and reuse salvaged materials wherever possible. Specific details of the applicant's proposal were not submitted, but it appears that the project does not involve rehabilitation or incorporation of the Hitchcock House into the proposed new structure. Thus, the proposal does not adequately address the concerns raised earlier in the staff report regarding changes in community character and the impacts associated with the loss of a potentially historic structure.

A second alternative is to wait until the City's LCP is complete. Under this alternative the application is withdrawn and resubmitted after the City's LCP has been certified. After the LCP has been certified, the application for a CDP (demolition and reconstruction) would be re-evaluated by the City of Carmel for



consistency with the LCP. The City has recently submitted the LCP to the Commission for review.

The third alternative is the "no project" alternative. As an alternative to demolishing the structures and reconstructing a new facility on site, the applicant can continue to lease the existing structures. The three structures other than the Hitchcock House would still provide an economic use in their present condition. Rehabilitation of the Hitchcock House would provide an economic use for the property fronting Mission Street.

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

2. New Development

The Coastal Act requires that new development be located where it will not have significant adverse effects on coastal resources. Section 30250(a) of the Act states:

Section 30250(a). (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The Coastal act also considers development for commercial visitor serving facilities a priority use. Section 30254 of the Act states that:

Section 30254....Where existing ... public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Land Use

The site is located within one-half a block of the City's Central Commercial District, approximately one and one-half blocks south of Ocean Avenue. The proposed development would be located in a previously developed area adjacent to existing commercial development. The site is currently developed with a 1,200 square foot single family residence; a 1,000 square foot commercial space; a 300 square foot studio; and a 800 square foot apartment. As proposed, the new structure will replace these uses with a 7,429 square foot residential care facility. The proposed uses are consistent with the uses allowed in the Residential/Limited Commercial District, based on the City's zoning ordinance.



Parking

According to the City's staff report (February 9, 2000) the existing site is nonconforming in terms of parking, under the City's Municipal Code. Based on existing development the project site currently has at least a four (4) parking space deficit. The City's Code requires .33 parking spaces for each resident in residential care facilities. Accordingly, the proposed 13-unit project requires 4.3 spaces. The Code also requires a specific parking area design to ensure that adequate and safe maneuvering room is available. The applicant has proposed seven (7) underground parking spaces, though at least two (2) of the parking spaces may require multiple and complex turning movements. If the proposed parking is infeasible, the applicant will revise the plan to provide a minimum of five (5) parking spaces (4.3 rounded up to 5), consistent with the City's parking requirements. Since the project will remedy the overall number of deficit parking spaces, it will result in a net benefit to the parking demand in the downtown area.

Water

The Monterey Peninsula Water Management District (District) is the governing authority for water allocation and major supply facilities on the Monterey Peninsula while water service is provided by the California American Water Company (Cal-Am). Cal-Am provides water to its users through groundwater extractions and diversions from the Carmel River via the Los Padres Dam. Both of these sources are currently being utilized near or above their sustainable yield. Two threatened species, the California red-legged frog (*Rana aurora draytonii*) and the Steelhead (*Oncorhynchus mykiss*), are found in the Carmel River. In 1983 the District allocated 20,000 acre feet of water per year for the entire district area; an amount assumed to be sufficient to meet district needs until the year 2000. However, in the intervening years the water situation has changed greatly in the Monterey area. The State Water Resources Control Board has issued an order limiting the amount of pumping that Cal-Am can do from the Carmel River, not to exceed 11,285 acre-feet/year.

The Monterey Peninsula Water Management District (MPWMD) allocates water to all of the municipalities on the Monterey Peninsula. Each municipality distributes its share of water allocated to various categories of development, such as residential, commercial, industrial, etc. According to City staff, there is no more water remaining in the City's allocation for new uses. However, water transfers between existing uses commercial uses are permitted by the MPWMD. Such transfers are determined based on detailed water use formulae, depending on type of use.

According to a MPWMD letter of projected water demand and water use credit transfer requests (January 8, 2001), the water use factor for residential care facilities is currently estimated at 0.085 acre-foot per bed. At its proposed size, the 13-bed residential care facility would require 1.105 acre-feet of water per year. The San Carlos Inn project will therefore require an additional 0.781 acre feet of water above the 0.324 acre feet of water currently provided to the existing residential units and retail building. To make up the difference, the City of Carmel has pre-committed up to .897 acre-feet of water to the project. These water pre-commitments cannot be transferred to other projects until and unless the project for which the water has been pre-committed has been abandoned. Thus, a total of 1.221 acre-feet of water is available for the proposed residential care facility project; the remaining .116 acre-feet will be



returned to the City's reserve when the project is issued a building permit.

The MPWMD concurs with the City's estimated new demand (1.105 acre-feet) using the District's current commercial water use factors, though the District has not verified the City's estimated water credit (0.324 acre-feet). Final verification of the credit will occur only after the present uses have been abandoned. Furthermore, it should be noted that the District plans to update its commercial water use factors this year. The water use factor for residential care facilities may change after completion of the updated commercial water use survey. Any change in the factor could alter the water use projection for the proposed project if permits are not obtained before the survey is finalized.

Conclusion

The proposed land use is consistent with the uses allowed in the Residential/Limited Commercial District and with the City's Municipal Code. The proposed project will likely bring into conformance adequate parking on-site for the anticipated use and formal commitments made by the City are sufficient to find that there is adequate water available as a public service for the project. Therefore, the project is consistent with Section 30250(a) of the Coastal Act.

3. Public Access

Public Access policies of the Coastal Act require the protection of public access to the shoreline and recreational opportunities and resources within the coastal zone, including commercial visitor serving facilities. Sections 30210, 30211, and 30212.5 of the Coastal Act states:

Section 30210. In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization...

Section 30212.5 Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

As the project is to be located on a previously developed site within the urban core of the Central Commercial District and will correct an existing parking deficit, it will not impact any recreational facilities or opportunities along the coast. The proposed project will create a large publicly accessible courtyard that in the middle of the site, a public mini-park accessed from San Carlos Street, and a gated intra-block walkway between San Carlos and Mission Streets that will be closed at night (See Exhibit E-2). The public courtyard and intra-block walkway total approximately 3000 square feet and extend along



the entire length of the property from Mission Street to San Carlos. Entrance to the courtyard (via walkway) is through a wrought iron gated "entry" at both ends; the gates will be open to the public from sunrise to sundown. An elevated observation deck (approximately 12' x 24') is accessed from the courtyard as well. The project also includes a 290 square foot public mini-park located at the southwest corner of the property along San Carlos Street. This mini-park contains benches and flowering planters and is open to the public 24 hours per day. The mini-park entrance is an extension of the current public sidewalk.

The project site is located approximately 8 to 9 blocks inland from the ocean (Exhibit A). Because of this, it is unlikely that the project would interfere or restrict public access at or along the coast, since patrons of the San Carlos Inn would not likely park at such a distance from their intended destination. Although several routes can access Carmel Beach, the primary public access route from Highway One to Carmel Beach is via Ocean Avenue. As the project does not increase the number of visitor serving inn units in Carmel, it is not expected to increase demand on these public access routes such that it would impact access to the beach, nor will the project restrict or otherwise negatively impact public parking along the coast.

Therefore, the project is consistent with Sections 30210, 30211, and 30212.5 of the Coastal Act.

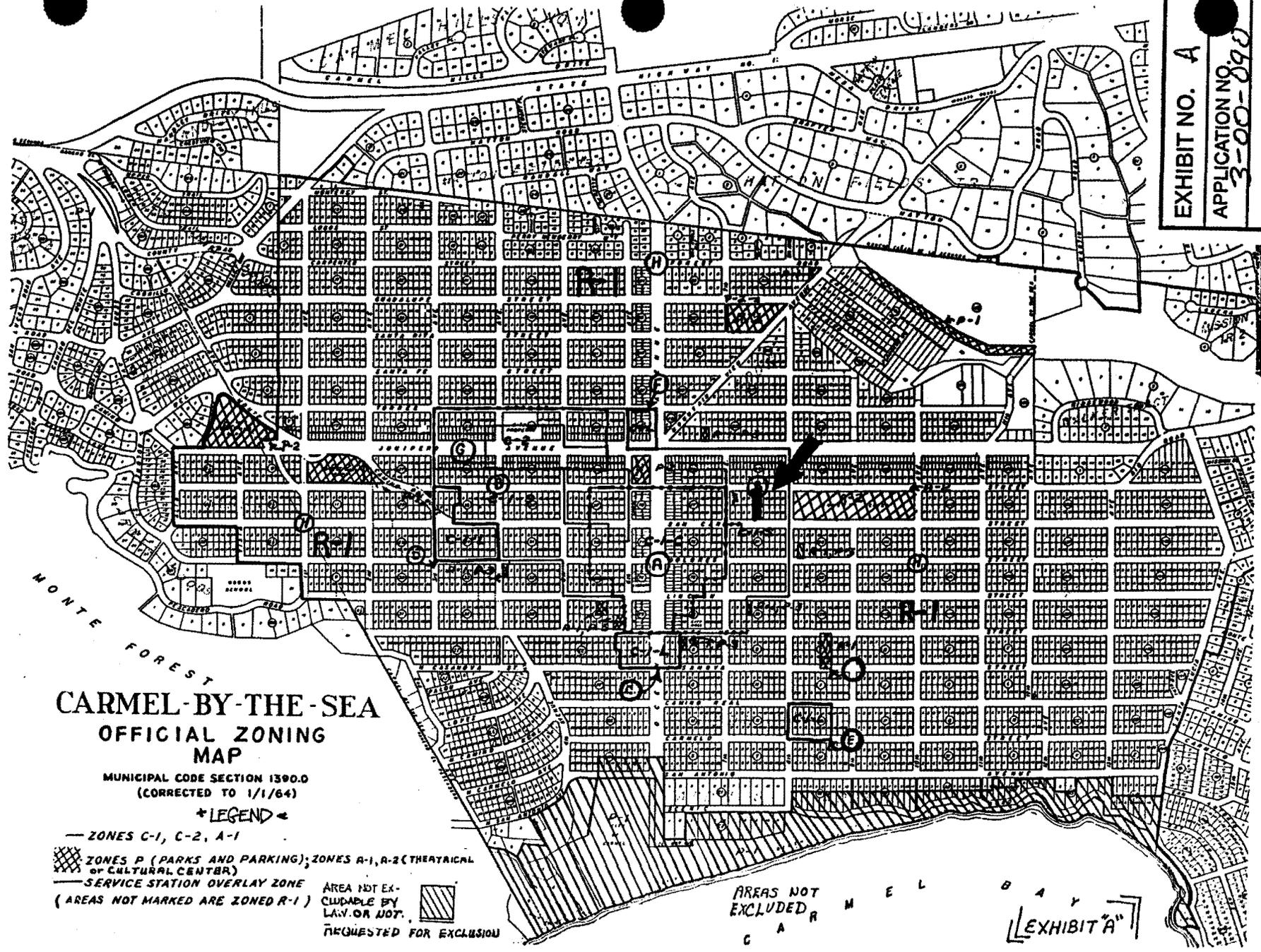
D. California Environmental Quality Act (CEQA)

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

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. Notwithstanding the City's adopted CEQA document, the Commission's findings above (incorporated herein by reference) have documented that the proposed project could lead to significant adverse effects to Carmel's community character protected by the Coastal Act, impacts that cannot be adequately evaluated without completion of the City's LCP. Approval of the proposed project in the face of this uncertainty would prejudice the City's LCP planning efforts. All public comments received relevant to this application have been addressed either in these findings or in other correspondence. As such, the Commission finds that the proposed demolition would result in significant adverse effects on the environment within the meaning of CEQA, and that at least two alternatives to the project are available. Accordingly, the proposed project is not approvable under CEQA and is denied.



EXHIBIT NO. A
 APPLICATION NO.
 3-00-890
 Project location
 California Coastal Commission



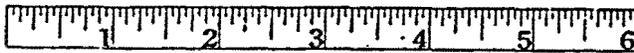
**CARMEL-BY-THE-SEA
 OFFICIAL ZONING
 MAP**

MUNICIPAL CODE SECTION 1300.0
 (CORRECTED TO 1/1/64)

LEGEND

- ZONES C-1, C-2, A-1
- ▨ ZONES P (PARKS AND PARKING); ZONES R-1, R-2 (THEATRICAL or CULTURAL CENTER)
- SERVICE STATION OVERLAY ZONE (AREAS NOT MARKED ARE ZONED R-1)
- ▨ AREA NOT EX-CLUDABLE BY L.A.V. OR NOT REQUESTED FOR EXCLUSION

AREAS NOT EXCLUDED
 C A R M E L B A Y
 [EXHIBIT A]



1

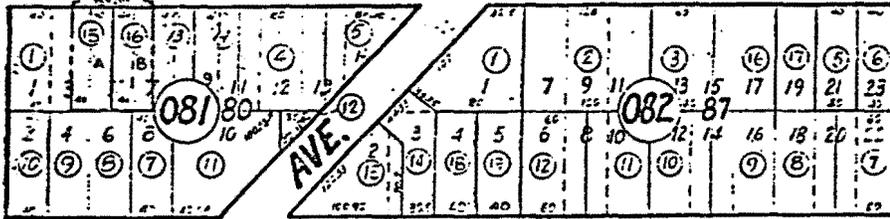
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TAX CODE AREA 1-00

ASSESSOR'S MAP BOOK 10 PAGE 08

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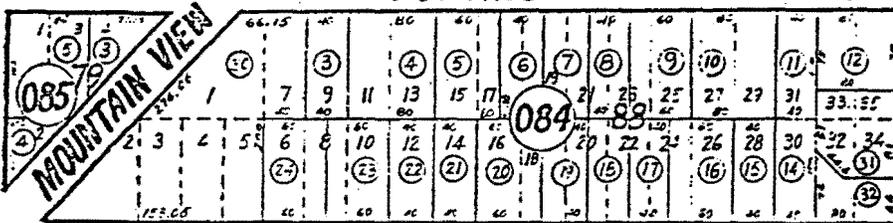
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5

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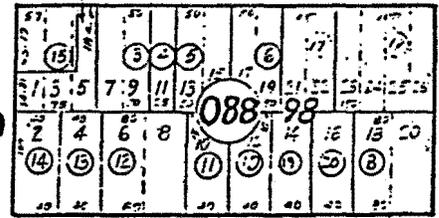
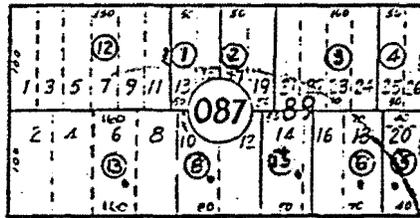
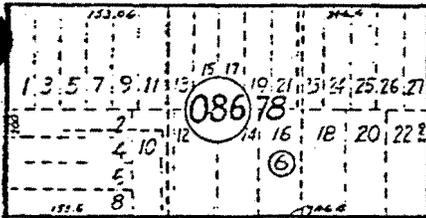


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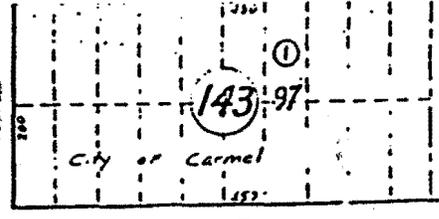
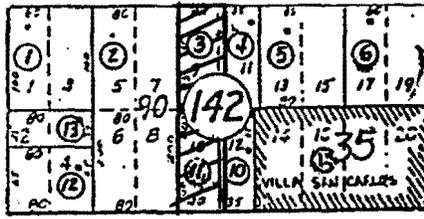
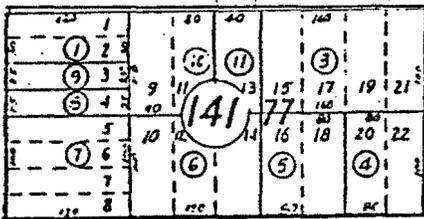
010-142-003 + 011



MISSION ST.

ST.

AVE.



SAN CARLOS ST.

ST.

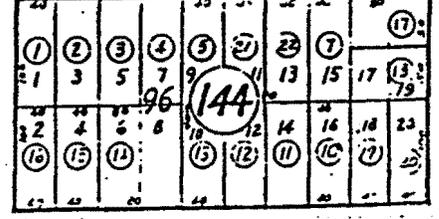
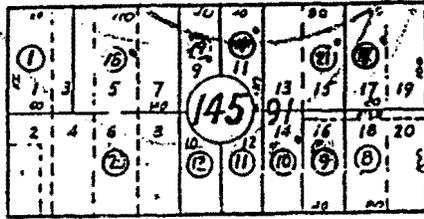
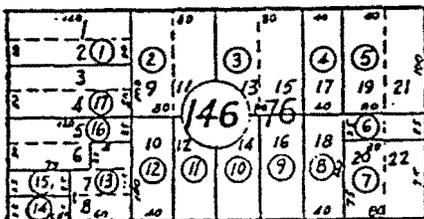


EXHIBIT NO. B

APPLICATION NO. 3-00-090

Assessors Parcel Map

EXHIBIT C

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

STAFF REPORT

TO: CHAIRMAN FISHER AND PLANNING COMMISSIONERS

FROM: CHIP RERIG, ASSOCIATE PLANNER

DATE: 9 FEBRUARY 2000

**SUBJECT: DR 98-41/UP 98-04/VA 00-03/SAN CARLOS INN RESIDENTIAL CARE FACILITY
E/S SAN CARLOS AND W/S MISSION BETWEEN 7TH AND 8TH
BLOCK 90; LOTS 9, 10 AND A PORTION OF 11**

RECEIVED
JUN 14 2000
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

I. SUMMARY RECOMMENDATION

Approve the Commercial Design Review, Use Permit, and Variance applications subject to the following Special Conditions and the attached use permit conditions.

1. The project shall comply with the plans dated 1 February 2000, except as amended by any Special or Standard Conditions. Any future changes in the project may require rereview and approval by the Planning Commission.
2. The applicant shall adhere to all Forest and Beach Commission conditions of approval dated 29 April 1997 and 5 March 1998 (attached).
3. The applicant shall comply with all requirements of the Archaeological Significance Overlay District (17.14.120).
4. The applicant shall return to the Planning Commission for final design approval on details such as colors, lighting, public way design, landscaping, and decorative features.

II. INTRODUCTION/BACKGROUND

In December of 1996 the Planning Commission reviewed and denied an application to construct a 10-unit residential care facility on a 4,500 square foot parcel in the RC District. The Commission was concerned about the size of the units, lack of interaccessibility, the amount of open space, and off-street parking. To address the Commission's concerns the applicant completely redesigned the project and purchased two adjoining parcels thereby expanding the project site to 8,500 square feet.

In May of 1997 the Planning Commission reviewed a conceptual proposal for the redesigned residential care facility. The revised proposal included 16-units and two independent studio apartments fronting on San Carlos Street. By this time four (4) trees had been conditionally approved for removal by the Forest and Beach Commission. At its meeting, the Planning Commission expressed concern about the size of the units, the need for larger common areas, access to natural light, access to storage, and the complicated parking layout.

The applicant further revised the plan and the Planning Commission conducted conceptual review in February of 1998. After reviewing the revised concept drawings the Commission expressed the following concerns:

- The parking plan should be studied further to ensure accessibility to the storage space and trash enclosure, and to provide for adequate parking. (Although concern was also expressed regarding emergency access and space for deliveries, staff and the applicant have agreed that the underground garage will not be used for these purposes.)
- Redesign the dining area to include standard height counters, tables and chairs, and provide a kitchen that is accessible to residents.
- Consider the relationship of the arched windows and ceiling heights to make certain that all fenestration is functional (no false windows), and design windows in the north alcove to increase access to natural sunlight.
- The office space should be increased in size to accommodate 24-hour personnel.
- Address the issue of whether or not the project will be a licensed facility.

- Consider developing a conversion plan should the project be converted in the future from a resident care facility to some other use.
- Concerns were expressed by members of the public primarily focusing on the: 1) potential for placing two beds in each room, 2) impacts on parking demand in the commercial district and water consumption, 3) design of the balconies and intra-block walkway, and 4) high vacancy rate in facilities elsewhere within the community and in surrounding communities.

At the Commission's 22 July 1998 meeting, the applicant revised the design to address concerns discussed at the February 1998 meeting. The concerns were addressed in the following manner:

Parking Plan: As originally designed in 1996, there were only two surface parking spaces which were accessed from Mission Street available for tenants, visitors and employees. All additional parking demand was proposed to be off-set by the use of the north Sunset Center parking lot or through the payment of in-lieu parking fees. This concept was rejected by the City.

In the revised proposal, the applicant designed an excavated garage with seven (7) parking spaces, exceeding the number of spaces required by Code established (4.3 spaces). However, both the Planning Commission and staff expressed concern that the proposed design was impractical. The plan contained a handicapped parking space which obstructed access to the storage area and trash enclosure, and provided insufficient space between vehicles. Staff recommended that in the final design the applicant should be required to submit a plan that simplifies parking for tenants, employees and others using the spaces. This can be accomplished by either enlarging the garage or reducing the number of spaces.

Dining Area/Kitchen: The applicant was requested by the Planning Commission to redesign the dining area to include standard height dining tables and counters, and to provide a kitchen area for tenant use. This was initiated as a way to ensure that assisted living is as similar to independent living as possible. According to others who operate similar resident care facilities, a kitchen can be a source of recreation, conversation and therapy for residents (if properly supervised). As revised, the applicant redesigned a small kitchen where the buffet was originally proposed. Additionally, the dining room floor plan was revised to include tables with standard chairs (not bench seating).

Window Design: The Planning Commission expressed its conceptual support for the architectural design, specifically as it relates to the patios and decks for outdoor use and as a way of increasing the perception of interior space. Additionally, the design of windows is varied to provide architectural interest and to relieve mass. The applicant redesigned the windows at the request of the Planning Commission to accurately reflect interior spaces and removed arches where sufficient ceiling height will not be available. The applicant also added windows in the lower portion of the alcove (north elevation) which will increase natural sunlight in the living room, dining area and in hallways.

Given the size of the structure and its visibility from two public right's-of-way, the applicant was encouraged to continue to explore ways to reduce the mass and scale of this structure. This, staff argued, could be accomplished through a detailed landscape plan, the use of natural materials, traditional detailing, and simple building forms.

Office Space: The project was redesigned to include an office space where a private room had previously been proposed. Not only did this revision reduce the density of the project, it also increased the size of the office space where 24-hour personnel would be available. The applicant also relocated the therapeutic room and enlarged it significantly to include a walk-in tub and exercise equipment. These amenities were argued to be necessary to promote an array of alternatives for activities and to provide for on-site physical therapy.

Licensing Requirements: A concern was expressed throughout review of the conceptual design that the resident care facility would not be licensed. As proposed by the applicant, a license will be obtained. Staff confirmed that the "level of care" is what dictates the State requirement for a license. Moreover, once the requirement for a license is triggered, the operational aspects of the facility are controlled by the State. Therefore, the applicant's agreement to obtain a license (which will be confirmed as a condition of approval) would ensure identical treatment of the facility as is required for all other similar facilities. Moreover, many of the amenities included in the design (through conceptual design review and consultation meetings with staff) were required on the basis of an increased understanding of what has been successful or unsuccessful in other facilities. The rooms are larger, predominantly include private baths and are oriented to the south where private open space and natural light and air is most accessible.

Conversion Plan: The Planning Commission requested the applicant to prepare a conversion plan should the project be converted in the future to another use. This recommendation was based on a concern expressed by those in the industry who are experiencing high vacancy rates. Although it is possible that high vacancy rates exist,

there is no certainty whether they exist because of an overabundance of facilities or because of other factors such as options for home health care. Moreover, resident care is conditionally permitted land use in the commercial district, and it is somewhat irregular for a project applicant to consider how a building will function in the future, if not functioning as its originally intended use. Moreover, the question of high vacancy rates may not be something that the City can consider under the use permit process.

Although the applicant did not submitted a formal conversion plan, staff reviewed the conceptual plans and has determined that the building would allow for a variety of possible alternatives. These might include up to eight independent residential dwelling units, mixed use office/residential or commercial/residential development, or senior housing. These land use alternative could be provided with an interior remodel to the building and very minor exterior alterations. Additionally, the structure might possibly be converted into a single room occupancy (SRO) building which essentially provides affordable housing opportunities to low-income residents or seniors. In this example, the building would require few, if any, interior and exterior alterations. Proposed conditions of approval will ensure that if the proposed use fails and the building is converted to another use, no land use, density, or parking nonconformities will be created.

Other Considerations: Additional concerns expressed by members of the public focussed on potential expansion of the facilities to include two beds in every room. Under the conditions of approval of any future permit associated with the project, the facility would be restricted to a maximum of 13 beds due to limited water availability. As is true with any use permit, the Planning Commission could amend the permit in the future upon request if additional water become available. If this were to occur, the application would be reviewed in a noticed public hearing and would be analyzed by the City for consistency with applicable General Plan policies and Municipal Code standards. Further, the application would be considered for consistency with State licensing requirements.

Concerns were also expressed by some members of the public regarding the design of balconies and the potential impact resulting from the intra-block walkway. As is required of all new structures in Carmel, the proposed design will be reviewed for consistency with all applicable State Building and Fire Codes. The conceptual design was studied by staff against the design of other facilities in and around Carmel, and the project has been revised on numerous occasions to increase room sizes, common spaces, private bathrooms, and similar facilities to address potential problems and help to ensure that the facility will be an asset to the community.

The intra-block walkway is recognized by the General Plan and Municipal Code as a desired feature in the community and would reduce the amount of buildable area on the parcel. This, in turn would reduce mass consistent with the predominantly residential character of the village and scale of the commercial district.

The Commission complimented the applicant on the design changes and instructed staff to proceed with review of the project and prepare an environmental assessment. A historic evaluation was completed in November of 1998, an Initial Study was completed in January of 1999, and a final environmental impact report (EIR) was completed in October of 1999. The Planning Commission, at its 15 December 1999 meeting, voted to certify the EIR as procedurally compete but found that the structure currently existing on the site did not constitute a historic resource.

III. EXISTING SITE CONDITIONS

The project site is a 8,500 square foot parcel that contains all of lots 9 and 10 and a portion of lot 11 in block 90. The project site fronts on both San Carlos Street and Mission Street. The project site is presently encumbered by several existing structures. The site has a moderate slope (12-15 percent) toward the center of the parcel and contains one (1) upper and six (6) lower canopy trees. The Forest and Beach Commission conditionally approved the removal of the 24" Holly along Mission Street, the 19" Oak in the center of the parcel and two (2) additional trees.

IV. PROJECT DESCRIPTION

The proposed project consists of constructing a new 7,429 square foot, 13-unit, residential care facility and a 5,500 square foot basement/garage/storage/kitchen area accessed from Mission Street by a sloped (16 percent) ramp. The garage area is proposed to house seven (7) cars. The applicant also proposes a roof garden accessed by elevator, a public mini-park, a private/public courtyard, and a gated interblock walkway.

The proposed San Carlos Street level (upper floor) would consist of 3,783 square feet and contain seven (7) units ranging in size between 320 and 380 square feet. Each unit contains its own bathroom, walk-in closet, and balcony. The San Carlos Street level also contains a lobby, communal dining area with fireplace, kitchen, elevator access, and covered public mini-park.

The proposed Mission Street level (ground floor) would consist of 3,572 square feet and contain six (6) residential units ranging in size between 280 and 320 square feet. The Mission Street level also contains a sitting area, exercise/steam bath/massage area, library, staff office, living area, elevator access, and access to the observation deck. Each unit contains individual bathrooms, walk-in closets, and private patio areas. The private areas are delineated by planter boxes and benches.

The proposed facility appears to be Spanish Revival in design with shallow, cement plaster exterior siding, a Mission clay barrel tile roof, multi-lite non-clad wood windows, exposed rafter tails and wrought iron railings. The proposed elevator shaft would extend to approximately 30 feet which is four feet (4') higher than permitted by the Municipal Code and the remainder of the structure would be 26 feet in height. Accordingly, the applicant has applied for a height variance for the elevator shaft. The applicant also requests an 8.8 percent floor area design bonus that is permitted by the Municipal Code provided the Planning Commission agrees that the proposed design qualifies.

Because of the elements involved, the proposed design must be reviewed under: 1) Municipal Code Section 17.12.085 (General Commercial Design Regulations, 2) 17.12.060.C.2 (Floor Area Bonus for Design)

General Commercial Design Regulations

Municipal Code Section 17.12.085 establishes the General Design Regulations for the commercial districts. These design standards encourage modifications to respect, and be compatible with, the architectural character, scale, and design of the overall district. Modifications which are uncomplimentary or that conflict with the overall commercial district are discouraged.

As designed, the proposed San Carlos Inn appears consistent with the scale and architecture of the existing neighborhood and does not appear to conflict with the design guidelines for improvements to commercial sites. Staff believes that the proposal will be a complementary addition to the surrounding neighborhood and protect the unique qualities of overall district.

Design Bonus

Municipal Code Section 17.12.060.C.2 provides for a discretionary floor area bonus of up to ten percent (10%) of the site area for projects that represent outstanding achievement

in implementing at least three of the five design objectives found in Municipal Code Section 17.12.060.D. These objectives include: 1) create a publicly accessible courtyard that is linked to an adjoining sidewalk, 2) provide usable open space that is visually accessible to the public from any public way, 3) create interior passageways or enclosed public spaces, 4) create publicly accessible intra-block walkways, 5) preserve and enhance the urban forest by preserving all significant trees on the site.

The applicant requests an 8.8 percent (772 square foot) design bonus since they propose: 1) a large publicly accessible courtyard in the middle of the site that is adjacent to the communal living area and separated from the private rooms and patios, 2) a public mini-park accessed from San Carlos Street and located above the exercise room, 3) a gated intra-block walkway that is separate from the private rooms/private patios and will be closed at night. Staff believes that the design does qualify for the floor area bonus since it implements three (3) of the the required design elements contained in the Code.

Parking

Municipal Code Chapter 17.34 outlines off-street parking requirements for all districts in the City. The Code requires .33 spaces for each resident in residential care facilities. Accordingly, this 13-unit project requires 4.3 spaces although 7 spaces are proposed. The Code also requires specific parking area design to ensure that adequate and safe maneuvering room is available. Staff is concerned that at least two of the proposed parking spaces may require multiple and complex turning movements. Accordingly, staff has requested that the applicant provide a turning movement study for each space given the garage constraints. Pages 47 through 50 of Architectural Graphic Standards provides garage and parking turning requirements. Staff is not concerned if the garage analysis recommends the loss of up to two parking spaces since five spaces would still meet Code requirements.

Water

Municipal Code Section 17.08.060 requires that activity resulting in an increase in commercial floor area be consistent with the City's water management program as well as the Monterey Peninsula Water Management District's rules and regulations. The MPWMD requires .085 acre feet of water per bed for residential care facilities. The City has precommitted .897 acre feet of water to the San Carlos Inn Residential Care Facility and water currently exist on the site. As proposed, the project requires 1.105 acre feet of water. The San Carlos Inn project, however, would not result in an additional allocation

since adequate water has been precommitted to the project. Any water precommitted but not used by the project would return to the City's commercial allocation.

Public Way Improvements

Municipal Code Section 17.12.120 requires improvements to the public way when a development project involves substantial new or replacement construction in the commercial districts. The applicant has provided a public way improvement plan to replace the existing exposed aggregate concrete sidewalk along both frontages (Mission and San Carlos) with sand-set cobbles. Staff has added a special condition that requires the applicant to return to the Planning Commission for final design detail approval which includes the public-way improvement materials and street restripping.

Variance

The applicant requests approval of a four foot (4') height variance for the elevator tower proposed for the project. The elevator services the basement/garage/kitchen/storage level, both housing levels, and the roof garden which is accessible only by elevator. Staff believes that since only a small element (56 square feet) would exceed the height limit, the site slopes down from both frontages, and the elevator is required for handicap access the request is acceptable and meets the Special Findings Required for Approval of a Variance (17.18.190). The Findings are detailed below.

San Carlos Inn Project Data			
Lot Area (8,500 sf)	Allowed/ Recommended	Proposed	Exception
Building Coverage	5,759 sf (67.75%)	4,335 (50.99%)	0
Floor Area	6,583 sf (77.4 %)	7,355 sf (86.2%)	+772 sf (8.8%)*
Open Space	2,741 sf (32.25%)	2,741 sf (32.25%)	0
Landscaping	1,096 sf (13%)	1,118 sf (13%)	0
Height	26 ft	30 ft**	+2 ft
Parking***	4.3 spaces	7 spaces	0
* The applicant requests a design bonus consistent with Municipal Code Section 17.12.060.C.2. ** The applicant proposes a four foot (4') height variance for the elevator tower. *** Staff is conditioning approval on submittal of a turning movement study for the garage.			

V. STAFF RECOMMENDATION

Approve the Commercial Design Review, Use Permit, and Variance applications subject to the following Special Conditions and the attached use permit conditions.

1. The project shall comply with the plans dated 1 February 2000, except as amended by any Special or Standard Conditions. Any future changes in the project may require rereview and approval by the Planning Commission.
2. The applicant shall adhere to all Forest and Beach Commission conditions of approval dated 29 April 1997 and 5 March 1998 (attached).
3. The applicant shall comply with all requirements of the Archaeological Significance Overlay District (17.14.120).
4. The applicant shall return to the Planning Commission for final design approval on details such as colors, lighting, public way design, landscaping, and features.

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR DECISION

UP 98-4

San Carlos Inn Residential Care Facility

E/s San Carlos and W/s Mission between 7th and 8th

Block 90, Lots 9, 10 and a portion of 11

9 February 2000

CONSIDERATION: The applicant requests approval of a use permit for the development of property in the Residential-Limited Commercial Land Use District.

GENERAL FINDINGS:

1. The project site is located on the east side of San Carlos Street and the west side of Mission Street between Seventh and Eighth Avenues in the Residential-Limited Commercial District.
2. The project site consists of an 8,500 square foot parcel composed of two original legal lots of record and a portion of a third lot that were originally developed with several residential and commercial structures.
3. The intent of the property owner is to demolish all existing structures and construct a 7,355 square foot residential care facility. That the new structure will contain thirteen (13) residential care units, a publicly accessible intra-block walkway, courtyard and mini-park, as well as an underground garage/kitchen/storage area.
4. Demolition of the existing structures would free-up the parcel for potential development on the 8,500 square foot parcel which is all of Lots 9 and 10 and a portion of 11 in Block 90.
5. All residential units have been renter-occupied for at least one year preceding the date of the application, as documented in the application submittal materials. That the application does comply with Municipal Code Section 17.18.120 and State law which prohibits the demolition of affordable residential units for moderate-income households, as defined by the Association of Monterey Bay Area Governments since the units have not been used as affordable housing.

6. The structures on the site have not been designated as historic resources and the City prepared an environmental impact report that was certified by the City's Planning Commission. The Planning Commission determined that none of the structures on the site constituted historic resources.

REQUIRED FINDINGS

- A. Required Findings 17.18.180.A: that the proposed development has been found consistent with Section 17.10.010.B related to conversion or demolition of residential housing units.

A-1 That the project would demolish and convert three (3) residential housing units.

A-2 That as a result of the demolition and consistent with Findings #3 and #6 above, there would be no net loss of housing and no net loss of affordable housing.

- B. Required Findings 17.18.180.A: that the proposed development has been found consistent with Section 17.10.010.M and N related to second story space.

B-1 That the Municipal Code limits newly constructed space above the ground level story to either residential units or to occupancy by existing motel/hotel units.

B-2 That the upper floor of the San Carlos Inn Residential Care Facility will be occupied by residents of the care facility.

B-3 That the Municipal Code prohibits the loss of second floor apartments through demolition or conversion.

B-4 That, as conditioned, no future conversion of this building would result in creation of second story commercial space.

- C. Required Findings 17.18.180.C: that the proposed development has been found consistent with Section 17.08.060 related to water consumption.

C-1 That the project has been precommitted .897 acre feet of water consistent with Monterey Peninsula Water Management District rules.

C-2 That an official survey of fixture units will occur prior to the issuance of a

building permit.

C-3 That as conditioned the project will not require additional water resources not already precommitted.

C-4 That any precommitment not used by the project will be returned to the City's commercial allocation.

D. Required Findings 17.18.180.D: that the proposed development has been found consistent with Chapter 17.34 related to parking.

D-1 That based on existing on-site development the project site currently has at least a 4 parking space deficit. With the proposed construction of a 13-unit residential care facility, the required on-site parking is 4.3 spaces which the Code requires to be rounded up to 5 spaces.

D-2 That the project proposes an underground garage with seven (7) parking spaces.

D-3 That the proposed parking layout may fail to meet dimensional standards for space size and back-up room.

D-5 That if the proposed parking is infeasible the applicant would be required to revise the plan to provide a minimum of five (5) parking spaces which is consistent with the City's parking requirements.

E. Required Findings 17.18.180.E: that the proposed development has been found consistent with Chapter 17.38 related to expansion of existing nonconformities.

E-1 That the existing site contains several nonconformities including: minimum parking requirements and minimum setbacks.

E-2 That the proposed project would create a nonconformity because of the required elevator shaft (maximum building height).

E-3 That Municipal Code Section 17.46.030 provides for a height variance provided certain findings can be met.

E-4 That by granting the variance, the elevator to the roof garden will be feasible and the elevator tower is in character with the architecture of the proposed structure.

E-5 That the variance constitutes less than 60 square feet, is centered on the inward slope of the project site, and is required for handicap access. That the variance would not be detrimental to any adjacent property, nor in any other way be injurious to public health, safety or welfare.

F. Required Findings 17.18.180.F: that the proposed development has been found consistent with Chapter 17.12 related to commercial design regulations.

F-1 That the City reaffirms that it is essentially and predominantly a residential city with a unique commercial and multifamily residential area noted for its village character. The character is created by having a variety of design in buildings, by keeping the buildings small in scale, by providing walking malls within the interior of blocks, by the use of open space and landscaping, by use of structures for small specialty shops and by the mix of both apartments and shops within the commercial district.

F-2 That the project as designed respects and is compatible with the architectural character and scale of the surrounding district.

F-3 That the project as designed complements the existing scale and design of the adjacent structure to the north.

F-4 That the project as designed does not create visual clutter through excessive number of, or uncomplimentary, design elements.

F-5 That the modification does not incorporate color, materials, patterns or other design elements that: 1) call attention to the facade; 2) create a form of advertising or sign; 3) would render the storefront unusable by a subsequent business occupant without further remodeling; or 4) create a standardized identification with a particular business use.

F-6 That the proposed openings in the project including doors and windows are in proportion to the street facades and structure.

F-7 That the amount of glass transparency along each street façade is limited to prevent an excessive amount of interior light and/or glare to shed onto the public right-of-way.

CONDITIONS

1. This use permit shall constitute a master permit for development of the property. All subsequent activities on this property, including, but not limited to, the conduct of existing or proposed new businesses, approval of use permits and approval and construction of additions or alterations, shall be subject to City review and approval under the findings and conditions of this permit. No activity shall be approved nor undertaken unless it conforms to the findings and conditions of this permit.
2. This use permit constitutes a land use entitlement to construct a commercial structure with a basement to be used as storage and a kitchen and a garage, a main floor composed of six (6) residential care units and an exercise room and an office and a living area, and an upper floor composed of seven (7) residential care units and a lobby and dining area. Any activities undertaken pursuant to this permit shall conform to all conditions of this permit. This permit is recognized as part of a multi-lot combined development.
3. This use permit authorizes the establishment of one (1) commercial space occupying a total of not more than 7,355 square feet of floor area.
4. No retail spaces are permitted.
5. Only one business shall be authorized to occupy the single commercial space on this property.
6. The currently undesignated commercial space shall be evaluated for its potential impact on the overall commercial district. No business activity shall be approved nor conducted that would produce levels of light, noise, odors, or traffic that would conflict with the maintenance of a safe, healthful, and pleasant living environment for adjacent residential uses.
7. The permittee shall be responsible for the placement and construction of all utilities to serve the project including the construction of off-site improvements, as necessary, to connect to existing utility facilities. All utilities shall be installed

underground. Existing meters and vaults located in the sidewalk at the perimeter of the site shall be relocated on site and shall be screened from public view. All commercial spaces shall be equipped with ultra-low flow water fixtures as defined by the Monterey Peninsula Water Management District. Any required Fire Department connection shall be concealed within an exterior wall so that only the heads are revealed. Any post indicator valve shall be concealed in a niche or behind landscaping.

8. The development shall not result in a net increase in water use beyond that which has been precommitted to the project and any residual water not used in the project shall be returned to the City's commercial water allocation.
9. That no part of the structure shall be used for transient rental hotel units or sold as condominium units.
10. The City shall reserve the right to require the applicant to post a security bond upon approval of the final design of the project to secure construction of all off-site improvements required as a condition of final design approval.
11. The permittee shall obtain a Coastal Development permit from the California Coastal Commission prior to issuance of any building permits for project demolition or construction and shall submit a copy of the approved permit and any conditions and staff reports prepared by the California Coastal Commission.
12. The permittee shall obtain a Building permit authorizing any demolition or construction prior to commencing any demolition or construction.
13. All trees on the site shall be protected during demolition by methods approved by the City Forester.
14. Any grading on site and any disposal of excavated materials from the site shall conform to a plan approved by the Director of Community Planning and Building.
15. No trees shall be removed by the future site development until the applicant has obtained approval by the City Forester or Forest and Beach Commission. The removal of trees from the site shall not occur until a plan has been approved by the Planning Commission to develop a new dwelling on the property.

16. All portions of all land use entitlements and/or exceptions authorized by this permit are contingent upon City approval of a final design for the project. All design alterations of any structure on the project once constructed shall be subject to design review approval in conformance with the Municipal Code of the City of Carmel-by-the-Sea. If any part of this permit is implemented, all associated permits shall apply.
17. The applicant shall be required to submit construction drawings for review by the Building Official and receive a building permit prior to commencing construction of the alterations to the building approved in this permit.
18. Any exterior changes that are not expressly approved by the Planning Commission in this permit shall not be permitted unless the applicant submits a revised application for consideration and approval consistent with all applicable Municipal Code Sections.
19. The applicant shall return to the Planning Commission for final design approval on details such as colors, lighting, public way design, and landscaping.
20. The applicant shall professionally photodocument the entire structure located on the west side of Mission Street on the site prior to any demolition or construction. Copies of the photographs shall be archived in the property file at City Hall.
21. That if the proposed facility fails and the building is converted to another permitted use, no land use, density, or parking nonconformities will be created.



View of the Front Porch



San Carlos Street Elevation

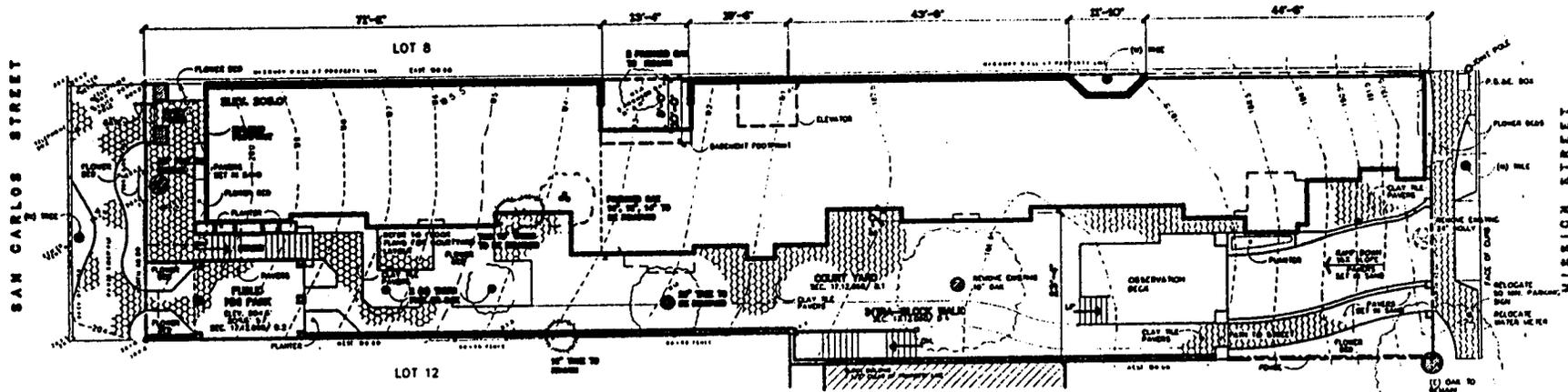


Hitchcock House and netting



Mission Street Elevation with netting

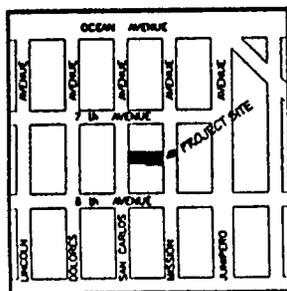
EXHIBIT NO. D
APPLICATION NO.
3-01-104
Site Photos



Site Plan
1/8" = 1'-0"

SAN CARLOS INN

Distinctive Living for the Elderly



VICINITY MAP

PROJECT INFORMATION

APN 010-142-011 + 010-142-03
 SITE AREA 8,500.00 S.F.
 ADDRESS - BLOCK 10 LOT 9, 10 + 11
 MISSION STREET, S SW of 7th AVENUE

HEIGHT 30.0 FT. MAX.

FLOOR AREA
 MISSION STREET LEVEL 3,572 S.F.
 SAN CARLOS STREET LEVEL 3,783 S.F.

TOTAL 7,355 S.F.

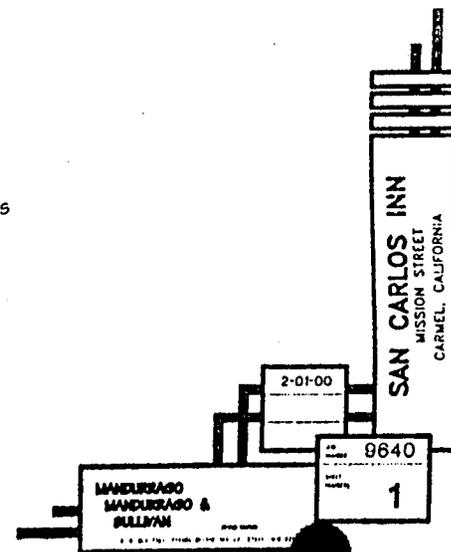
PARKING LEVEL 4,901 S.F.

BUILDING COVERAGE
 ALLOWED = 67.75% 5,759 S.F.
 PROPOSED = 50.99% 4,335 S.F.

FLOOR AREA RATIO
 ALLOWED = 77.4% 108 CREDIT PER SEC. 17.12.060 - 87.4% 7,429 S.F.
 PROPOSED = 86.2% 7,355 S.F.

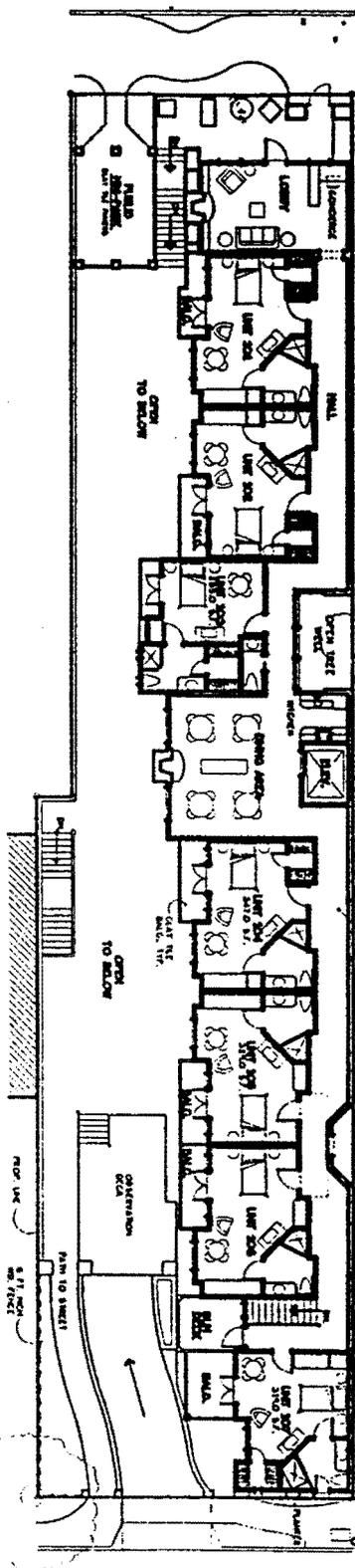
SHEET INDEX

1. SITE PLAN
2. FLOOR PLANS - GARAGE LEVEL
3. FLOOR PLANS - MISSION STREET & SAN CARLOS STREET LEVELS
4. EXTERIOR ELEVATIONS - EAST, WEST AND COURTYARD
5. EXTERIOR ELEVATIONS - NORTH AND SOUTH
6. ROOF PLAN
7. SAN CARLOS STREETSCAPE
8. MISSION STREETSCAPE
9. SECTION



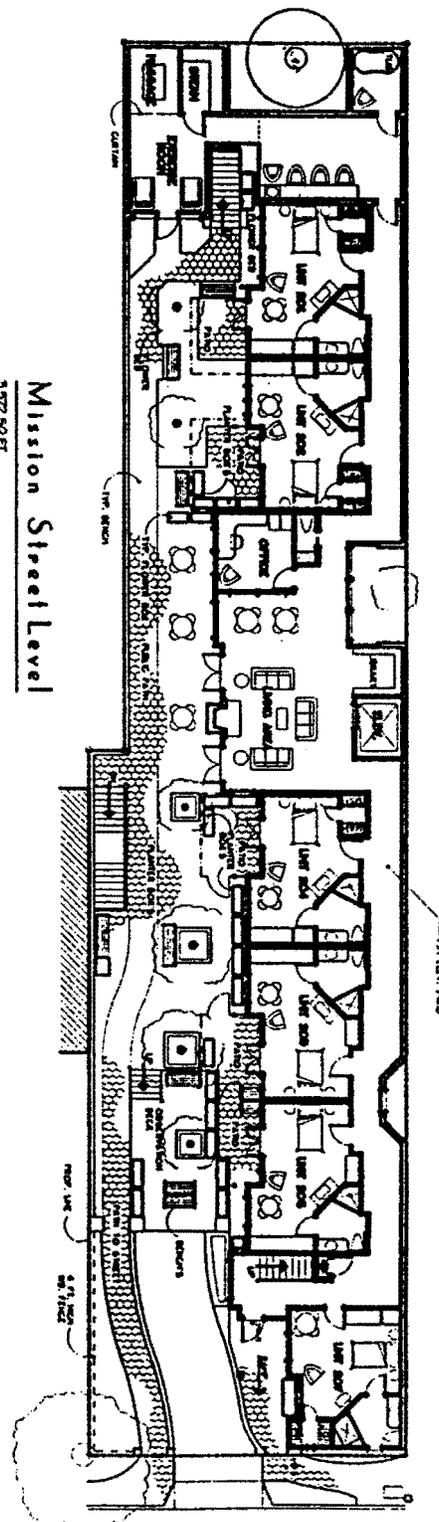
3-00-090
(Mandurrigo & Adams)

SAN CARLOS STREET



San Carlos Street Level
3,785 SQ. FT.

Mission Street Level
3,272 SQ. FT.



Proposed
FLOOR PLANS
SCALE: 1/8" = 1'-0"

MANDURRAGO
MANDURRAGO &
BELLINI

2-01-00

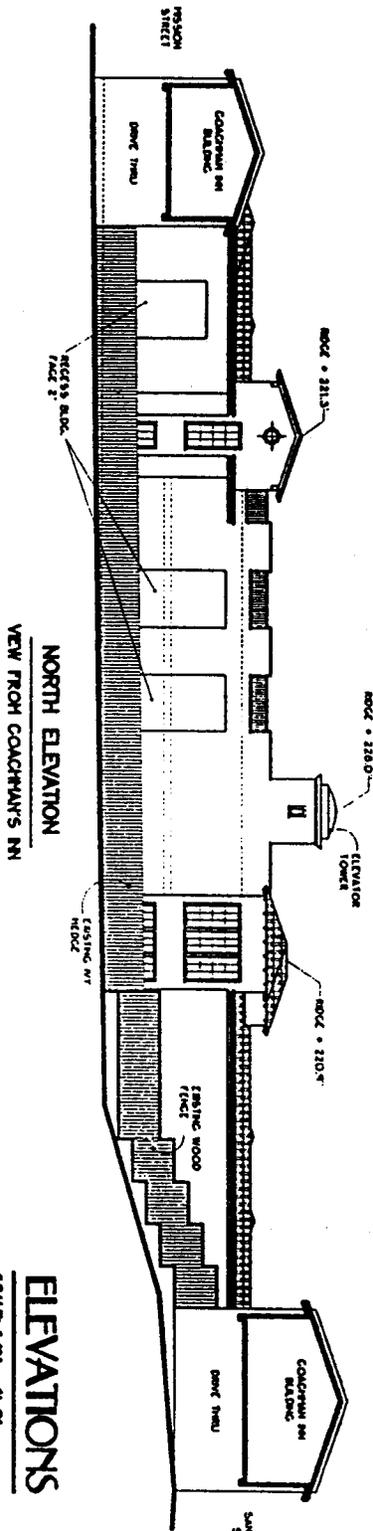
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3

SAN CARLOS INN
MISSION STREET
CARMEL, CALIFORNIA

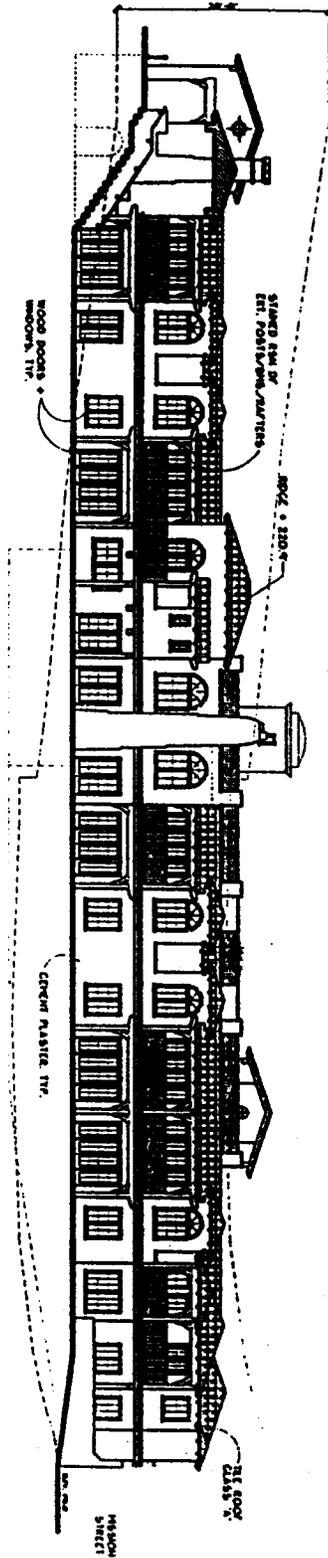
3-00-090
(Mandurrago & Adams)

Exhibit E
4 of 9



NORTH ELEVATION
VIEW FROM COACHMAN'S INN

SOUTH ELEVATION
VIEW FROM COURTYARD

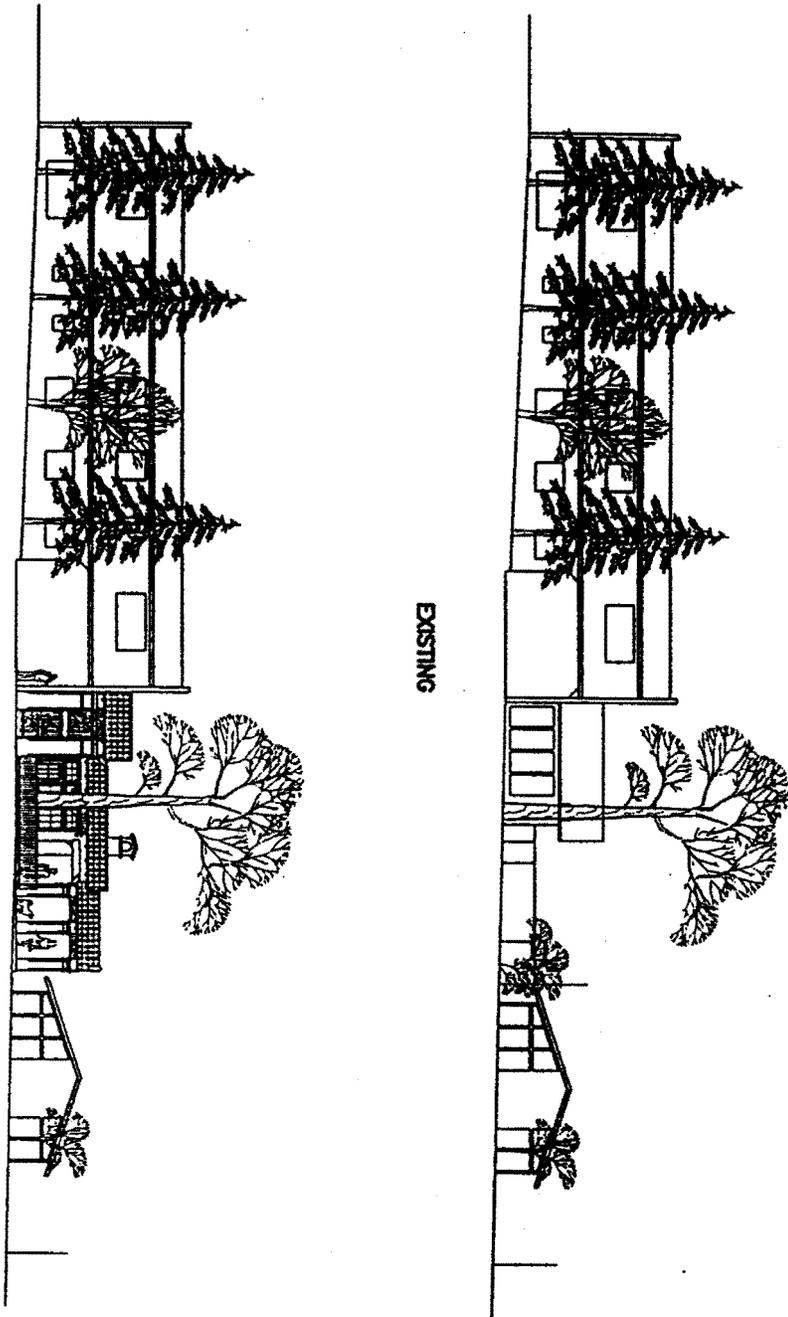


ELEVATIONS
SCALE 1/8" = 1'-0"

MANDURRAGO & ADAMS ARCHITECTS
 2-01-00
 9840
5
SAN CARLOS INN
 MISSION STREET
 CARMEL, CALIFORNIA

3-00-090
(Mandurrago & Adams)

Exhibit E
5 of 9



PROPOSED

EXISTING

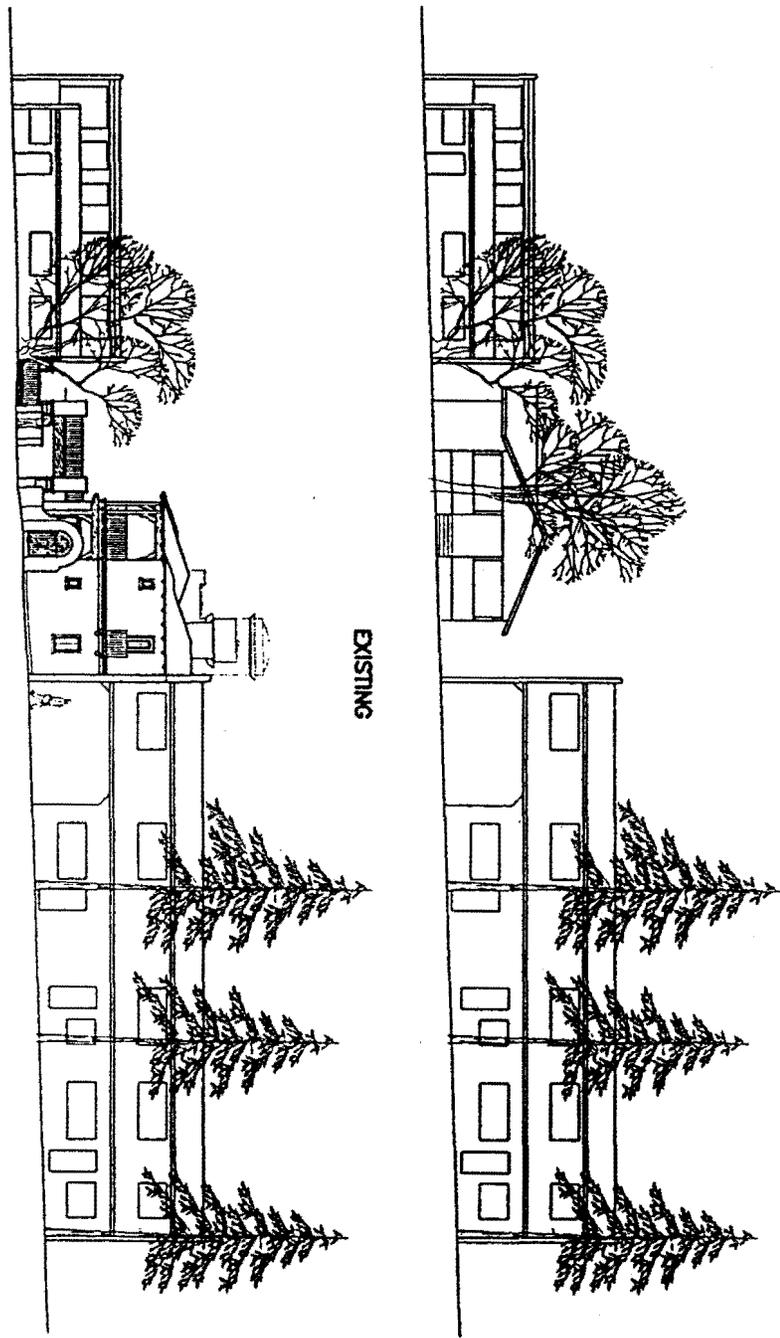
San Carlos Street Elevations

SCALE: 1/8" = 1'-0"

MANDURRAGO
 MANDURRAGO &
 RALPH
 ARCHITECTS
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7
SAN CARLOS INN
 MISSION STREET
 CARMEL, CALIFORNIA

3-00-090
(Mandurrago & Adams)

Exhibit *E*
of
7 · 9



Mission Street Elevations

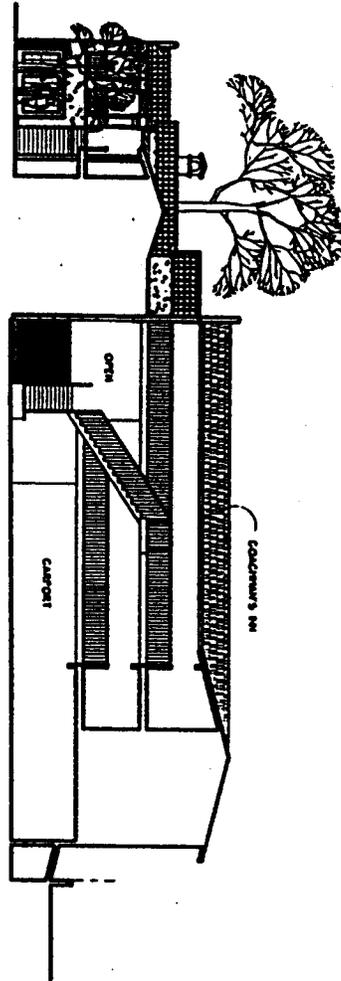
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EXISTING

PROPOSED

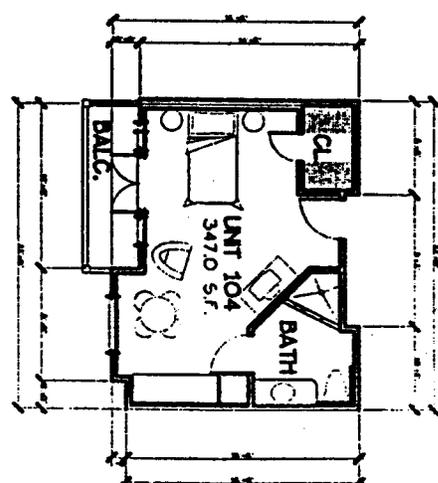
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 MANDURRAGO &
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 ARCHITECTS
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8
SAN CARLOS INN
 MISSION STREET
 CARMEL, CALIFORNIA

3-00-090
(Mandurrago & Adams)



NORTHSOUTH SECTION

W.P. = 1'-0"

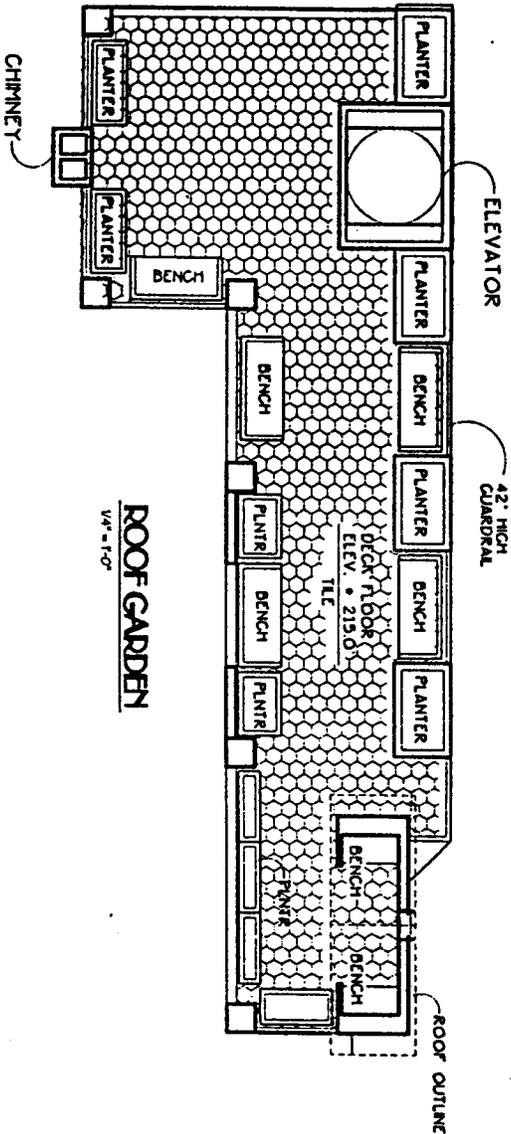


TYPICAL ROOM FLOOR PLAN

W.P. = 1'-0"

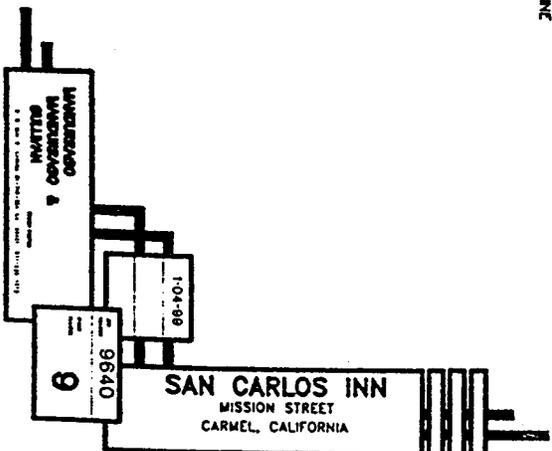
3-00-090
(Mandurrago & Adams)

Exhibit E
9 of 9



ROOF GARDEN

W.P. = 1'-0"



SAN CARLOS INN
MISSION STREET
CARMEL, CALIFORNIA

9

9640

1-04-98

MANDURRAGO & ADAMS
ARCHITECTS
1111 17th Street, San Carlos, CA 95060
Tel. 408-261-1111

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File No. 00474.010

VIA FACSIMILE

September 24, 2001

Mr. Mike Watson
California Coastal Commission
725 Front Street
Santa Cruz, CA 95062

RECEIVED

SEP 26 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RE: MANDURRAGO PERMIT NO. 3-00-090

Dear Mike:

Enclosed is a copy of Mr. Mandurrago's proposal to address the issue regarding the impact on the "character" of the City of Carmel resulting from the demolition of the home on the property and replacement with a senior citizen care facility.

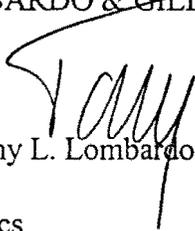
While Mr. Mandurrago does not agree that the project has any negative impact on the character of the community, nor that the section quoted by the Coastal Commission gives it the authority to deny the project, he is willing to revise the façade of the structure on the portion of the property in which the non-conforming residential structure is currently located and reutilize wherever possible any of the architectural elements that can be salvaged from the previous structure.

As you are aware, a court has upheld the determination by the City that the structure is not historic, the purported appeal filed by the plaintiffs was untimely and a motion to dismiss the appeal has been filed.

I hope the Commission staff will review the compromise proposed by Mr. Mandurrago and revise its recommendation for the upcoming Commission hearing.

Sincerely,

LOMBARDO & GILLES, PLC


Anthony L. Lombardo

ALL:ncs

Enclosure

cc: California Coastal Commissioners
Mr. Peter Douglas

EXHIBIT NO. F
APPLICATION NO. 3-00-090
p 1 of 2
 California Coastal Commission

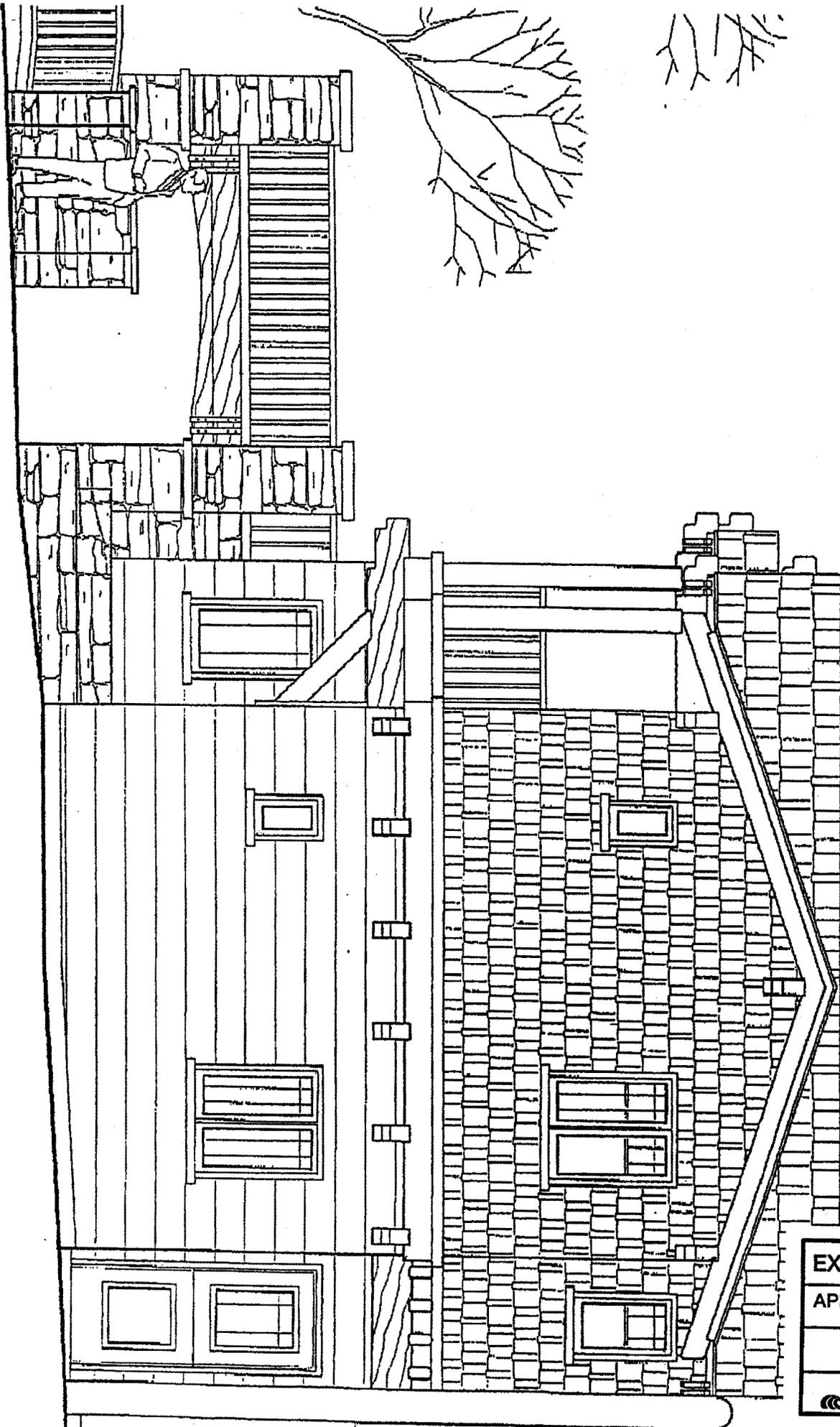


EXHIBIT NO.	F
APPLICATION NO.	3-00-090
p 2 of 2	
California Coastal Commission	

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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(916) 653-6624 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov
www.ohp.parks.ca.gov



December 19, 2001

RECEIVED

DEC 26 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Mr. Mike Watson
California Coastal Commission
Central Coast Office
725 Front Street, Suite #300
Santa Cruz, California 95060

Subject: **Hitchcock House
Carmel-by-the-Sea**

Dear Mr. Watson:

As part of an ongoing request by the California Coastal Commission to provide professional expertise regarding historic significance of properties in Carmel, the Office of Historic Preservation has found the Hitchcock House does not meet the criteria for eligibility for the California Register of Historical Resources. This determination is based primarily on our review of the following materials:

DPR 523 prepared by Jackie Tober (1990, 1993); two versions of DPR 523 prepared by Enid Sales and Lois Roberts (1996, 2000); DPR 523 prepared by Jones & Stokes (1998); "Memoirs of Carmel Valley and the Monterey Peninsula by Joseph J. Hitchcock [sic]" compiled by Marion A. Crush; "Draft Environmental Impact Report for the San Carlos Inn Project" prepared by Denise Duffy & Associates, Inc., 7/8/99; and "Responses to Comments on the Environmental Impact Report for the San Carlos Inn Project" prepared by Denise Duffy & Associates, Inc., 10/20/99.

The California Register requires under Criterion 1 that properties be directly associated with important patterns, trends, and events. Hitchcock House is not significant, for purposes of California Register eligibility, for events taking place before its construction. The Hitchcock House is not, therefore, eligible under Criterion 1 for associations with "[f]orced settlement of the Rumsien Indians at the Carmel Mission, granting of Mission Lands to a few of those Indians, settlement of the Carmel Valley and its ranches, the subsequent migration of those rancher families to the cities of Carmel and Monterey where they had important roles in the development of those cities."

The California Register requires under Criterion 2 that significant individuals be directly associated with the nominated property. Associations that, by themselves, are not sufficient to qualify a property as an important representation of a person's historic significance include ownership by a descendant. The Hitchcock

3-01-104
CCC Exhibit 6
(page 2 of 2 pages)

Mr. Mike Watson
December 19, 2001
Page Two

House is not eligible under Criterion 2 because of Hitchcock ancestral lineage. Moreover, even though it has been possible to identify the occupations of two Hitchcock family members (Joseph Sr. and Joseph Jr.) who resided at the property, it is our opinion their activities do not rise to the level of significance necessary to qualify the property for eligibility under this criterion.

The California Register requires under Criterion 3 that properties be important examples, within a context, of a type, period, or method of construction. A property is not eligible simply because it has a recognizable style or was designed by a known contractor. Evidence of the Hitchcock House construction date and any important link to M.J. Murphy is not strong in the documentation reviewed by our office. But even if it were the work of Murphy in 1905, the Hitchcock House would not be eligible under Criterion 3 simply because the house has the characteristics of a Murphy house type, the Murphy period, and the Murphy method of construction.

Because the Coastal Act Policy provides for the protection of special communities and neighborhoods, which because of their unique characteristics are popular destination points, the California Coastal Commission may wish to give further consideration to the Hitchcock House in the context of its contribution to community character.

Thank you for allowing the Office of Historic Preservation to comment on California Register eligibility of the Hitchcock House. If you have any questions, please call Cynthia Howse of my staff at (916) 653-9054.

Sincerely,



Dr. Knox Mellon
State Historic Preservation Officer

CC: Sue McCloud, Mayor
Jim Wright

CCC Exhibit 9
(page 1 **of** 2 **pages)**

3-01-104