

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
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SANTA CRUZ, CA 95060  
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**W11**

November 2, 2000 (for November 15, 2000 Hearing)

**RECORD PACKET COPY**

**To:** Coastal Commissioners and Interested Persons

**From:** Tami Grove, Central Coast Deputy Director

**Subject:** Coastal Development Review and LCP Completion/Protection of Community Character in the City of Carmel-by-the-Sea

**Summary**

Recent development trends have raised concerns about the preservation of the unique community character in the City of Carmel-by-the-Sea. Although the City does not have a certified Local Coastal Program (LCP), most development in Carmel is excluded from Commission review by virtue of a categorical exclusion adopted in 1977. Residential demolitions, though, are not excluded from coastal development permit requirements. Such demolitions, and the subsequent replacement homes, have the potential to impact Carmel's community character, particularly if a demolition is proposed for a structure that has special historical significance, architectural style and scale, or if the replacement structure itself does not fit with Carmel's unique character. As of the date of this staff report, there are approximately 17 projects involving residential demolitions pending in the Commission's coastal development review process; the majority of these applications are already (or are about to be) filed and require timely Commission review. These projects have been postponed until the December hearing, to allow for Commission consideration of the question of community character preservation prior to their disposition—and to provide direction to Commission staff accordingly.

Until recently, the Commission has been processing residential demolitions as administrative permit items, or even with coastal development permit waivers, without a public hearing *per se*. The basis for this review was the staff conclusion that residential demolition projects were not individually or cumulatively degrading Carmel's character, in part because of the rigorous local review of such projects, and because no significant character concerns were raised in each specific case evaluated. Where concerns have been raised, particularly about the historical character of buildings, the Commission has issued administrative or regular coastal development permits with appropriate conditions to preserve historical or characteristic elements of such structures.

Carmel's unique character is defined by multiple factors, including the tree canopy and informal streetscape, the scale and style of residential buildings (including the "Carmel cottage"), historical character, and so forth. However, without specific elaboration of this character through a certified Local Coastal Program, it is difficult to conclude whether the Coastal Act requirement to protect community character is being met. The City is currently working to complete its LCP for submittal to the Commission – the target for the Land Use Plan is April 2001, with the complete LCP submitted in December 2001.



Until then, though, for each application approved, the Commission must make a specific finding that such approval would not prejudice the completion of a Local Coastal Program that conforms with Coastal Act policies. Thus, the Commission must continue to process demolition permits in such a way as to not significantly impact Carmel's special community character.

As discussed below, there are several alternatives for doing so. Because of the rigor of the City's local review process, and assuming no significant change in current demolition trends, it may be reasonable to continue to exercise best professional Commission staff judgment of individual cases approved by the City, but at a higher level of public scrutiny (i.e., public hearings on the Commission's consent calendar for most cases, on the regular calendar if substantial issues of coastal resource protection are evident). This approach may be adequate for addressing the mandate of Coastal Act Section 30253 to protect community character, at least for the limited time until the LCP is completed.

Another approach would entail a much more rigorous consideration of Coastal Act Section 30604(a), the section that requires that coastal development approvals not prejudice the preparation of an LCP. Such approach would entail Staff recommendations for denial on all projects that would significantly change such aspects of Carmel's character as building scale and style, the native tree canopy, or potentially historical structures. While the recommendations would still depend on the facts of each case, the denial recommendations would be accompanied by recommended findings that the changes proposed by the applicant would – at least on a cumulative basis – prejudice the completion of an LCP that meets the community character protection goal of Coastal Act Section 30253.

### **Overview of LCP Status in Carmel**

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 Commission's suggested modifications were not accepted by the City. Thus, both the LUP and the IP remain uncertified. Ordinarily, this would mean that the Commission would assume the role for reviewing all development within the City for compliance with the Coastal Act. However, in 1977 the Commission 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 City's categorical exclusion was based primarily upon the belief that: (1) there was limited potential for additional development within City limits that would impact coastal resources, given that there were (and are) scarce few vacant parcels; and (2) the City's rigorous review of development proposals would ensure that any so excluded development would be protective of coastal resources in Carmel. Demolitions, though, which tend to raise more concern about the preservation of community character, were not excluded under the order.

The City is currently working on a new LCP submittal (both LUP and IP), funded in part by an LCP completion grant recently awarded by the Commission. The City has made progress on the LCP submittal and—as noted above—has indicated the Land Use Plan is expected to be submitted for



Commission review in April 2001, with the Implementation Plan submittal expected by December 2001. However, until the Commission has certified the entire LCP submittal, the Commission retains coastal permitting authority over non-excluded development within the City.

### **Coastal Resources in the City of Carmel**

The City of Carmel-by-the-Sea lies entirely within the coastal zone, and is home to a rich variety of coastal resources protected by the Coastal Act. These include the spectacular public beach and recreational amenities along the City's frontage, the urban forest that uniquely identifies Carmel as the "Village in the Forest," the substantial riparian and habitat areas (such as Mission Trails Nature Preserve and Pescadero Canyon), and the unique community and visual character of Carmel as exhibited by the style, scale, and rich history of its residential, commercial, and civic architecture. Taken as a whole, these resources combine to form the special character of Carmel – a significant coastal resource worthy of protection in its own right.

### **Applicable Coastal Act Community Character Policies**

The Coastal Act requires that the special character of communities such as Carmel be protected. Sections 30253(5) and 30251 of the Act state:

*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.*

*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.*

It is often stated that Carmel, along with such other special coastal communities as the town of Mendocino, is one of the special communities for which Coastal Act Section 30253(5) was written. Indeed, Carmel has been, and remains today, a spectacular coastal resource known the world over as an outstanding visitor destination as much for the character of its storied architecture, as for its renowned shopping area and white sand beach. In part, Carmel is made special by the character of development within City limits.

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. 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.

### **Development in Carmel under the Coastal Act – A Growing Concern**

Over time, Carmel has been changing as its older housing and commercial stock makes way for new, usually larger in size and scale, developments. Based on the Commission's permit tracking database, there have been almost 600 development applications reviewed by the Commission since 1973 in the Carmel area.<sup>1</sup> 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. Of these 600 or so applications, roughly 5 were denied, 25 withdrawn, and about 20 are currently pending; the rest were approved. Unfortunately, due to potential data entry issues with the older data in the Commission's database, this information over the last quarter century should be viewed as background contextual information to the issue only. 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 since 1977 that would not be present in the Commission's database. In any case, although the City was not able to determine numbers since 1973 with any degree of certainty, the City indicates that it processes far more remodels than demolitions.

In contrast, the Commission's database for the period since 1990 is fairly robust. Although there may be a few projects that weren't entered into the system, the database is a fairly accurate representation of coastal permit applications in Carmel since 1990. As such, the period since 1990 can provide a more meaningful sample for understanding the change issue in Carmel.

Since 1990, there have been 177 development proposals in Carmel. Of these, 145 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 13 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 has been fairly constant until 2000. However, in the year 2000 alone, the Commission has received 44 applications so far to date; 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 involve some form of demolition, rebuilding and/or substantial alteration of residential structures; 16 of the 33 have already been approved this year and 17 remain pending. More applications are arriving as this is written. 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 City limits.

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<sup>1</sup> There is some uncertainty with the data collection due to incomplete data collection and entry for earlier years of Commission permitting. Notwithstanding, there is a clear trend of residential demolition and redevelopment in the City of Carmel.



Although demolition of existing residential buildings in Carmel is not a recent phenomenon, a series of demolitions in the recent past, and a larger than usual influx of new applications, have engendered controversy over whether or not an existing house represents the historical, architectural, and environmental character of Carmel; and if a replacement house detracts from Carmel's character because of a modern design, tree removal, proposed house size, or other characteristics. City planners now estimate that as much as one-third of the existing housing stock is comprised of "antiquated" structures, although not all older homes contribute anything in particular to the community's "special character." The demolition phenomenon impacts both those structures worth saving, and those that are not. Nonetheless, hundreds of worthy cottages remain. Some have historical credentials, and some – because of their architectural character and context – are contributing characters on the stage.

It is not clear to what extent the history of such demolition/rebuild/remodel has altered the special community character aesthetic of Carmel. A comprehensive cumulative impact assessment of such a trend has not been conducted to date, which would require considerable effort to review local development permitting files and actions. There is little doubt that structures within the City have generally been getting larger. However, up to now, and based on the City's rigorous design review process as well as Commission staff's best professional judgement, Commission staff has concluded that the City's character would not be adversely affected (individually or cumulatively) by the demolitions proposed to date. As such, Commission staff has generally recommended approval (either through formal recommendations to the Commission, administrative permits, or through a determination that a waiver of coastal permit requirements was in order) for such proposed demolitions over the years.

At the Commission's request, and in tandem with research by the City, Commission staff has looked anew at the issue of demolition/rebuilds in Carmel. Based on this analysis, staff cannot absolutely ensure that continuation of this interpretation will protect the special character of Carmel as required by the Coastal Act. Part of the reason for this is that although the elements that define the City's character can be generally described (e.g. "Village in the forest", architecture, beach area, etc.), it has not been determined how these elements interact to make Carmel special. In other words, Carmel's community character has not yet been defined. The reason for this is because such a definition, as well as a means to adequately protect such character consistent with the Act, is best determined through a community and Commission review process culminating in a certified LCP. As previously described, although such a process is ongoing in Carmel, the LCP has not yet been completed.

#### **Alternatives for Evaluation of Carmel Coastal Development until LCP Completion**

As discussed, the City of Carmel does not have a certified LCP. Nonetheless, most coastal development is excluded from permit review by the 1977 categorical exclusion. There is little doubt that the best alternative for addressing the Carmel community character concern is the completion of the LCP. The LCP planning process is the appropriate mechanism for defining and evaluating community character in Carmel. By community development of policies, standards, and development guidelines, and submission for Coastal Commission review, the policy goal of 30253 to protect community character can be resolved.



Staff also does not recommend that the categorical exclusion be removed or modified. Such an effort would take time and resources away from completion of the LCP, which should be given the highest priority in light of limited staff resources. In addition, the City has a well-developed local review process that to date has been understood to be protecting the coastal resources of concern in the excluded area. More important, areas of Carmel where development might impact significant resources, such as along the shoreline, are not excluded. Finally, to the extent that any issues might be raised by the continued implementation of the exclusion, time and effort should be allocated to these issues through the development and completion of the LCP. (See Exhibit B for more detailed discussion of the categorical exclusion, provided by the City.)

In terms of the more specific issue of community character, the City is currently in the middle of a community planning process to determine, among other things, the basis for defining Carmel's community character and ways to protect and preserve this character consistent with the Coastal Act. There is no question that the demolition of structures in the City if continued indefinitely would significantly change the City of Carmel. However, because community character has not yet been clearly defined, the effect of such change on Carmel's character is unclear when evaluated against the policy objectives of the Coastal Act.

The Coastal Act provides guidance for such a situation. Section 30604(a) of the Coastal Act states

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

Given this Coastal Act requirement, how should non-excluded coastal development be processed by the Commission until completion of the LCP? As already mentioned, the best way to protect community character in Carmel is for the City to complete, and the Commission to certify, an LCP for Carmel. In terms of the Coastal Act, this has been and remains the ultimate and best solution to addressing community character concerns in Carmel. With that in mind, Commission staff seeks guidance with respect to the several alternative approaches that could be implemented by Staff until such time as a LCP has been certified for the City of Carmel. :

#### **Option 1: Continue on a Best Professional Judgement Basis Pending LCP Completion**

Under this option, Commission staff would continue to bring forward recommendations on individual projects based on Staff's best professional judgement as to whether the proposed project: (1) would adversely, on an individual and/or cumulative basis, impact the community character of the City of Carmel; (2) would adversely impact any other applicable coastal resources; and (3) would prejudice the



City's ability to prepare a LCP consistent with the Act. Based upon the facts of individual cases, staff would either recommend for approval or for denial. In terms of community character, staff would consider the variables described above (mass, scale, trees, history, architecture, etc.) in a way that relies heavily the City's own findings to arrive at a recommendation. This method is akin to the process that staff has been using up to and including the October 2000 hearing. An example of this process is shown in Exhibit C, a typical staff report involving demolition in Carmel from the September hearing (which was approved as an administrative permit). Under this option, Commission staff would schedule any Carmel demolition applications for full public hearings, either on the regular or consent calendar as appropriate (i.e., there wouldn't be any waivers and/or administrative permits for the typical residential demolitions in Carmel).

Under this method in the past, Commission staff has generally recommended approval (either through formal recommendations to the Commission or through a waiver of coastal permit requirements) for the vast majority of proposed demolitions in Carmel over the years. Part of the reason for this has been the City's rigorous design review and forestry review processes. Together, these processes have for the most part resulted in replacement structures of a similar ilk to that which make up the basic fabric of the City. Staff would be relying in large measure on this existing City review process and ordinances to address community character concerns. Under this approach, Staff would expect that the majority of proposed projects in Carmel in the future would continue to be recommended for approval. In fact, of the 17 applications involving residential demolition currently pending at the Commission level, 11 have been reviewed to the level that would allow for Staff to formulate a preliminary recommendation; of this subset, 9 would be recommended for approval (as submitted) under this method.

Implicit in this approach is the hypothesis, based on staff's best professional judgement to date, that the cumulative adverse effect on community character has been and will continue to be insignificant. In the event the Commission receives more than the approximately 3 demolition applications per month that it has been averaging most recently, it is not clear that the insignificant cumulative adverse effect hypothesis will remain supportable. In fact, one might expect that if the Commission were to pursue such a policy, a spike in demolition proposals may be generated in response to anticipated future limitations on demolition proposals imposed by the e Commission and/or the City. However, it is as difficult to predict such an effect with any degree of certainty as it is to predict the outcome of the City's LCP planning process vis-à-vis community character. In any event, each proposal would be evaluated based upon the relative facts of the case and a decision rendered.

#### **Option 2: The "No Significant Character Changes Until LCP Completion" Approach**

Under this scenario, the Commission would strictly apply the "no prejudice" approach required by the Coastal Act by asking whether proposed development within Carmel would significantly change the status quo. The idea here is that if approved development does not unduly change what is present in Carmel now, then the as-yet-to-be-defined community character of Carmel would not unduly change either. In this way, any decision that the Commission would take would not lead to changed character and thus would not be expected to prejudice City efforts to come to grips with defining – and appropriately protecting – this character.



In order to objectively identify those proposals that would *not* result in significant change, a set of common sense, narrowly defined change criteria would be applied to applications received by the Commission. These change criteria would be based on a set of factors (including scale, trees, history, architectural style) known to contribute to the City's special community character as follows:

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?
- 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?
- Modify a structure deemed to be a historic resource by the City, the State Office of Historic Preservation, or other public agency?
- Involve a structure greater than 50 years old for which the City has not performed a historic resource assessment?
- Not identify a City-approved replacement structure (i.e., speculative demolitions)?

If the answer to any of the above change criteria is yes, the Staff recommendation would be for denial of the proposed project on the grounds that: community character has not yet been defined through the City LCP process; the project would change the character of the City to some degree; because community character remains undefined, the effect of such a project on Carmel's character is unclear; that allowing such a project in the face of such uncertainty over its impact on such a special coastal resource would be imprudent, particularly since the City is well underway in the process of preparing their formal LCP submittal to the Commission; and, because the Commission cannot guarantee that such a project would protect the heretofore undefined community character resource, allowing such a project at this point would prejudice the City's LCP planning process; accordingly, the finding required by Coastal Act Policy 30604(a) can not be made and the application must be denied.

Such a denial would be without prejudice to the proposed project inasmuch as it would be a procedural denial based on the need to protect the City's ability to finish their LCP. This approach would recognize that these permit decisions have the potential—at least cumulatively if not individually--to undermine the potential options for developing and implementing protective policies. Once the City's LCP is finished, and ultimately certified by the Commission, any such denied projects could be resubmitted for review by the City in accordance with the applicable LCP standards. Until that time, however, the staff would recommend that the Commission not approve such projects.

The only exception to such a rule would be in the case of existing structures that are not habitable and/or



determined to be public safety hazards—and are clearly not capable of repair, rehabilitation, or other on-site reuse.

Under this scenario, Staff would expect that the majority of proposed demolition projects in Carmel would fail one or more of these tests and would be recommended for denial. In fact, of the 17 residential demolition applications currently pending and preliminarily reviewed by Commission staff, only 4 would be recommended for approval. Staff is not as clear about the range of currently excluded development that would likewise fail these tests. Until the LCP is certified, Staff would expect that, under this approach, demolition applications to the Commission would taper off as potential project proponents come to understand the Commission's position on prejudicing the LCP and the objective, common sense criteria used to measure community character change.

In any case, staff would schedule any Carmel demolition applications for full public hearings on the regular calendar if the recommendation were to be for denial, and on either the regular or consent calendar if the recommendation is for approval.

### **Option 3: Other**

There may be other approaches, including permutations of those above, that will address community character concerns in Carmel. These range from granting waivers to most of the demolition projects that have been through the City's own design and forestry review processes (as staff did prior to September of this year), to even more rigorous approaches that set the bar at an even higher level. For example, additional "change factors" that could be considered are:

- Any demolition that would 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);
- Demolition of any building on the Carmel Preservation Society's historic structure inventory lists; and,
- Any demolition that would 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).

### **Conclusion**

The City of Carmel is a unique coastal jewel, for which the Coastal Act dictates protection of its special community character. This character is generally agreed to be shaped by the City's spectacular public beach, the urban forest dominated by native Monterey pines, the substantial riparian habitat areas, and the unique visual character of Carmel as exhibited by the style, scale, and rich history of its residential, commercial, and civic architecture. However, the necessary standards and measures to protect this



special character have not yet been clearly defined by the City's LCP planning process nor certified by the Commission. Part of the reason for this is that Carmel's character is not necessarily expressed by any one aspect, whether that be historical, architectural, environmental, or something else, but is rather a combination of several different aspects, all of which work together synergistically to create the unique ambiance of the City. The correct recipe for protecting this ambiance is not easily derived.

Because of this, the Commission finds itself in the difficult position of making judgements on what will, and what will not, adversely affect this special character of the City absent a certified LCP. Without a clear definition for Carmel's community character established through the LCP, the question of what to be done in the interim to both protect such character and not prejudice the City's LCP efforts, remains unresolved.

It appears that the Commission has two basic options, with potentially multiple permutations, for approaching this question. As discussed above, these polarities are the 'no changes' option (deny all projects that would significantly alter the character of any particular lot), and the 'best professional judgement' option (trust but verify the City's existing review processes). Staff believes there are valid reasons to support either of these options. Therefore, Staff is asking for guidance from the Commission as to how to proceed.

Upon direction from the Commission, staff will implement whichever approach is agreed upon by the Commission and will bring forward the approximately 17 pending applications as soon as possible. It appears that at least 9 of the applications (including the 6 continued from September) would be scheduled for the December hearing in San Francisco.

#### **Exhibits**

Exhibit A: City of Carmel-by-the-Sea location

Exhibit B: City of Carmel-by-the-Sea Response to Issues Raised at the October Commission Hearing

Exhibit C: Example of Staff Methodology – Administrative Permit 3-00-095 (Clendon)



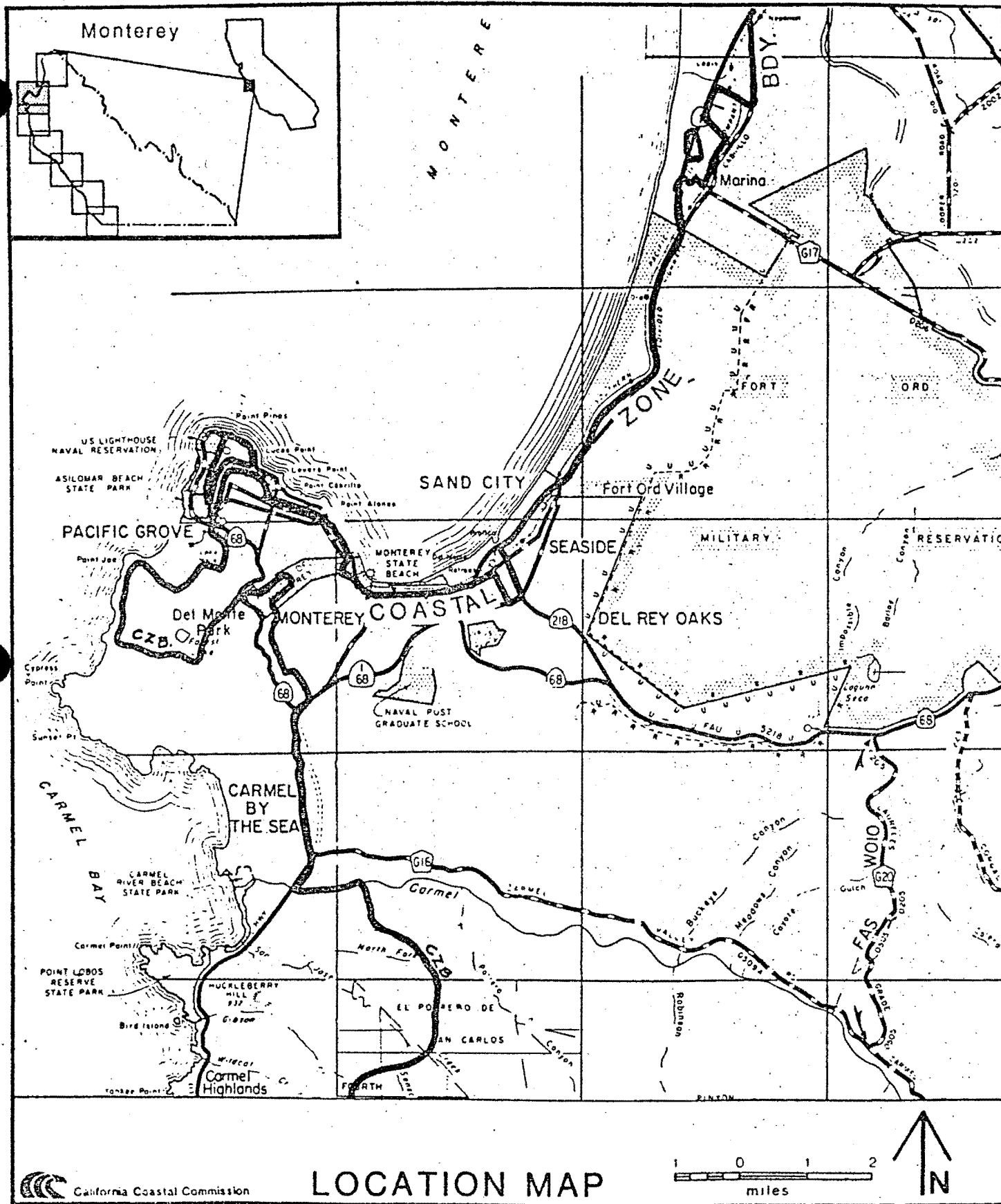
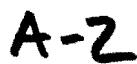


EXHIBIT A  
CITY OF CARMEL BY THE SEA LOCATION  
2 PAGES (A-1 THROUGH A-2)  
A-1



CITY HALL  
BOX CC  
CARMEL-BY-THE-SEA, CALIFORNIA 93921

RECEIVED

OCT 30 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

October 25, 2000

Ms. Sara Wan, Chair  
California Coastal Commission  
725 Front Street #300  
Santa Cruz, CA 95060

Dear Ms. Wan:

At the September meeting in Eureka, the Coastal Commission expressed concerns about the perceived increase in demolition activity in Carmel-by-the-Sea and the potential loss of community character. A staff suggestion that the Commission review the City's Exclusion Order also was made. This introductory letter is being transmitted to provide background on these issues and a status report on the City's efforts to complete its LCP.

Attached to this letter are Carmel-by-the Sea staff summaries "Demolitions in Perspective" and the "Exclusion Order." Perhaps of greater interest to the Commission is the City's progress to date in completing its LCP. A summary of the City's planning activity to complete the LCP is as follows:

Recent LCP-Related Work Efforts

- In 1993, the City prepared a management plan for Mission Trail Nature Preserve, the largest natural area and park inside City limits. This management plan was approved by the Coastal Commission and is being used by our LCP consultant to draft policies and implementation measures.
- In 1993, the City contracted for preparation of a Historic Context Statement to help guide decisions regarding historic resources. This document was completed in 1997 and adopted by the City Council. Also in 1993, the City adopted a Historic Preservation Ordinance and formed the Historic Preservation Committee to advise the Planning Commission on issues related to historic properties. Under the provisions of this ordinance more than a dozen structures have been voluntarily designated as locally significant historic resources.
- In 1994, the City began documenting the spread of pine pitch canker, which now threatens to decimate the upper canopy forest—an important community resource, environmental asset and a hallmark of the City's character. The City Forester took a lead role in efforts throughout the State to develop research and

B-1

EXHIBIT B: CITY OF CARMEL-BY-THE-SEA  
RESPONSE TO ISSUES RAISED AT THE OCTOBER  
COMMISSION MEETING (7 PAGES, B.1 THROUGH B.7)

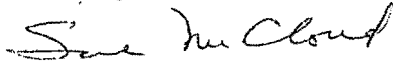
management strategies to address this issue. A new Forest Management Plan is in draft stage and is undergoing final reviews by our Forest and Beach Commission. This will become a source document for the LCP.

- In 1995, the City faced potential development in Pescadero Canyon – a suspected Environmentally Sensitive Habitat Area (ESHA). Recognizing a need for definitive mapping of ESHAs throughout the City, a consultant was hired to survey the entire City, to map ESHAs and provide resource management recommendations for each unique area. This report was completed and adopted by the City Council. Based on its findings the City has acquired five of the seven lots in the Canyon as permanent open space. The ESHA report will form the basis for the LCP section on habitat protection and management.
- In 1996, the City recognized that some new homes and remodels in the R-1 District appeared incompatible with their neighborhood or otherwise failed to perpetuate the character of Carmel. In response, the City launched the Residential Design Traditions Project. This multi-year effort, aided by a nationally recognized consultant, has led to a complete draft overhaul of design guidelines, review processes and ordinances for the R-1 District. Relevant policies and implementation measures will appear in the LCP.
- In 1997, the City identified a need to establish clear policies for management of its beach, bluff top trail and access ways. A citizen's task force was formed to write a Carmel Beach Master Plan. This document was just adopted by the City Council and will serve as a source document for the LCP.
- In 1997, the City began to investigate methods to conserve the character of its commercial districts. Existing ordinances were found to set inappropriate dimensional standards, provided little guidance on storefront remodels and failed to recognize important design differences between the retail core and the peripheral buffer districts. In response to these concerns, the City has completed a draft Commercial Design Ordinance and the City's first illustrated Commercial Design Guidelines booklet. Upon completion of environmental review these will be forwarded to the Council for adoption.
- In 1998, the City adopted ordinances to establish three overlay districts: A Beach District, Archaeological Significance District and a Park/Open Space District. These ordinances were modeled after the implementation measures previously approved by the Coastal Commission in 1983.

In furtherance of this aim, the City applied for, and received, a Coastal Commission grant to complete the LCP. The City Council allocated a significant amount of its discretionary budget to fund planning programs that will accomplish this task.

I feel that the foregoing actions represent a responsible and affirmative effort to plan for the City's future while recognizing the guidance and intent of the Coastal Act. In addition, the City is very proud of these planning efforts and is ready, willing and able to tackle the few remaining tasks necessary to complete its LCP.

Sincerely,



Sue McCloud  
Mayor

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c: Supervisor Dave Potter  
City Council  
Interim City Administrator  
City Attorney  
Principal Planner

## DEMOLITIONS IN PERSPECTIVE

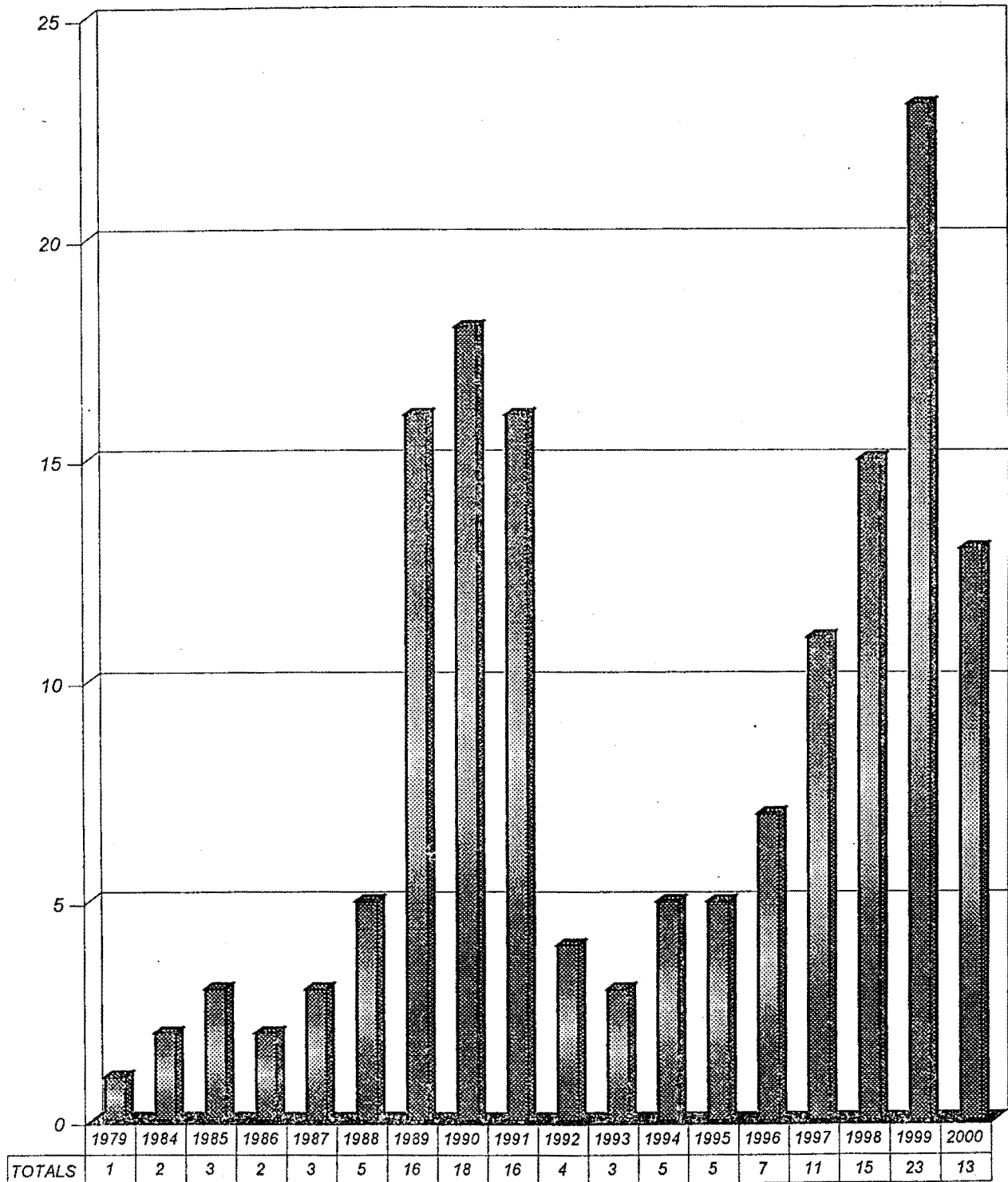
The definition of the term 'demolition' is critical to an understanding of the Coastal Permit activity seen by the Commission. For years the City relied on a definition which allowed removal of up to 75% of the exterior walls without a project being classified as a demolition. The City now believes this is inadequate to distinguish remodels from substantially new projects.

Early this year, the City adopted a new definition that classifies removal of 50% or more of the exterior walls as a demolition. This demonstrates the City's intent to manage this issue. The Coastal Commission can expect to see even greater numbers of demolitions in the future because this new threshold will trigger Coastal Permit reviews for less significant projects than in the past.

At the September meeting the Coastal Commission was shown a bar graph of demolition permit activity in Carmel since adoption of the Coastal Act. Based on the City's research the attached bar chart was prepared. This covers the period 1979-2000 and reflects all demolitions of residential and commercial structures. (Note: Since some demolitions occurred prior to 1980 when City records were less organized, they could not be verified and are not shown.) The facts show that many of these demolitions occurred in the commercial district to establish new developments more consistent with the City's zoning plan. Over the full 25-year period, the number of demolitions City-wide is quite small—just 6.6 per year. With over 3200 properties in Carmel this represents just 2-tenths of one percent per year!

The City processes far more remodels to single-family dwellings than it does demolitions. By nature, remodels tend to conserve existing character because applicants want additions to blend with existing design features. The City's design review processes also tend to ensure this result. Unless these projects are located in the Beach Zone, the Coastal Commission never sees them. The City is proud of the quality and character of the new construction it approves to replace demolished buildings.

# Demolitions in Carmel-by-the-Sea



B-5

Total = 152 Demos

Pin. Pg / VOA. Pg / LCR / M. C. - / M. C. - M.

## THE EXCLUSION ORDER

In 1977 the Coastal Commission unanimously approved Categorical Exclusion E-77-13. This Order excluded most development in Carmel-by-the-Sea from coastal permit requirements. According to the Staff Notes accompanying the Exclusion Order, the Commission granted it because:

"Permit experience under both the 1972 Act and the 1976 Act has shown that... principal permitted uses under the City's Zoning Ordinance have met the policies of the respective acts and have qualified for permits."

"Nearly all of the City has been developed, very few vacant parcels remain. Some intensification of uses is possible but will be minimized by restricting the exclusion to permitted uses."

The Exclusion does not apply to:

- Development in the "Beach Zone" (see below)
- Any conditional use
- Any variance exceeding 10%
- Any major improvement to streets or utilities increasing capacity by 50%
- Any street widening of Ocean, Junipero, North San Antonio or Del Mar Avenues and Scenic or Rio Roads
- Any development involving a structure with historical significance
- Any development that might impact archaeological resources

The Coastal Commission's action to approve the Order was an expression of trust in Carmel-by-the-Sea. The Exclusion Order recognizes that the 'permitted uses' and development standards in effect in 1977 were consistent with the intent of the Coastal Act. This recognized the good planning efforts in Carmel and the careful review of development proposals exercised by the City.

Over the years since adoption of the Exclusion the City's planning efforts have continued to improve and refine local zoning codes. As each significant ordinance that might affect the Exclusion neared adoption, the City's Planning Staff worked with the Coastal Staff to ensure that the needs of the Coastal Commission and the Coastal Act would be met. Since virtually every ordinance adopted since 1977 is even more consistent with the intent of the Coastal Act

than the 1977 codes, the City was always advised that no amendment to the Exclusion Order was necessary.

The City still uses the 1977 codes as a threshold to determine which projects will require a coastal development permit. Coastal Staff and City Staff believe that this is most consistent with the Commission's original action. Significant zoning amendments enacted by the City since adoption of the Exclusion Order include:

Ord. 80-23: Increased sideyard setback requirements in the single-family residential zone. Reduced height of buildings in R-1 zone from 30 feet to 24 feet.

Ord. 81-9: Established a Design Review process for residential construction.

Ord. 83-14: Urgency ordinance on two-story buildings due to excess mass and bulk.

Ord. 84-14: Comprehensive commercial zoning ordinance. Adopted the SIC Code as a way to define commercial uses. Adopted use permit requirements for several new uses. Established uniform standards for approval of uses. Revised commercial zoning boundaries and district purposes.

Ord. 85-18: Comprehensive revision to single-family residential design standards. Established design objectives and a new design review process. Created a floor area ratio standard that reduced total building mass of two-story houses. Repealed Ord. 83-14.

Ord. 85-32: Established a use permit process for expansions of commercial floor area.

Ord. 88-9: Comprehensive revision of commercial development standards. Created a floor area ratio standard that reduced total building mass and required increased open space on commercial properties.

Ord. 95-12: Revised procedures for review of projects in the archaeological significance zone.

Ord. 97-9: Comprehensive revision to exterior sign ordinance for all districts.

Throughout its history the City has demonstrated care and diligence in responding to pressures for change. Each of the ordinances listed above protects the character of the community and meets or exceeds the standards established by the Exclusion Order. To the best of our knowledge, the City has taken no action that would undermine the trust expressed by the Coastal Commission's adoption of the Exclusion Order. This record, and the impending completion of the City's LCP, argue for retaining the Exclusion Order as approved.



## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

(408) 427-4863

Th 3c



## ADMINISTRATIVE PERMIT NUMBER 3-00-095

Applicant ..... Doug & Gillian ClendonProject location ..... Casanova St., 3SW of 10th Ave., Carmel (Monterey County)

Project description... Demolition of existing 935 sq.ft. one story single-family residence, to facilitate construction of a new 1800 sq. ft., split-level two story residence, on a 4,000 sq.ft. lot (APN 010-272-003).

Local Approvals ..... City of Carmel-by-the-Sea: DS 99-33/RE 99-25, on Feb. 23, 1999, for relocation of existing house and new construction (withdrawn); DS 00-27/RE 99-25, on June 14, 2000, for demolition of existing house and new construction.

Note: Public Resources Code Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs. This permit will be reported to the Commission at the following time and place:

Sept 14, 2000  
9:00 A. M.

Eureka Inn  
7<sup>th</sup> and "F" Street  
Eureka, CA 95501

(707) 442-6441

IMPORTANT: Before you may proceed with development, the following must occur: You must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return to our office (Title 14, California Code of Regulations, Sections 13150(b) and 13158). Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, if applicable, we will send you a Notice of Administrative Permit Effectiveness. Before you can proceed with development, you must have received both your administrative permit and the notice of permit effectiveness from this office.

PETER DOUGLAS  
Executive Director


By:   
Charles Lester  
Central Coast District Manager

EXHIBIT C: EXAMPLE OF STAFF  
METHODOLOGY - ADMINISTRATIVE  
PERMIT 3.00.095 (CLENDON)

17 PAGES

C-1 THROUGH C-18

## STAFF NOTE

IN RESPONSE TO PENDING LITIGATION FROM THE FRIENDS OF CARMEL CULTURAL HERITAGE, ON APRIL 4, 2000, THE CITY COUNCIL ADOPTED AN URGENCY ORDINANCE PLACING A MORATORIUM ON THE PROCESSING OF FURTHER DEMOLITIONS FOR A PERIOD OF 45 DAYS. THAT URGENCY ORDINANCE EXPIRED ON MAY 15, 2000, AND WAS NOT EXTENDED BY THE CITY. THIS PROPOSAL WAS APPROVED BY THE CITY ON JUNE 14, 2000.

**EXECUTIVE DIRECTOR'S DETERMINATION:** THE FINDINGS FOR THIS DETERMINATION, AND FOR ANY SPECIAL CONDITIONS, APPEAR BELOW.

## STANDARD CONDITIONS

---

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

## Special Condition

---

**1. Relocation or Salvage.** PRIOR TO COMMENCEMENT OF REMOVAL OR DEMOLITION OF THE EXISTING STRUCTURE, permittee shall submit, for review and approval by the Executive Director, the following measures to implement relocation or salvage:

- a. Documentation that arrangements have been made to move the existing building to a location within the same lot, or to another location, either within or outside of the City; or,
- b. If relocation is not feasible, then a salvage plan that has been agreed to by permittee, providing for identification, recovery and reuse of all significant exterior architectural elements of the existing building that can be feasibly incorporated in new construction on or off site. To the extent salvageable materials exceed on-site needs, they may be sold, exchanged or donated for use elsewhere. The plan shall specify that salvageable materials not used on site, sold or



exchanged shall be offered without charge, provided recipient may be required to bear the cost of removal. Unsound, decayed, or toxic materials (e.g., asbestos shingles) need not be included in the salvage plan.

Relocation shall not be deemed infeasible unless: 1) a Licensed Historical Architect, Licensed Historical Contractor, or equivalent qualified expert has determined that relocation of the structure would not be feasible, or if feasible, would not result in worthwhile preservation of building's architectural character; or, 2) it has been noticed by appropriate means as available for relocation, at no cost to recipient, and no one has come forward with a *bona fide* proposal to move the existing structure within a reasonable time frame (i.e., within 60 days from date of first publication and posting of availability notice). Such notice of availability shall be in the form of a public notice or advertisement in at least two local newspapers of general circulation (at least once a week for four weeks), as well as by posting on the site and by other means as appropriate.

Submitted salvage plans shall be accompanied by a summary of all measures taken to encourage relocation, copies of posted notice, text of published notices/advertisements, and evidence of publication, along with a summary of results from this publicity, a list of relocation offers (if any) that were made and an explanation of why they were not or could not be accepted.

#### EXECUTIVE DIRECTOR'S DETERMINATION

The Executive Director hereby determines that the proposed development is a category of development that qualifies for approval by the Executive Director through the issuance of an administrative permit (Public Resources Code Section 30624). Subject to Standard and Special conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to develop a Local Coastal Program in conformity with the provisions of Chapter 3, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

An important component of Carmel's special community character are 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 which 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.

A primary issue is the cumulative loss of these cottages that so epitomize the Carmel character. City planners estimate that as much as one-third of the existing housing stock is comprised of "antiquated" structures, although not all older homes contribute anything in particular to the community's "special character." An accelerating trend is the replacement of these older, all-too-often neglected small homes with larger, more modern residences. The demolition phenomenon impacts both those structures worth saving, and those that are not. Nonetheless, hundreds of worthy



cottages remain. Some have historical credentials, and some—because of their architectural character and context—are contributing characters on the stage.

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

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

A third aspect of Carmel's character is the pine and oak dominated landscape. Although the forest landscape is not all natural – there has been enhancement over the years by tree planting – it is the type of landscape that pervades the City and for which it is known. Demolition can result in tree damage and/or removal. New construction after demolition also may result in the loss of trees, and reduce the available area for the growth of new trees--especially if a new structure is built out to the maximum allowed by the zoning.

The three aspects of the City's character briefly described above are not exhaustive. The relatively small physical size of the City, about 1 mile wide by 1.5 miles long, contributes to the City's character, as does the absence of sidewalks in the residential areas. Further, Carmel's character is not necessarily expressed by any one aspect, whether that be historical, architectural, environmental, or something else, but is rather a combination of several different aspects, all of which work together synergistically to create the unique ambiance of the City.

**Applicable Policies for Demolitions.** While residential development in most of Carmel is excluded from the requirement for a coastal development permit by virtue of Commission Categorical Exclusion E-77-13, demolitions are not excluded. Because the City of Carmel does not have a certified LCP, the Coastal Commission must issue the coastal development permit. The main issue raised by demolition projects in Carmel is the preservation of community character. Sections 30253 and 30251 of the Coastal Act address the issue of preserving the community character of special communities such as Carmel:

*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.*

*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.*

These Coastal Act sections as they apply to the proposed project require the protection of the unique community and visual character of Carmel. The City of Carmel is a very popular visitor destination as much for its quaint residential architecture as its renowned commercial shopping area and white sand beaches. Carmel is made special by the style and character of development within City limits. In particular, as a primarily residential community, residential development in Carmel plays a key role in defining the special character of the area.

Although there is no certified LCP for Carmel, structures that have been voluntarily designated as a historic resource enjoy certain protections from demolition under the City's Municipal Code. Without such voluntary designation, as is the case with this application, the subject site is not offered any special protection under local ordinances. When there is information indicating that a structure may be a significant historic resource, it is evaluated under the following Municipal Code criteria: Cultural Heritage, Architectural Distinction and Notable Construction, Unique Site Conditions, or relationship to an Important Person.

**Applicable Policies for New Construction.** Like most new construction in most of Carmel, the new house that is proposed to be built after the existing house is demolished is excluded from the requirement for a coastal development permit by virtue of Commission Categorical Exclusion E-77-13. The regulations governing the proposed new construction are the City's existing regulations.

**Project Description.** The project site is 4,000 sq.ft., the standard size for lots in Carmel. It is located on the west side of Casanova Street between 10<sup>th</sup> and 11<sup>th</sup> Avenues, four blocks inland from the beach, in the south central part of the City. The site has an existing, 935 square foot cottage-style home centered on the 40-ft. width lot. This typical Arts and Crafts style Carmel cottage was constructed in 1928, and is commonly known as "Flower Box." A historic resource evaluation report (DPR Form 523) from the files of the Carmel Preservation Foundation, attached as Exhibit 3, concludes:

This house is important to its neighborhood and is representative of the early cottages characteristic of the development of early Carmel. The loss of this building would contribute to the cumulative effect of the demolition program that is destroying the unique architectural and cultural heritage that identifies this City.



More recently, an updated report, including a revised DPR 523, was submitted for this structure (*Evaluation Report for the Baker, Clendon, Feiner, and Leaton Residences, Carmel-by-the-Sea, Monterey County, California*, Jones & Stokes Associates, July 28, 1999). See Exhibit 4, attached, for relevant excerpt. Regarding the cottage as a historic resource, this report has a somewhat less emphatic conclusion:

The house contributes to the historic district through its embodiment of the characteristics of the Arts and Crafts movement in the architectural design, its landscaping features that convey the principles of the Arts and Crafts movement, and because this lot and house exhibit the development patterns typical of Carmel's early design traditions. The property lacks the significance necessary to make it eligible as an individual resource because, on its own, it does not meet the CRHR criteria for having an individually significant association with events or persons significant in our past. While the property embodies the characteristics of the Craftsman style, it is not an example of this style of such high quality as to meet the criteria for individual listing.

Finally, according to the City staff report

In February of 1999 the Planning Commission reviewed and approved the alteration of ...[the] existing single-family residence...At the same meeting, the [Planning] Commission rejected ...[the] updated DPR 523 Form and found that the structure did not constitute a historic resource. The applicant now proposes to demolish that portion of the structure originally proposed to be saved and construct an entirely new two-story single-family dwelling.

**Analysis: Issue Identification.** The parcel is currently developed with a small single family dwelling. The existing home on the site, as seen from the street, is an attractively proportioned wooden structure with a decoratively shingled exterior finish. From such a perspective, it appears to be in reasonably good condition. Its public face, in both scale and design, represents a typical and authentic Carmel cottage. However, as observed by Commission staff, the side facing away from the street is not in such good condition, and the presence of such features as a modern aluminum-frame window detracts from the original character of the cottage. See Exhibits 2 and 3, attached, for photograph of the existing structure as seen from the street side.

As illustrated by the attached photos, the existing structure exhibits authentic cottage features and therefore contributes to Carmel's special community character within the meaning of Coastal Act Section 30253(5)--whether or not it constitutes a historic resource. In other words, for Coastal Act purposes, the impact of the proposed demolition needs to be addressed primarily in terms of protecting architectural character rather than historical resources. A persistent challenge for the City, in developing its LCP, is the question of how to protect this "cottage character." The companion challenge for the Coastal Commission is how, in the meanwhile, to mitigate the loss, preserve planning options, and avoid prejudicing the outcome of the LCP process. Clearly, at least some of the cottages will need to be preserved, in the context of a neighborhood of like character.



The establishment of a Historic District has been proposed by historic preservation advocates, but has not (yet) been adopted by the City government as policy.

**Analysis: Alternatives.** As the various planning options are being debated, what options are available when an owner requests demolition to facilitate construction of a new residence? One alternative would be to deny such applications. However, this would result in some inequitable situations, especially in those instances where the existing structure has decayed beyond reasonable repair, or where there is no particular historic or architectural characteristic that demands such a stringent measure, or where the value of an architecturally or historically worthy structure has been severely compromised by the loss of its neighborhood context.

Another alternative is to identify those buildings that contribute to Carmel's special character—by virtue of their "cottage" style or their contribution as a historic resource—and to provide an opportunity for relocation. In order to maintain historic context, such relocation would ideally be on the same parcel if there is enough space. But, Carmel's relatively small 4,000 sq.ft. lots dictate that in most cases relocation will have to occur elsewhere.

While relocation results in the loss of original historic context, at least the architectural expression that the structure represents will live on, somewhere, hopefully in Carmel or the vicinity. And in those instances where relocation proves to be infeasible or inadvisable, or no one comes forward to claim an offered structure, at least some exterior (or interior) portions of the building may nonetheless be salvaged for reuse in other construction. In this way, not only are materials conserved, but also some of the architectural elements that contribute to the "Carmel character" can be reclaimed and enjoyed again.

**Analysis: Conclusion.** In the case of this application, the purpose of the proposed demolition is to facilitate the construction of a replacement residence. The replacement of one residence for another will not open the way to new development that would be growth inducing or lead to compromise of an existing urban-rural boundary. Parcels in the vicinity of the subject parcel are developed with single family dwellings at urban densities. All utilities are connected to the existing house on this site. There are adequate public services for the proposed new house. Parking is adequate. Additionally, the proposed new house meets City requirements for maximum height, floor area, coverage, and yard setbacks. The new building—which needs no coastal development permit pursuant to Carmel's categorical exclusion—is much taller and far larger than the existing cottage. On the other hand, it displays certain architectural "character" features associated with Carmel, such as a steeply gabled, shingled roof, special window treatments, etc. See Exhibit 5 for site plan and street elevation of the proposed new structure.

As noted above, the case for "Flower Box" as a historical resource on its own merits is not as strong as for some other cottages evaluated in the Jones & Stokes report. Nonetheless, the structure proposed for demolition, through its attractive, modest proportions, and Arts and Crafts-style architectural elements, strongly evokes the Carmel character. The cumulative loss of such structures erodes the overall small-scale character and context of Carmel's historic neighborhoods.



The impact of the proposed demolition therefore needs to be offset through an appropriate mitigation measure.

In this case, the loss of the existing structure can be mitigated, in part, through relocation or salvage. Relocation—or failing that, salvage—will provide for reasonable conformance with Coastal Act Sections 30251 and 30253(5), and will help to avoid prejudice to the City's efforts to prepare an LCP that conforms with Coastal Act policies. This permit is conditioned accordingly.

**City of Carmel Local Coastal Program.** Section 30604 of the Coastal Act states in part that a coastal development permit shall be granted if the Commission finds that the development will not prejudice the local government's ability to prepare a Local Coastal Program (LCP) in conformity with the resource protection policies of the Coastal Act. The entire City of Carmel falls within the coastal zone, although most development currently is excluded from the requirement for a coastal development permit by Categorical Exclusion E-77-13.

Approximately twenty years ago, the City submitted the Land Use Plan (LUP) portion of its LCP for review by the Coastal Commission. On April 1, 1981, the Commission certified part of the LUP as submitted and part of the LUP with suggested modifications regarding beach-fronting property. The City resubmitted an amended LUP which addressed the beach-fronting properties provisions, but which omitted the previously certified portion of the document protecting significant buildings within the City. On April 27, 1984, the Commission certified the amended LUP with suggested modifications to reinstate provisions for protecting significant structures. However, the City never accepted the Commission's suggested modifications. The City is currently working on a new LUP submittal. The City's work plan proposes to examine a number of issues including community character. It will be important for the City to assess development trends, including demolitions and associated new construction, since the approval of the Categorical Exclusion in 1977 and the relationship of those development trends to community character. Commission staff will be meeting with City staff to discuss measures to ensure that the issue of community character is adequately addressed.

The zoning or Implementation Plan (IP) was certified with suggested modifications on April 27, 1984. The City did not accept the suggested modifications and so the IP remains uncertified. The City is presently working on a new IP submittal.

Approval of the proposed project, as conditioned to require relocation or salvage of the existing structure, will not prejudice the ability of the City to complete its LCP in accordance with Coastal Act requirements.

**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)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This report has



examined the relevant issues in connection with the environmental impacts of this proposal. The Commission finds that, for the reasons stated above, the proposed project as conditioned to require location or salvage of the existing structure will not have any significant adverse effects on the environment within the meaning of CEQA.

---

**ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS**

---

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

---

Applicant's signature

---

Date of signing

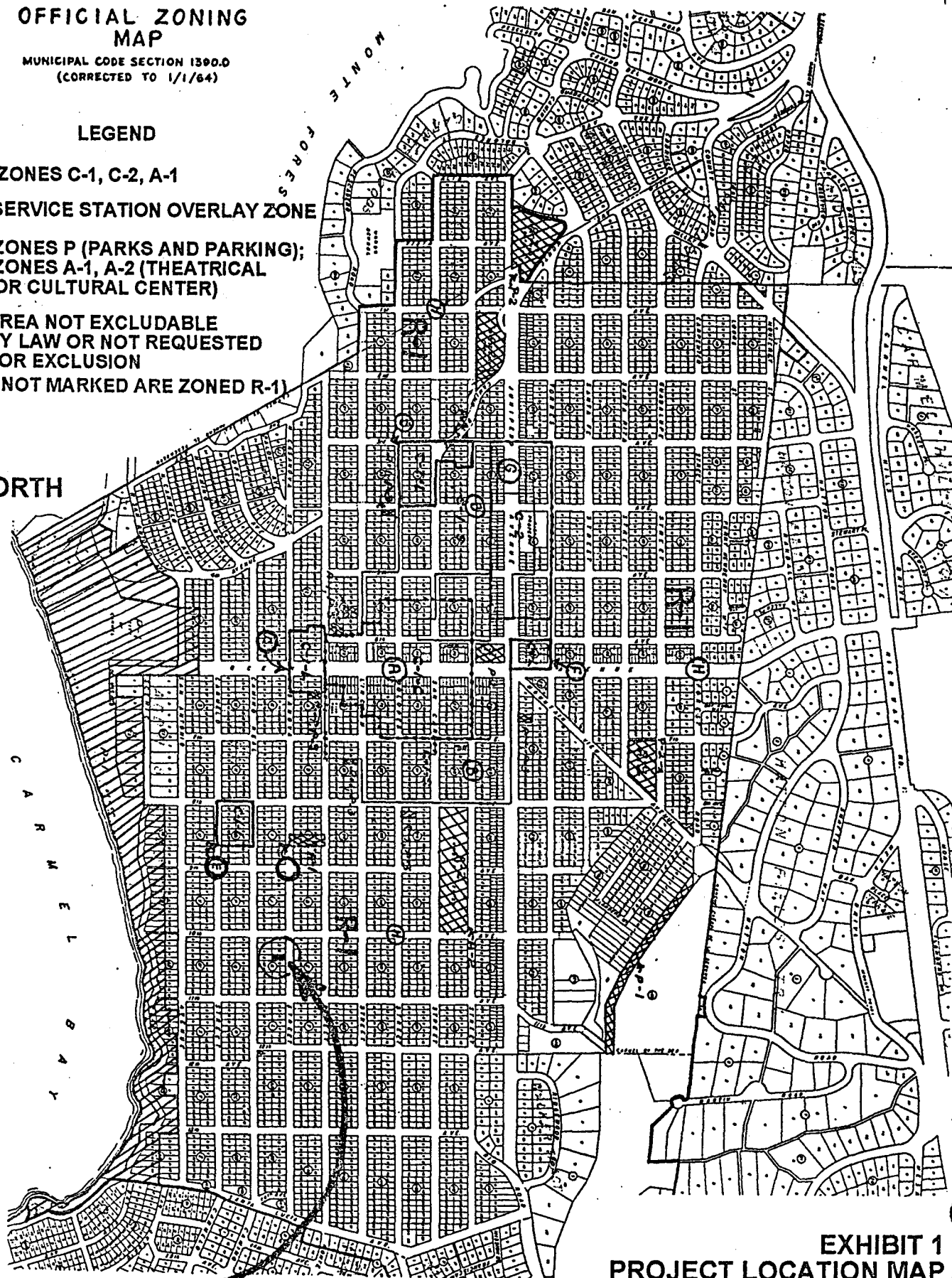


# CARMEL-BY-THE-SEA OFFICIAL ZONING MAP

MUNICIPAL CODE SECTION 1390.0  
(CORRECTED TO 1/1/64)

## LEGEND

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



SITE

C-10

EXHIBIT 1  
PROJECT LOCATION MAP  
3-00-095 CLENDON



Photo 1. Northwest corner of existing cottage, side facing Casanova Street.



Photo 2. Southeast corner of existing cottage.

Exhibit 2  
Photographs of Existing  
Residence  
3-00-095 (Clendon)

C-11

PRIMARY RECORD

Other Listings \_\_\_\_\_  
Review Code \_\_\_\_\_ H

Page 1 of 2

\*Resource Name or #: AP#10-272-03 Flower Box

P1. Other Identifier: Carmel Historic Survey

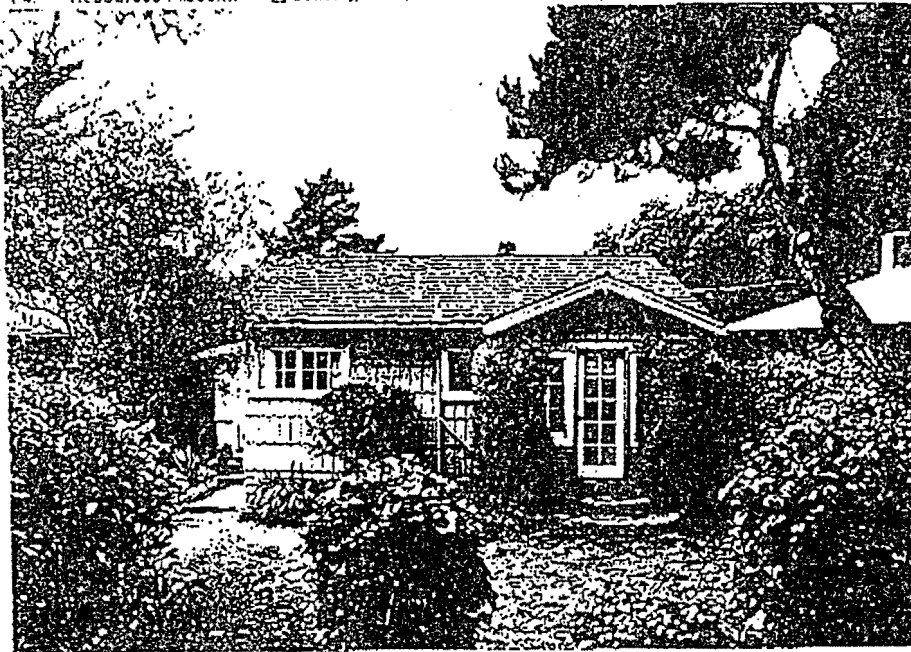
\*P2. Location: ☐ Not for Publication ☒ Unrestricted a. County Monterey  
b. USGS 7.5' Quad \_\_\_\_\_ Date \_\_\_\_\_ T \_\_\_\_\_ R \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of Sec \_\_\_\_\_ B.M.  
c. Address 6th NE of 11th, on Casanova city Carmel Zip 93921  
d. UTM: (Give more than one for large and/or linear feature) Zone \_\_\_\_\_ mE/ \_\_\_\_\_ mN  
e. Other Locational Data: (e.g. parcel #, legal description, directions to resource, elevation, additional UTM's, etc. as appropriate)  
Block K, Lot 7, Addition #1

\*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)

This is a small wood frame house with a main side gabled roof with front gabled projecting entry. The roof covering is of wood shakes and the roof itself has a medium pitch with overhanging eaves, the rafters covered with a fascia. Windows are small mullioned casements of irregular size. The wall cladding is of a unique wood shingle pattern, very evenly laid with under-lapped joints. There is a small brick chimney visible at center rear and the front entry has a mullioned French door. The landscaping is of native bushes, trained ivy and neatly kept fir needles leading to a circular chalkrock entry stairway. This house was built in 1928 by Nichols for Walter Fischer.

\*P3b. Resource Attributes: (List attributes and codes) HP2, Single Family Property

\*P4. Resources Present: ☐ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)



P5b. Description of Photo: (View, date, etc.)  
8/23/1991

\*P6. Date Constructed/Age and Sources:  
☐ Prehistoric ☒ Historic ☐ Both  
1928

\*P7. Owner and Address:  
Bonnie Lind  
33 Park Hill Ave.  
San Francisco, CA 94117  
P--Private

\*P8. Recorded by: (Name, affiliation, address)  
Carmel Preservation Foundation  
P.O. Box 3959  
Carmel, CA 93921

\*P9. Date Recorded: 03/31/1999

\*P10. Survey Type: (Describe)  
Intensive  
Volunteer  
C--Comprehensive Survey

\*P11. Report Citation: (Cite survey report/other sources or "none") Glory Ann Laffey  
Historic Context Statement

\*Attachments: ☐ NONE ☐ Location Map ☐ Sketch Map ☐ Continuation Sheet ☒ Building, Structure and Object Record  
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record  
☐ Photograph Record ☐ Other: (List) \_\_\_\_\_

**BUILDING, STRUCTURE, AND OBJECT RECORD**

Page 2 of 2

\*NRHP Status Code SSI

\*Resource Name or #: AP#10-272-03 Flower Box

B1. Historic Name: Flower Box

B2. Common Name: Flower Box

B3. Original Use: Residential

B4. Present Use: R--Residential

\*B5. Architectural Style: Craftsman Cottage

\*B6. Construction History: (Construction date, alterations, and date of alterations.)

8/1928 Permit #2038; Owner: Walter Fisher, Bldr: Nichols - \$1100.

\*B7. Moved? ☒ No ☐ Yes ☐ Unknown Date: \_\_\_\_\_ Original Location: \_\_\_\_\_

\*B8. Related Features:

B9a. Architect: None

b. Builder: Nichols

\*B10. Significance: Theme Residential Architecture Area Carmel-by-the-Sea

Period of Significance 1900-1940

Property Type Residential

Applicable Criteria MC 17.411

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

This house is important to its neighborhood and is representative of the early cottages characteristic of the development of early Carmel. The loss of this building would contribute to the cumulative effect of the demolition program that is destroying the unique architectural and cultural heritage that identifies this City.

B11. Additional Resource Attributes: (List attributes and codes)

HP2. Single Family Property

\*B12. References:

B13. Remarks:

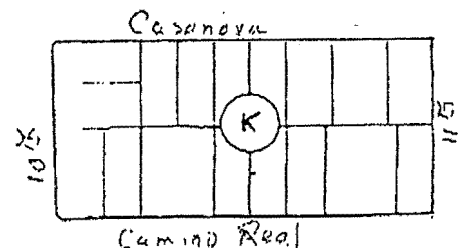
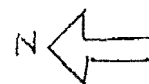
Zoning: R-1

\*B14. Evaluator: Enid T. Sales

Date of Evaluation: 11/18/1998

(This space reserved for official comments.)

(Sketch Map with north arrow required)



## History

The Flower Box residence was constructed in 1928 for Walter N. Fischer (building permit #2038). The house was built by J.E. Nichols of Carmel at a cost of \$1,100, and was described as a 22 foot by 22 foot wood house with one chimney. Fischer's design notes indicate that the house consisted of one bedroom, a living room, a kitchen, a bath, and a garage. Walter N. Fischer is not listed in the city directories of 1930-1947, so he may have held the house as a rental.

By 1948 the house was owned by David D. and Jessie MacGregor (building permit #1634). The MacGregors invested \$1,500 into upgrading the house that year, including new floors, windows, and doors. The sketch plan that accompanies the building permit indicates that the original entry porch was enclosed as a front hall with a separate sun room immediately to the west of the front hall, and that the garage was converted to a second bedroom. In 1949 the city directories list Douglas D. and Jessie MacGregor as residing on Carmelo Street, near 11<sup>th</sup> (Polk's, 1949). By 1951 Jessie is listed as a widow, but she continued to live on Carmelo Street through the late 1950s (Polk's 1951). It appears that David D. and Jessie MacGregor held the Flower Box house as a rental property. Jessie was an artist who was active in the Carmel art community, who exhibited her first one-man show in 1938 (Alexander 1952). Jessie went on to have numerous shows in Carmel, Sacramento, and San Francisco. She served as treasurer and president of the Carmel Art Association (MacGregor 1956, Special 11<sup>th</sup> annual...1956).

In 1956, Monroe Rude is listed as the owner of the house on a building permit for the addition of a 12 foot by 11 foot unroofed porch to be added at the north end of the west facade (building permit 1634). The house passed through three owners (James and Ethel Dixon, Emily Bleeker, and Iona Logie) between 1958 and 1963, when it was sold to Peter and Bonnie Lind (Monterey County deeds reel 1880 page 31; reel 2022 page 393; reel 28 page 261, and; reel 131 page 125). City directories indicate that the house was vacant from 1956 through 1959 and again between 1962 and 1966 or 1967 (Polk's, 1956, 1958, 1959, 1962, 1963, 1964, 1965, and 1966). By 1965 ownership of the house had transferred to Peter M. Lind (Monterey County deed reel 1467 page 990), who occupied the house intermittently during the late 1960s and early 1970s. In 1965, Lind hired Raymond Clifford to construct a 204 square foot bedroom addition at a cost of \$2,500 (building permit #4279). This is most likely the lower level room at the south end of the west elevation. The house was transferred to Bonnie Lind in 1981 (Monterey County deed reel 1467 page 990); she owned it until 1998, when she sold it to Doug and Gillian Clendon (Monterey County deed reel 9885 page 720). Little information about Monroe Rude, the Bonnie Lind, or the short-term owners was revealed during the historical research.

## Description

The Flower Box residence is the third house south of Tenth Avenue on Casanova Street. This block of Casanova has a generally consistent rhythm of houses set half-way back from the street with small fences covered with foliage bordering the front edge of the lots. The narrow two-lane street has gravel shoulders which are separated from the street by a small earthen curb. The shoulder is used for off-street parking and is randomly interrupted with mature trees that help create a partial canopy over the street. The overall visual character of the street is the forested feeling that is typical of Carmel.

The Flower Box house is set at the center of the lot, with approximately one third of the lot used as the front yard, one third for the house, and the rear one third used as the back yard. The house is a side-gabled rectangular plan with several small additions that create a more complex building plan. A small cross-gabled bay projects slightly from the north corner of the front facade; a flat-roofed sun room has been added to the north corner of the rear elevation; a lower level room has been added to the remainder of the west facade, with a roof deck that hits the original house at about 3 feet above the interior floor level; and, the small porch on the south gable-end has been enclosed for use as an entry vestibule. The original side-gabled structure is one story, while the slope of the lot puts the room that was enclosed under the rear porch at a second, lower level. The house is a wood frame on a concrete slab foundation. The house is clad with wood shiplap below the watertable level, while from the watertable to the roofline the house is clad with long, uniform wood shingles hung in ordered horizontal bands with two layers of shingle in each band creating a fringed look. The wood cladding has been painted light blue and is accented by the fenestration framing and the gable fascias that have been painted white. The medium pitch, wood frame, cross-gable roof has exposed eaves and is covered with wood shakes. The enclosed entry porch has a wood frame shed roof also covered with wood shakes. The entry door is a wood frame Dutch door with 9 light glazing in the upper half and an X-braced wood lower half. Secondary entries include a wood frame multilight door centered on the cross-gable facade and an aluminum framed sliding glass door leading to the addition on the rear facade. Windows on the front facades consist of two pairs of nearly square wood framed, six light casement windows on the south east corner, a single bottle-glass casement window, and two tall wood frame, six light casement windows flanking the entry door on the cross-gable facade. Two wood frame, 12-light fixed windows pierce the south facade of the enclosed entry porch. The lower addition at the rear of the house has several aluminum frame slider windows. The sun room addition has a band of large, fixed windows in heavy wood framing on the south and west elevations, with a glass jalousie (louvered) window at the north end of the west facade. A small door provides access from the sun room to the roof deck of the lower addition. The deck is surrounded by a wood railing composed of 4 by 4 posts and 2 by 4 rails. Overall, the main body of the house appears to be in good condition, but the rear additions appear to be in poorer condition, with some signs of insect damage, water damage, and general lack of maintenance over the years.

The landscaping around the Flower Box house generally consists of two small yards that are open grassy areas surrounded by informal edge plantings and then by a tall ivy covered fence. Mature trees at the front of the lot and in neighboring lots create a back drop of forest rather than a canopy

over the yards. A short landing of stone paving leads to the brick steps to the entry vestibule, while two stone, horseshoe shaped steps lead to the entry at the north end of the west facade.

## Evaluation

### California Register of Historic Resources

The Flower Box residence is eligible for listing in the CRHR as a contributing element of the potentially eligible "District One" historic district. The house contributes to the historic district through its embodiment of the characteristics of the Arts and Crafts movement in the architectural design, its landscaping features that convey the principles of the Arts and Crafts movement, and because this lot and house exhibit the development patterns typical of Carmel's early design traditions. The property lacks the significance necessary to make it eligible as an individual resource because, on its own, it does not meet the CRHR criteria for having an individually significant association with events or persons significant in our past. While the property embodies the characteristics of the Craftsman style, it is not an example of this style of such high quality as to meet the criteria for individual listing.

Architectural features such as the wood shingles, hinged-casement windows, accented window sills and surrounds, low horizontal massing, and simple floor plan are characteristic of the Arts and Crafts tradition that characterizes the historic district. The house is fully integrated into its natural surroundings, with the ivy-covered fence, informal plantings at the edges of the yard, creation of open living spaces in the front and back yards, and backdrop of trees combining to create a landscape that conveys the Arts and Crafts aesthetic. The house also exhibits the characteristics of the design traditions of a typical residential block in Carmel, with its simple rectangular plan, its setback from the street, the staggered relationship between this garden and its neighbors, its placement on the uphill portion of the lot, and its placement at the north edge of the lot creating varied widths in the side yards. Although the deck and lower level bedroom that were added to the rear elevation are not compatible with the significance of the house, they do not detract from its visual character as viewed from the street. Therefore, the house still conveys its historic significance as a contributing element to District One.

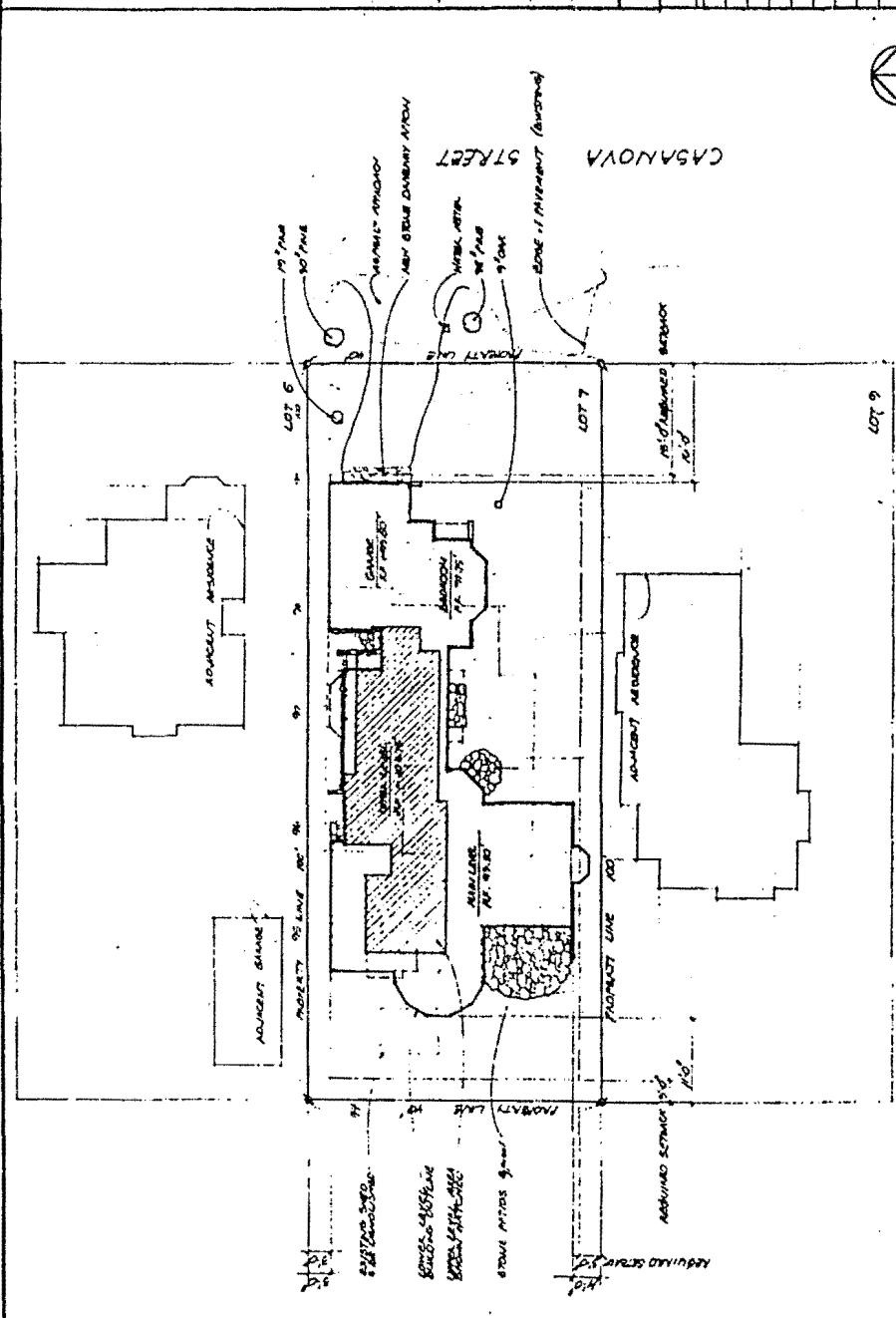
Character-defining features of the house include: the low, horizontal massing; wood shingles; wood frame, hinged casement windows; simple rectangular plan; its current siting on the lot; the ivy-covered wood fence and gate along the street; informal and diverse plantings around the house and fence-lines, and use of stone paving materials at the entries.

[illegible]

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| SHEET 3 | EXTERIOR ELEVATIONS       |
| SHEET 4 | ENTRANCE ELEVATIONS       |
| SHEET 5 | CONCEPTUAL LANDSCAPE PLAN |
| SHEET 6 | EXISTING FLOOR PLAN       |
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## Site Plan

**EXHIBIT 5**