

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
27-4863

W3a



RECORD PACKET COPY

ADMINISTRATIVE PERMIT NUMBER 3-99-088

Applicant..... Siu and Falusi

Agent Steve Dallas

Project location..... West side of Santa Rita between 2nd and 3rd Avenues, City of Carmel-by-the-Sea, Monterey County, APN 010-028-005, Lots 9 and 11, Block 24.

Project description Demolition of a ±2000 sq. ft. single family dwelling with detached ±700 sq. ft. garage built on two contiguous lots, and removal of one eight inch diameter oak tree. The proposed work would facilitate the construction of a new single family dwelling on one of the two underlying lots.

Local Approvals City of Carmel-by-the-Sea: DS 99-18/RE 99-13, HR 99-7

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:

February 16, 2000
9:00 A. M.

Quality Resort – Mission Valley
875 Hotel Circle South
San Diego CA 92108
(619) 298-8282

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

Executive Director's Determination: The findings for this determination, and for any special conditions, appear on subsequent pages.

By: 
Lee Otter
District Chief Planner



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. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. **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.
7. **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.

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.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

Demolition of existing residential buildings in Carmel is not a recent phenomenon. However, several 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 one which 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, especially if a new structure is built out to the maximum allowed by the zoning.

The character of Carmel is not simple and easy to describe. The three aspects of the City's character briefly described above are not exhaustive. 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. Like most demolitions, the main issue raised by this project is the preservation of community character. Sections 30253 and 30251 of the Coastal Act address the issue of preserving the community character of special communities such as Carmel:

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

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

and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

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.

Project Location and Description. The project site is a flat lot located in a residential area of one and two story homes on the west side of Santa Rita between 2nd and 3rd Avenues, about three-quarters of a mile inland from the beach, near the northeastern corner of the City of Carmel-by-the-Sea, in Monterey County. The project site consists of two underlying legal lots of record each 4,000 square feet in size. The existing house and garage are on Lot 11, the northerly of the two lots.

Analysis. According to the City staff report, the house is over 50 years old but there have been substantial additions and alterations over the years. The house is not designated as a historic resource but because of its age, the City reviewed the structure for any historic or cultural heritage. According to the City staff report,

Despite assertions from the Carmel Preservation Foundation about the historical significance of the site, the City's consultant found that the site is not historically significant, given the substantial additions and alterations. . .and the moderate importance of the primary owner. . . .On October 18, 1999, the City Historic preservation Committee (HPC) reviewed the historical consultant's findings and concurred, recommending to the Planning Commission that the structure is not significant. . . .

The historic evaluation commissioned by the City indicates that the structure has been substantially modified on three sides. The primary occupant, Evelyn Hildebrand, was a popular piano teacher in Carmel but otherwise not a historically noteworthy person.

...
The architecture of the existing house, which is not representative of any particular style (see photos) does not evoke a sense of Carmel history or character. The exterior of the house is a

gray-brown board and batten finish. The existing house is architecturally undistinguished. Surrounding houses are a mix of styles and construction. Because new construction on this site is excluded from the requirement for a coastal development permit, the Coastal Commission does not have permit jurisdiction over the proposed new construction. However, because the existing house does not communicate any sense of Carmel's history, architectural heritage, or small, forested coastal village, its demolition is consistent with Coastal Act Sections 30251 and 30253(5).

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.

On April 1, 1981, the Commission certified part of the LUP as submitted and part of the LUP with suggested modification regarding beach-fronting property. The City resubmitted an amended LUP which fixed 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.

Given that the proposed site is not found on a list of historic structures and that the replacement structure appears to be in keeping with the Carmel character (by virtue of the City's design review process), approval of the proposed project 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 will not have any significant adverse effects on the environment within the meaning of CEQA.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS

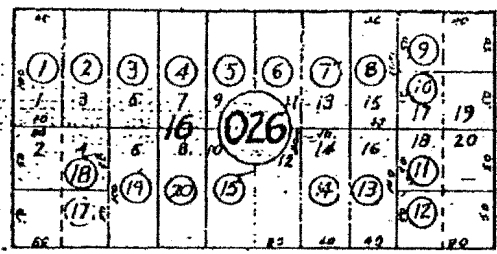
I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's signature

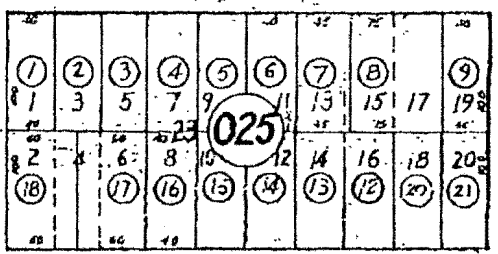
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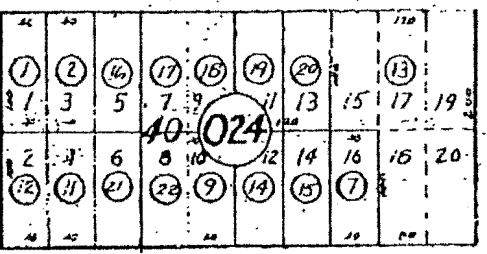
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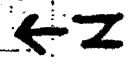
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3RD AVE



4TH AVE



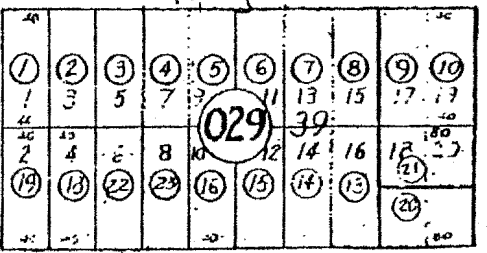
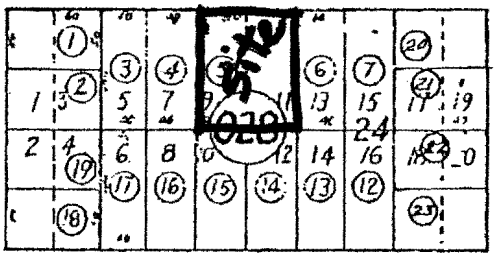
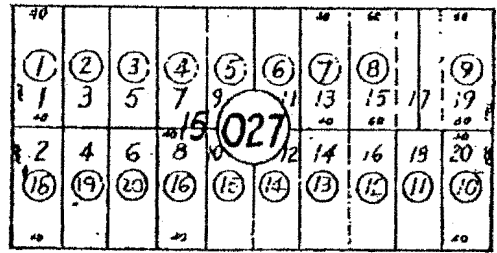
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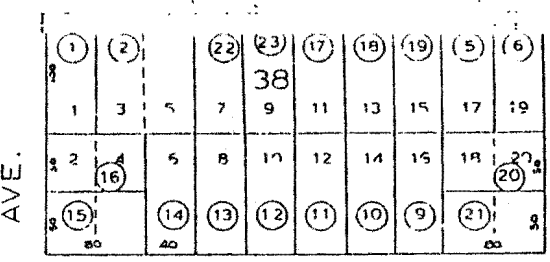
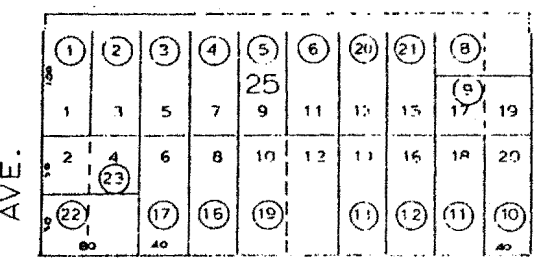
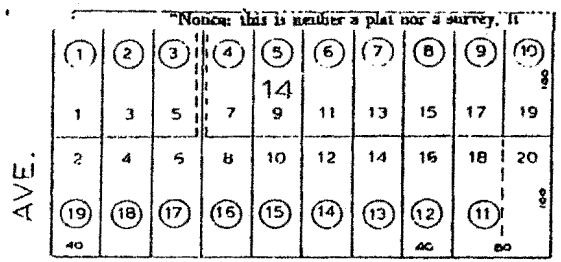
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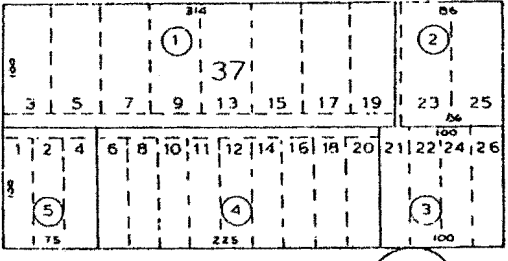
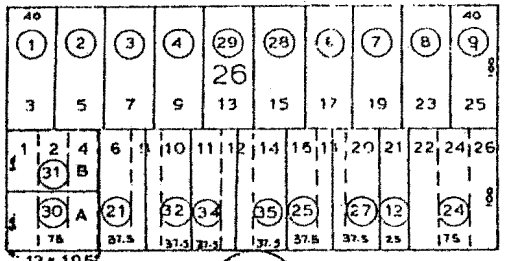
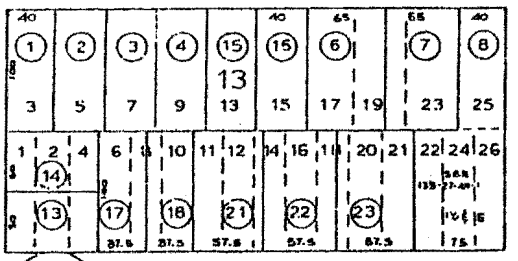
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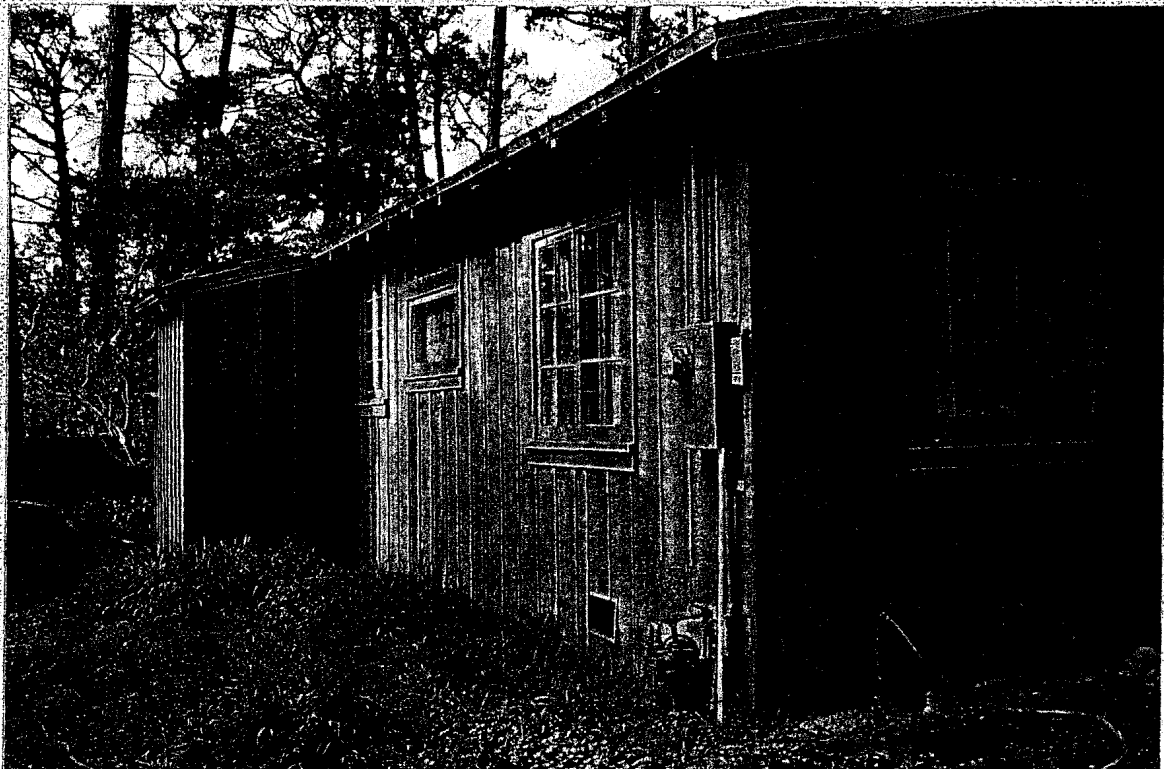
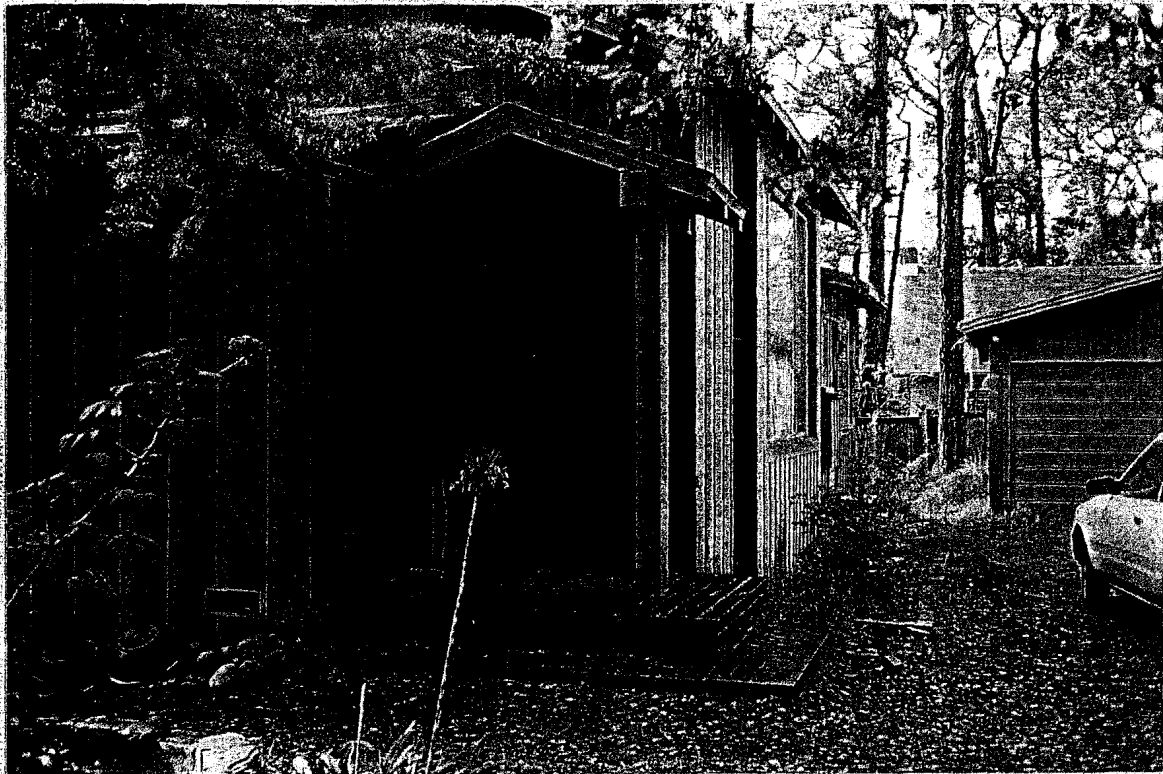


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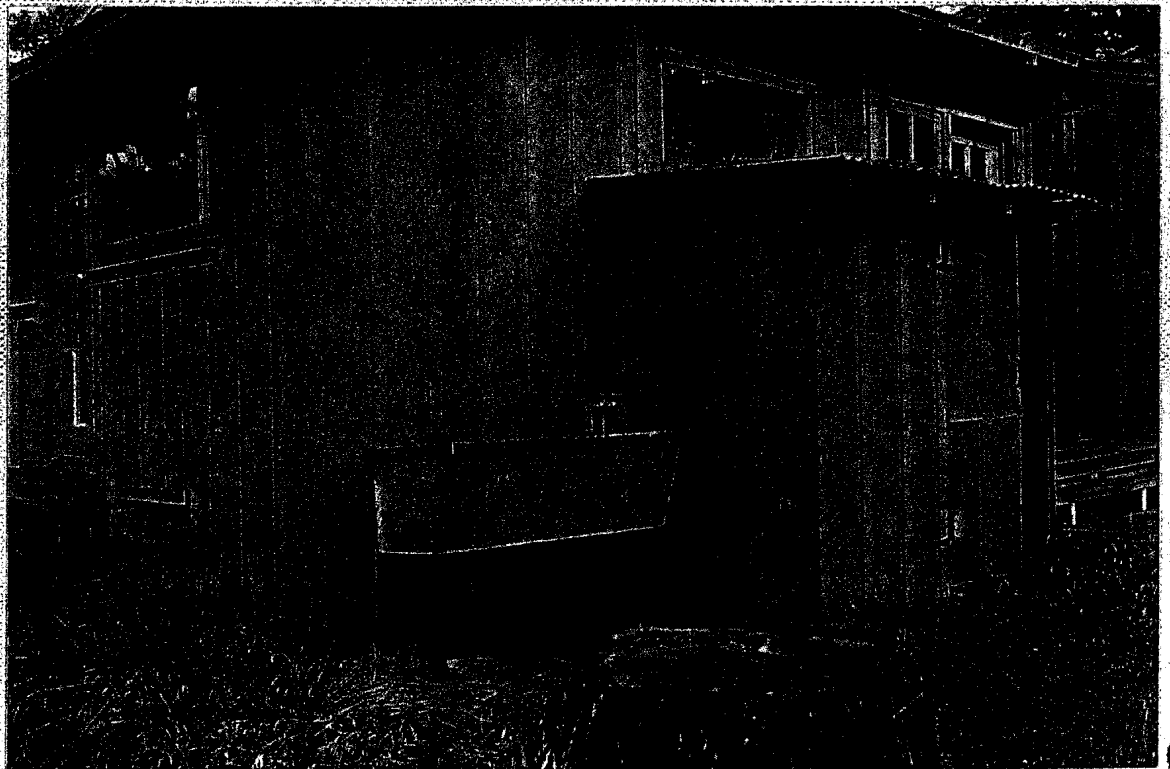
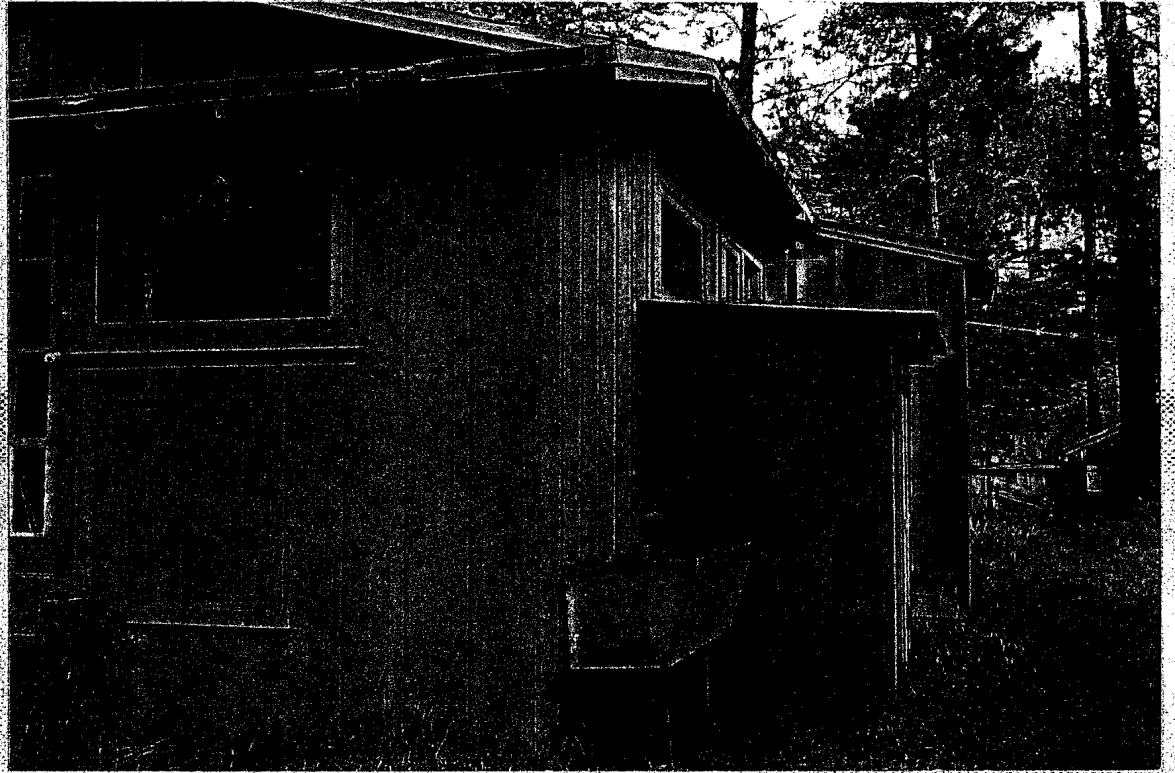


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