

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
427-4863

**RECORD PACKET COPY Th4a****ADMINISTRATIVE PERMIT NUMBER 3-00-038**

**Applicant**.....Dennis and Karen Levett

**Project location**.....Between Scenic and San Antonio between 12<sup>th</sup> and 13<sup>th</sup> Avenues, Carmel-by-the-Sea, Monterey County: Block A5, part of Lots 1 and 2; APNs 010-292-002 and 012.

**Project description**.....Demolish two story, 1696 sq. ft. single family dwelling and 240 sq. ft. detached garage and construct a 1987 sq. ft. single story single family dwelling with two story, 546 sq. ft. detached garage (320 sq.ft.) and studio (246 sq.ft.), driveway, and patios, on a 7294 sq. ft. lot.

**Local Approvals**.....City of Carmel-by-the-Sea: DS 99-66/RE 99-01/UP 00-02, approved March 8, 2000.

**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:

**June 15, 2000**  
**9:00 A. M.**

**Radisson Hotel - Santa Barbara**  
**1111 East Cabrillo Blvd.**  
**Santa Barbara CA 93103**  
**(805) 963-0744**

**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: Lee Otter**  
District Chief Planner

**EXECUTIVE DIRECTOR'S DETERMINATION:** THE FINDINGS FOR THIS DETERMINATION, AND FOR ANY SPECIAL CONDITIONS, APPEAR ON SUBSEQUENT PAGES



California Coastal Commission  
June 15, 2000 Meeting in Santa Barbara

Staff: S. Guiney, Approved by: *S.G.* 5/26/00

## STANDARD CONDITIONS

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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.

## SPECIAL CONDITION

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### Authorized Development

Coastal Commission Coastal Development Permit 3-00-038 authorizes the demolition of the existing structures and the construction of the proposed new structures, as shown on the plans dated "2-28-00" and stamped received in the Commission's Central Coast Area office on "Mar 28 2000," and according to the conditions of City of Carmel approvals DS 99-66/RE 99-01/UP 00-02. Any proposed change to the authorized development will require review by the Executive Director and may require an amendment of this permit or a new permit.

## EXECUTIVE DIRECTOR'S DETERMINATION

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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.

#### **STAFF NOTE**

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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 action would not affect this permit, but only those applications not yet approved by the City. This proposal was approved by the City on March 8, 2000.

#### **FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION**

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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. The relative 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. 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.

**Applicable Policies for New Construction.** While most new construction in most of Carmel is excluded from the requirement for a coastal development permit by virtue of Commission Categorical Exclusion E-77-13, this site and other parcels that front on Scenic are not included in the Categorical Exclusion due to their proximity to the beach and so construction of the new house as well as the demolition of the old house requires a coastal development permit.



Section 30250(a).

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

**Project Description.** The project site is a long (~225 ft.) narrow (~25-57 ft.) 7294 square foot parcel that contains a portion of Lots 1 and 2 in Block A-5 and that has frontage on both Scenic and San Antonio. According to the City staff report "[t]he project site is presently encumbered by an existing structure that was constructed in 1924." The lot slopes up about 18 feet from Scenic to San Antonio over a distance of approximately 225 feet. The site is on the inland side of Scenic, across from the beach. The applicant proposes to demolish the existing 20 foot tall, two story 1696 square foot single family dwelling and 240 square foot detached garage and construct a 15.5 foot tall 1987 square foot single story single family dwelling with a 19 foot tall two story, 546 square foot detached garage (320 square feet on lower floor) and studio (246 square feet on upper floor), driveway, and patios. Vehicular access would be off of San Antonio.

**Analysis.** According to the City the existing structure was constructed in 1924. The structure is not listed on any roster of historical or architecturally important structures in the City. Included with the application materials is a letter from the Carmel Preservation Foundation (an active private group dedicated to preserving Carmel's historical and architectural heritage) that states that the house

has been determined not to be a significant historical resource. It was not associated with events or persons that made significant contributions to local, regional, or California history or culture. From the perspective of significant historical architecture this is not the work of a creative individual, or notable architect, or builder and cannot be considered historically significant.

The City found that the existing house "has not been designated as a historic resource" and "was not historically significant. As such, demolition of the structure would not have an adverse environmental impact."

Although old, the existing house does not represent or convey any sense of Carmel. Its appearance is undistinguished. The tan exterior is mostly cement plaster with some wood siding. In contrast, the proposed structure would present a unique, attractive appearance with some cement plaster and



some stone veneer on the exterior thus incorporating some of the elements of the existing homes in Carmel that contribute to its character (see Exhibits 5 and 7).

The subject parcel is located within the city limits of the City of Carmel. The parcel is currently developed with a single family dwelling. Parcels on either side of the subject parcel for several blocks as well as inland to the east across San Antonio for several blocks 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 proposed two story garage/studio would have approximately 560 square feet of floor area. The City's Municipal Code allows up to two accessory structures, each a maximum of 400 square feet. The garage/studio exceeds the maximum allowed square footage for a single accessory structure. However, at 560 square feet, it would be significantly less than the maximum of 800 square feet for two accessory structures. The proposed two story garage/studio would have a footprint approximately 23 feet by 17 feet, or 391 square feet, slightly less than the maximum allowed footprint for one accessory structure. The City approval "authorizes the two allowed 400 square foot accessory structures to be combined into a single building of 566 square feet. No additional accessory structures shall be authorized."

Section 30251 of the Coastal Act protects public views to and along the shoreline. The proposed two story garage and studio would be located on the inland side of the parcel about 57 feet into the parcel from San Antonio. There is a public view over the parcel now from San Antonio toward the ocean. It is a minor view and consists of a small discontinuous ocean view broken up by trees. The location of the proposed garage and studio would interfere with this existing public view. However, it is a minor view and currently provides only a glimpse of the ocean and is essentially a neighborhood view. Visitors driving by on San Antonio would probably not notice it or, if they did, would not have a significant view of the ocean or coast. In contrast, there are significant and continuous public ocean and coastal views available from Scenic, one block seaward of San Antonio.

The proposed project will not adversely affect the unique characteristics that make Carmel a special community. Neither the demolition nor the new construction would adversely or significantly affect any significant public view. The area is developed at urban densities and with urban services in an area able to accommodate the replacement of the existing house with a new one. Therefore, the demolition of the existing structures and the construction of the new structures are consistent with Coastal Act Sections 30250, 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 modifications 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 replacement structure is in keeping with the Carmel character, 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.

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#### ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS

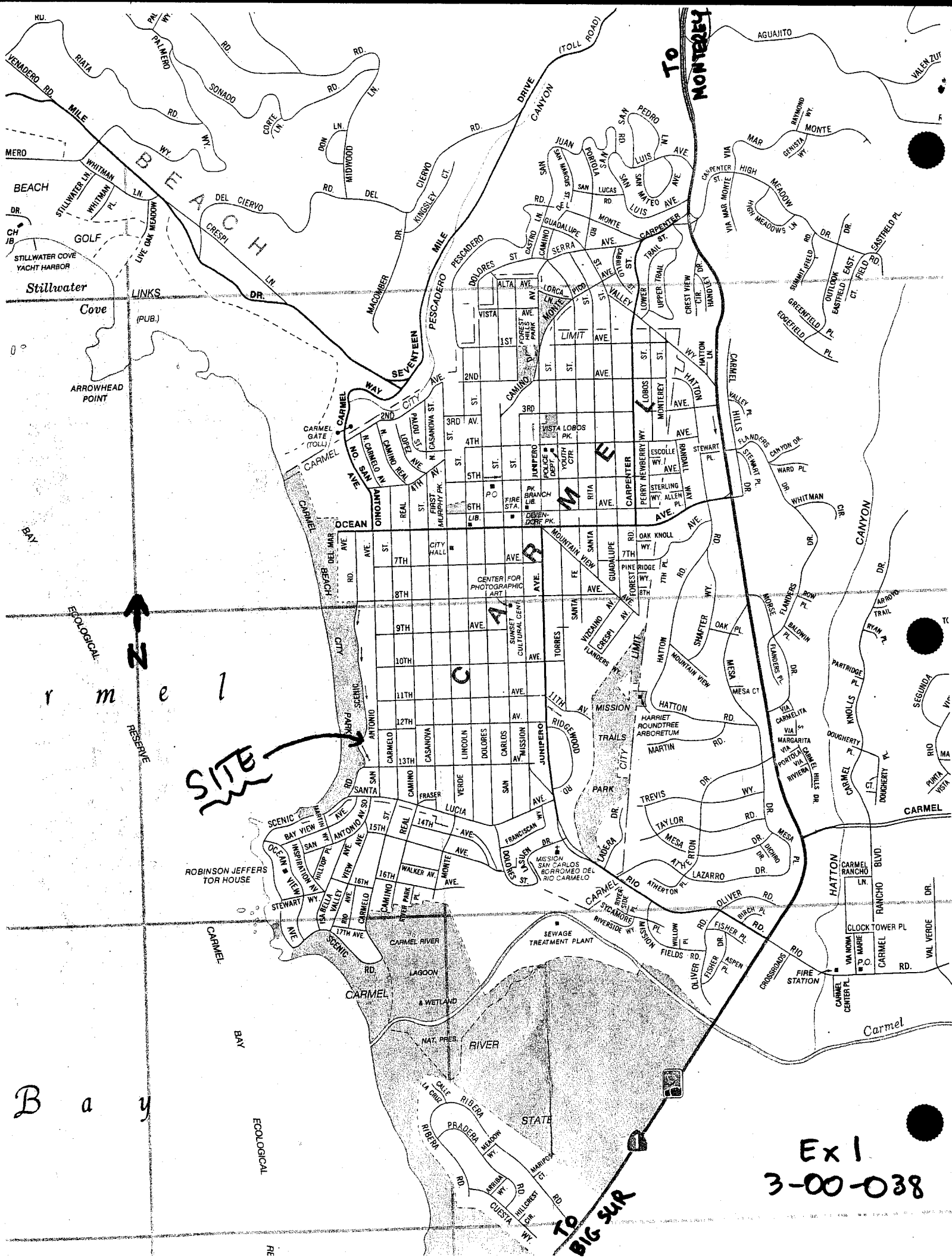
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I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

\_\_\_\_\_  
Applicant's signature

\_\_\_\_\_  
Date of signing





Ex 1  
3-00-038



# CARMEL BAY

**SAN ANTONIO**

**27**

**12<sup>th</sup>**

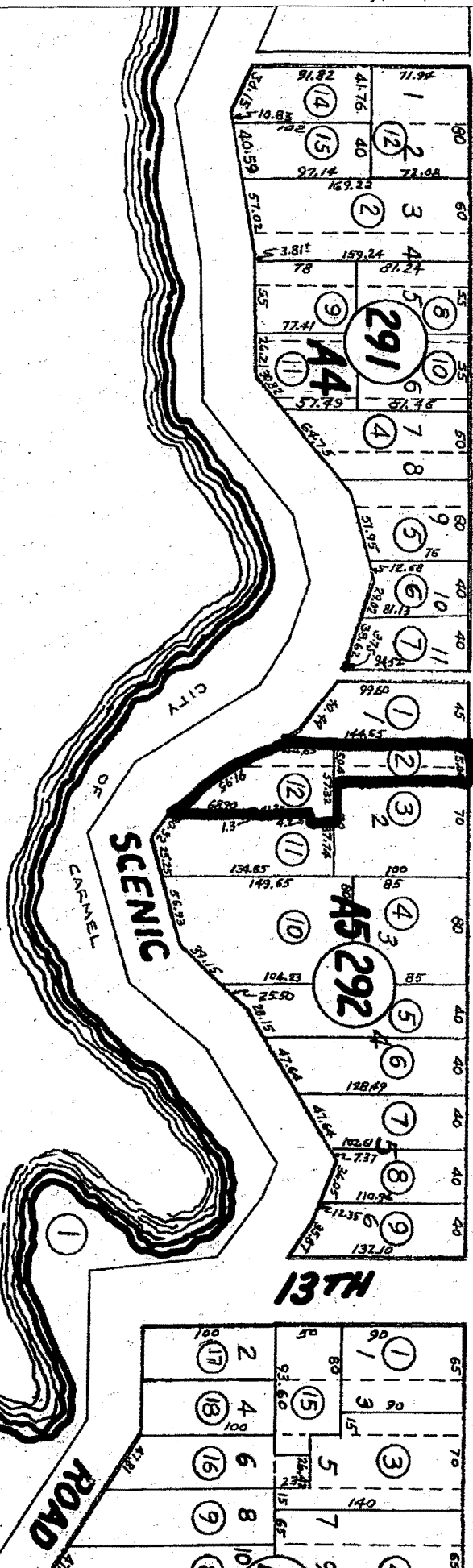
**28**

**AVE**

**AV**

**E x 2**

SCALE 1 in. = 100 ft



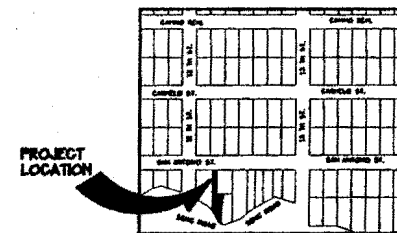
**CARMEL BY THE SEA ADD'N 6**  
**BLOCKS 44, 45, 46 & 47**

*CITY of CARMEL*

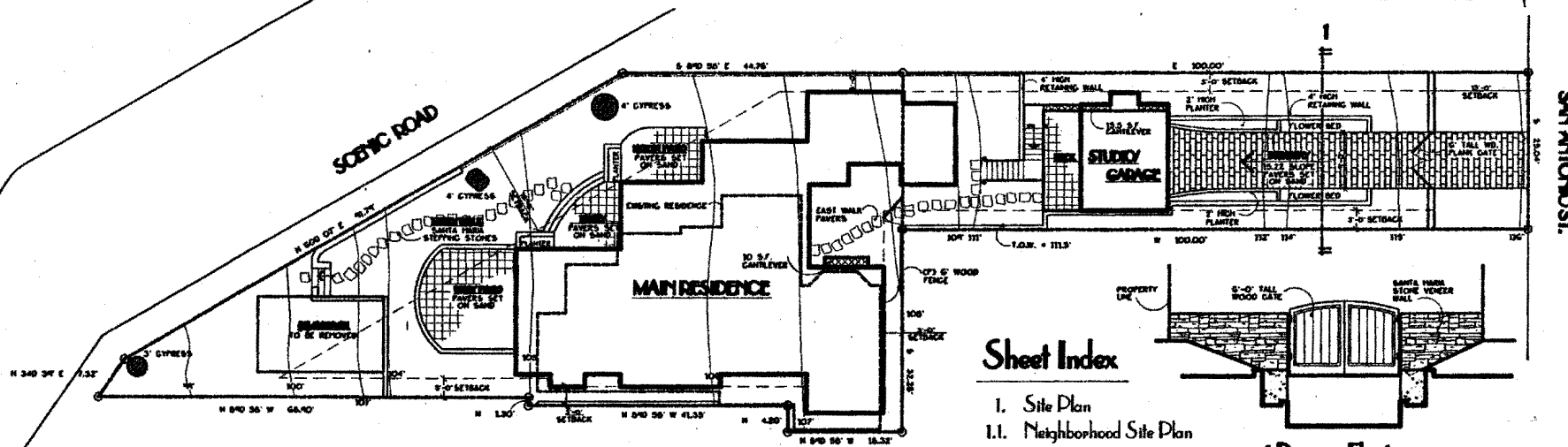
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# TESCHER/LeVett RESIDENCE

Ex 3  
3-00-038



VICINITY MAP



SAN ANTONIO ST.

## Sheet Index

1. Site Plan
- 1.1. Neighborhood Site Plan
2. Existing Floor Plans
3. Existing Elevations
4. Pro. Floor Plan
5. Pro. Elevations
6. Pro. Elevations
7. Pro. Studio Floor Plan/Roof Plan
8. Pro. Studio Elevations
9. Pro./Existing Roof Plans
10. Streetscape Senic Drive
11. Streetscape San Antonio st.
- 1.1. Landscape Plan

1 Driveway Elevation  
SCALE: 1/4" = 1'-0"

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

### PROJECT INFORMATION

A.P.N. 010-240-002 010-240-012  
SITE AREA: 7294.3 S.F.  
ADDRESS: PORTION OF LOTS 142-142 BLS. A-B  
ADDITION NO. 4  
CARMEL-BY-SEA, CALIFORNIA 93921

### FLOOR AREA RATIO

F.A.R. ALLOWED	35.42	2,500.4 S.F.
EXISTING RESIDENCE		
MAIN LEVEL	1,587.2 S.F.	
UPPER LEVEL	308.8 S.F.	
TOTAL	2,335	1,896.0 S.F.
PROPOSED RESIDENCE		
MAIN RESIDENCE	1,996.5 S.F.	
STUDIO	245.3 S.F.	
GARAGE	320.0 S.F.	
ADDITIONAL PARKING	300.0 S.F.	
PROPOSED F.A.R.	37.96	2,768.4 S.F.

### LAND COVERAGE

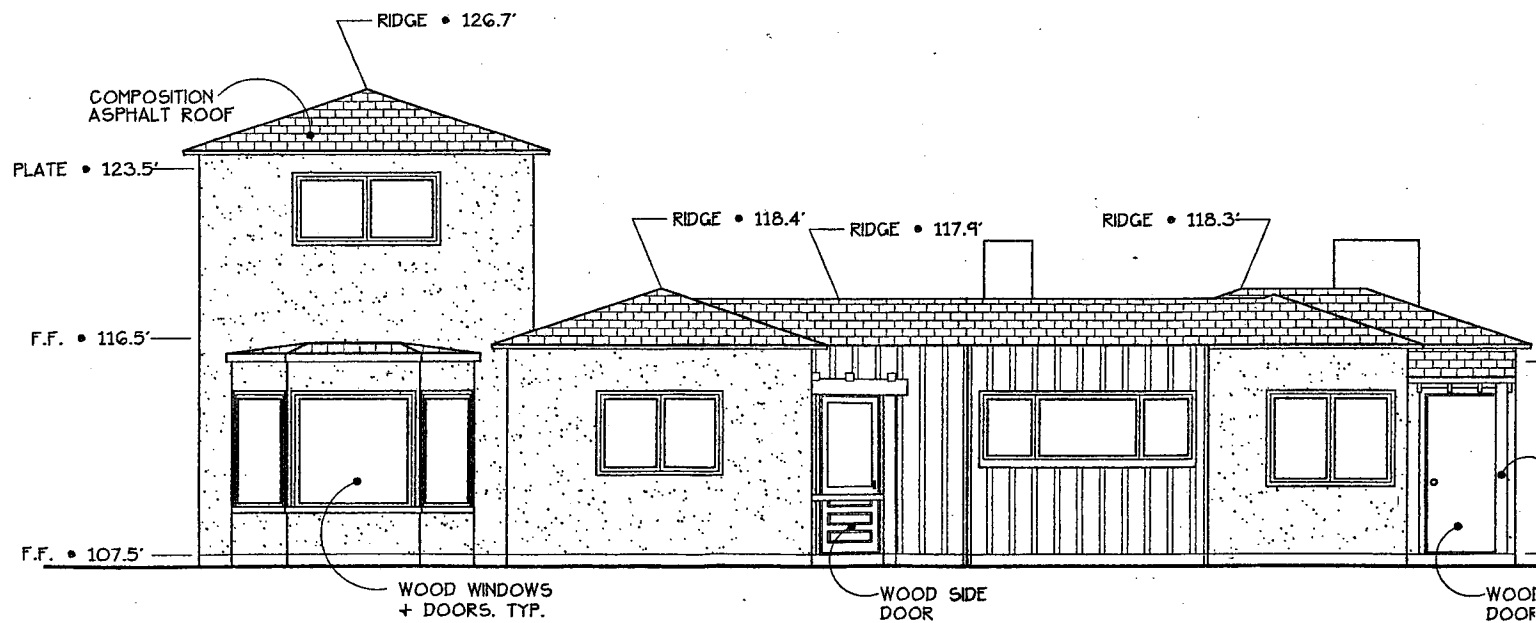
LAND COVERAGE ALLOWED	7294.3 S.F.
WEST PATIO	226.0 S.F.
NORTH PATIO	98.6 S.F.
ENTRY WALK	110.4 S.F.
ENTRY WALK	48.0 S.F.
DRIVEWAY	149.2 S.F.
EAST WALK	46.0 S.F.
STUDIO STAIRWAY	36.0 S.F.
PROPOSED COVERAGE	7894.3 S.F.
AREAS EXEMPT FROM COVERAGE	
DRIVEWAY	304.9 S.F.

MARQUESSO MARQUESSO & GULLIANO  
DESIGN STUDIO

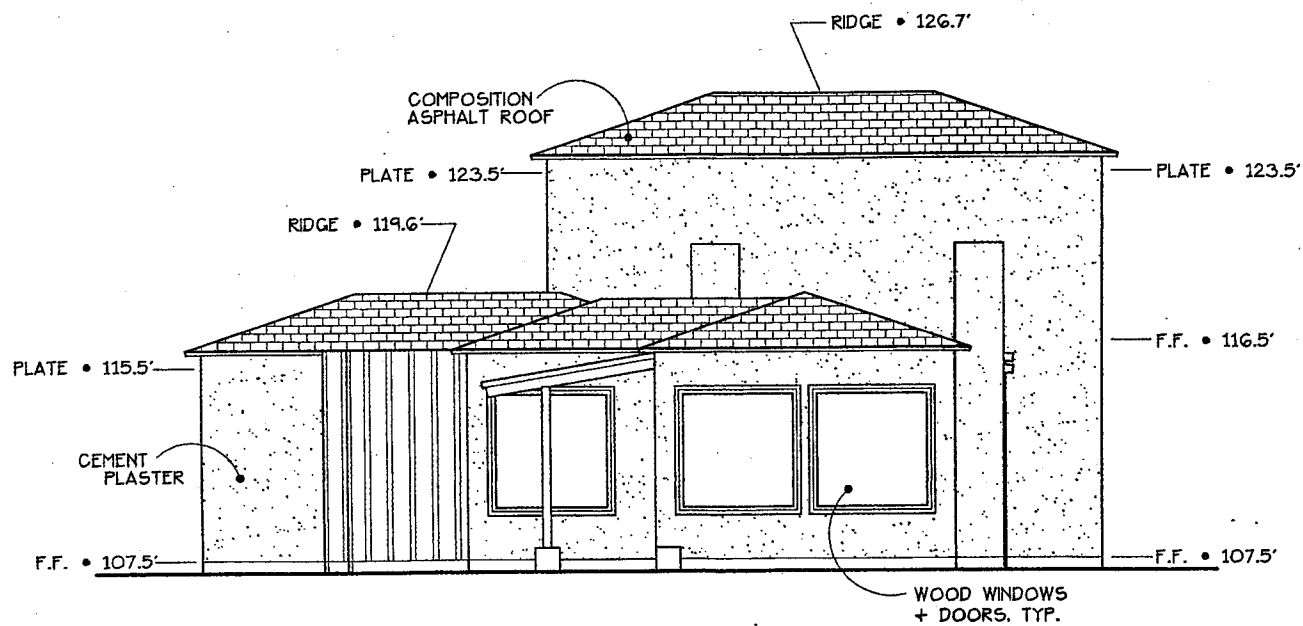
TESCHER/LeVett RESIDENCE  
SCENIC ROAD  
CARMEL-BY-SEA, CALIFORNIA

9944

1



North

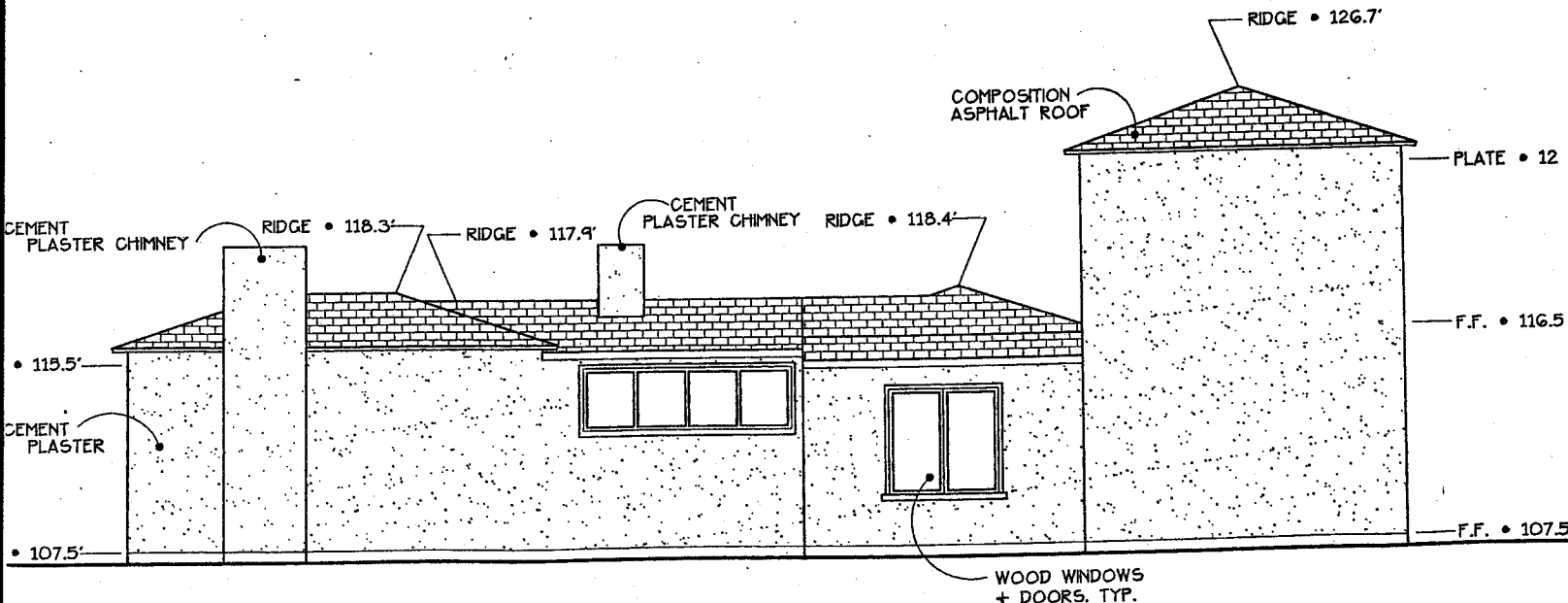


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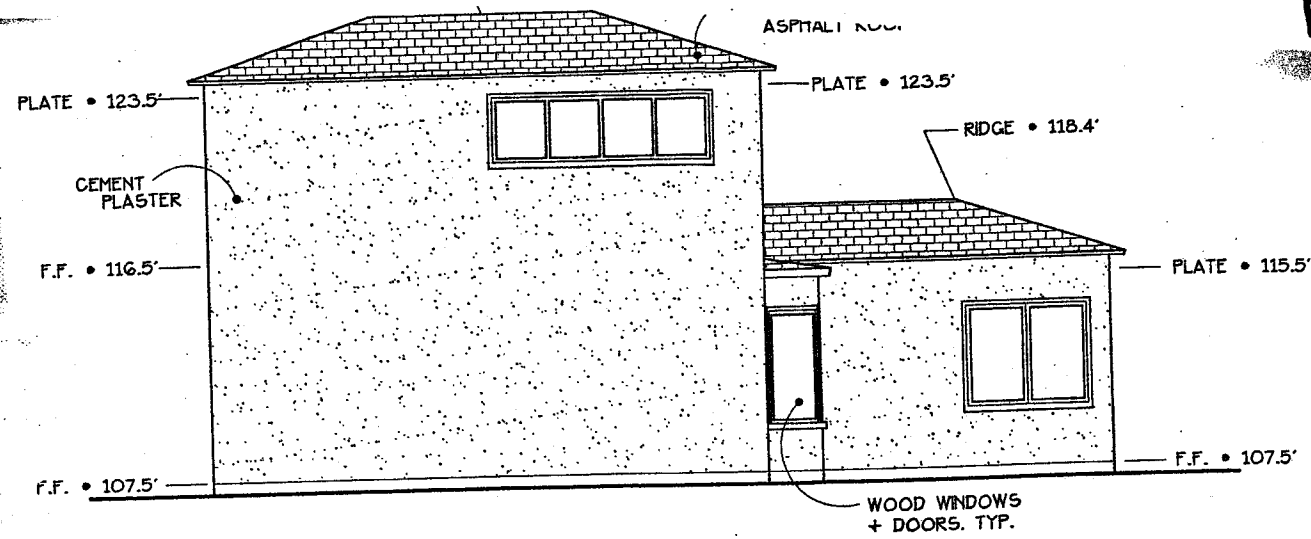
EXISTING  
ELEVATIONS

Ex 4  
3-00-038

Ex 4  
3-00-038



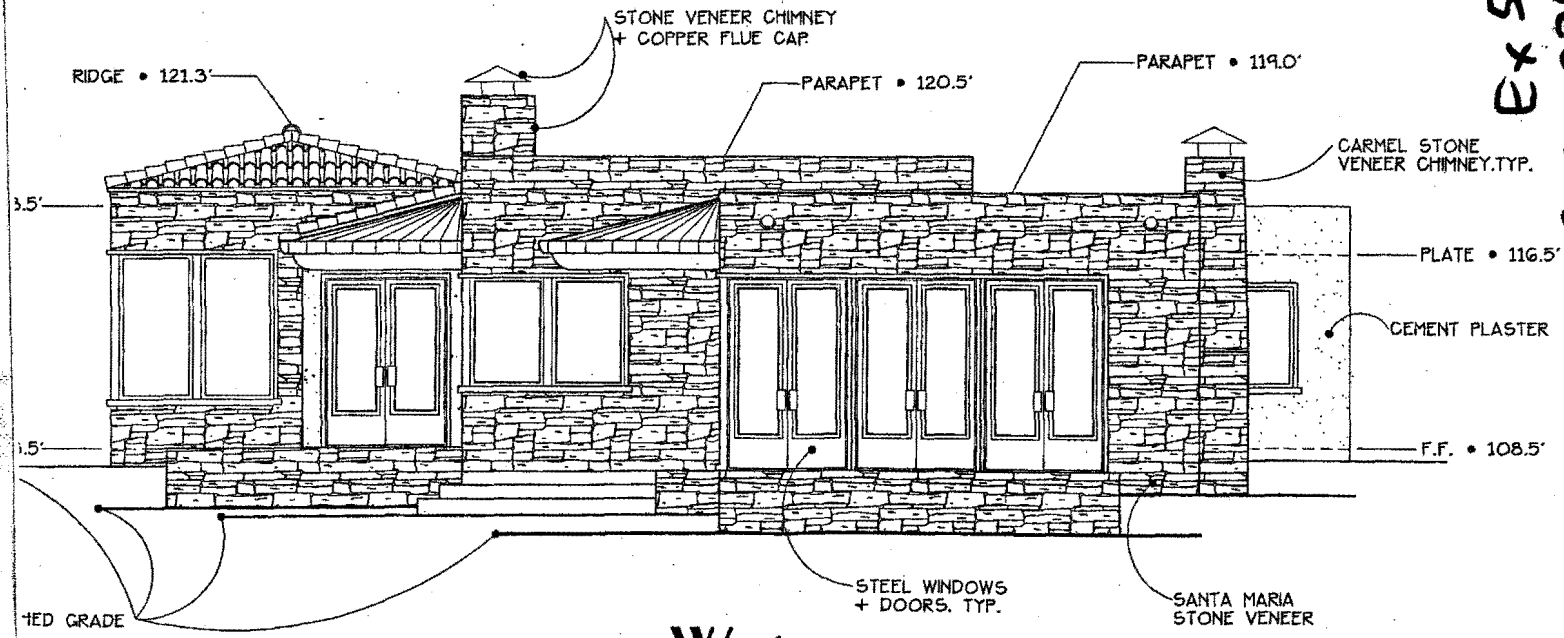
South



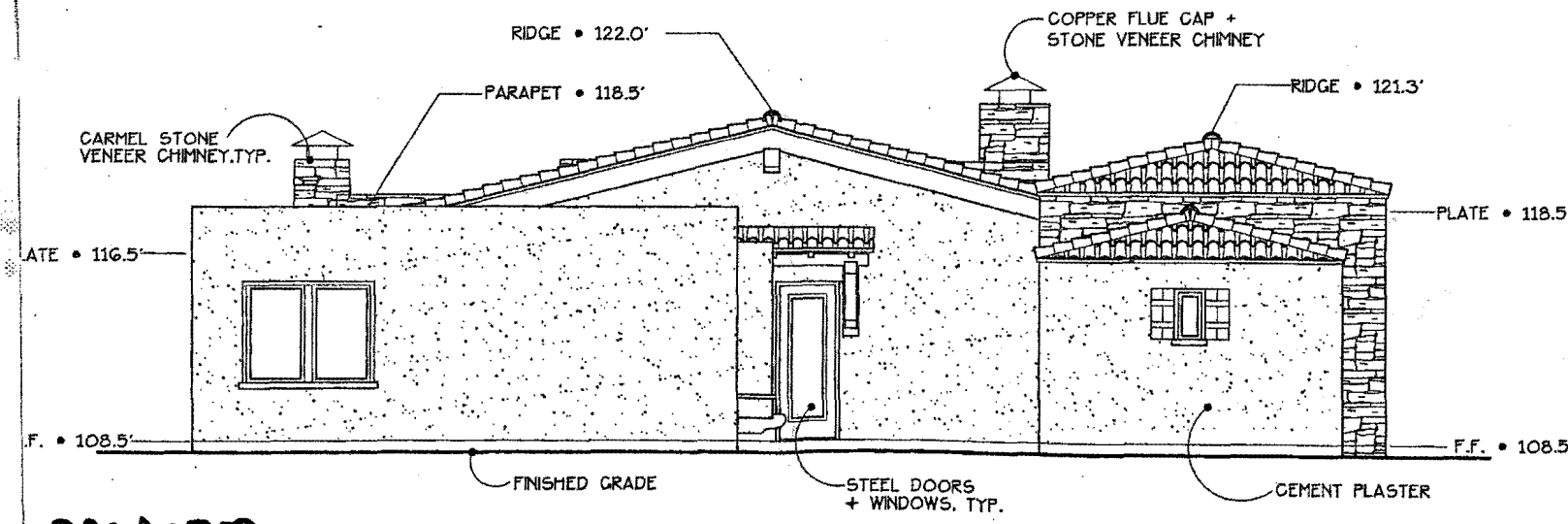
East

EXISTING  
ELEVATIONS

Ex 5  
3-00-038



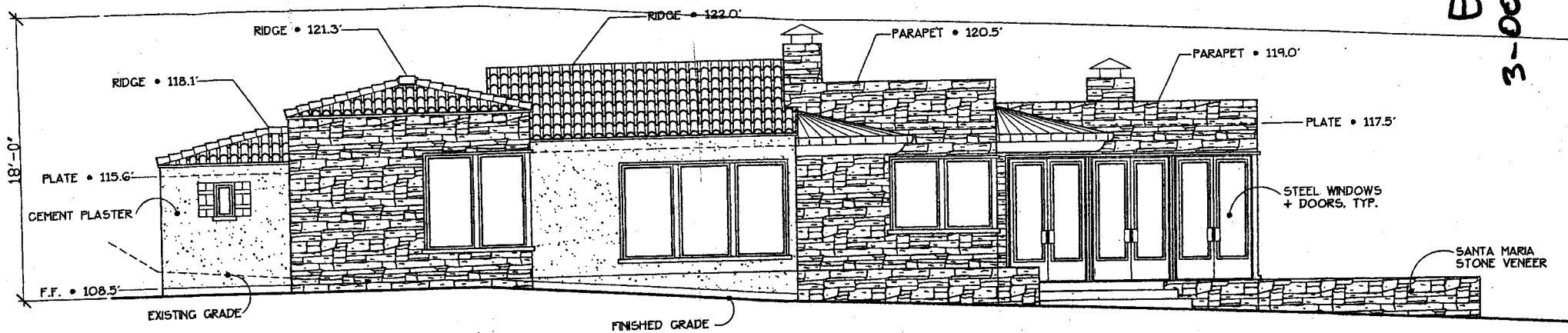
West



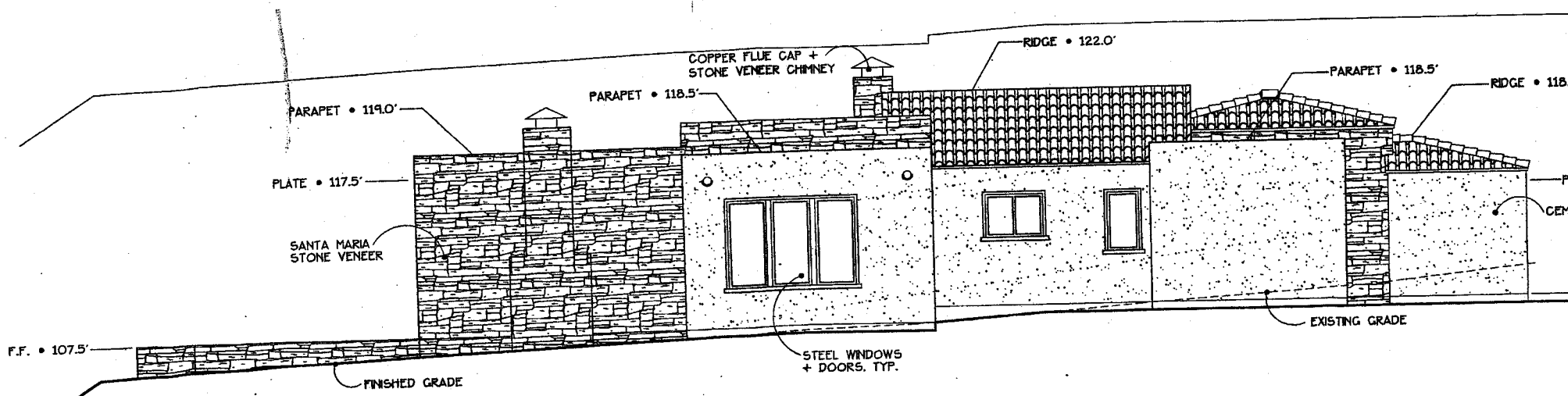
East

PROPOSED  
ELEVATIONS

Ex 5  
3-00-038



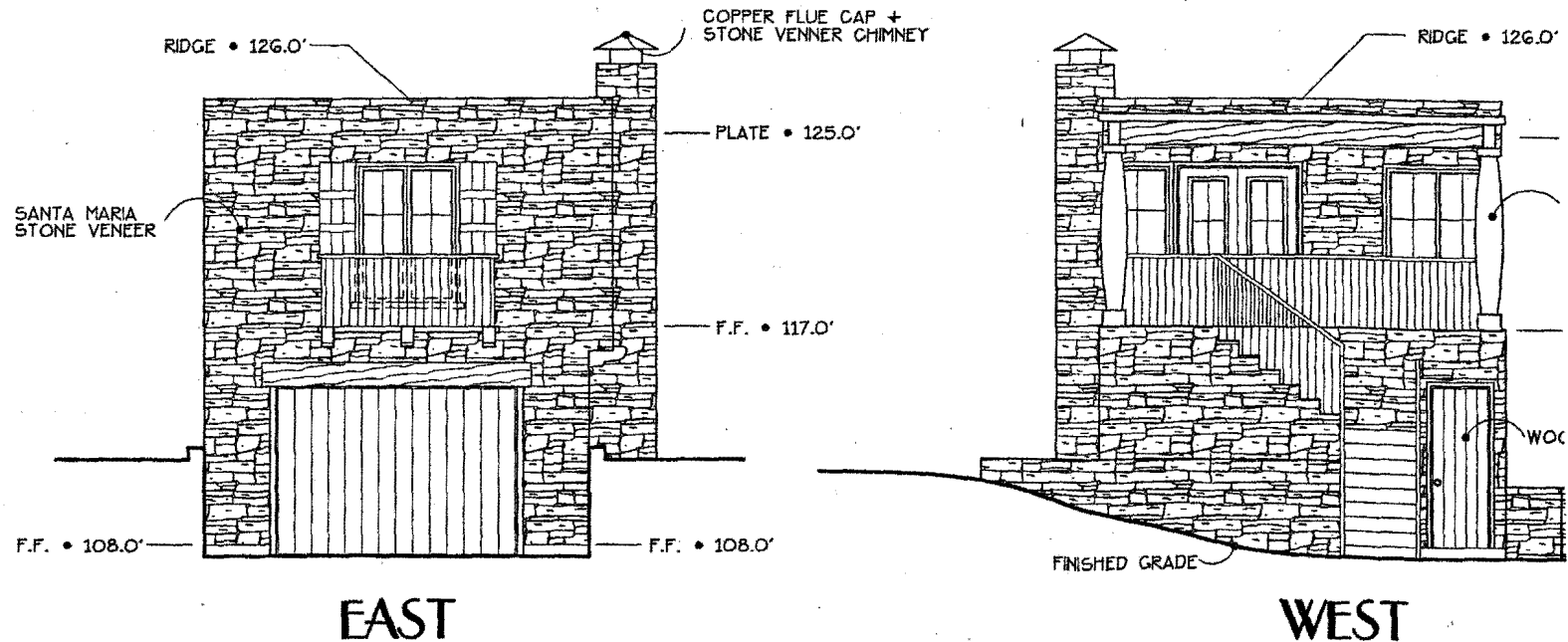
North



South

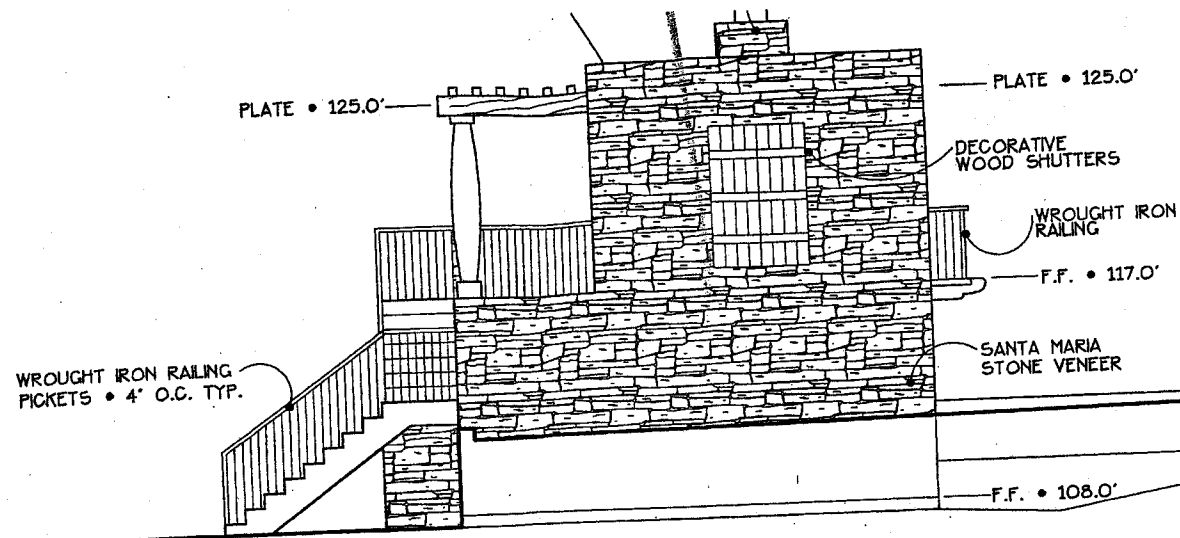
PROPOSED  
ELEVATIONS

Ex 5  
3-00-038

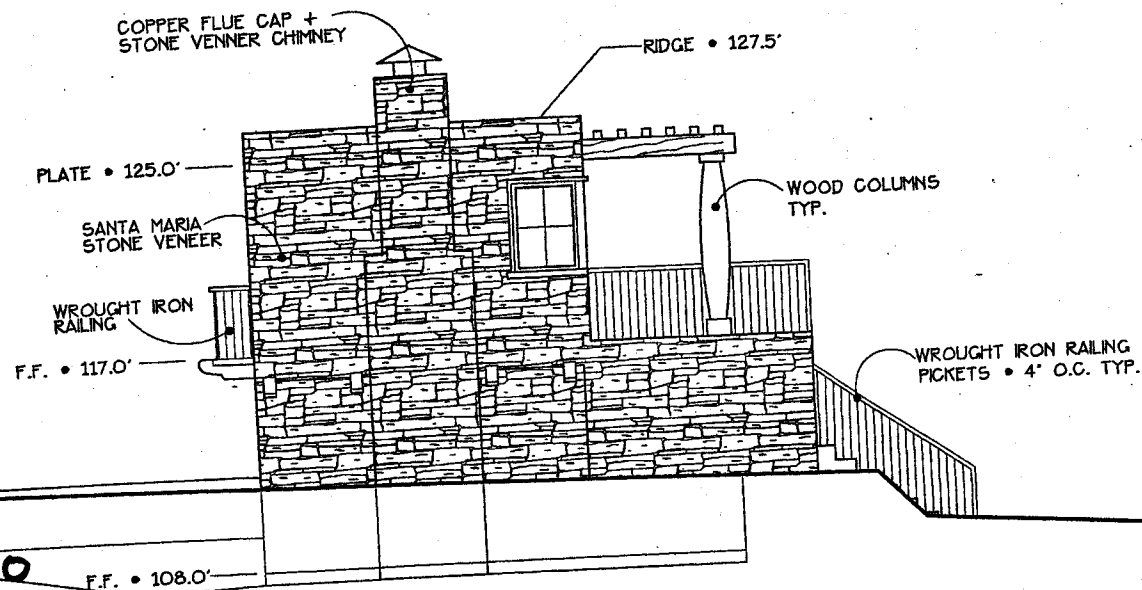


GARAGE/STUDIO  
PROPOSED  
ELEVATIONS

Ex 5  
3-00-038



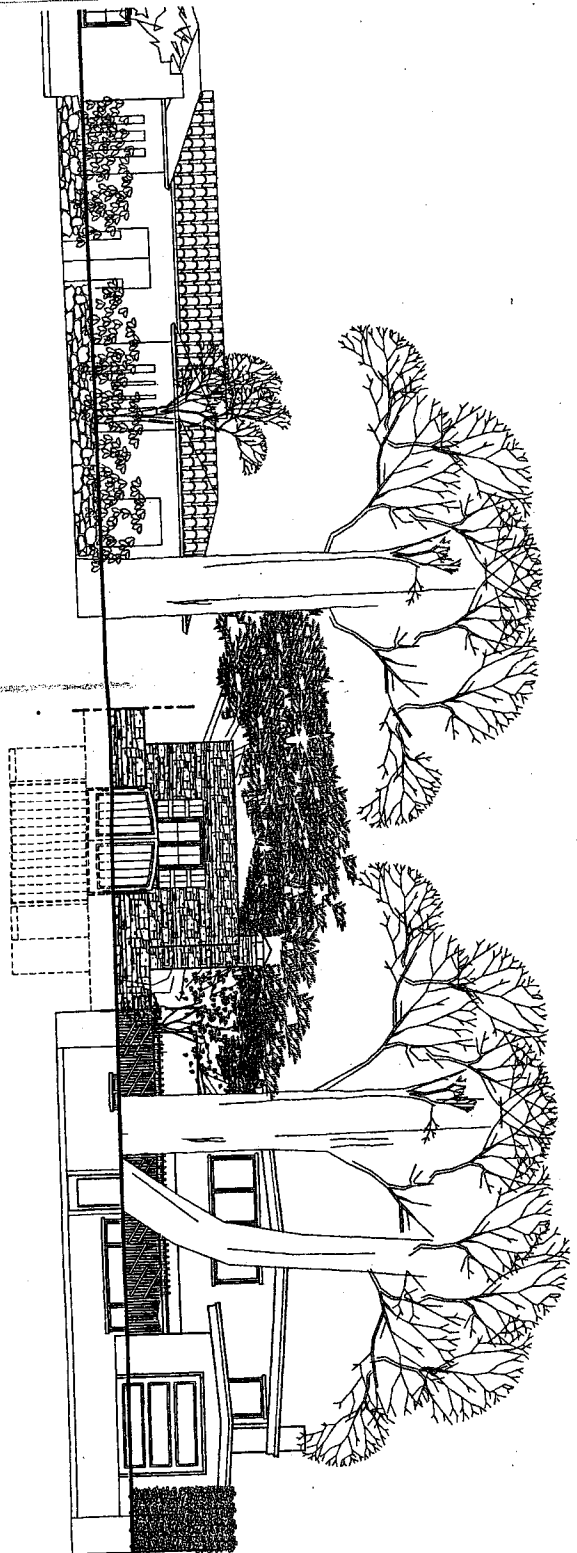
SOUTH



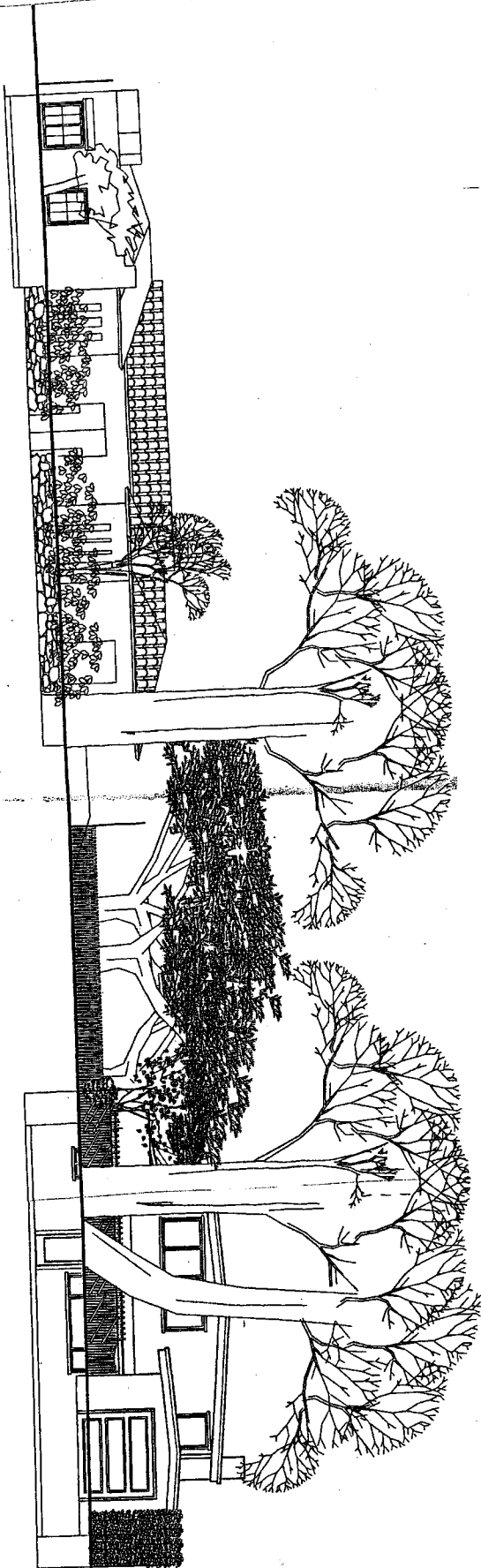
NORTH

GARAGE/STUDIO  
PROPOSED  
ELEVATIONS





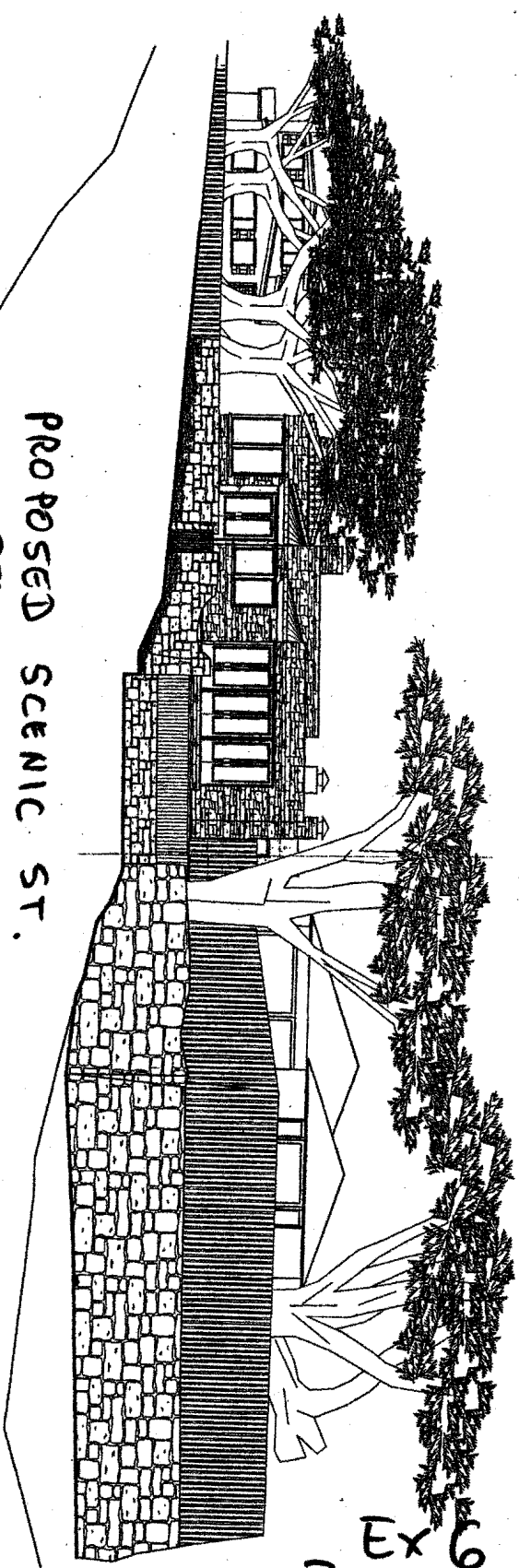
PROPOSED SAN ANTONIO ST.  
STREETSCAPE



EXISTING SAN ANTONIO ST.  
STREETSCAPE

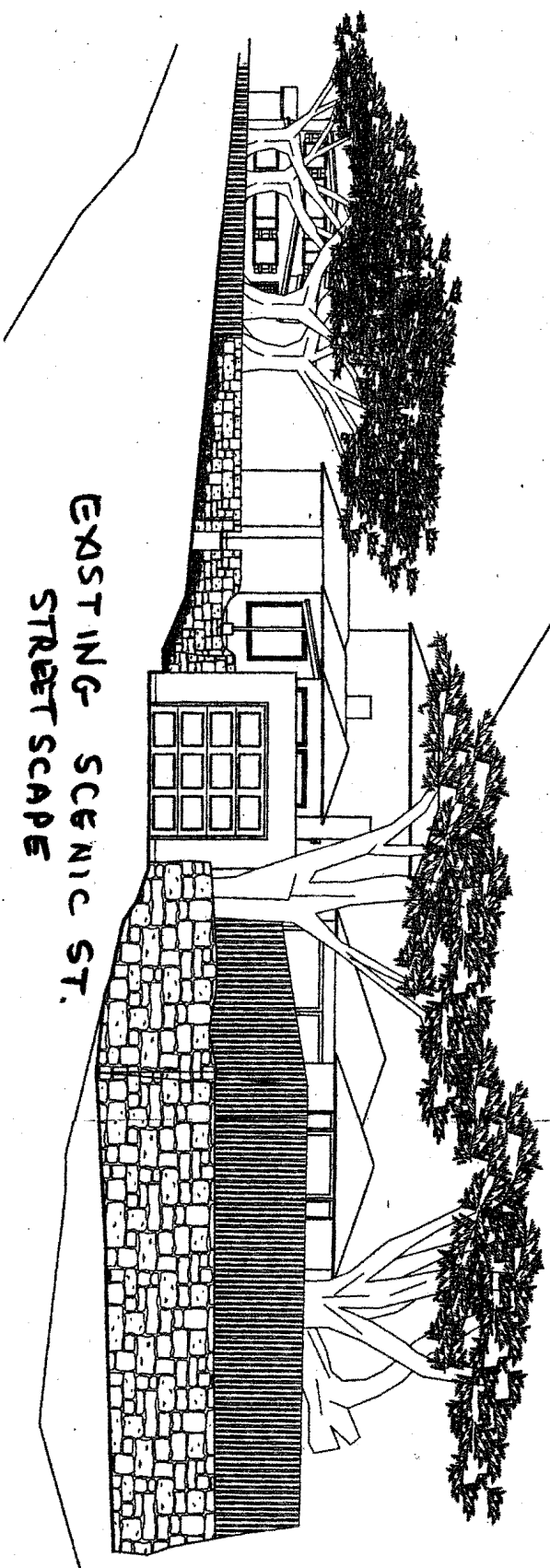
Ex 6  
3-00-038

PROPOSED SCENIC ST.  
STREETSCAPE



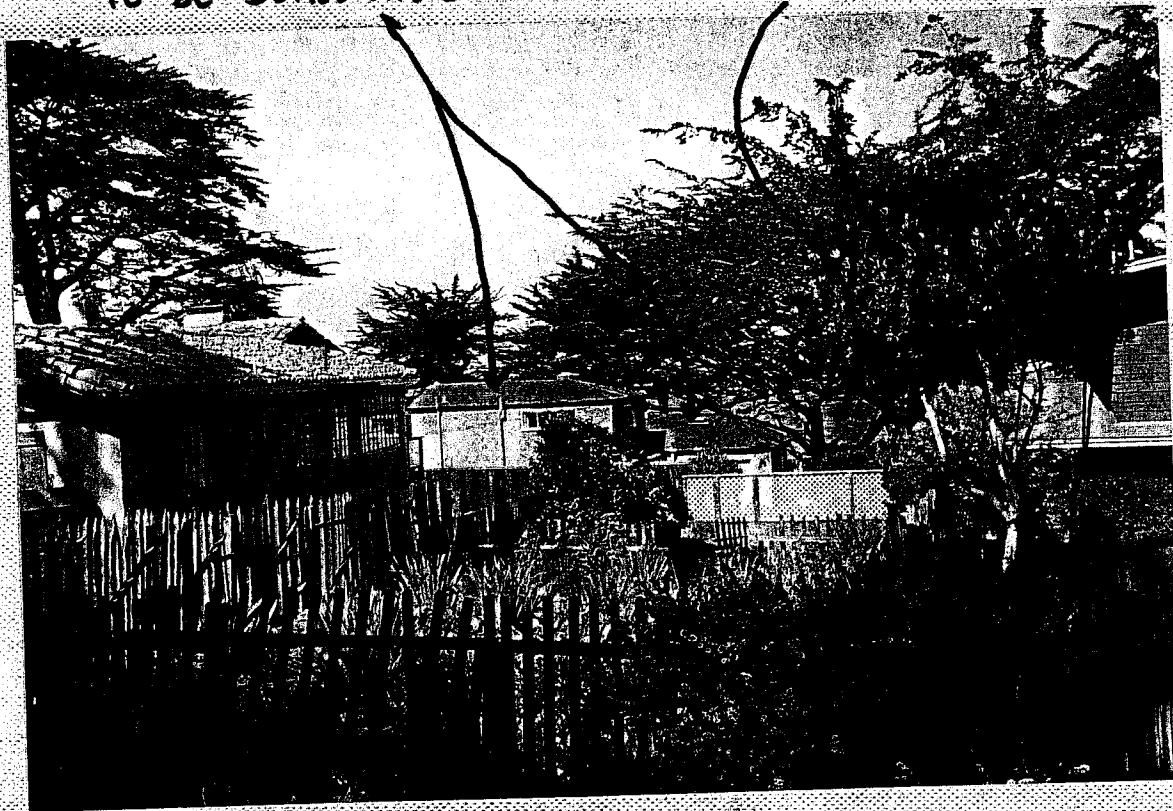
Ex 6  
3-00-038

EXISTING SCENIC ST.  
STREETSCAPE



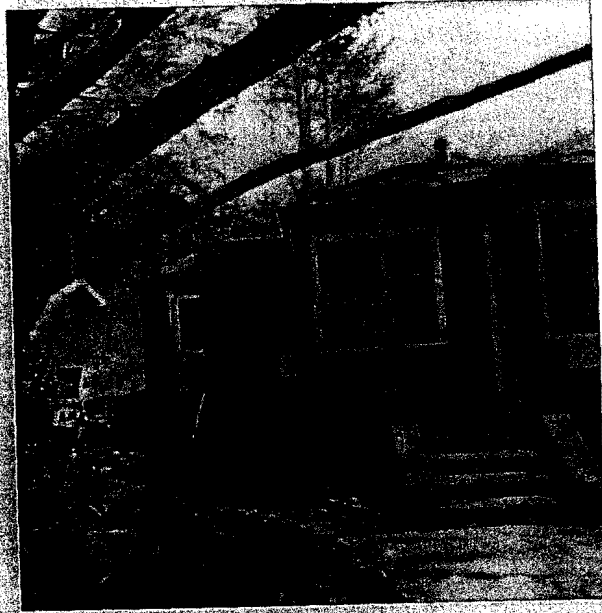
EXISTING HOUSE  
TO BE DEMOLISHED

OCEAN VIEW



VIEW FROM SAN ANTONIO OVER  
SUBJECT PARCEL TO THE WEST

Ex 7  
3-00-038



VIEWS TO EAST  
FROM SCENIC



Ex 7  
3-00-038



HOUSE  
TO BE  
DEMOLISHED

VIEWS TO SOUTH FROM SCENIC

HOUSE TO BE DEMOLISHED



CARMEL  
BAY

Ex 7  
3-00-038

