

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY

Th4b



ADMINISTRATIVE PERMIT NUMBER 3-00-039

Applicant..... Hossein Naini

Agent Claudio Ortiz; Mandurrango, Mandurrango & Sullivan

Project location..... East side of Carmelo Street between 9th and 10th Avenues, City of Carmel-by-the-Sea, Monterey County, APN 010-276-010.

Project description Partial demolition of an existing single story, 2207 sq. ft. house and attached garage.

Local Approvals City of Carmel-by-the-Sea: DS99-44/RE 99-47

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: *CLL* 6/25/00

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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.



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 action would not affect this permit, but only those applications not yet approved by the City. This proposal was approved by the City on October 27, 1999.

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. 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.

Project Description. The project site is a 7000 square foot parcel (70 ft. x 100 ft; all of Lot 16 and a part of Lot 14) that, according to the City staff report was originally developed in 1956. The lot slopes up about 7 feet to the east from Carmelo Street. The site is two blocks inland from the beach. The applicant proposes to partially demolish the existing mid-1950s single story 2207 square foot house and attached garage, substantially alter the exterior appearance of the structure, add a new 458 square foot second story on the south side of the structure, and add several small additions to the lower floor totaling approximately 65 square feet. The height of the resulting single story portion of the house would increase about two feet over the existing house (approx. 14-16 feet to approx. 16-18 feet). The new two story portion would be 22 feet high (see Exhibits 4, 5, 6, & 7).



Analysis. According to the City the lot was developed in 1956. Based on the information about the site, the City found that it

has not been designated as a historic resource.. . . does not constitute local, state, or national historic resources for the purposes of the California Environmental Quality Act. As such, demolition of the structure would not have an adverse environmental impact.

Because new construction on this site is currently excluded from the requirement for a coastal development permit, the Coastal Commission does not have permit jurisdiction over the proposed new construction. Although the existing house is smaller than the proposed new house, it does not communicate any significant sense of Carmel's history or architectural heritage.

Staff has received two letters from a neighboring property owner expressing objection to the proposed project, citing loss or privacy and loss of private views that will result from the new construction on this site. Neither of these private property interests are protected by the Coastal Act and it is important to note that, due to the approved exclusion (E-77-13) the Coastal Commission does not have authority over the new construction. Therefore, the demolition of the existing structure 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 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.



Given 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

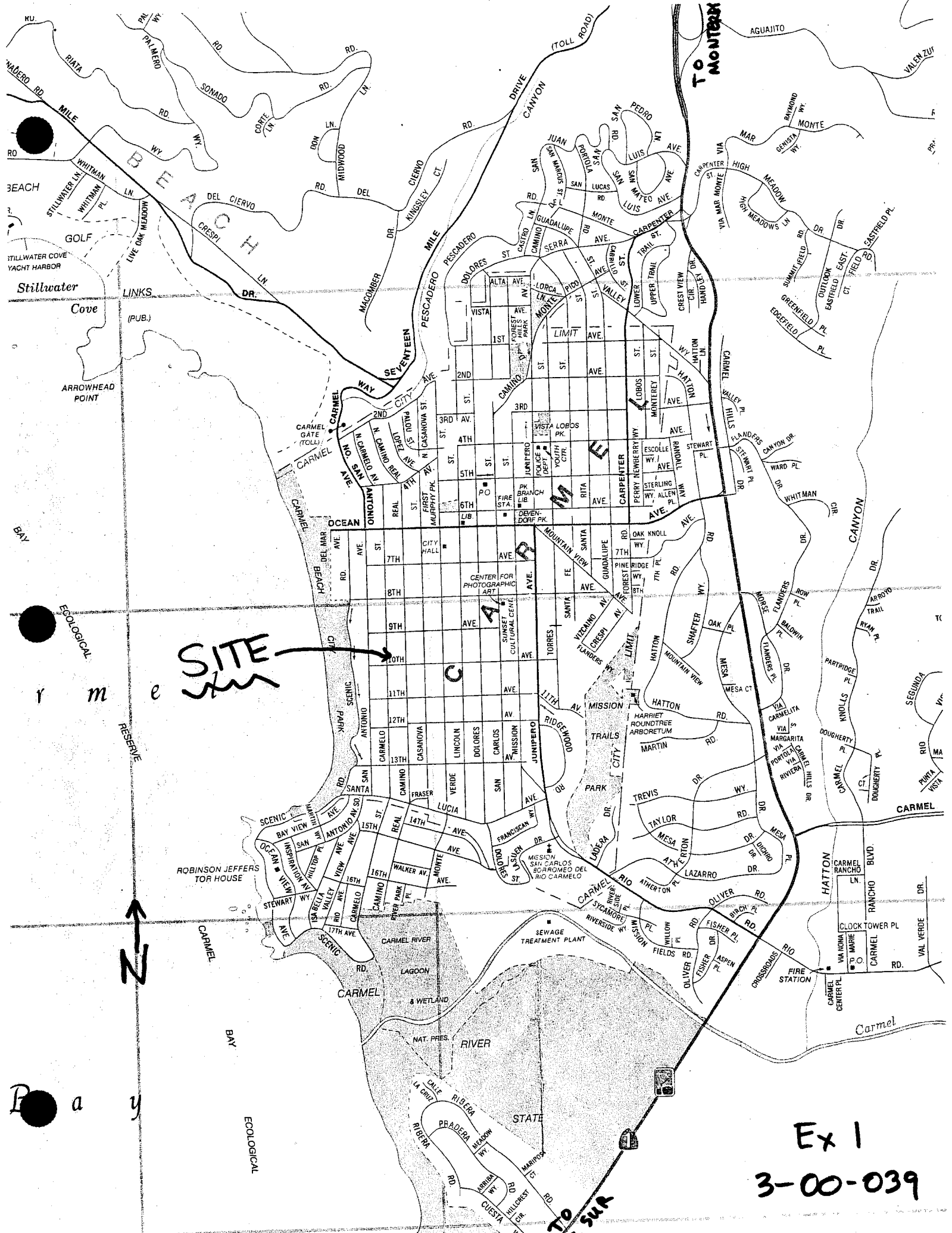
I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's signature

Date of signing



California Coastal Commission

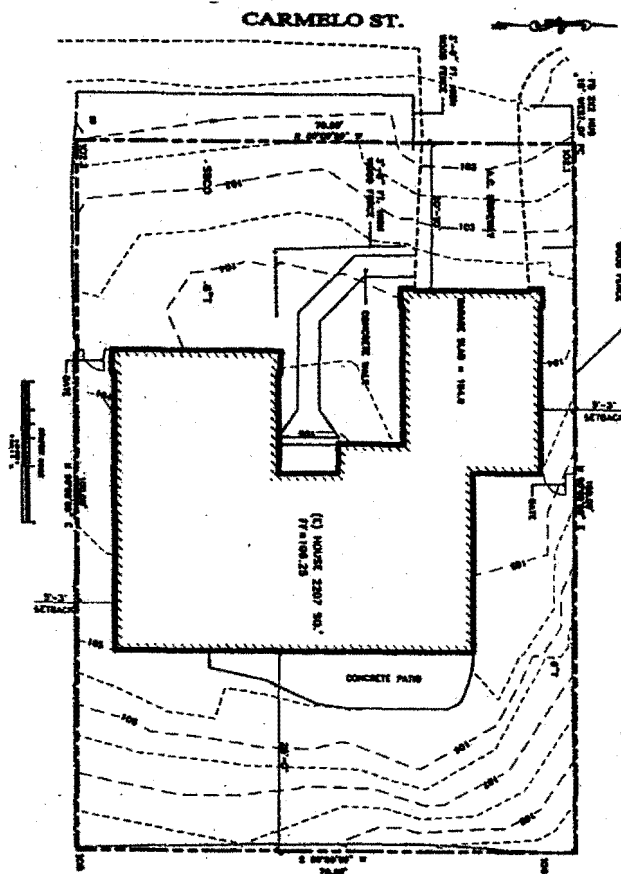


SITE

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Ex 1

3-00-039



EXISTING

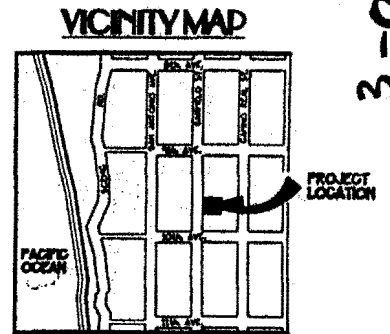
SITE PLAN
CARMELO AVE. SNE of 10th
 Owned by the State, Cal.
 Proposed Site
 Highway 10th

DESIGNED BY
 A. DORVILLE
 L.S. 6332
 SCALE
 1/4" = 1'
 DATE
 07-07-57



Ex 2
 3-00-039

Ex 3
3-00-039



1. SITE PLAN
- 1.1 TOPOGRAPHIC SURVEY
2. EXISTING FLOOR PLAN
- 2.1 DEMOLITION FLOOR PLAN
3. PROPOSED FLOOR PLANS
4. EXISTING ELEVATIONS
5. PROPOSED ELEVATIONS
6. PROPOSED ELEVATIONS
7. EXISTING ROOF PLAN
8. PROPOSED ROOF PLAN
9. STREETSCAPE
- 1.1. LANDSCAPE

SCALE 1/8" = 1'-0"

FLOOR AREA RATIO	
ALLOWED	2300.0 SF.
MAIN FLOOR	1575.0 SF.
1ST FLOOR	540.0 SF.
PROPOSED	1300.0 SF.
REMAIN	2300.0 SF.
PNE. BLDG. NO. = 240'	
BUILDING COVERAGE	
BUILDING FOOT PRINT	1575.0 SF.
PAVING POND	540.0 SF.
TOTAL	2300.0 SF.



NANI RESIDENCE
Coronado 2 NE of 16th
CARMEL-8Y-THE-SEA, CALIFORNIA

WOOD SHAKES

STUCCO TYP.

ALUM. WINDOW TYP.

WOOD GATE

EX. GRADE

FIN. FLOOR

FIN. FLOOR ELEV.

EX. GARAGE ELEV.

WOOD GATE

Architectural drawing of a house showing exterior and finished floor elevations. The drawing includes labels for 'ALPN. WINDOW TYP.', 'WOOD SHAKES', 'STUCCO TYP.', 'USED BRICK', 'EX. GARAGE FLEV.', 'WOOD GATE', 'EX. GRADE', and 'FN. FLOOR FLEV.'.

Architectural elevation drawing of a house. The drawing includes the following callouts:

- FN. FLOOR ELEV.
- WOOD SHINGLES
- WOOD SING.
- STUCCO TYP.
- WOOD GATE
- EX. GRADE
- EX. GARAGE ELEV.
- FN. FLOOR ELEV.
- WOOD SHINGLES
- ALUMN. WINDOW TYP.
- USED BRICK
- WOOD GATE
- EX. GRADE

ALUM. WINDOW TYP.

WOOD SHAKES

ELEC. METER

USED BRICK

EX. GARAGE

PHONE

GAS METER

EX. GRADE

WOOD GATE

FIN. FLOOR ELEV.

STUCCO TYP.

West Elevation

Existing ELEVATIONS

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

7-17-98

ANI RESIDENCE

Contents 2 ME of 10th

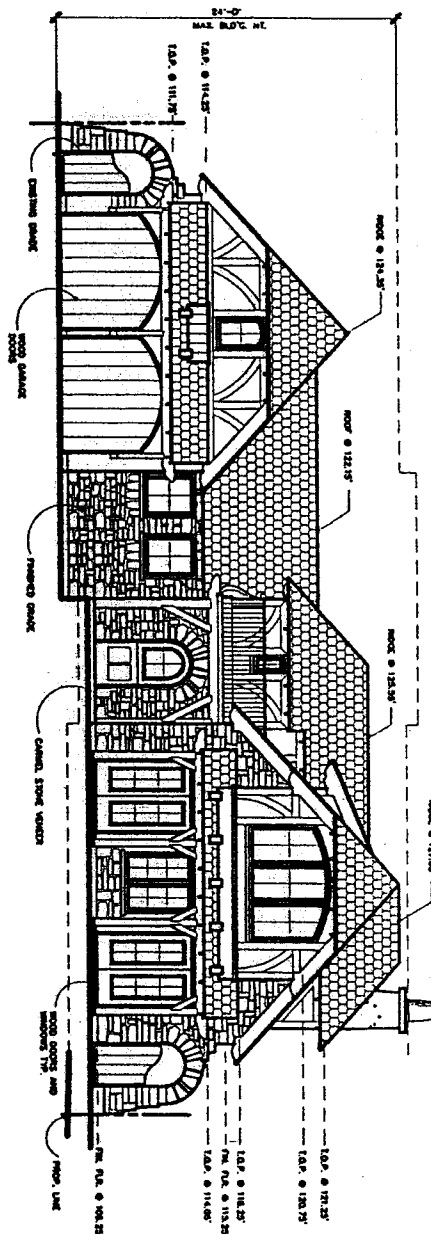
CARMEL-BY-THE-SEA, CALIFORNIA

9914

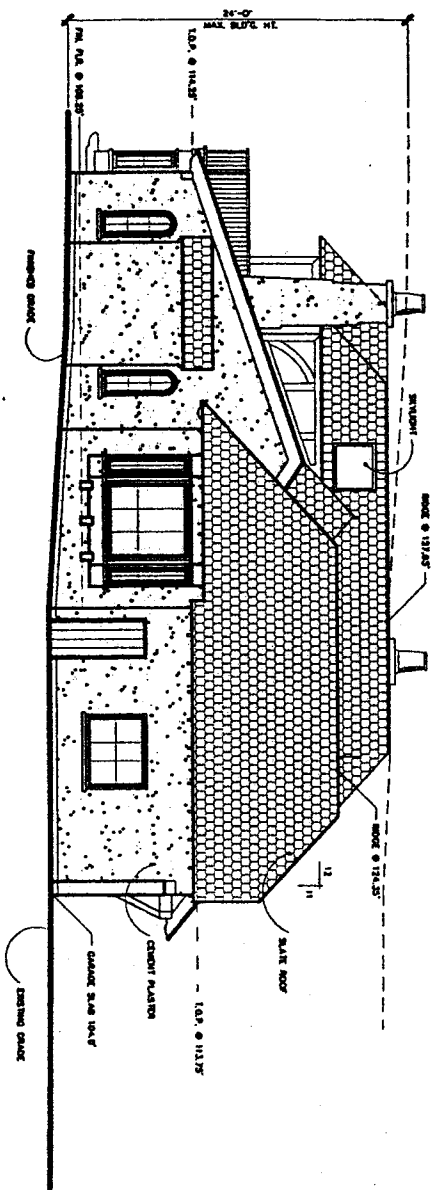
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MANDERSON
MANDERSON
GILSON

PERSON SEARCHED



West Elevation



North Elevation

Proposed ELEVATIONS

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

NAINI RESIDENCE
Carmelo 2 NE of 10th
CARMEL-BY-THE-SEA, CALIFORNIA

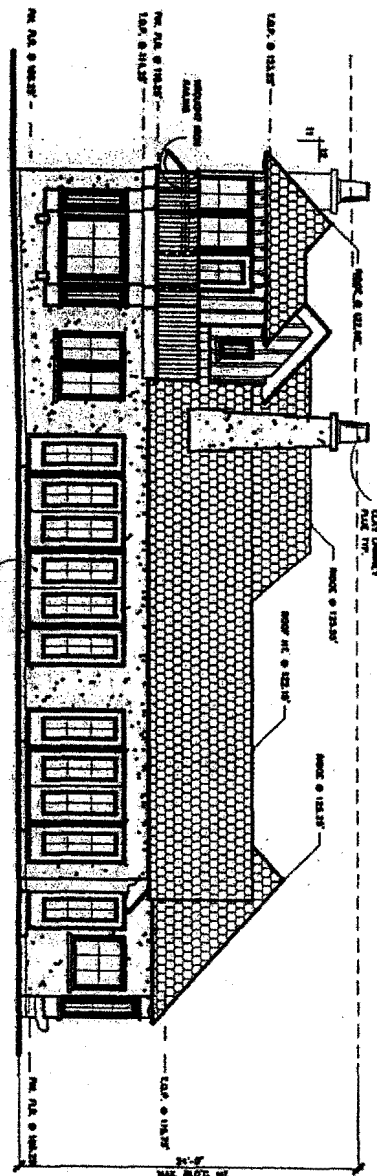
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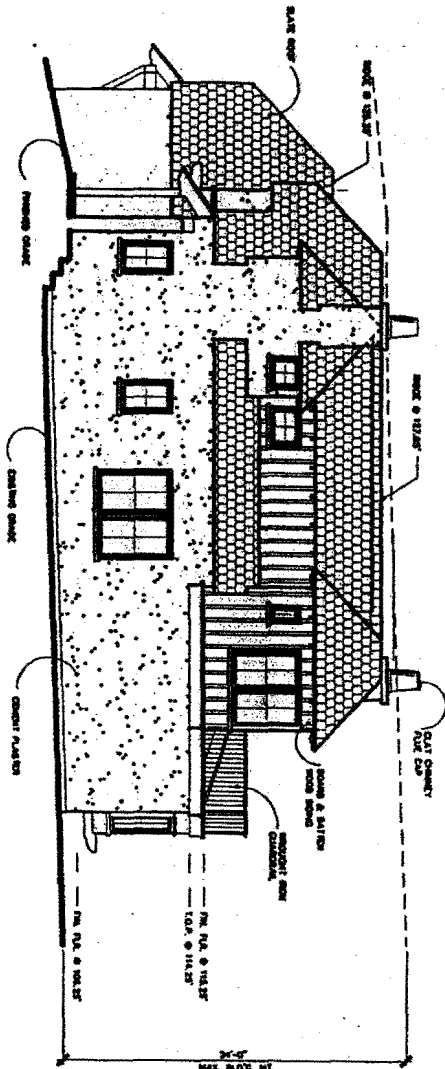
MURDERED
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Ex 5
3-00-039



East Elevation



South Elevation

Proposed
ELEVATIONS
SCALE: 1/4" = 1'-0"

6-14-95
 6
 9814
 NAINI RESIDENCE
 Corralito 2 NE of 10th
 CARMEL-BY-THE-SEA, CALIFORNIA

Ex 5
3-00-039



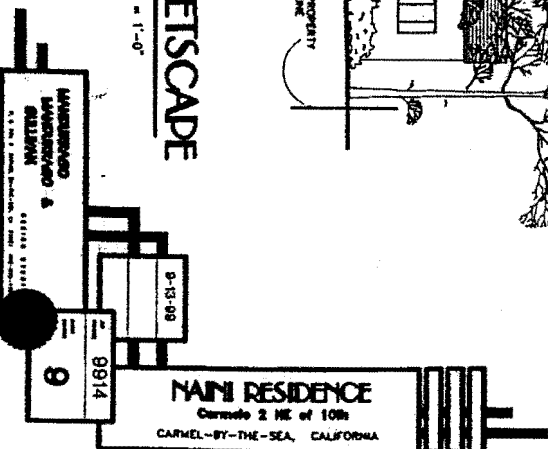
Ex 6
3-00-039



Proposed Carmelo St. Elevation

STREETSCAPE

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



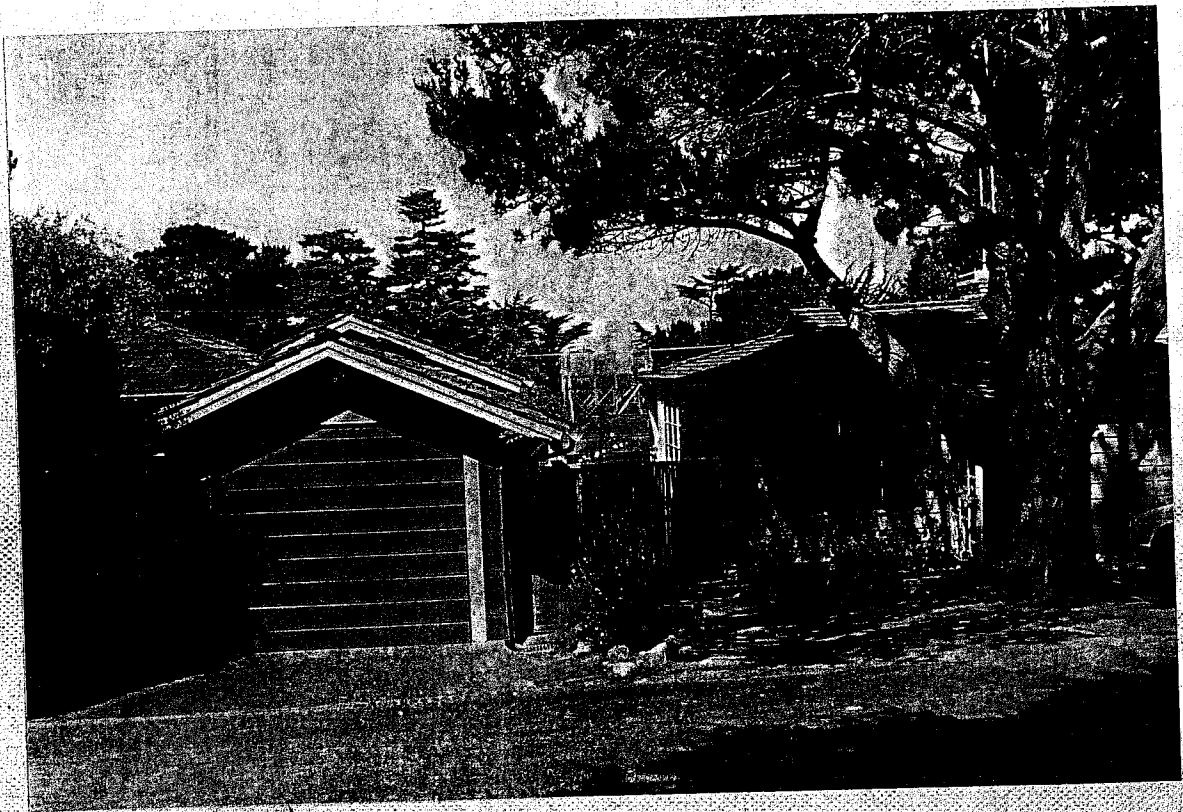


VIEW OF EXISTING HOUSE FROM FRONT

PROPOSED 2ND STORY ADD.

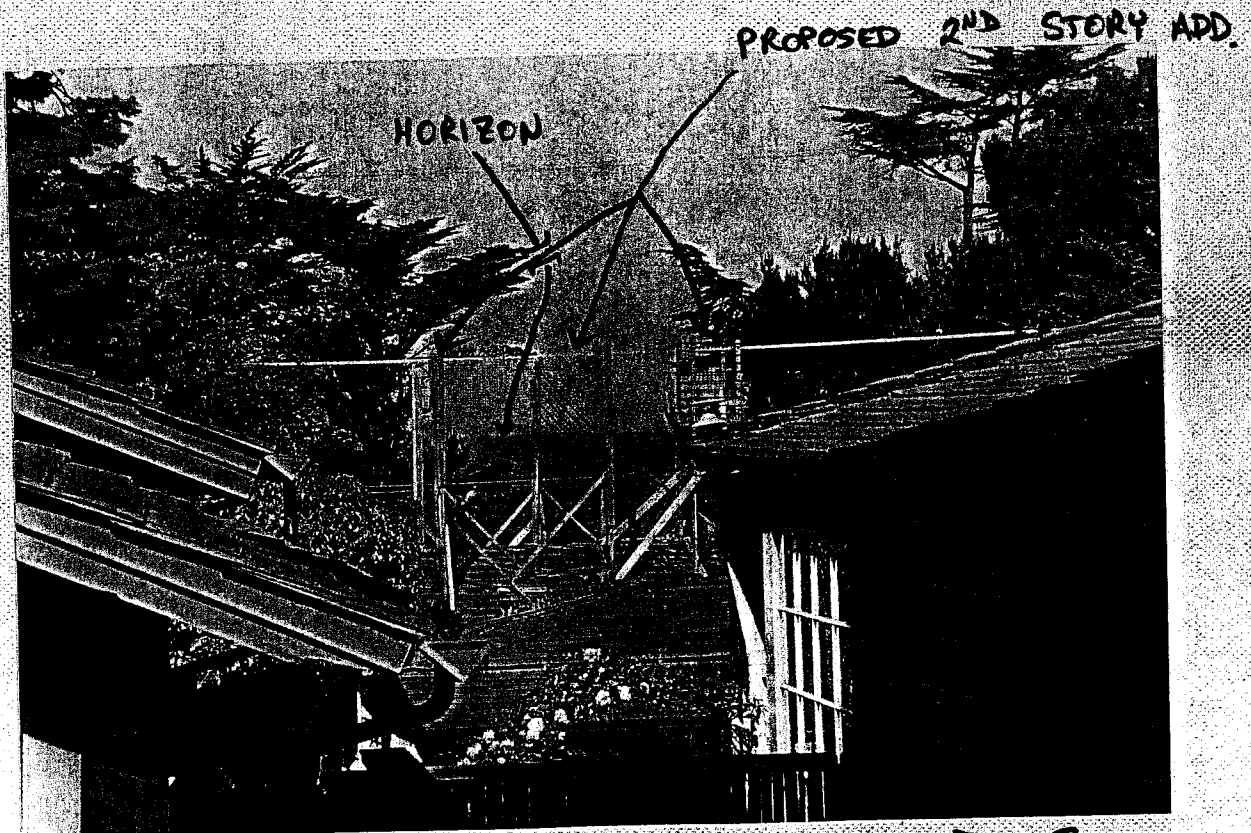


Ex 7
3-00-039



NORMAL VIEW

VIEW FROM CAMINO REAL STREET



TELEPHOTO VIEW

EX 8
3-00-039

