

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 277-4863

Th3b



RECORD PACKET COPY

ADMINISTRATIVE PERMIT NUMBER 3-00-085

ApplicantHermiona M. Dallas et al.

Project locationSW corner of Mission St. and 13th Ave., Carmel, Monterey County: Block 142, Lots 1 and 3, APN 010-162-001.

Project descriptionDemolish single story single family dwelling of approx. 1400 sq. ft. to facilitate construction of two new single family dwellings on an 8000 sq. ft. parcel consisting of two underlying legal lots of record.

Local ApprovalsCity of Carmel-by-the-Sea: DS 00-5 and DS 00-4/RE 00-5, approved May 24, 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:

July 13, 2000
9:00 A. M.

Marin County Board of Supervisors Chambers
Administration Bldg., Rm. 322
San Rafael CA 94903
(415) 499-07331

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: Rick Hyman
Deputy Chief Planner, Central Coast District

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



California Coastal Commission
July 13, 2000 Meeting in San Rafael
Staff: S. Guiney

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.

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 urgency ordinance expired on May 15, 2000, and was not extended by the City. This proposal was approved by the City on May 24, 2000.

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. The main issue raised by demolitions 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:

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. Like most new construction in most of Carmel, the new construction proposed on Lot 1, the corner lot, is excluded from the requirement for a coastal development permit by virtue of Commission Categorical Exclusion E-77-13. The applicable policies and regulations for new construction on that lot are the City's existing, uncertified regulations. The applicant is also proposing to construct a new house on Lot 3, the southerly of the two lots that comprise the site. Condition number 3 of Categorical Exclusion E-77-13 states in part that "developments with variances greater than 10% of the applicable standard under the Zoning Ordinance shall not be excluded." On Lot 3, the City has approved a variance to reduce the garage front yard setback from 15 feet to 9 feet, a 40 % variance. Thus, the new construction proposed for Lot 3 will require approval from the Commission, under a separate permit action.

Project Description. The project site is an 8000 square foot parcel composed of two legal lots of record (Lots 1 and 3 of Block 142) in the southeastern part of the City at the southwest corner of Mission Street and 13th Avenue, eight blocks inland from the beach. Each lot is 40 by 100 feet. Lot 1 is a corner lot, fronting on both Mission and 13th. Lot 3 fronts only on Mission. According to the City staff report "[t]he project site is currently part of an 8,000 square foot parcel that contains both Lots 1 and 3 and is presently encumbered by an existing structure (built in 1921) that is proposed for demolition. . . ." The project site has approximately a seven percent slope from west to east and has several large trees that are required by the City to be protected. There is not a lot of understory vegetation so that the lot has a remarkably open feeling. The existing house is an undistinguished white board and batten structure, which the applicant proposes to demolish. The existing house is situated at about a 30 degree angle from parallel to 13th Avenue and to Mission Street and straddles the property line between the two lots comprising the parcel. Demolition would facilitate the construction of two new residences, one on each legal lot.



Analysis. According to the City the existing structure was constructed in 1921 and remodeled in 1954. The structure is not listed on any roster of historical or architecturally important structures in the City. The City found that

the structure has not been designated as a historic resource [and] 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.

Although the house has some of the characteristics associated with Carmel's character, it is not typical overall of this character (see Exhibit 4 for photos). It is situated in such a way that it is not parallel to either Mission or 13th. This, plus the relatively large size of the parcel provides an attractive setting. This, however, does not reflect any particular sense of Carmel. In fact, it is somewhat less Carmel-like because of the angular orientation and feeling of openness. In contrast, the proposed new development would entail a more Carmel-like, small-lot scenario.

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 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.

Although the existing house appears from the outside to be in good condition and the site is attractive, 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 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 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.

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

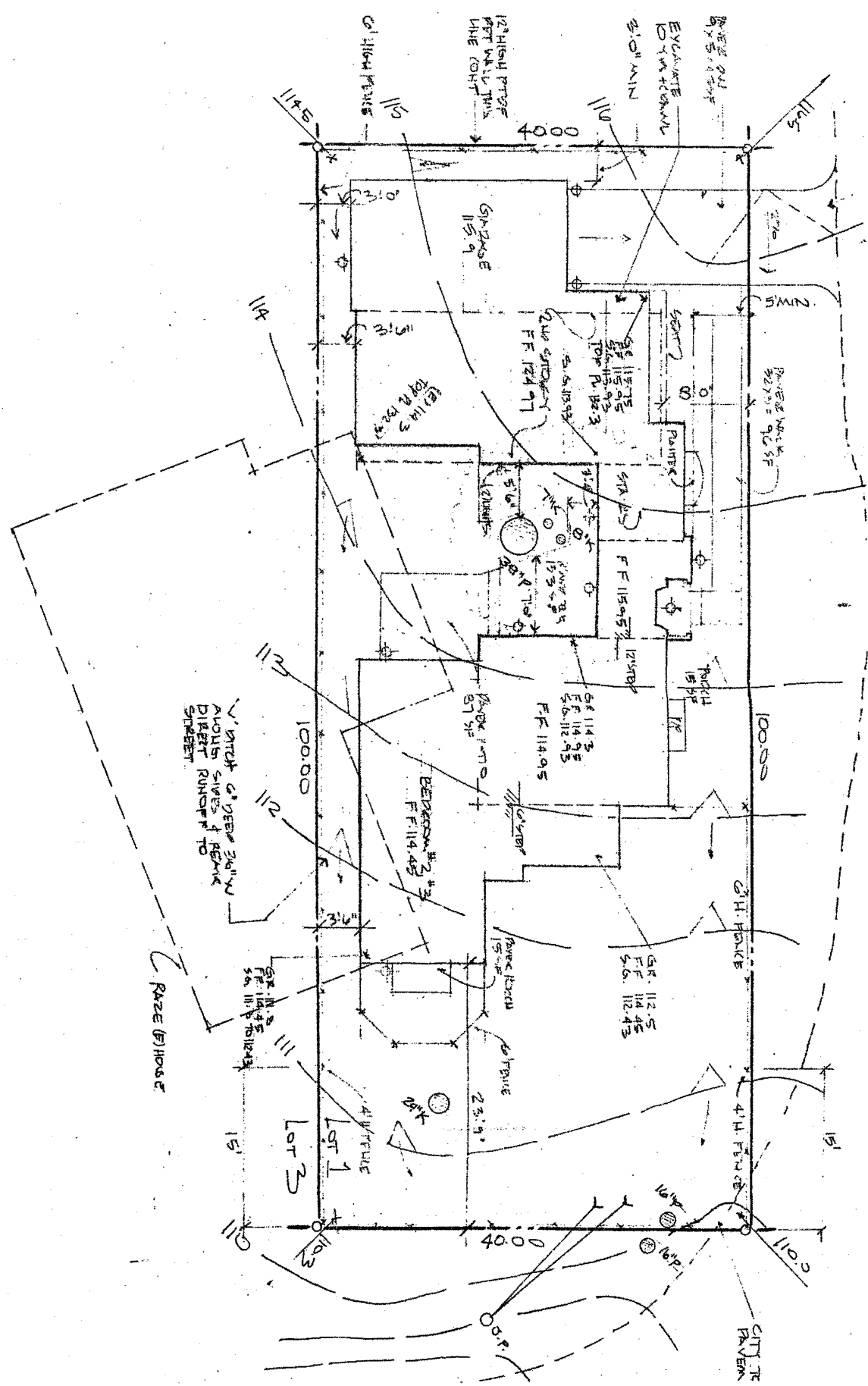
Date of signing





SITE PLAN

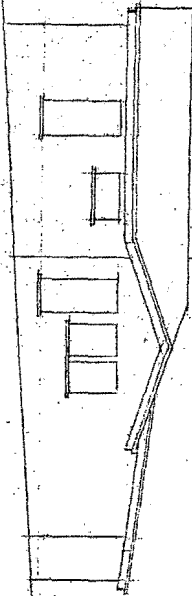
1/8" = 1'-0"



← 13TH AVENUE →

← MISSION ST. →

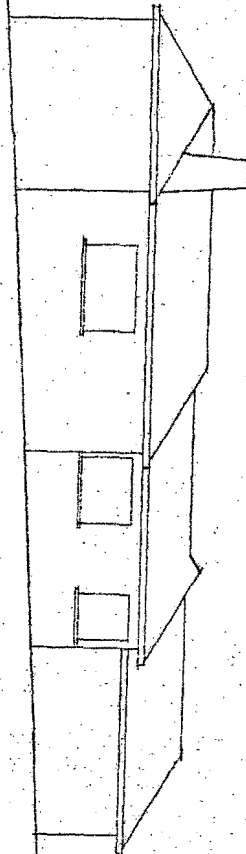
Ex2
3-00-085



EXISTING HOUSE

EXISTING STREET ELEVATION "NORTH SIDE"

VEHICLE

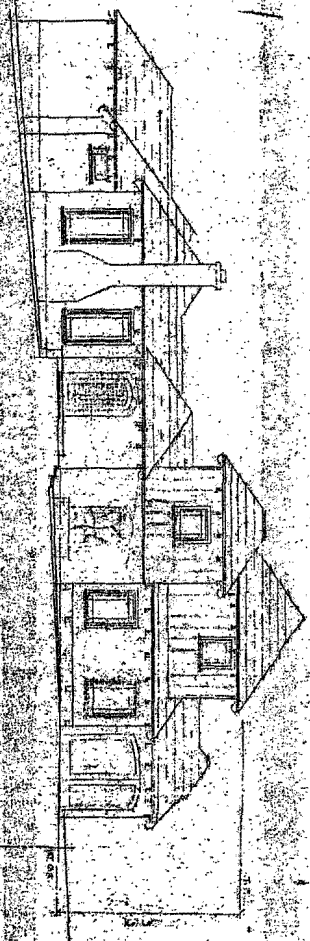


EXISTING ADJACENT HOUSE

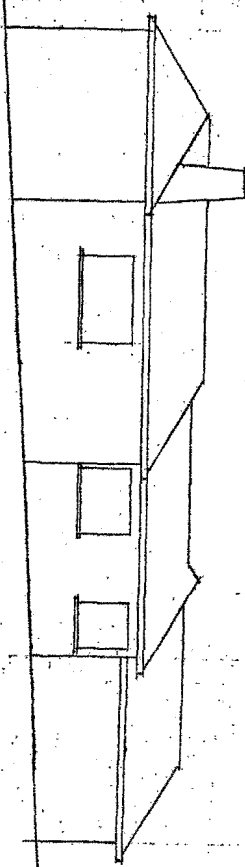
1/4

Ex3
3-00-085

PROPOSED HOUSE



EXISTING ADJACENT HOUSE

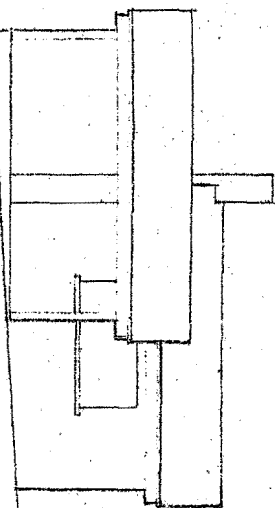


PROPOSED STREET ELEVATION "NORTH SIDE" NORTH

2/4

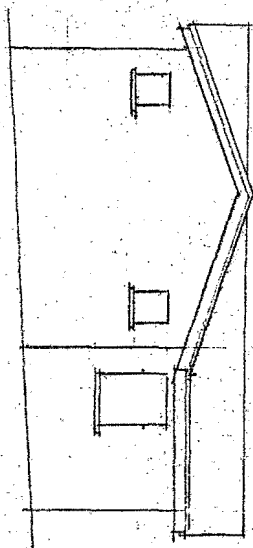
Ex 3
3-00-085

EXISTING ADJACENT HOUSE



105

EXIST. HOUSE



110

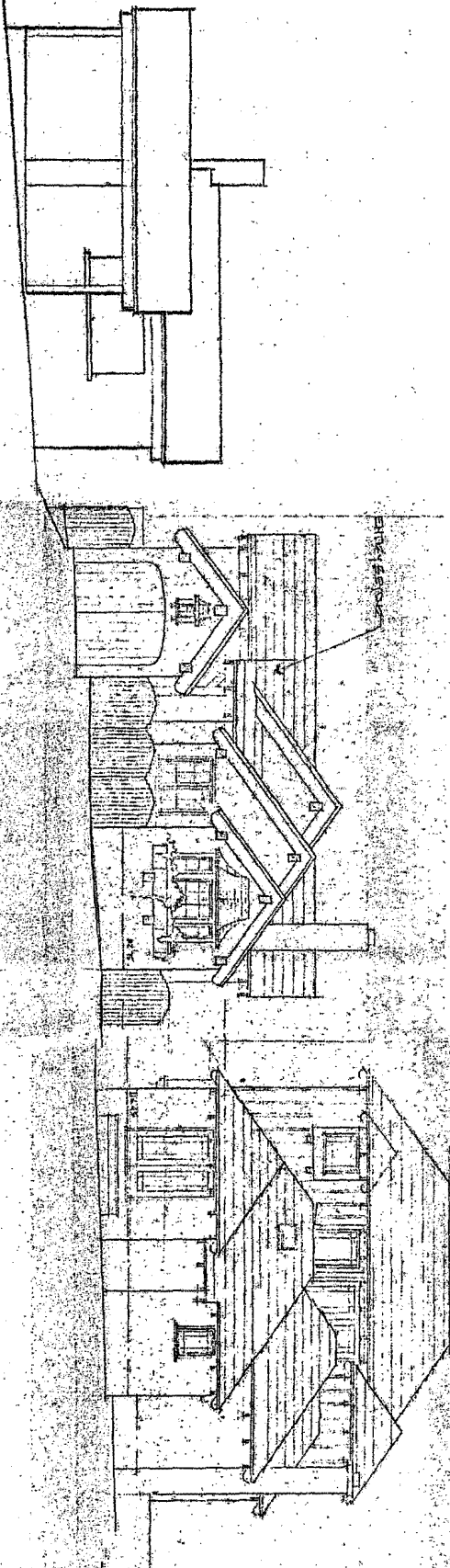
EXISTING

STREET ELEVATION

EAST SIDE

1/8/15

Ex 3 3/14
3-00-085



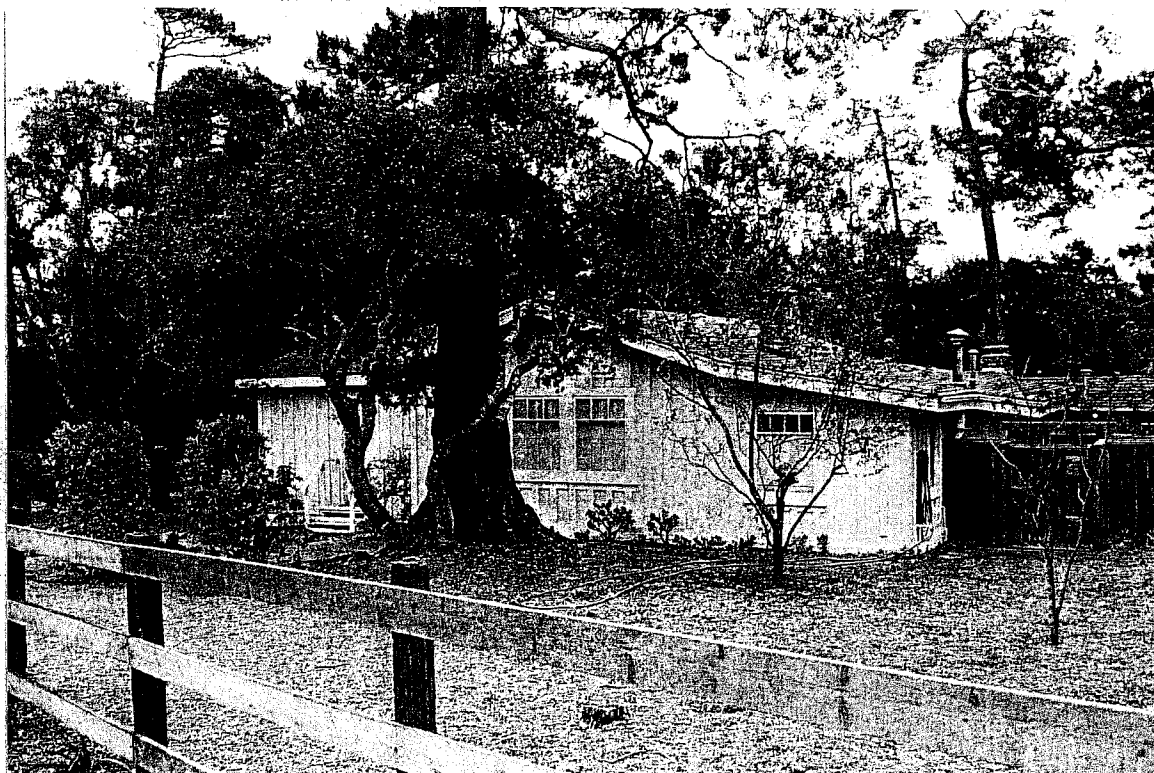
EXISTING ADJACENT HOUSE PROPOSED HOUSE LOT 2

PROPOSED HOUSE LOT 1

PROPOSED STREET ELEVATION "EAST SIDE"

1/31/10

Ex3 4/4
3-00-085



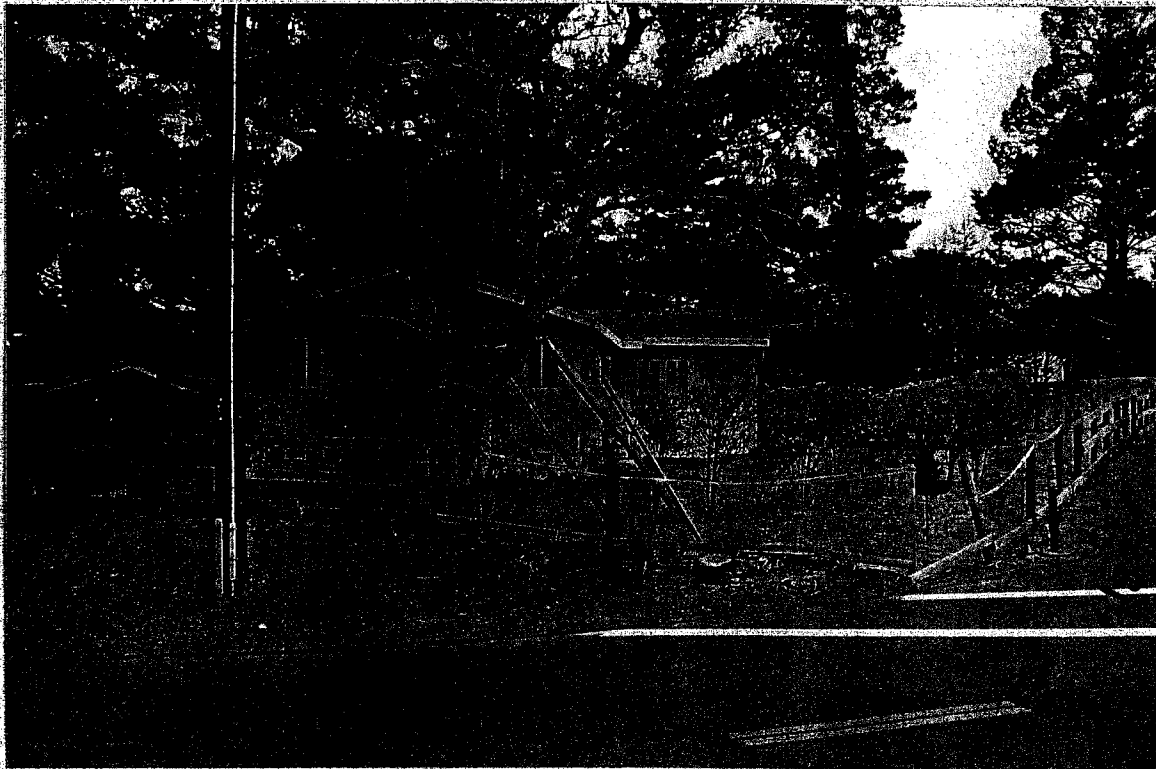
VIEW FROM 13TH AVE TO SOUTHEAST



VIEW FROM INTERSECTION OF
13TH + MISSION TO SOUTHWEST

EX 4
3-00-085

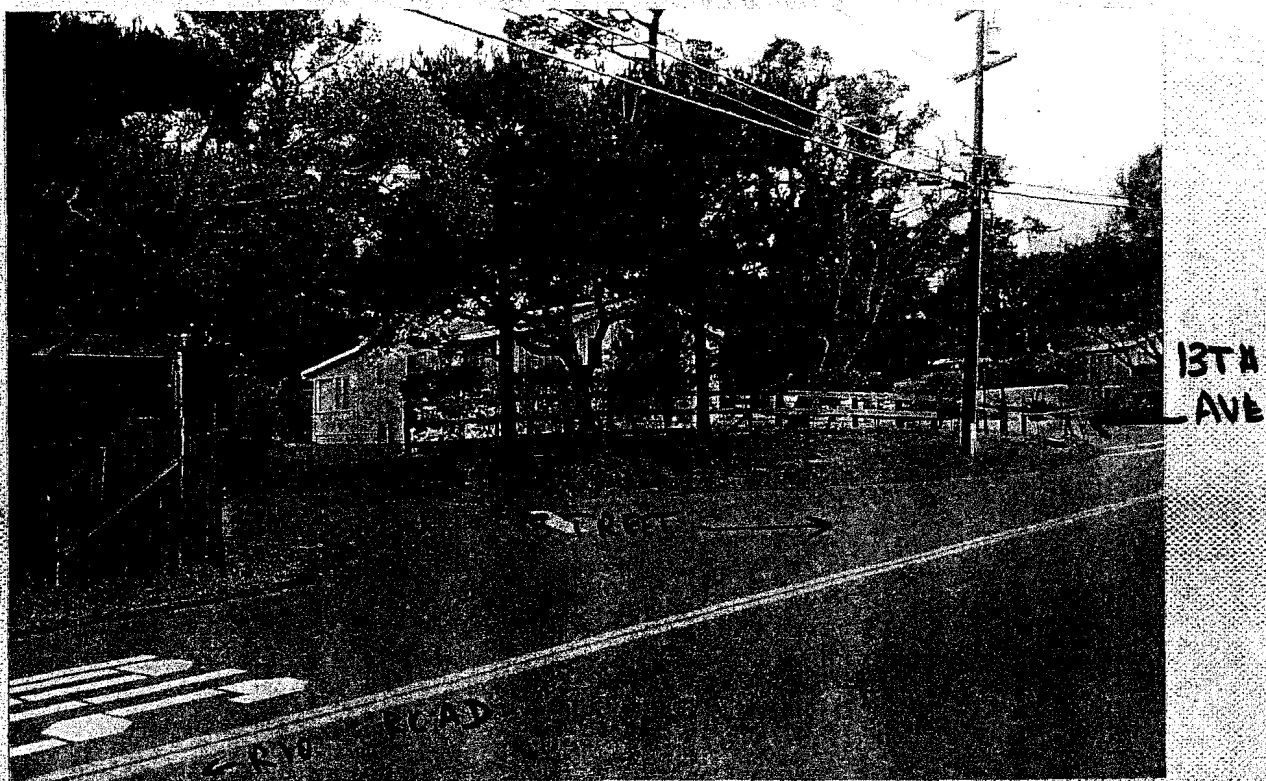
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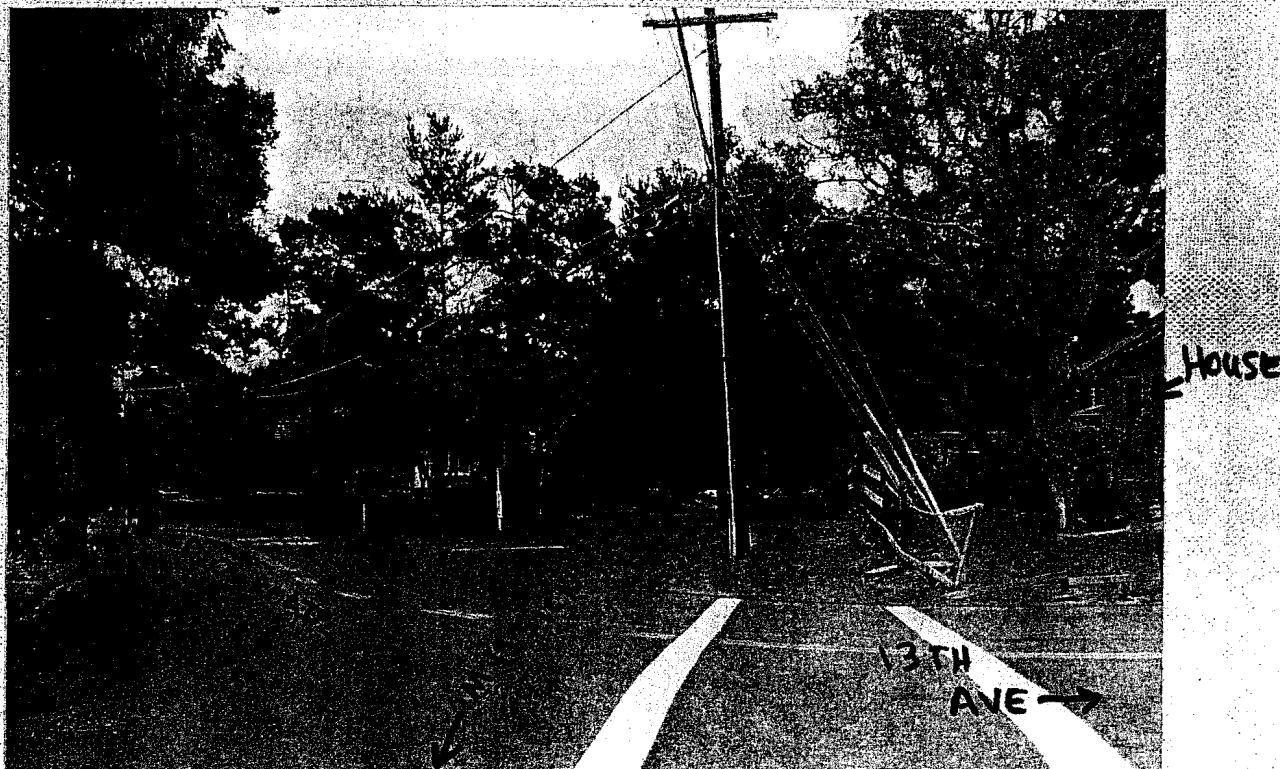
AVE →

VIEW FROM INTERSECTION OF 13TH & MISSION
TO WEST

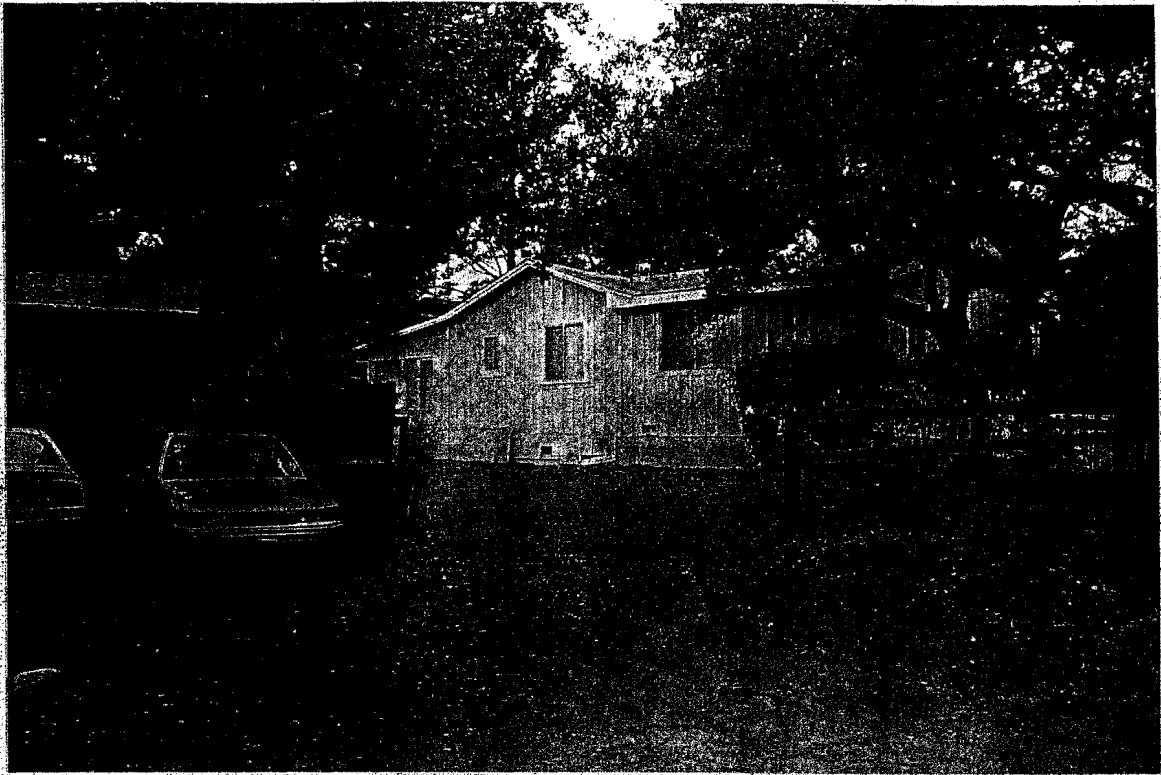
Ex 4 2/4
3-00-085



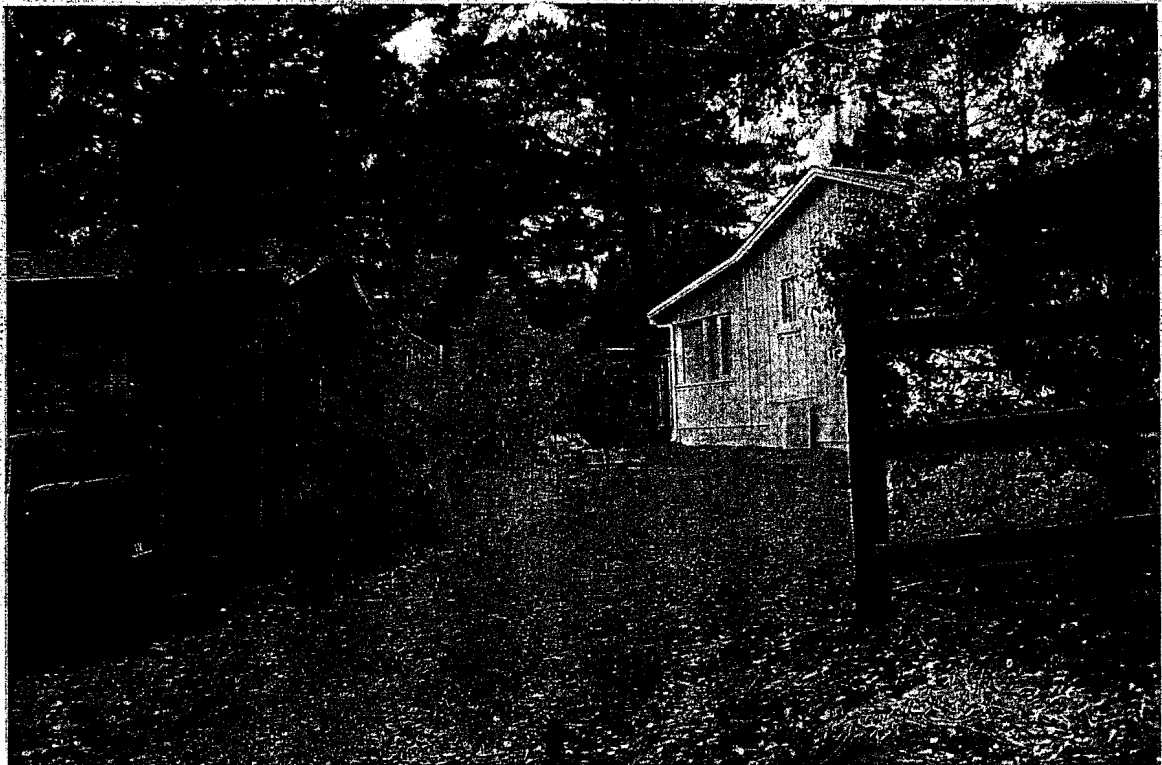
VIEW FROM RIO ROAD ACROSS INTERSECTION
WITH MISSION, TO WEST



VIEW ACROSS INTERSECTION TO SOUTH Ex 4 3/4
3-00-085



VIEWS INTO DRIVEWAY FROM
MISSION STREET, TO
NORTHWEST



Ex 4 4/4
3-00-085