

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(31) 427-4863

Th 3a



## RECORD PACKET COPY

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**ADMINISTRATIVE PERMIT NUMBER 3-00-074**


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**Applicant**.....Paul and Jeanette Sivas

**Project location**.....SW corner of Ocean Avenue and San Antonio Street, Carmel, Monterey County, Block C1, Lot !A, APN 010-311-021.

**Project description**.....Demolish 1664 sq.ft. single story single family dwelling, to facilitate construction of a new 2150 sq.ft. two-story single family dwelling, on a 5000 sq. ft. lot.

**Local Approvals**.....City of Carmel-by-the-Sea: DS 99-27/RE 99-31/HR 99-13/Beach Permit, approved January 26, 2000.

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**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:

**August 10, 2000**  
**9:00 A. M.**

**Waterfront Hilton Beach Resort**  
**21100 Pacific Coast Highway**  
**Huntington Beach CA 92648**  
**(714) 960-7873**

**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



California Coastal Commission  
August xx, 2000 Meeting in Huntington Beach  
Staff: S. Guiney, Approved by:

## **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 urgency ordinance expired on May 15, 2000, and was not extended by the City. This proposal was approved by the City on January 26, 2000.

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

## **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. 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**

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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.

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

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 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 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 a 5000 square foot, rectangular lot, 50 feet by 100 feet, at the southwest corner of Ocean Avenue and San Antonio Street in the northwestern part of the City just two blocks inland from the beach. Ocean Avenue is not only the main public access route to the beach, but west of San Antonio is also developed to provide parking for beach-goers. According to the City staff report "[t]he site contains 5,000 square feet, and presently has a 1,664 square foot residence that was built in 1947." The applicant proposes to demolish the existing single story single family dwelling and construct a new two story single family dwelling with attached garage totaling about 2150 square feet.



**Analysis.** The structure is not listed on any roster of historical or architecturally important structures in the City. According to the City staff report,

[b]ecause the structure is greater than 50 years old (it was built in 1947) and demolition is proposed, the applicants [sic] underwent historic review. The historic review, including DPR 523 form [form used by the Department of Parks and Recreation to catalog a structure's architectural and historical features], were conducted by a consultant for the City, and [it was] concluded that the property was not an historic resource.

These determinations were confirmed by review of consultant's report (*Final Evaluation Report for the Sivas Property, Carmel-by-the-Sea, Monterey County, California*, Jones & Stokes Associates, Inc., Nov. 1999). The report characterizes the existing structure as "a 'flat-roofed' modern design" and lacking in any unique attributes that would qualify it for designation as a historic property. Commission staff further observes that, apart from any historic resource considerations, the architectural character of this structure does not reflect that which is popularly associated with Carmel and which makes it such an attractive visitor destination. See photo attached to DPR Form 523, the relevant portion of which is attached as Exhibit 4.

The proposed demolition will not open the way to new development that would be growth inducing or lead to compromise of an existing urban-rural boundary. The subject parcel is located within the city limits of the City of Carmel. The parcel is currently developed with a single family dwelling. Other 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 proposed project will not adversely affect the unique characteristics that make Carmel a special community—see attached Exhibit 2 for site plan and elevations of the replacement structure. 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 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.

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 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



**TO MONTEREY**

**PROTECT SITE**

**BEACH**

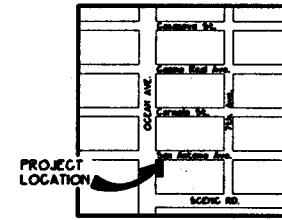
**12**

**Ex 1  
3-00-074**

**Big To Sur**



# SIVAS RESIDENCE



VICINITY MAP

### PROJECT INFORMATION

APN: 090-311-021  
 LOT NO: 80000 S.F.  
 ADDRESS: LOT 1 BLOCK C-1

### PROPOSED SITE COVERAGE

PROPOSED BUILDING FOOTPRINT	2,150.0 S.F.
LAND COVERAGE:	
LAND COVERAGE REDUCTION FORMULA (250.0 S.F. ADDED F.A.R. X 2 = 510.0 S.F.)	
EXISTING LAND COVERAGE	1,910.0 S.F.
LAND COVERAGE REDUCTION	510.0 S.F.
LAND COVERAGE ALLOWED	1,075.0 S.F.
COVERED PORCH:	
DRIVEWAY	70.0 S.F.
WALKS and STAIRS	138.0 S.F.
PATIOS	417.0 S.F.
STOOPS and STEPS	343.0 S.F.
PROPOSED LAND COVERAGE	1,075.0 S.F.

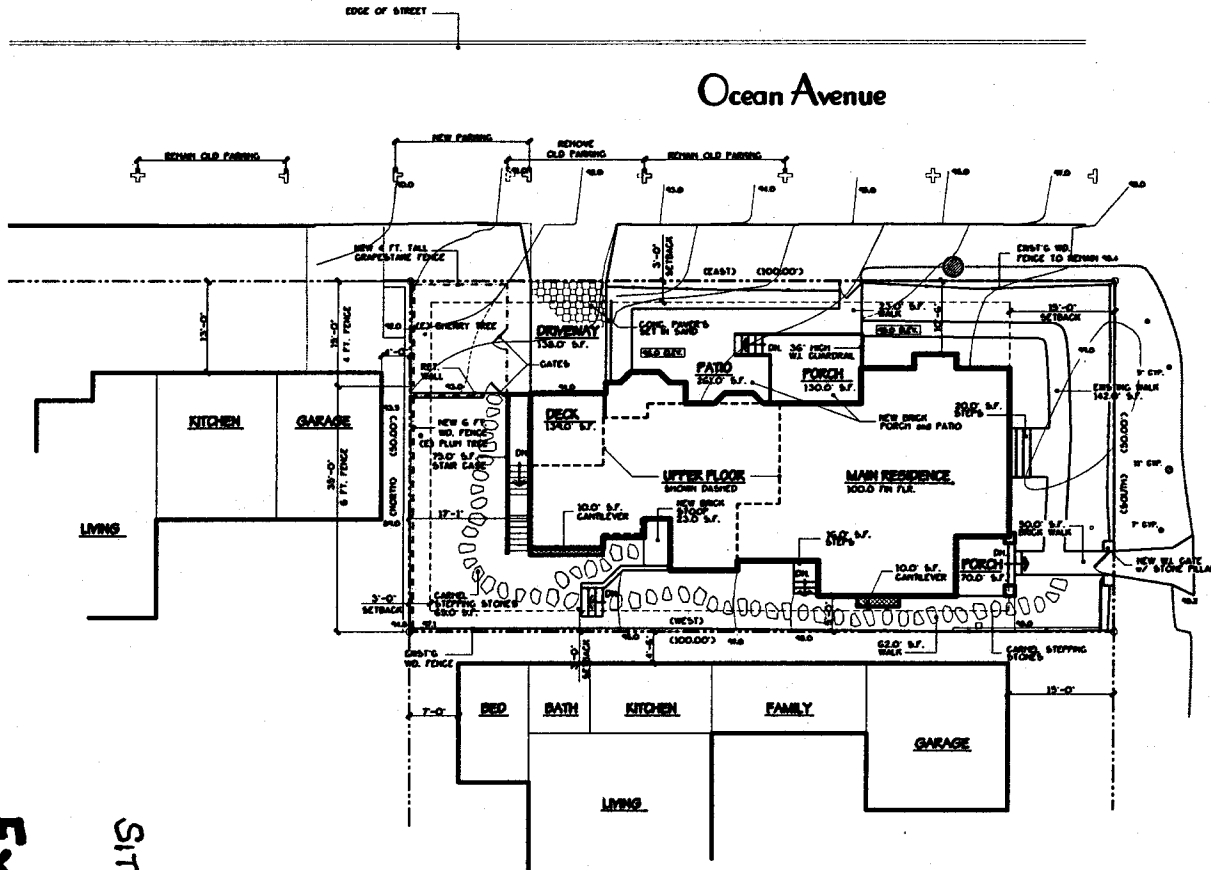
### FLOOR AREA RATIO

FLOOR AREA ALLOWED	43.0%	2,150.0 S.F.
MAIN FLOOR		1,703.0 S.F.
UPPER FLOOR		447.0 S.F.
PROPOSED	43.0%	2,150.0 S.F.

### SHEET INDEX

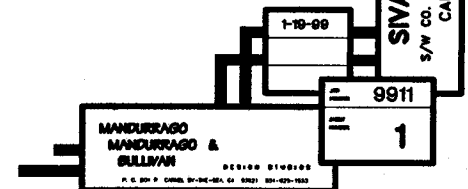
1. SITE PLAN
2. SURVEY
3. Existing FLOOR PLAN
4. Proposed FLOOR PLANS
5. Existing ELEVATIONS
6. N/E ELEVATIONS
7. S/W ELEVATIONS
8. ROOF PLANS
9. Ocean Ave. STREETSCAPE
10. San Antonio St. STREETSCAPE
11. LANDSCAPE PLAN

San Antonio Street



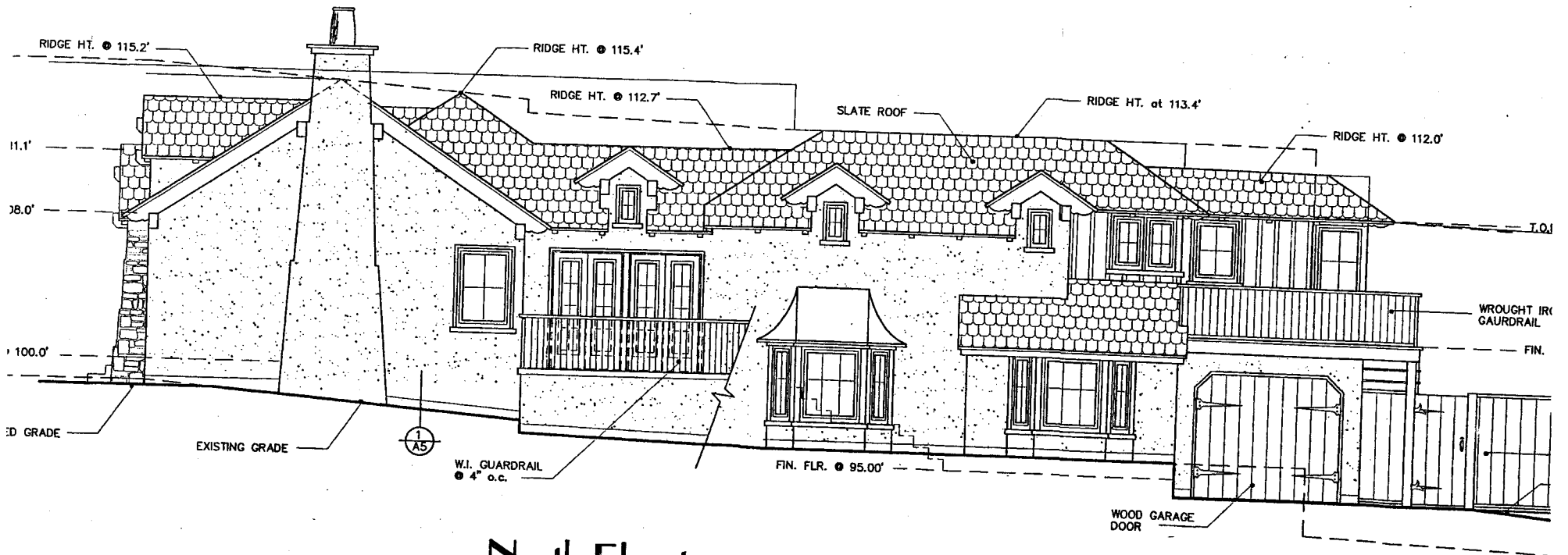
Proposed  
**SITE PLAN**

SCALE: 1" = 8'-0"



SITE PLAN--NEW  
 RESIDENCE  
 EX. 2 1/3  
 3-00-074



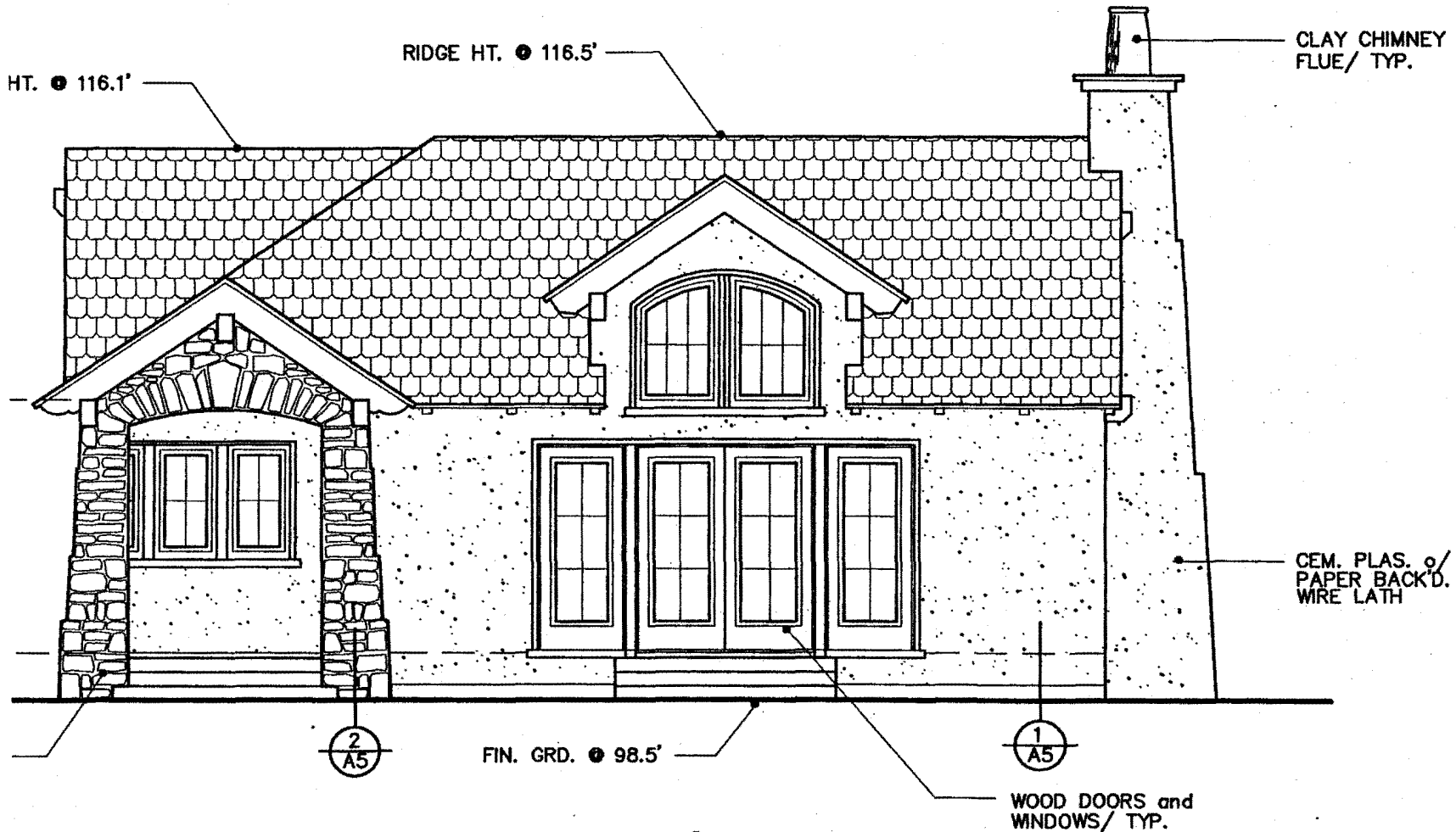


North Elevation  
(OCEAN AVE.)

NEW RESIDENCE

EX. 2 2/3

3-00-074



# East Elevation

(SAN ANTONIO ST.)

NEW RESIDENCE

EX. 2 3/3  
3-00-074

RESIDENTIAL



VIEW NORTHWEST TO SITE, ACROSS  
SAN ANTONIO. HOUSE BEHIND TREES  
ON RIGHT



LOOKING WEST DOWN  
OCEAN AVE. TOWARD BEACH,  
AT SAN ANTONIO STREET. HOUSE  
BEHIND TREES

EX 3 1/2  
3-00-074



VIEW SOUTH ACROSS OCEAN AVE PARKING  
LOT, WEST OF SAN ANTONIO



EX 3 2/●  
3-00-074

Primary # \_\_\_\_\_  
 HRI # \_\_\_\_\_  
 Trinomial \_\_\_\_\_  
 NRHP Status Code \_\_\_\_\_

Other Listings \_\_\_\_\_  
 Review Code \_\_\_\_\_ Reviewer \_\_\_\_\_ Date \_\_\_\_\_

Page 1 of 4

\*Resource Name or #: (Assigned by Recorder) APN: 010-311-021

P1. Other Identifier: Sivas Residence

\*P2. Location:  Not for Publication  Unrestricted \*a. County Monterey

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

\*b. USGS 7.5' Quad Monterey Date 1947 T \_\_\_\_\_; R \_\_\_\_\_; \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of Sec \_\_\_\_\_; \_\_\_\_\_ B.M.

c. Address SW corner of San Antonio and Ocean City Carmel-by-the-Sea Zip 93923

d. UTM: (Give more than one for large and/or linear resources) Zone: \_\_\_\_\_; \_\_\_\_\_ mE/ \_\_\_\_\_ mN

e. Other Locational Data: (e.g. parcel #, directions to resource, elevation, etc., as appropriate),

Block C1, Lot 1A

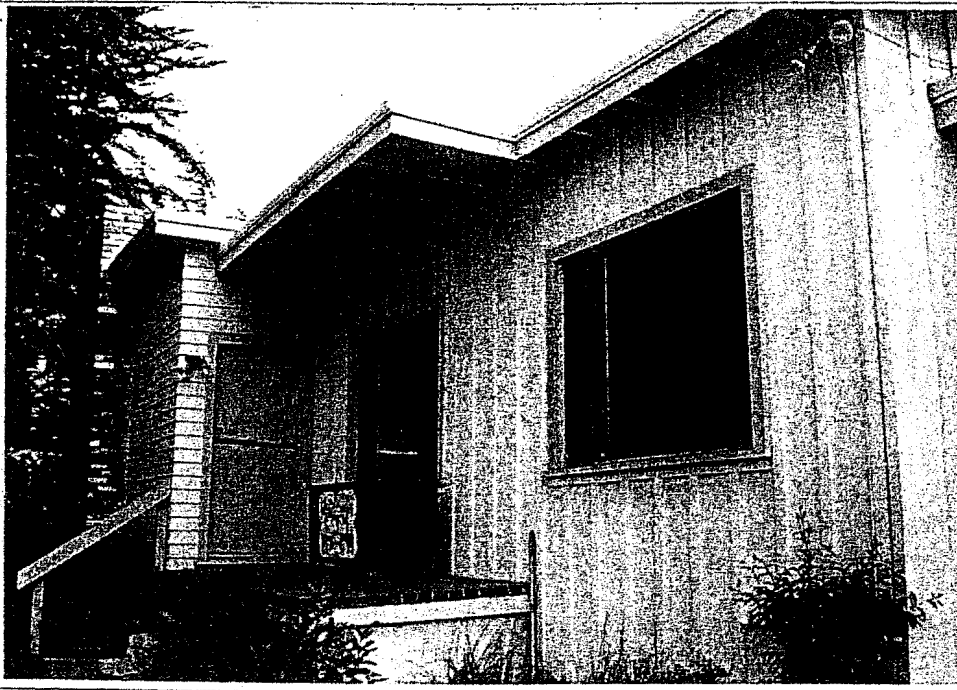
\*P3a. Description (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The house at the Sivas property is a "flat" roofed modern design that steps back historically in its plan. Built in 1947, the wood-frame structure is oriented east to west, with the main living room and front entry located at the east end and the ancillary rooms tapering in stepped fashion down toward the west end, which lines up directly with the fence. The long north wall is most pronounced in the stepped plan. A narrow brick walkway lined by grass and plants leads between the house and fence along the east end, turns the corner west at the north side, and opens into an aggregate patio that fills the space between the west end that steps inward and the fence at the property line. (See continuation sheet.)

P3b. Resource Attributes: (List attributes and codes) HPS2. Single Family property

P4. Resources present:  Building  Structure  Object  Site  District  Element of District  Other (isolates, etc.)

P5a.



P5b. Description of Photo: (View, date, accession #) North elevation looking east: 10/3/99

\*P6. Date Constructed/Age and

Sources:  Historic  Prehistoric  Both  
 Constructed in 1947 / building permit

\*P7. Owner and Address:

Paul and Jeanet Sivas  
2086 West Alluvial Street  
Fresno, CA 93711

\*P8. Recorded by: (Name, affiliation, and address) J. Calpo Jones & Stokes Associates, Inc.  
2600 V Street, Ste. 100  
Sacramento, CA 95816

\*P9. Date Recorded: 10/3/99

\*P10. Survey Type: (Describe)  
Site specific inventory and evaluation

\*P11. Report Citation: (Cite survey report and other sources, or enter "none.") Jones & Stokes Associates, Inc. 1999. Evaluation report for the Sivas residence, Carmel-by-the-Sea, Monterey County, CA. Prepared for City of Carmel-by-the-Sea, Community Planning and Building.

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): \_\_\_\_\_

Ex 4 1/3  
 3-00-074

**BUILDING, STRUCTURE, AND OBJECT RECORD**

Page 2 of 4

\*NRHP Status Code \_\_\_\_\_

\*Resource Name or # (Assigned by recorder) APN: 010-311-021

B1. Historic Name: Kibler residence

B2. Common Name: Sivas residence

B3. Original Use: Single family residence

B4. Present Use: single family residence

\*B5. Architectural Style: Moderne

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

Constructed in 1947 at a cost of \$13,000 (permit #1362), and a carport was constructed within the same year (permit #1437). In 1948 a bedroom was added to the building (permit 1691). Joseph Pistuika added an atrium in January of 1999 (permit 99-18).

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

\*B8. Related Features:

B9a. Architect: Unknown

b. Builder: Unknown

\*B10. Significance: Theme: Residential Architectural Development

Area: Carmel-by-the-Sea, CA

Period of Significance: \_\_\_\_\_

Property Type: Residence

Applicable Criteria: N/A

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

The Sivas property is not eligible for listing in the CRHR as an individual resource. The property does not meet the CRHR criteria for having association with events or persons significant in our past, and does not meet the CRHR criteria for architecture as a distinctive work. It is a somewhat modified example of modern post World War II housing that is set on a narrow lot with full height fencing at the property line. The setting of the house is at the corner of a very busy intersection and the property is lined along its north side by diagonal median parking for beach access at the foot of Ocean Avenue. The traditional settings of landscape and neighborhood integration do not apply here. Similarly, the property does not meet local criteria as a property that would "make especially significant contributions to the unique character and identity of the City."

The Sivas property does not qualify for local designation under City of Carmel-by-the-Sea significance designation criteria. It is not associated with persons or events important in Carmel's heritage, and does not represent a significant example of a style of architecture, method of construction, use of architectural detailing, work of a significant architect or builder, or unique site conditions. Thus, the Sivas property does not meet the City of Carmel-by-the-Sea significance criteria for designation as a significant historic property.

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

\*B12. References:

See references section of the inventory and evaluation report, Jones & Stokes Associates. 1999. Evaluation Report for the Sivas Residence, Carmel-by-the-Sea, Monterey County, California.

B13. Remarks:

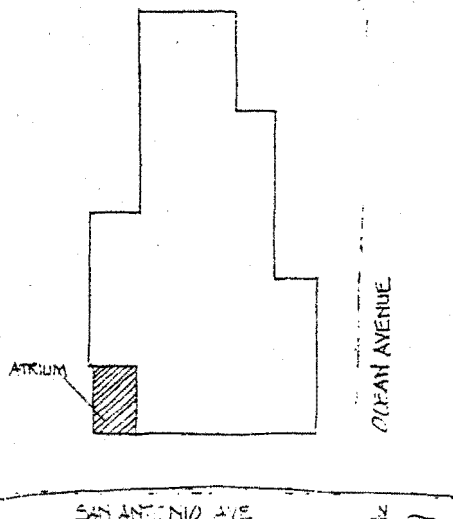
\*B14. Evaluator: Janice Calpo Jones & Stokes Associates, Inc.

2600 V Street Sacramento, CA 95818

\*Date of Evaluation: October 22, 1999

(This space reserved for official comments.)

(Sketch Map with north arrow required.)



EX4 2/3  
3-00-074

# CONTINUATION SHEET

Primary # \_\_\_\_\_

HRI # \_\_\_\_\_

Trinomial \_\_\_\_\_

Page 3 of 4

\*Resource Name or # (Assigned by \_\_\_\_\_

APN 010-311-021

\*Recorded by Janice Calpo

\*Date 10/22/99

Continuation

Update

### P3a. Description (continued).

The roof of the house, although appearing "flat" in design, has a very low pitched shed angle, lifting toward the south. Roof eaves overhang at differing widths around the house with exposed rafters at the north and south sides, and exposed beams at the east and west ends. All eaves around the house are lined by fascia board. Most eaves are moderate in width, with wider eaves in two areas of the north elevation: one section over the raised porch at the left end and another section over the full width porch at the right end. A wide chimney built of used brick stands at the north wall of the main room, left of the entry porch. The porch is constructed of board formed concrete with brick decking and no railing. Three steps with a simple wooden handrail lead to this porch. A second porch, also constructed of the same materials, lines the smallest element at the right side, with a single entry door at the top..

Two types of siding are used on the house: wide weatherboard on the east and west end elements and board and batten on the central element. Windows are predominantly wood frame, with a large three-part Chicago window on the east end, three part aluminum sash and single fixed-pane windows along the north walls, and an aluminum sliding window on the south wall. A metal and glass atrium has filled the southeast corner opening, and the now interior wall has been opened up for access. The house overall retains its essential form dating to its 1947 construction, with additions to the west end keeping in the with the general form. The modern glass atrium at the southeast corner is the most major change.

Ex 4 3/3  
3-00-074

