

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 30
SANTA CRUZ, CA 95060
427-4863

Th 3g



RECORD PACKET. COPY

ADMINISTRATIVE PERMIT NUMBER 3-00-107

Applicant George & Pamela TiptonProject location East side of San Antonio Ave. (4 NE of 11th Ave., Block W, Lot 14),
Carmel (Monterey County)Project description... Demolition of existing 755 sq.ft. single-family residence, to facilitate
construction of new 1,336 sq.ft. two-story single-family residence, on a
3,000 sq.ft. lot (APN 010-278-018).Local Approvals City of Carmel-by-the-Sea: DS 00-11/RE 00-12, on June 28, 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:


Sept 14, 2000
9:00 A. M.

Eureka Inn
7th and "F" Street
Eureka, CA 95501

(707) 442-6441

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

By: Charles Lester 

Executive Director

Central Coast District Manager



California Coastal Commission
September 14, 2000 Meeting in Eureka
Staff: L. Otter

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 JUNE 28, 2000

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

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.

Special Condition

1. **Relocation or Salvage.** PRIOR TO COMMENCEMENT OF REMOVAL OR DEMOLITION OF THE EXISTING STRUCTURE, permittee shall submit, for review and approval by the Executive Director, the following measures to implement relocation or salvage:
 - a. Documentation that arrangements have been made to move the existing building to another location, either within or outside of the City; or,
 - b. If relocation is not feasible, then a salvage plan that has been agreed to by permittee, providing for identification, recovery and reuse of all significant exterior architectural elements of the existing building that can be feasibly incorporated in new construction on or off site. To the extent salvageable materials exceed on-site needs, they may be sold, exchanged or donated for

use elsewhere. The plan shall specify that salvageable materials not used on site, sold or exchanged shall be offered without charge, provided recipient may be required to bear the cost of removal. Unsound, decayed, or toxic materials (e.g., asbestos shingles) need not be included in the salvage plan.

Relocation shall not be deemed infeasible unless: 1) a Licensed Historical Architect, Licensed Historical Contractor, or equivalent qualified expert has determined that relocation of the structure would not be feasible, or if feasible, would not result in worthwhile preservation of building's architectural character; or, 2) it has been noticed by appropriate means as available for relocation, at no cost to recipient, and no one has come forward with a *bona fide* proposal to move the existing structure within a reasonable time frame (i.e., within 60 days from date of first publication and posting of availability notice). Such notice of availability shall be in the form of a public notice or advertisement in at least two local newspapers of general circulation (at least once a week for four weeks), as well as by posting on the site and by other means as appropriate.

Submitted salvage plans shall be accompanied by a summary of all measures taken to encourage relocation, copies of posted notice, text of published notices/advertisements, and evidence of publication, along with a summary of results from this publicity, a list of relocation offers (if any) that were made and an explanation of why they were not or could not be accepted.

EXECUTIVE DIRECTOR'S DETERMINATION

The Executive Director hereby determines that the proposed development is a category of development that qualifies for approval by the Executive Director through the issuance of an administrative permit (Public Resources Code Section 30624). Subject to Standard and Special conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to develop a Local Coastal Program in conformity with the provisions of Chapter 3, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

An important component of Carmel's special community character are its many small, well-crafted cottages. These modest, sometimes quaint residences are associated with the era in which Carmel was known for its resident artists and writers, and functioned as a retreat for university professors and other notables. These little homes were nestled into the native Monterey pine/Coast live oak forest, on a grid of streets which was executed in a way that yielded to trees more than to engineering expediency. This was the context for Carmel's community life and its built character.

A primary issue is the cumulative loss of these cottages that so epitomize the Carmel character. City planners estimate that as much as one-third of the existing housing stock is comprised of "antiquated" structures, although not all older homes contribute anything in particular to the community's "special character." An accelerating trend is the replacement of these older, all-too-often neglected small homes with larger, more modern residences. The demolition phenomenon impacts both those structures worth saving, and those that are not. Nonetheless, hundreds of worthy cottages remain. Some have historical credentials, and some—because of their architectural character and context—are contributing characters on the stage.

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 the type of landscape that 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, and reduce the available area for the growth of new trees--especially if a new structure is built out to the maximum allowed by the zoning.

The three aspects of the City's character briefly described above are not exhaustive. The relatively 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 an unusually narrow 3,000 sq.ft. lot (the standard lot in Carmel is 4,000 square feet). It is located on the east side of San Antonio Street between 10th and 11th Avenues, one block inland from the beach, in the southwestern part of the City. The site has an existing, 755 square foot cottage-style home centered on the 30-ft. width lot. An attached garage is located on the lower level. According to the City staff report

The project site is presently encumbered by an existing structure that was originally constructed in 1932. ...[this] structure slated for demolition has not been designated as a historic resource, nor has information been submitted indicating the potential for historic resources on the site. . . .

Analysis. The parcel is currently developed with a single family dwelling. The existing home on the site appears to be an attractive structure in reasonably good condition, modest in profile, with board and bat exterior finish. In scale and design, it appears to represent a typical Carmel cottage. See Exhibit 5, attached, for photograph of the existing structure.

Commission staff has no information to indicate that the structure is listed on any roster of historical or architecturally important structures in the City. However, because no structural or historical evaluation of the existing home was submitted with the application, the possible existence of such character values can not be ruled out.

A persistent challenge for the City, in developing its LCP, is the question of how to protect this "cottage character." The companion challenge for the Coastal Commission is how, in the meanwhile, to mitigate the loss, preserve planning options, and avoid prejudicing the outcome of the LCP process. Clearly, at least some of the cottages will need to be preserved, in the context of a neighborhood of like character. The establishment of a Historic District has been proposed by historic preservation advocates, but has not (yet) been adopted by the City government as policy.

As the various planning options are being debated, what options are available when an owner requests demolition to facilitate construction of a new residence? One alternative would be to deny such applications. However, this would result in some inequitable situations, especially in those instances where the existing structure has decayed beyond reasonable repair, or where there is no particular historic or architectural characteristic that demands such a stringent measure, or where the value of an architecturally or historically worthy structure has been severely compromised by the loss of its neighborhood context.

Another alternative is to identify those buildings that contribute to Carmel's special character—by virtue of their "cottage" style or their contribution as a historic resource—and to provide an opportunity for relocation elsewhere. While relocation results in the loss of original historic context, at least the architectural expression that the structure represents will live on, somewhere, hopefully in Carmel or the vicinity. And in those instances where relocation proves to be infeasible or inadvisable, or no one comes forward to claim an offered structure, at least some exterior (or interior) portions of the building may nonetheless be salvaged for reuse in other construction. In this way, not only are materials conserved, but some of the architectural elements that contribute to the "Carmel character" can be reclaimed and enjoyed again.

In the case of this application, 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. 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.

Nonetheless, the structure proposed for demolition, through cottage-style architecture or historical attributes, or both, evokes the Carmel character. (See attached Exhibit 5 for illustration of the existing structure, and Exhibits 2 through 4 for comparison of site plans and elevations of the existing and replacement structures.) The loss of the existing structure can be mitigated, in part, through relocation or salvage. Relocation—or failing that, salvage—will provide for a reasonable conformance with Coastal Act Sections 30251 and 30253(5), and will help to avoid prejudice to the City's efforts to prepare an LCP that conforms with Coastal Act policies. This permit is conditioned accordingly.

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, as conditioned to require relocation or salvage of the existing structure, 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 as conditioned to require location or salvage of the existing structure 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

CARMEL-BY-THE-SEA OFFICIAL ZONING MAP

MUNICIPAL CODE SECTION 1590.0
(CORRECTED TO 1/1/64)

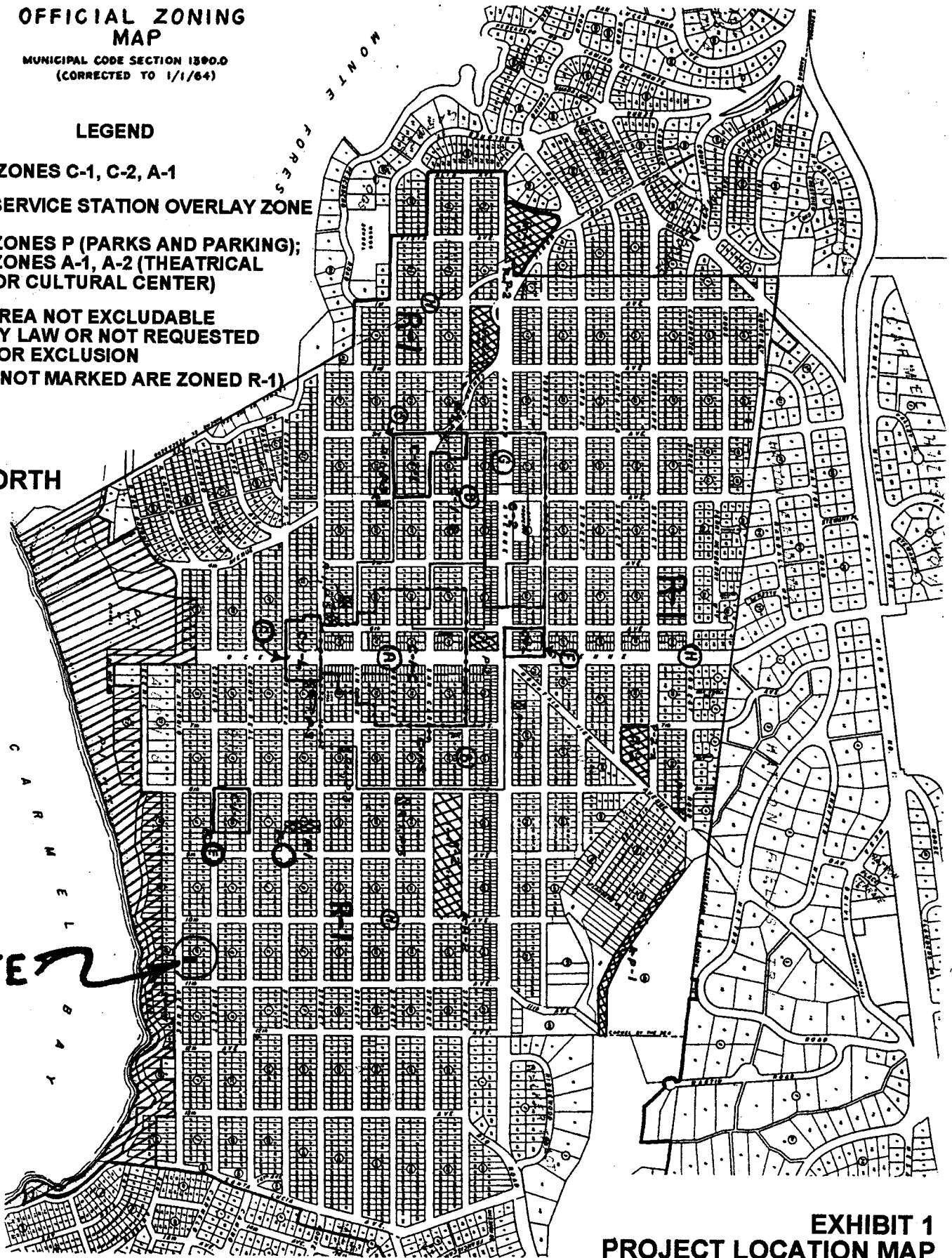
LEGEND

-  ZONES C-1, C-2, A-1
-  SERVICE STATION OVERLAY ZONE
-  ZONES P (PARKS AND PARKING);
ZONES A-1, A-2 (THEATRICAL
OR CULTURAL CENTER)
-  AREA NOT EXCLUDABLE
BY LAW OR NOT REQUESTED
FOR EXCLUSION

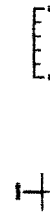
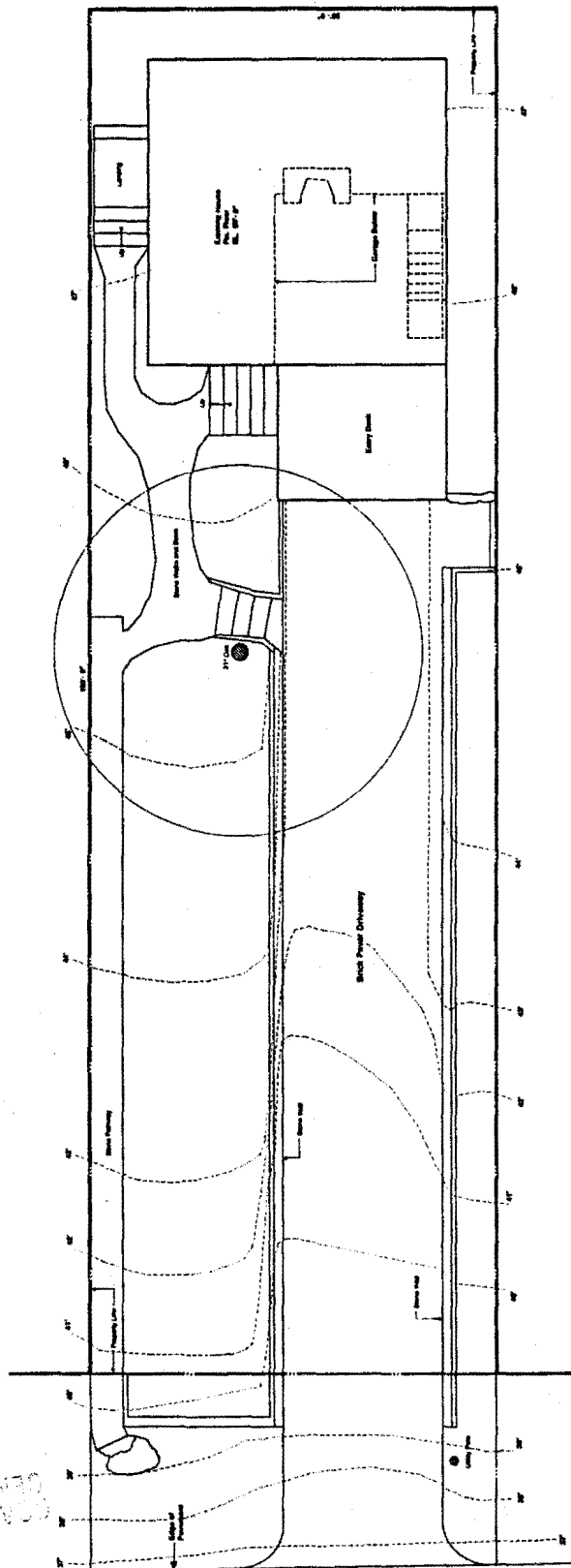
(AREAS NOT MARKED ARE ZONED R-1)



SITE →



**EXHIBIT 1
PROJECT LOCATION MAP
3-00-107 Tipton**



Existing Land Coverage	
Land Coverage	1,000 sq. ft. or less
Land Coverage	1,000 sq. ft. or less

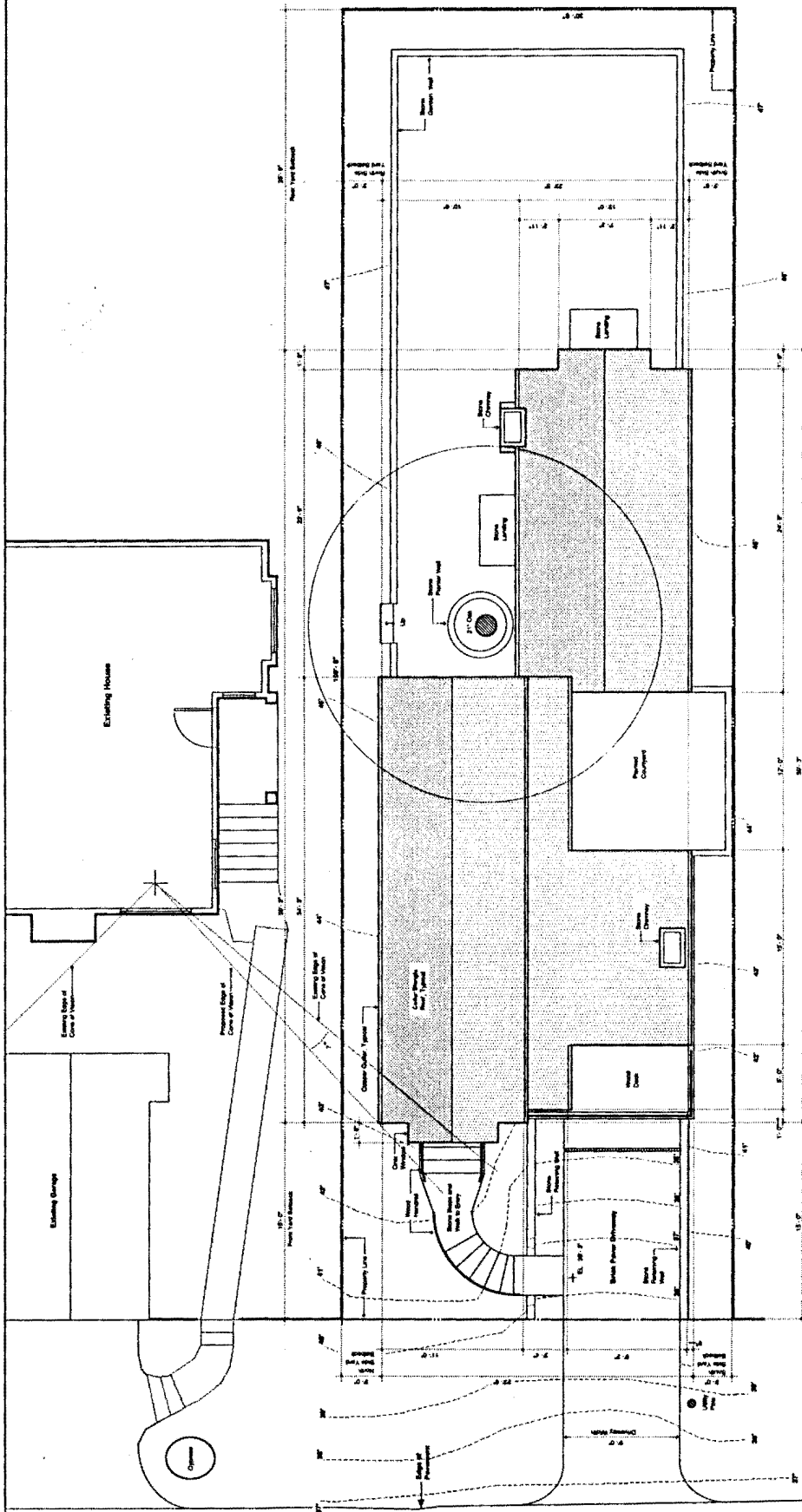
Existing Site Plan	
Site Plan	1,000 sq. ft. or less
Site Plan	1,000 sq. ft. or less

EXISTING SITE PLAN

3-00-107 Tipton
EXHIBIT 2

JUL 1 1 2000

RECEIVED
CENTRAL COUNTY ARCHITECT



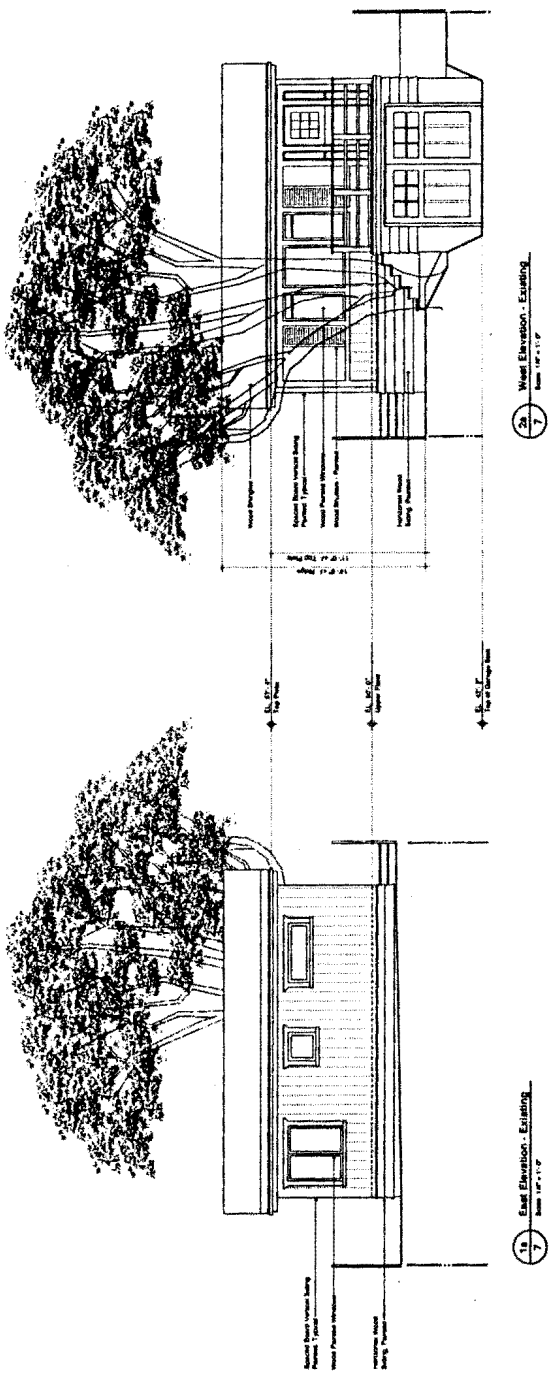
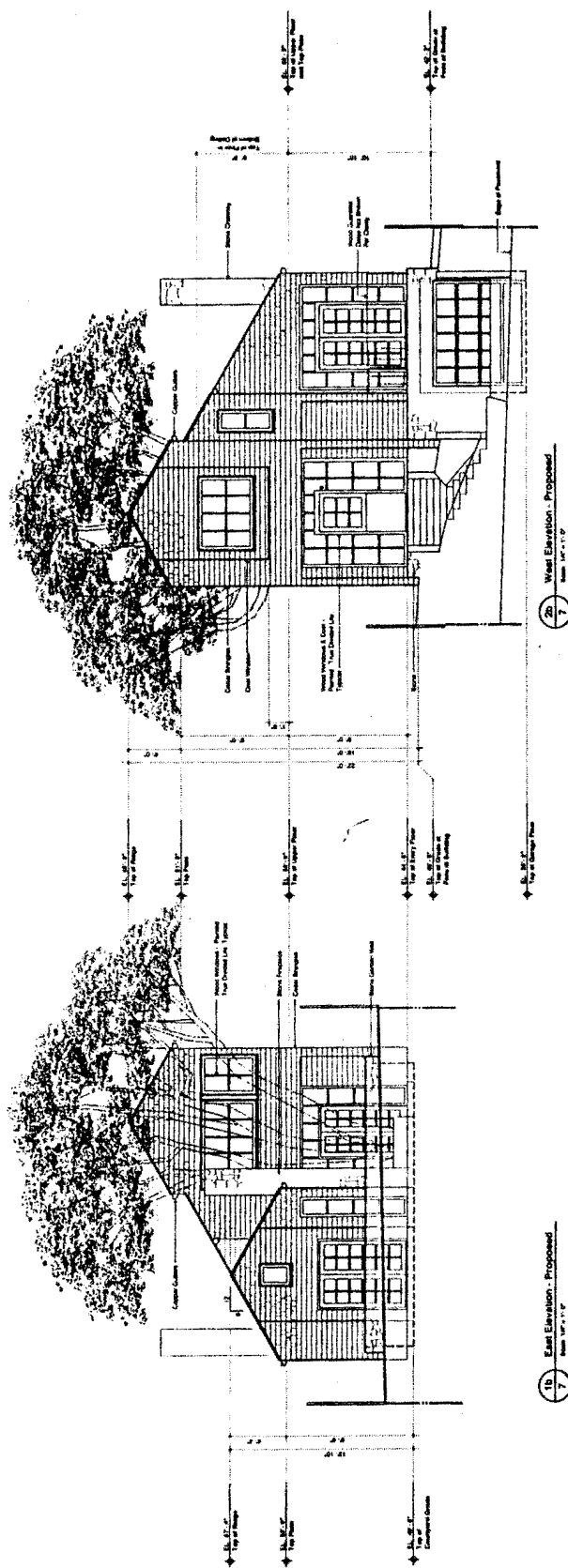
1
Proposed Site Plan
Scale 1/8" = 1'-0"

Contents		Plot Area	Land Coverage
1	Proposed Site Plan	Proposed Plot Area	Proposed Land Coverage
2	Existing Site Plan	Empty Land	Brick Power Driveway
3	Proposed Entry and Uppier Level Floor Plan	Under Land	• 137 sq. ft.
4	Proposed Garage Plan	Garage Land	Empty Walkways
5	Proposed and Existing North Elevation	• 208 sq. ft.	• 91 sq. ft.
6	Proposed and Existing South Elevation	• 1206 sq. ft.	• 31 sq. ft.
7	Proposed and Existing East and West Elevation	Total Accessible Plot Area	• 277 sq. ft. or 8%
8	Proposed and Existing Street Elevations	Total Accessible Land Coverage	• 260 sq. ft. or 19%
9	Proposed Street Elevation with Sun Angles	Total Site Area	• 2600 sq. ft.
10	Landscape Plan	Existing Plot Area	Existing Land Coverage
		Existing House	Total Existing Land Coverage
		Garage Land	• 1,206 sq. ft. or 46%
		Total Existing Plot Area	
		• 768 sq. ft.	

**PROPOSED
SITE PLAN
3-00-107 TIPTON
EXHIBIT 3**



FRONT ELEVATIONS ↑



EXISTING

PROPOSED

ELEVATIONS - FRONT & BACK
3-00-107 TIPTON

p. 2 of 2
EXHIBIT 4



Photo 1.

Existing residence

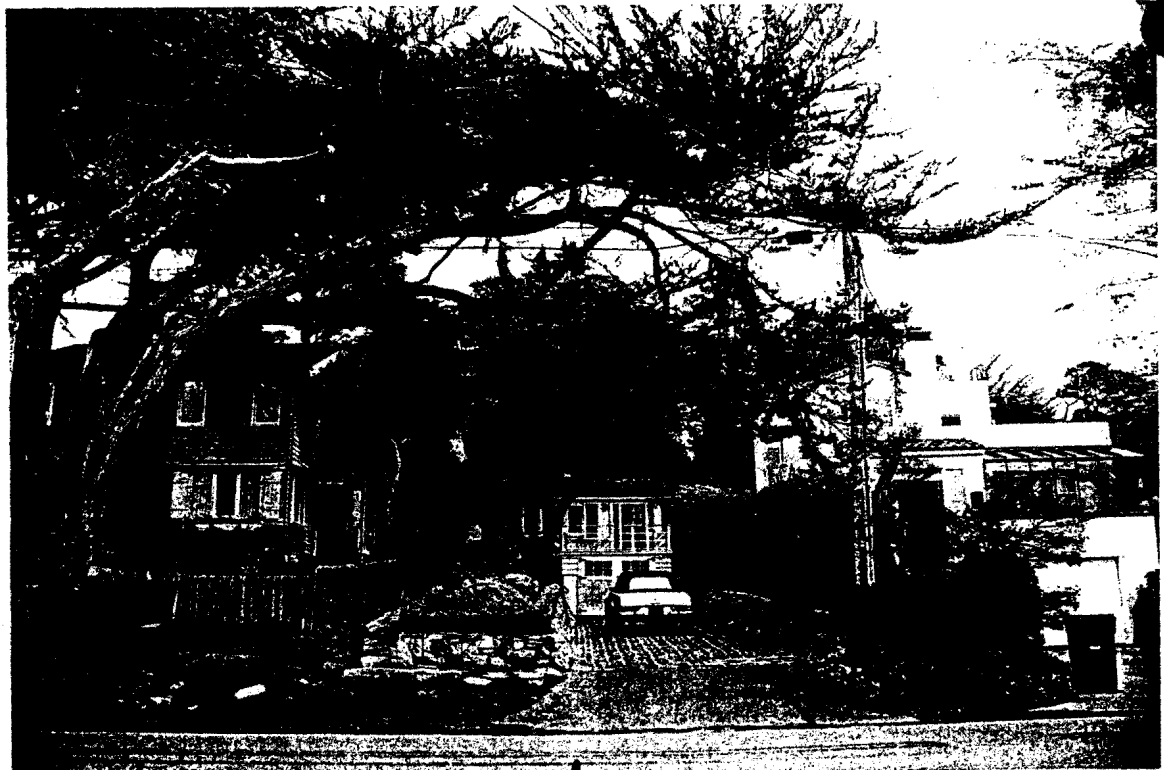


Photo 2.

View from San Antonio St.

↑
**EXISTING
(TO BE DEMOLISHED)**