

## CALIFORNIA COASTAL COMMISSION

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

## RECORD PACKET COPY

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ADMINISTRATIVE PERMIT NUMBER 3-00-124

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**Applicant**..... **Hermina M. Dallas Survivors Trust, Attn: Steve Dallas**

**Project location**..... Mission St., 1 SW of 13th (Block 142, Lot 3), Carmel (Monterey County)

**Project description**..... Construction of 1800 sq.ft. one-story single family residence including detached garage, on a 4000 sq. ft. lot (APN 010-162-031); the Carmel Categorical Exclusion does not apply because the project includes a variance of greater than 10% for the garage; replaces former single story single family dwelling of approx. 1400 sq. ft. demolished pursuant to CDP 3-00-085.

**Local Approvals** ..... City of Carmel-by-the-Sea: DS 00-5/VA 00-3, 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:

**September 14, 2000**  
**9:00 A. M.**

**Eureka Inn**  
**7<sup>th</sup> and "F" Streets**  
**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**  
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.

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**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.

**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 May 24, 2000.

**FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION**

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This project comprises the construction of a new single family residence on an existing lot in Carmel. The property was previously occupied by another residence dating from 1921, which was recently demolished pursuant to Coastal Development Permit 3-00-85. The primary issue in

this case concerns the new structure, and how it relates to the protection of Carmel's special community character.

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 New Construction.** 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. However, 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 applicant's Lot 3, the City has approved a variance to reduce the garage front yard setback from 15 feet to 5 feet, a 67% variance. Thus, the new construction proposed for Lot 3 will require approval from the Commission.

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.

**Project Description.** The project site is an 4,000 square foot legal lot of record (Lot 3 of Block 142) in the southeastern part of the City near the southwest corner of Mission Street and 13<sup>th</sup> Avenue, eight blocks inland from the beach. Each lot is 40 by 100 feet. The project site has approximately a seven percent slope from west to east, and has two large trees that will be retained. These are shown on the submitted plans as an 18" oak and a 30" pine. In addition, the City's conditions of approval require the protection of a smaller Coast live oak and a small planted redwood.

According to the City's adopted Findings, the approved Variance was for the purpose of protecting these two smaller trees. The standard front yard setback is 15 ft. The trees are located about 30 feet from the street frontage. If the standard setback distance were observed, the proposed garage would require their removal. The Findings state that the location of these trees precludes an alternative garage location. Accordingly, the City allowed a front setback of only 5 feet.

**Analysis.** The subject parcel is located within the city limits of the City of Carmel. The parcel until recently was developed with a single family dwelling, which extended partly onto a neighboring lot under the same ownership. Parcels on either side of the subject parcel are developed, or are approved for development, 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 new house is not in the original Arts and Crafts style, its design is consistent with many other new homes being built in Carmel today. See Exhibit 3, attached, for architectural elevations. The proposed project design incorporates several traditional design elements. The

City has granted design approval. Accordingly, the project will not significantly affect the unique characteristics that make Carmel a special community. And, given the context of surrounding residential development, the new construction would not adversely 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 former existing house with a new one. Therefore, the proposed development 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 has received design approval by the City, and is consistent with the character of other homes recently approved by the City in this neighborhood, 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.

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Applicant's signature

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Date of signing

# CARMEL-BY-THE-SEA OFFICIAL ZONING MAP

MUNICIPAL CODE SECTION 1390.0  
(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)

**1** NORTH

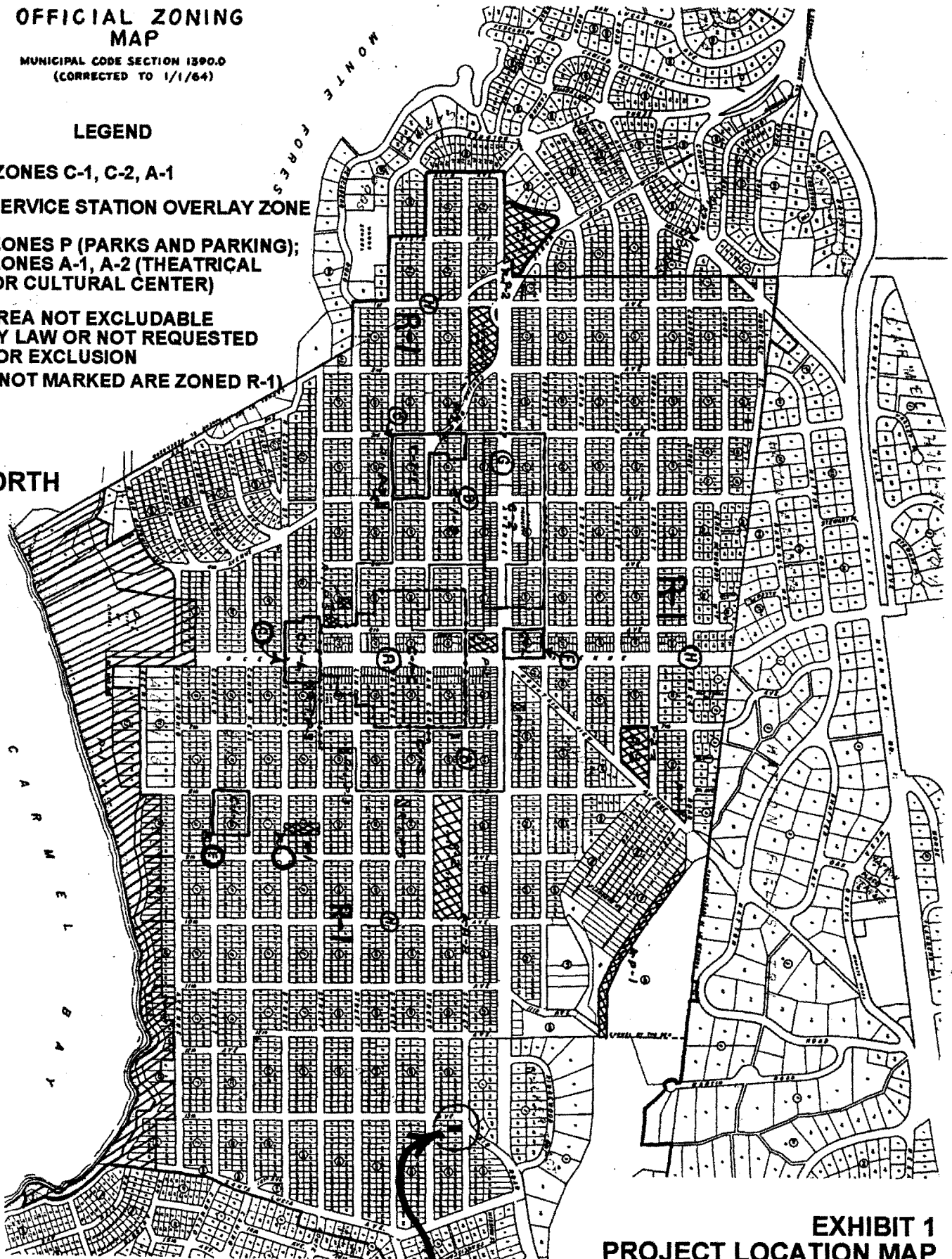
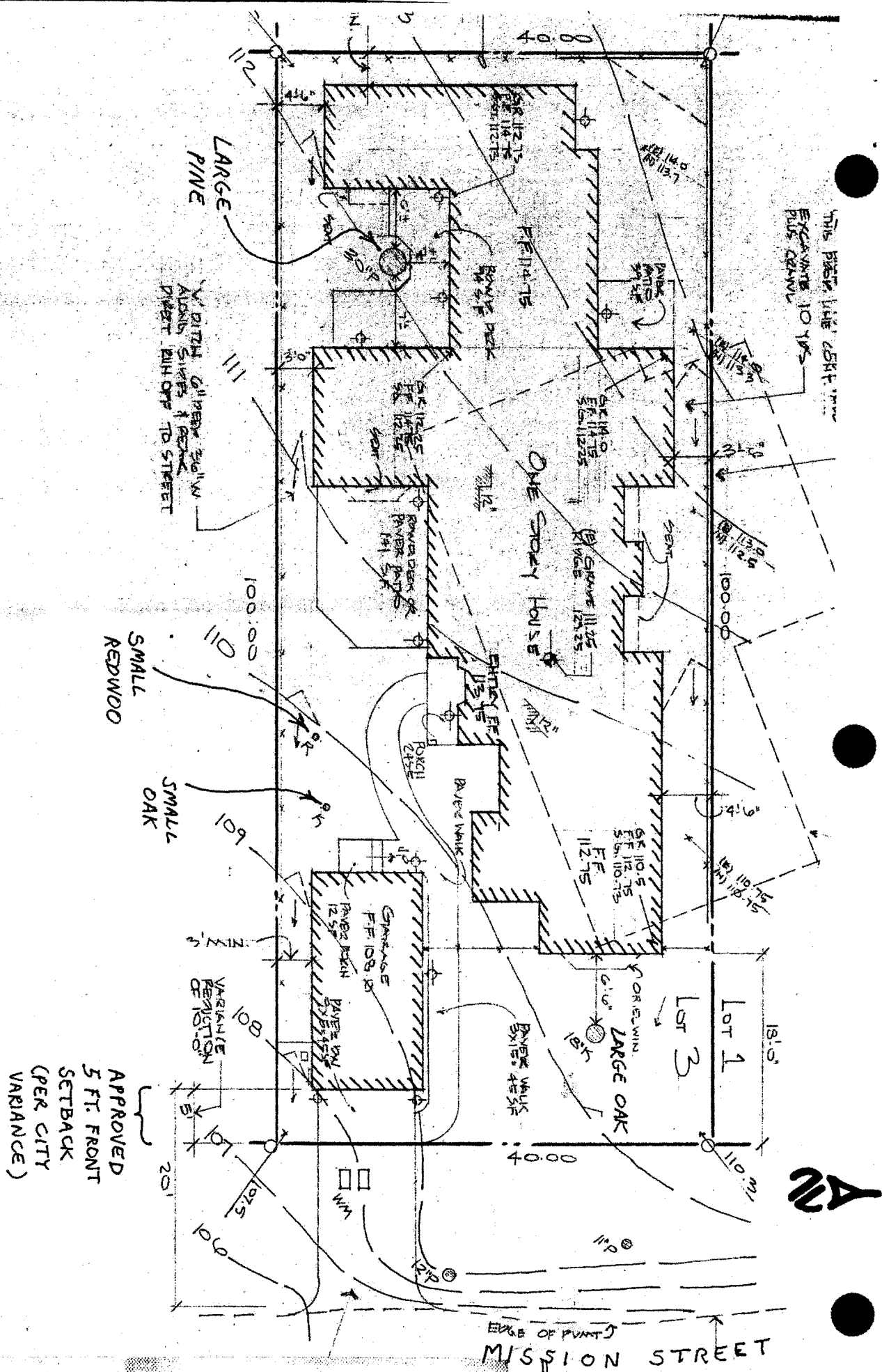


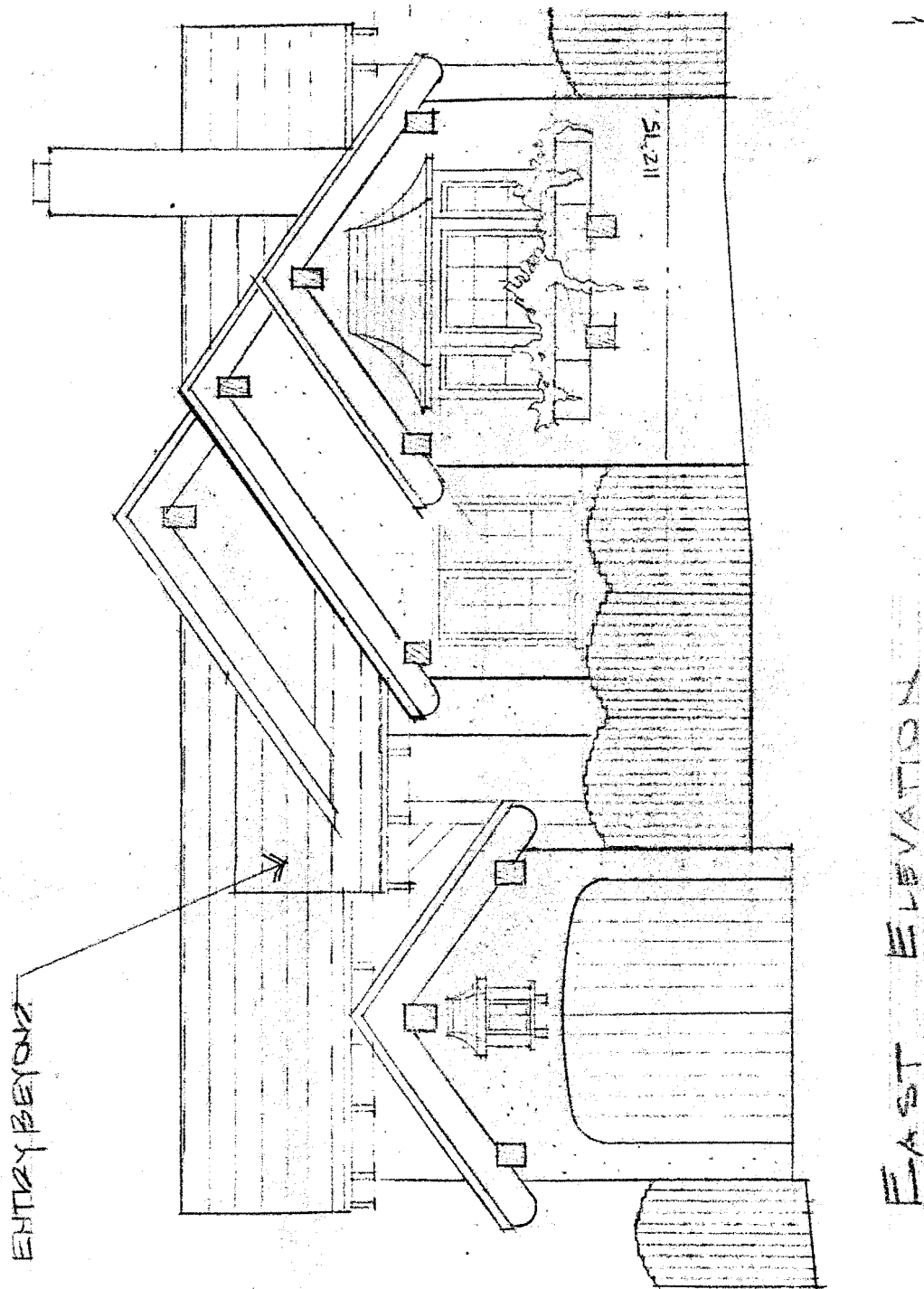
EXHIBIT 1  
PROJECT LOCATION MAP  
3-00-124 DALLAS

**SITE** →

$$\frac{1}{8}'' = 11c$$




00124/1



STREET ELEVATION

3-00-124 DALLAS

EXHIBIT 3

