

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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Filed:	10/16/01
49th day:	12/04/01
180 th day:	04/14/02
Staff:	MJW
Staff report:	10/25/01
Hearing date:	11/14/01

COASTAL DEVELOPMENT PERMIT APPLICATION

Application number 3-01-083 Duchesne & Hamilton

Applicant Mark Duchesne & Cynthia Hamilton

Project location West side of Junipero Avenue between 11th and 12th Avenues, Carmel, Monterey County (APN 010-074-014) (See Exhibit A)

Project description Demolition of an existing single family residence to facilitate construction of two-story single family residence and garage. (See Exhibit B)

Local approval City of Carmel-by-the-Sea: DS 01-18 / RE 01-21.

File documents City of Carmel-By-The-Sea uncertified Land Use Plan and Zoning Ordinance; City of Carmel Community Building and Planning Department Staff Report (08/22/01);

Staff recommendation ... Approve

Summary: The Applicant proposes to demolish an existing one-story single family residence (approximately 1,502 square feet) and construct a two-story single family residence (approximately 1,687 square feet) on a 3,750 square foot lot in the City of Carmel-by-the-Sea. The proposal also includes the conversion of a 200 square foot carport into a garage. Applicant proposed to rebuild the new structure in the same footprint and on the same foundation of the existing home. The resultant structure is 185 square feet larger (12%) than the existing residence.

The proposed two-story residence will be 22' in height, two feet below the 24' allowable maximum, and 4 feet higher than the existing structure. The architectural style and details are reflective of a Tudor-revival style and include stucco walls, a steeply pitched cross gabled roof with slate tiles, exposed rafter tails, a front bay window, and prominent chimneys finished in Carmel stone. Scale and mass of the proposed rebuild is comparable with the existing structure and compatible with the general character of other structures along Junipero Avenue. The combination of site coverage, location, configuration, and architectural detail preserves the existing street ambience.

The project does not impact visual resources, community character, or coastal access, nor will it prejudice the completion of an LCP consistent with the Coastal Act. Therefore, the project is consistent



California Coastal Commission

November 14, 2001 Meeting in Los Angeles

Staff: Mike Watson Approved by: *C.W.L. 11/25/01*

with the policies of Chapter 3 of the Coastal Act.

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I. Staff Recommendation on CDP Application

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard conditions below.

Motion. I move that the Commission approve Coastal Development Permit Number 3-01-083 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve a Coastal Development Permit. The Commission hereby approves the coastal development permit on the ground that the development as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the coastal development permit complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment; or (2) there are



no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.

II. Conditions of Approval

A. 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.

III. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Standard of Review

The City of Carmel-by-the-Sea is located entirely within the coastal zone but does not yet have a certified LCP. The Commission approved a Land Use Plan (LUP) and an Implementation Plan (IP) at different times in the early 1980s, but the City did not accept the Commission's suggested modifications. Thus, both the LUP and the IP remain uncertified. Until the Commission has certified the entire LCP submittal, the Commission retains coastal permitting authority over development within the City, for which the standard of review is the Coastal Act of 1976.



The Commission has authorized a broad-ranging categorical exclusion within the City of Carmel (Categorical Exclusion E-77-13) that excludes from coastal permitting requirements most types of development not located along the beach and beach frontage of the City. Part of the proposed development, however, is not excluded under Categorical Exclusion E-77-13 because it involves demolition. The proposed addition / remodel is excluded.

B. Project Location and Description

The Applicant proposes to demolish an existing single family residence (approximately 1,502 square feet) and construct a two-story single family residence (1,687 square feet) in its place, including converting an existing carport to a garage on a 3,750 square foot lot in the City of Carmel-by-the-Sea. The architectural style and details of the replacement structure are indicative of a Tudor-revival style and include stucco walls, a steeply pitched cross gabled roof with slate tiles, exposed rafter tails, a front bay window, and prominent chimneys finished in Carmel stone. Though the applicant proposes to use the existing foundation and framing, substantial changes to the roof structure, exterior finish materials, and fenestration's qualify the project as a demolition as defined by the City.

The total site coverage under the existing configuration is 2,380 square feet, consisting of the existing structure at 1,502 square feet and the non-permeable and semi-permeable land coverage (walkways, patio's, etc) of 878 square feet. The total site coverage for the proposed configuration is 2,086 square feet (1,687 + 399), or roughly an 12% less than currently existing on-site. (Exhibit C) The second story addition is approximately 250 square feet and is setback 58 feet from the front property line to form a graduated step if viewed from Junipero Avenue. The proposed new residence will be sited in the same footprint on the existing foundation pad. The new enclosed garage will be located in the footprint of the carport pad as well. Construction of the house does not require the removal of any trees and the City of Carmel Forest and Beach Commission has conditioned its permit to require protection of existing trees during construction.

According to the City staff report, the existing home and the garage slated for demolition were constructed in 1972 and do not qualify for historical designation under either the California Register of Historical Resources (CRHR) or the City's criteria as a historic resource.

C. Issue Discussion

1. Community Character

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 and development along Scenic Road 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 and remodel 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:



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.

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 pervades the City and is a defining characteristic of Carmel. 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.

Carmel is also a very popular visitor destination as much for the style, scale, and rich history of its residential, commercial, and civic architecture, as for its renowned shopping area, forest canopy and white sand beach. The City is considered a "special community" under the Coastal Act due to its unique architectural and visual character. It is often stated that Carmel, along with such other special coastal communities as the town of Mendocino, is one of the special communities for which Coastal Act Section 30253(5) was written. Indeed, Carmel has been, and remains today, a spectacular coastal resource known the world over as an outstanding visitor destination as much for the character of its storied architecture, as for its renowned shopping area and white sand beach. In part, Carmel is made special by the character



of development within City limits as various architectural styles present reflect the historical influences that have existed over time.

Analysis: Demolition of Existing House.

According to the City of Carmel, the existing structure was constructed in 1972. The c. 1972 structure is not listed on any state roster of historical or architecturally important structures in the City. According to the Office of Historic Preservation, a building must be 50 years or older to have historic character. This structure is not 50 years old and thus, does not qualify for any historic or cultural significance.

The proposed demolition and two-story rebuild is sited on the existing foundation in the same footprint as the existing residence. The new garage will be built on the existing carport pad. See Exhibit D. The design of the proposed home and garage are comparable with that of the general character of other structures along Junipero Avenue. Size, scale, and bulk of the proposed rebuild are very similar to the existing structure on-site. Site coverage will be reduced if the proposed house is approved. The architectural style and details of the proposal reflect a Tudor-revival style and include stucco walls, a steeply pitched cross gabled roof with slate tiles, exposed rafter tails, a front bay window, and prominent chimneys finished in Carmel stone. The proposed garage is stepped-down approximately 4 feet. The first floor plat is approximately 16' and the second-story addition is 22 feet in height (two feet below the 24' allowable maximum). The proposed architecture is designed to make the structure appear to gradually step-up from Junipero Avenue, which softens the overall height of the structure. Thus, the combination of site coverage, location, configuration, and architectural detail does not significantly change the current ambient quality of the site and the overall character and street ambience. See Exhibit E.

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 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 addition meets City requirements for maximum height, floor area, coverage, and yard setbacks.

The proposed addition 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 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 and the construction of the new structure are consistent with Coastal Act Sections 30251 and 30253(5).

2. Local Coastal Programs

The Commission can take no action that would prejudice the options available to the City in preparing a Local Coastal Program that conforms to the provisions of Chapter 3 of the Coastal Act (Section 30604 of the Coastal Act). As described previously, the City is currently working on a new LCP submittal



(both LUP and IP), funded in part by an LCP completion grant awarded by the Commission. The City has made progress on the LCP submittal and has indicated that they expect the Land Use Plan and Implementation Plan to be submitted for Commission review in December 2001.

The Coastal Act provides specific guidance for issuance of coastal development permits in cases where the local jurisdiction does not have a certified LCP. Section 30604(a) of the Coastal Act states:

Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200).

A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for that conclusion. The City is currently in the middle of a community planning process to determine, among other things, the basis for defining Carmel's community character and ways to protect and preserve said character consistent with the Coastal Act. Until that time, Commission staff has been given guidance to use their best professional judgement to assess the individual and cumulative effect that projects such as this will have on the community character of Carmel.

As described previously, to implement community character protection requirements of the Coastal Act, the Commission evaluates projects and measures a project's impact on coastal resources across a number of variables. These changes are also evaluated in the overall context of changes in community character. Because the more specific features that define Carmel's character, as well as their significance, has yet to be decided, it is important to focus on measures of significant change to community character so that the completion of an LCP consistent with the Coastal Act is not prejudiced. One such criterion is whether the development will result in more than a 10% increase in the gross square footage, height, or footprint (i.e., size, scale, bulk, etc). Other measures of change in community character, though, include changes in architectural style, demolition of notable or historic buildings, the removal of significant vegetation or trees, any development that facilitates an increase in residential density, etc. Each of these factors must be evaluated separately and together as a whole. As discussed above, the proposed rebuild is slightly greater than 10% larger in square footage. The rebuild is merely 12% larger than the existing structure. Total site coverage will be reduced under the proposed configuration and the proposed plans site the rebuild on the existing foundation in the same footprint. The proposed project does not involve demolition of a structure of any historical or architectural significance; the existing structure was constructed in the early 1970's and does not appear to exhibit any of the small cottage architectural nuances for which Carmel is famous. The architectural style of the proposed rebuild is compatible with the architectural styles noted elsewhere in the City. No trees will be removed and the project will not affect residential density. The proposed project preserves the current ambient quality of the site and the



overall character along Junipero Avenue. Thus, in the larger context of community character, the proposed demolition and rebuild will not significantly change the community character of the area.

Additionally, the proposed project will not otherwise impact public access or view opportunities available to the coast. Therefore, the Commission finds that the proposed project is consistent with Coastal Act Policy 30604(a) in that approval of the project has been found consistent with the Chapter 3 policies of the Coastal Act and will not prejudice development of the LCP in conformance with Chapter 3 policies of the Coastal Act.

3. 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)(A) 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. The findings, incorporated by reference herein have discussed the relevant coastal resource issues with the proposal. Accordingly, the project is being approved without special conditions or the need to implement mitigating actions required of the Applicant by the Commission. All public comments received relevant to this application have been addressed either in these findings or in other correspondence. As such, the Commission finds that the proposed project will not have any significant adverse effects on the environment within the meaning of CEQA.

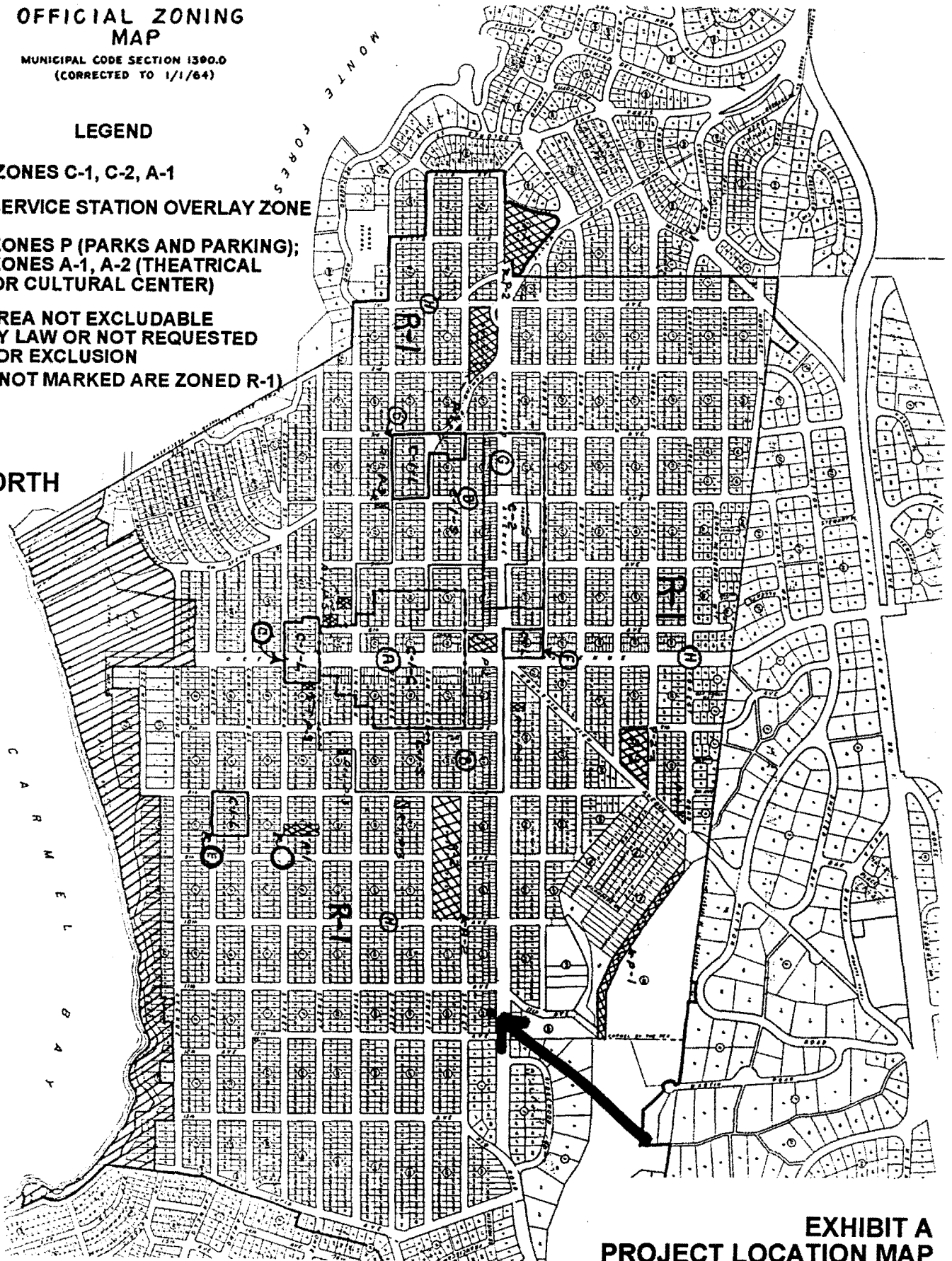


CARMEL-BY-THE-SEA OFFICIAL ZONING MAP

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)

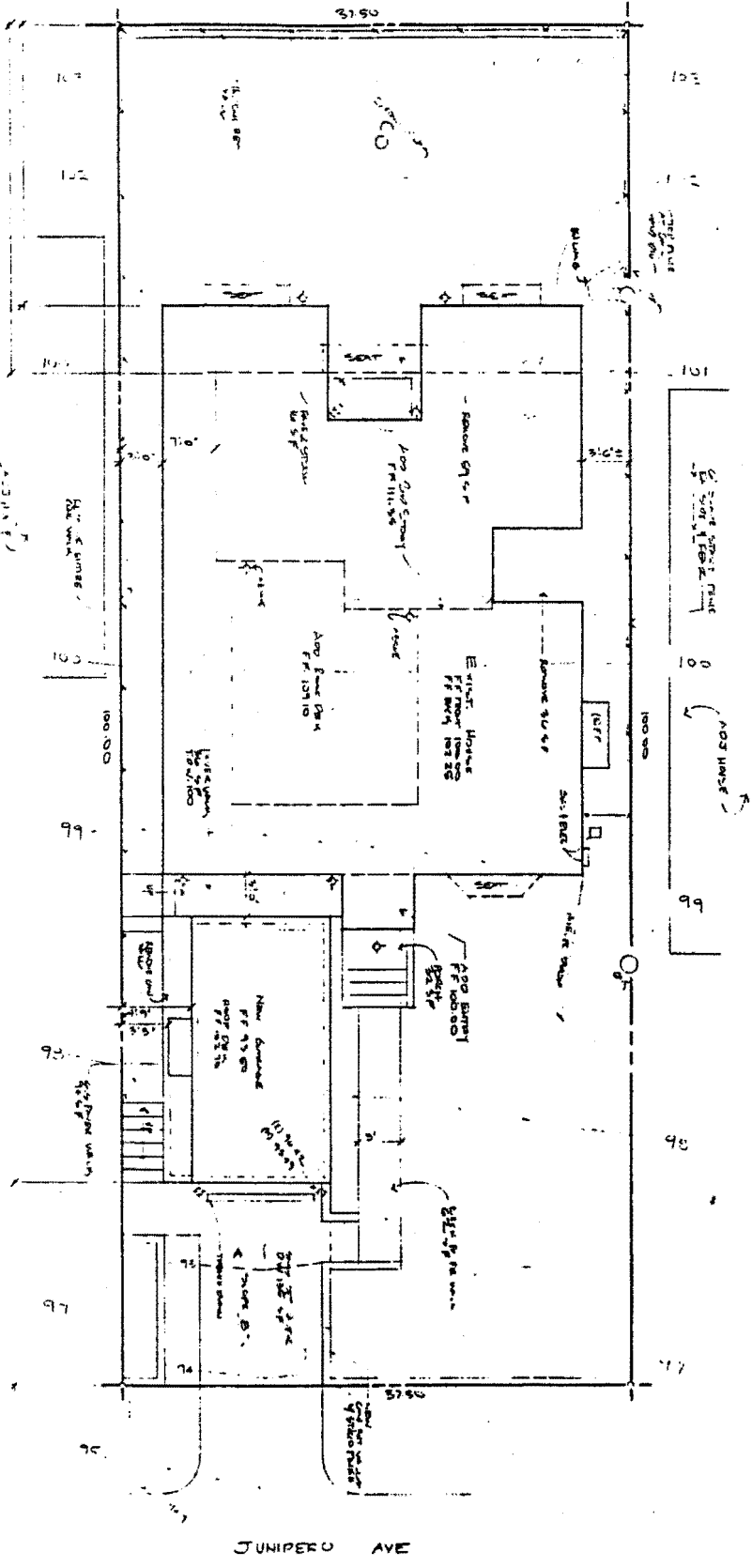


**EXHIBIT A
PROJECT LOCATION MAP**

- 1. Easement to 1st & 2nd street
- 2. Remove from 1st & 2nd street
- 3. No 1st street on line easement
- 4. 25' W. 5th Street

LAND CONTIGUOUS	ADJ.	FEET
1st Street	125	3'
2nd Street	125	3'
3rd Street	125	3'
4th Street	125	3'
5th Street	125	3'

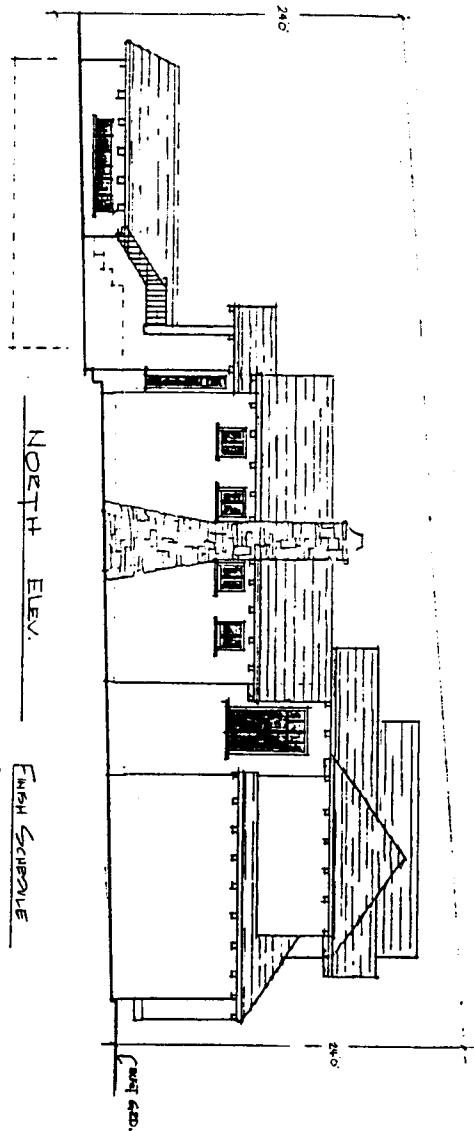
FEET	ADJ.	FEET
1st Street	125	3'
2nd Street	125	3'
3rd Street	125	3'
4th Street	125	3'
5th Street	125	3'



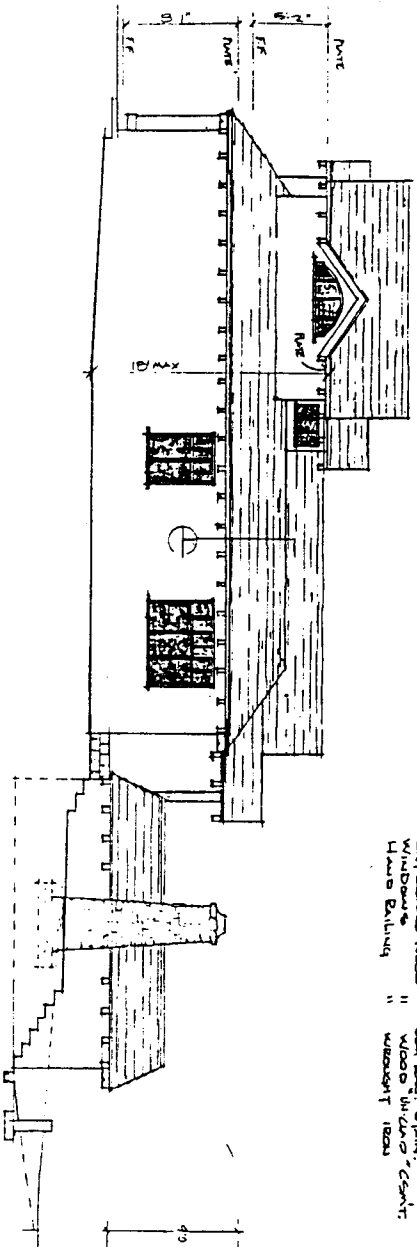
PROPOSED PLAN TUESDAY, MAR 2

EXHIBIT NO.	C
APPLICATION NO.	3-01-083
Site Plans	P. 2 of 2
	California Coastal Commission

	OWNER: MARK DUCHESNE CINDY HAMILTON JUNIPERO AVE. #117	REMODEL EXISTING HOME	DANA ANNEREAU Building & Design	ST 310-01
	AP. # 010-074-014		2100 S. RAYBURN AVE. SUITE 100 SANTA ANA, CA 92705	6-13-01



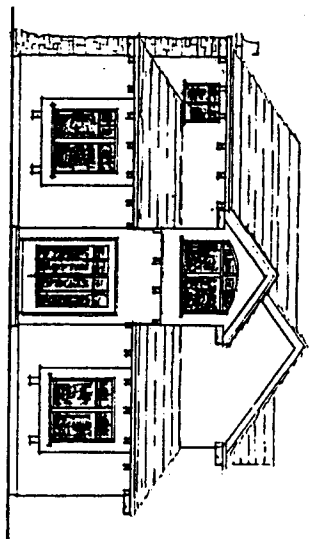
NORTH ELEV.



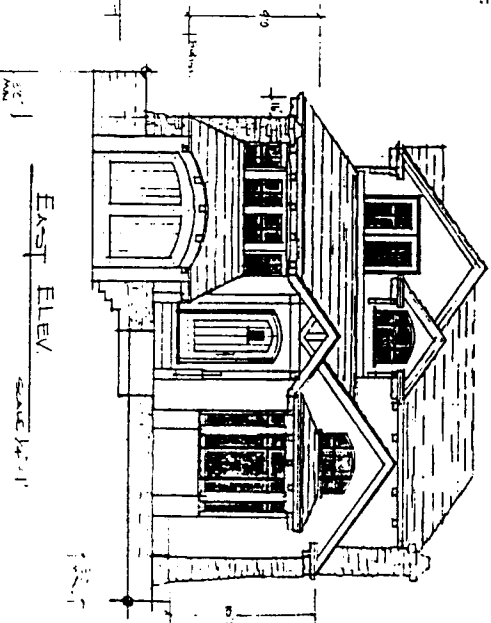
SOUTH ELEV.

FINISH SCHEDULE

Roofing	To Be	Slate
Exterior	"	Stucco
Stone Work	"	Castel Stone
Exterior Wood	"	Shady Side
Windows	"	Wood Windows
Hand Painting	"	Warrant 1000



WEST ELEV.



EAST ELEV.

EXHIBIT NO. D
APPLICATION NO. 3-01-083
Elevations

California Coastal Commission

OWNER: MARK DUCHEGNE
 CINDY HAMILTON
 JUNIPERO AVE. #112
 A.P. # 010-074-014

REMODEL EXISTING HOME

DANA ANNENEAU
 Building & Design
 101 E. 1st St., Suite 100
 San Francisco, CA 94102

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Exhibit E
SitePhotographs
3-01-083
Duchesne & Hamilton