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COASTAL DEVELOPMENT PERMIT APPLICATION

Application number3-01-098, Heyermann

Applicant.....Cheryl Heyermann

Project location.....Torres, 3 southwest of Mountain View (Block 88, Lots 11 & 13), City of Carmel-by-the-Sea, Monterey County (APN 010-084-004). See Exhibit 1.

Project descriptionDemolition of a detached guesthouse, relocation of a single-family residence and construction of a 519 square foot addition, to facilitate and unencumber second lot.

File documents.....Categorical Exclusion E-77-13 for City of Carmel-by-the-Sea; Forest and Beach Commission report, Historic Review, and Design Study: DS 01-43 / HR 00-26.

Staff recommendation ...Denial

Summary: Carmel is 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. Carmel is made particularly special by the character of the residential development within its City limits. Homes are nestled into the native Monterey pine/Coast live oak forest on a grid of streets that is executed in a way to yield to trees more than to engineering expediency. This is the context for Carmel's community life and its built character.

The proposal raises questions as to whether this project would protect Carmel's special community character consistent with the Coastal Act Section 30253(5). In particular, the project requires modification of a potentially historic structure, facilitates an increase in residential density by unencumbering a second lot, involves a speculative demolition (the applicant has not identified a City-approved replacement structure), and necessitates the removal of significant trees. For example, the existing small cottage (1,245 square feet) was reviewed by Kent Seavey, the author of the City's pending historic resources survey. In his preliminary investigation, Mr. Seavey concluded the 1924 Craftsman-bungalow structure "contributes in general, to the historic Arts and Crafts architectural character of Carmel in the 1920's and may qualify for listing on the California Register of Historical Resources as a good example of an architectural style." The project proposes to add 319 square feet of living space to



California Coastal Commission
MAY 9, 2002 Meeting in Santa Rosa

Staff: Michael Watson Approved by: *1.7.2. 4/18/02*

the bungalow and a 200 square foot detached garage for a total addition of 519 square feet or 42% increase. The project also involves moving the existing 1,245 square foot bungalow, which currently straddles two parcels to allow a replacement house on the newly unencumbered second lot (lot 13). Although not the subject of this application, staff has had conversations with the City of Carmel planning staff regarding plans for a second structure (1,800 square feet) on the south lot (lot 13). In so doing, the proposed project may facilitate more than a doubling of the overall site coverage. Finally, the proposed project involves the removal of a significant 36" Pine and a 4" oak. The Commission, over time, has identified these types of development activity as being significant measures of change in community character.

The cumulative impacts of demolitions like this are also a concern. In the past 16 months, staff has received and processed more than 40 applications for demolitions in Carmel. The Commission continues to receive 2 applications for demolitions in Carmel monthly. By demolishing the subject structure as proposed, its overall contribution to community character will be forever lost. Similarly, because community character has not yet been clearly defined, the overall cumulative effect of demolitions, such as the current project, on Carmel's character is unclear. The project cannot be found to be consistent with section 30253(5) at this time.

Part of the reason for this is that although the elements that define the City's character can be generally described, it has not been determined, for the purposes of the Coastal Act, how these elements interact to make Carmel special. The specific comprehensive planning objectives and standards to protect Carmel's community character are best determined through a community process culminating in a LCP. The City Council recently took action to approve both a Land Use Plan and Implementing Ordinances. On December 20, 2001, the City's LCP was submitted to the Commission's Central Coast office for review and evaluation.

Overall, Staff is recommending that the project be denied because it cannot be found to be consistent with 30253(5), and because it will prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the Coastal Act, inconsistent with Coastal Act Policy 30604(a). The denial would be without prejudice to the proposed project inasmuch as once the City's LCP has been finished, and ultimately certified by the Commission, the proposed project could be held up against the applicable LCP standards and evaluated accordingly at that time. Until that time, however, Staff cannot recommend that the Commission find this application consistent with the Coastal Act.



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1. Staff Recommendation on CDP Application

The staff recommends that the Commission, after public hearing, **deny** a coastal development permit for the proposed development.

Motion. I move that the Commission approve Coastal Development Permit Number 3-01-098 for the development proposed by the Applicants.

Staff Recommendation of Denial. Staff recommends a **no** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Deny a Coastal Development Permit. The Commission hereby denies a coastal development permit for the proposed development on the grounds that the project will not conform with the policies of Chapter 3 of the Coastal Act, and will prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse effects of the development on the environment.



2. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Location and Description

The applicant proposes to demolish an existing small guesthouse (approximately 425 square feet) and relocate the existing 1,245 square feet that currently straddles two parcels to the north lot (lot 11) on the west side of Torres between Mountain View and 8th Avenue. See Exhibit 2. The applicant also proposes to construct a 319 square foot addition to the structure and a 200 square foot detached garage on the site. The proposal also includes 400 square feet of driveway, walkways, patios, and stairs. Side yard setbacks are reduced from a minimum of 22 feet to 3 feet at the north and south elevations. The rear yard setback from the main structure will be reduced from 27 feet to 15 feet and the front yard setback (18' @ Torres Street) will be eliminated. Total site coverage (lot 11) is estimated at 1,950 square feet or roughly 49%; existing total site coverage (2 lots) is estimated at 28%. The applicant proposes to remove the faux wood aluminum siding and remodel the structure with wood-shake exterior materials used during the original construction of the structure.

According to the submitted Historic Evaluation report, the proposed guesthouse structure to be demolished was constructed in 1954 but does not possess any distinct architectural characteristics. It is not of extraordinary design or associated with a persons or events that have helped to shape modern day Carmel. Thus, it is not considered a candidate for protection as a historic resource. On the other hand, the existing 1924 Craftsman bungalow (main structure) has been identified by Kent Seavey as being a good example of architectural style. Thus, this structure may qualify for listing on the California Register of Historic Resources.

The site has a slight grade of approximately 7% from the northeast to southwest corner. An unimproved right-of-way exists on the east frontage adjacent to Torres Street and supports several trees including five coast live oak (3", 8", 11", 12", 14") and one large redwood (20"). Additionally, there are numerous other trees on the east frontage of lot 11 and the mostly unencumbered lot 13. A significant 36" Pine and coast live oak tree are to be removed from lot 11. Though not part of this application, the City of Carmel has identified another five significant trees to be removed from lot 13.

B. Standard of Review/LCP History

The entire City of Carmel-by-the-Sea falls within the coastal zone, but the City does not yet have a certified LCP. 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 that addressed the beach-fronting properties provisions, but that 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 and so the LUP remains uncertified.

The LCP zoning or Implementation Plan (IP) was certified by the Commission with suggested modifications on April 27, 1984. However, the City did not accept the suggested modifications and so the IP, too, remains uncertified.

Predating the City's LCP planning efforts, the Commission authorized a broad-ranging categorical exclusion within the City of Carmel in 1977 (Categorical Exclusion E-77-13). E-77-13 excludes most types of development not located along the beach and beach frontage of the City from coastal permitting requirements. Demolitions, though, such as that proposed in this case, are not excluded. The Commission also retains jurisdiction over the relocation of the existing main structure and the proposed addition. The proposed detached garage addition is to be sited on the eastern property line at Torres Street without a setback. Although the current zoning ordinance would allow for improvements into the front yard setback under limited circumstances, the zoning ordinance [and relevant guidelines] on which the Category Exclusion (E-77-13) was authorized does not permit development within the front yard setback without a variance or conditional use permit. Thus, under the Categorical Exclusion, development requiring a variance or conditional use permit is not excluded. The City has never requested that the 1977 Categorical Exclusion be amended to be consistent with current zoning provisions that do not require variances. Thus, although the City's discretionary approval did not include a variance for the proposed development within the front yard setback, it should have, and the Commission must treat the City's action as if a variance were approved to meet the terms of the adopted Categorical Exclusion and require a coastal development permit for the project.

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. This current City effort is focused on protecting the significant coastal resources found in Carmel, including the spectacular public beach and recreational amenities along the City's frontage, the urban forest that uniquely identifies Carmel as the City within the trees, the substantial riparian and habitat areas (such as Mission Trails Nature Preserve and Pescadero Canyon), and the unique community and visual character of Carmel as exhibited by the style, scale, and rich history of its residential, commercial, and civic architecture. Taken as a whole, these resources combine to form the special character of Carmel; a character that is separately a significant coastal resource worthy of protection in its own right. The City submitted its LCP to the Commission on December 20, 2001. The City's submittal is, as of the date of staff's report, incomplete. Staff is requiring additional materials before the LCP submittal can be filed for formal Commission action.

Unless and until the Commission has certified any future City LCP submittals, the Commission retains coastal permitting authority over non-excluded development within the City. As a result, although the City's current ordinances and policies can provide context and guidance, the standard of review for this application is the Coastal Act.



C. Community Character

The current project raises doubts about its consistency with Coastal Act Section 30253(5), which protects and preserves the character of special communities and neighborhoods. Coastal Act Section 30253(5) states:

Section 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.

Sections 30251 of the Coastal Act adds further protection to the scenic and view qualities of coastal areas:

Section 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.

Carmel's Community Character

Carmel, of course, is a very popular visitor destination, known 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.

In particular, as a primarily residential community, the web of residential development in Carmel plays a key role in defining the special character of the City, as various architectural styles present reflect the historical influences that have existed over time. Carmel is distinctly recognized for 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 that 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.

The demolition and replacement of existing residential buildings in Carmel, such as this project, have great potential to alter this special community character protected by the Coastal Act. In particular, these projects raise questions as to (1) whether or not an existing house represents the historical, architectural,



scale, and environmental character of Carmel; and (2) if a replacement house detracts from Carmel's character because of a modern design, tree removal, proposed house size, or other characteristics.

The impacts of a residential demolition on community character can depend on a variety of factors. For example, there are a number of cases 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, depending on the context, but it is certainly changed, either through the increase in residential density or a change in mass and scale. 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 residential demolition and rebuild project can both remove a structure that expresses the community character, and result in a new structure that may not reflect the surrounding neighborhood character.

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 often 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. And, the potential for the growth of the next generation of trees is reduced in proportion to the increase in hardscape because there is less room for seedlings to get started.

The historic resource value of a structure is another important factor to consider when evaluating impacts to community character. In general, structures greater than 50 years old may be considered historic, depending on the results of a specific historic resource assessment. In some cases, depending on the persons associated with a structure, or the significance of a structure to Carmel's local history, a building may be deemed to be a historic resource by the City, the State Office of Historic Preservation, or other public agency. The Carmel Preservation Society also may have identified a structure as an historic structure, or a structure may be eligible for listing in the California Register of Historical Resources (CRHR), particularly if it is found to be a contributing element of the potential District One historical district in Carmel. (One consideration in the City's development of its LCP is the creation of historic districts. The City is assessing the viability of establishing a historic district where a critical mass of historical structures are known to exist. Structures located within one of these districts would be preserved and recognized for their contribution to the historical character of Carmel.) Finally, individual structures may be historically significant because they convey the design principles of a distinctive artistic or architectural style, such as the Arts and Crafts movement, which is typical in Carmel. The landscaping of a site may also be part of such a style.



Cumulative Community Character Impacts

Recent trends in demolitions also raise concerns about the cumulative impacts of individual projects on Carmel's community character. It is important, therefore, that the effect of this particular demolition/rebuild be evaluated within the context of the larger pattern of demolition and rebuild over the years in Carmel.

Over time, the character of Carmel has been changing as its older housing and commercial stock makes way for new, usually larger in size and scale, developments. According to the Commission's permit tracking database, approximately 650 projects involving development have received coastal development permit authorization in Carmel since 1973. The overwhelming majority of these involved residential development of one sort or another ranging from complete demolition and rebuild to small additions to existing structures. It is likely that this number undercounts this trend inasmuch as the Commission's database was created in 1993 and, while every effort was made to capture archival actions, the database may not reflect every single such action taken. In addition, due in part to the City's categorical exclusion, it is not clear how many projects involving substantial remodel (but not complete demolition) have taken place over the years. However, over the past 18 months, the City of Carmel has issued more than 80 development permits. Using data summaries provided by the City, Commission staff mapped the development activity and presented its preliminary findings to the Commission at the March 2002 hearing (City of Carmel-by-the-Sea LCP Workshop 3.07.02). Of the roughly 80 permits identified by staff and issued between September 2000 and February 2002, 55 development permits were for substantial remodels—in excess of \$50,000.

In contrast, the Commission's database for the period since 1990 is fairly robust. Since 1990, there have been roughly 185 coastal permit applications in Carmel. Of these, approximately 160 projects (or over 80%) involve some form of demolition, rebuilding and/or substantial alteration of residential housing stock in Carmel. This comes out to roughly 14 such residentially related projects per year since 1990; nearly all of these have been approved. Other than the three-year period from 1992 – 1994 when a total of 13 applications were received, the number of development proposals in Carmel had been fairly constant until 2000. However, in the year 2000 alone, the Commission had received 44 applications; a full quarter of all applications received by the Commission for development in Carmel in the last decade. Of these 44 applications received in the year 2000, 33 of these involved some form of demolition, rebuilding and/or substantial alteration of residential structures. Additionally, in 2001, 29 applications had been received; 18 of these involved residential demolitions/alterations. Thus far in 2002, five applications have been received, 4 are for residential demolitions. Clearly the trend for demolition/rebuild/substantial remodel has been magnified in current years as demand for Carmel properties has outstripped the limited supply represented by the approximately 3,200 parcels within the boundaries of this small town. As this trend has continued, it has become increasingly difficult to conclude that the demolition of residential structures is not significantly changing the unique character of Carmel.



Prejudice to LCP Planning Efforts

In addition to the direct concerns with whether a particular demolition is consistent with Coastal Act Section 30253(5), there is real concern that the individual and cumulative impact of changes in community character, primarily through the approval of residential demolitions, in the City of Carmel-by-the-Sea may prejudice the City's efforts to prepare and complete a certified LCP that is consistent with the Coastal Act. The Coastal Act provides in Section 30604(a):

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.

It is not entirely clear whether and to what extent the history of demolition/rebuild/remodel has altered the special community character aesthetic of Carmel that is protected by the Coastal Act. The Commission has not undertaken a formal cumulative impact assessment of such a trend to date. Though preliminary investigations suggest that there is little doubt that structures within the City have generally been getting larger, and that many structures of at least some individual historical and other value have been demolished. The difficulty is that the Commission cannot necessarily ensure that continuation of residential demolitions and rebuilds will protect Carmel's community character. In other words, such projects may be prejudicing the City's completion of an LCP that is consistent with the Coastal Act.

Part of the reason for this is that although the elements that define the City's community character can be generally described (as discussed above; e.g., "the City in the forest", architectural style, historic value, scale, etc.), there has yet to be completed a comprehensive assessment and articulation of how all of these factors interact to define Carmel's character. Although individual projects may raise many concerns, depending on the facts of the structure, the nature of the proposal, the context of the development, etc., there are no planning standards and ordinances that provide a clear framework for whether a project meets the requirements of the Coastal Act – i.e., to protect the special community character of Carmel.

To implement the community character protection requirements of the Coastal Act, the Commission has always emphasized the importance of having local communities define their community character through a local planning process, so that a Local Coastal Program, when certified, will meet both the community's vision and understanding of its character, and the requirements of the Coastal Act. Although the Coastal Act provides a more general statewide policy framework for protecting community character, the details, for example, of whether particular types of structures should be deemed to be historic, or whether certain architectural styles reflect the character of a community, need to be developed through a local planning process such as that provided by the LCP process of the Coastal Act.



As mentioned earlier, the City of Carmel is currently finishing up a community planning process to determine, among other things, the basis for defining Carmel's community character, and ways to protect and preserve that character consistent with the Coastal Act. On December 20, 2001, the City's LCP was submitted to the Commission's Central Coast office for review and evaluation. However, until the LCP has been certified, Coastal Act Section 30253 requires that individual projects not have direct or cumulative adverse impacts on Carmel's character; and Section 30604 requires that individual projects not raise significant concerns about consistency with Section 30253, lest they prejudice the completion of an LCP consistent with the Coastal Act. As discussed above, the cumulative residential demolition trend in Carmel has made it increasingly difficult to conclude that these projects are not significantly changing the special community character of Carmel. Although each project must be judged on its individual circumstances, the cumulative context necessarily shapes these judgements, precisely because the community character of a place is in part the sum total of its parts.

Because the more specific features that define Carmel's character, as well as their relative significance, is 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. Thus, the Commission can be assured that projects that do *not* result in significant changes in the various features of Carmel's community character, will not prejudice the completion of an LCP consistent with section 30253. Examples of such measures of change in community character include the following types of questions:

Would the proposed project:

- Result in a 10% or greater increase in the gross square footage, height, or footprint (site coverage) from that which is currently present (the 10% measure reflects the standards of the Coastal Act for evaluating replacements of structures destroyed by a disaster (section 30610))?
- Result in the removal of any significant (i.e., 6" or greater in diameter) native pine, willow, cypress, or oak trees? Or, even if no trees are removed, involve sufficient limb removal to be a significant loss of forest canopy?
- Involve a structure greater than 50 years old for which the City has not performed a historic resource assessment (i.e., the potential historic value of the structure is uncertain)?
- Modify a structure deemed to be a historic resource by the City, the State Office of Historic Preservation, the Carmel Preservation Society, or other public agency or knowledgeable entity (since the value of the historic resource within the context of the community has not yet been defined, the demolition of such structures may prejudice the LCP)?
- Not identify a City-approved replacement structure (i.e., the project is a "speculative" demolition and thus by definition has an uncertain impact on community character)?
- Facilitate an increase in residential density (a common type of application is to demolish one house that straddles two parcels, to allow a replacement house on each parcel)?



- Facilitate replacement of traditional architecture style in favor of contemporary or modernistic styles (from the visitor's perspective, rustic cottage and Craftsman styles are those most likely representative of Carmel's architectural traditions)?

Specific Project Impacts and Coastal Act Consistency Analysis

As discussed below, the proposed demolition and rebuild raises significant concerns about consistency with Coastal Act section 30253(5). Because it will result in a number significant changes to aspects of Carmel's community character, it must be denied at this time.

The c. 1954 guesthouse structure is a 425 square foot non-distinctive secondary building located at the rear of the property on Torres Street in the City of Carmel. As noted in the supplied historic evaluation, it appears to have no historic significance. Its removal, however, will facilitate the relocation of the existing main structure, which has been identified as a potential contributor to the historic Arts & Crafts architectural character of Carmel. The c. 1924 Craftsman bungalow has undergone some remodeling but retains the general character of the house as it existed in the mid-1920's. A historic evaluation report prepared by historic architect, William Salmon, concluded that there is enough of the original building integrity to convey a sense of its past; though Salmon's report also concluded that recent additions compromised the original design. By contrast, Kent Seavey, the architect of the City's current pending historic resources survey, also noted that the structure had undergone a few changes, but concluded that the bungalow may qualify for listing on the California Register of Historic Resources as a good example of [Arts & Crafts] architectural style. See Exhibit 3. In either case, the City's staff report does not address the incongruity in differing historic reports, nor does it address impacts associated with the relocation and proposed remodel of a potential historic resource.

Aside from the question of historicity, the Commission is also concerned about changes facilitated by the demolition. As it currently is situated, the existing main structure straddles two lots on 8,000 square feet of acreage on a block with several oversized lots along Torres Street. The streetscape is dominated by both upper and lower canopy trees. The size, scale, and height of the existing structure is well below the City's current allowable maximum standards (not certified by the Commission). The homes immediately adjacent to the existing structure are made of wood and stucco in a variety of cottage designs and are generally small in scale and unpretentious. Indeed, within the larger context, the neighborhood is predominately comprised of single-story residences.¹ The dominant features of the site are the slight slope of the lots and the mature trees growing on the property and in the City right-of-way. The right-of-way supports several tree species considered to be valuable for the neighborhood forest including coast live oak and redwood. Numerous other coast live oaks near the eastern frontage of the property to provide additional screening of the house. A 36" dbh Monterey pine sits near the northwest corner of the lot, the applicant has applied to the Forest and Beach Commission of the City for the removal of this significant upper canopy tree and another 4" coast live oak on lot 11. Several additional oak trees are proposed for removal on lot 13. As mentioned above, the structure may qualify as a historical resource

¹ As stated on page 3 of the City's September 12, 2001 staff report, (City of Carmel item DS 01-21, replacement structure on the southern lot; Block 88, lot 13), the project introduces a new two-story structure to a neighborhood that hosts few two-story residences."



under local or state criteria for Historic Preservation. Regardless, it exhibits many of the architectural qualities and site characteristics for which Carmel is well known. It is a Craftsman home. The structure blends in with, and is subordinate to, the dominant site features rather than attempting to override them. It is modest in size and scale, and height. The house is 1,245 square feet. There is a 180 square foot detached carport and 425 square foot guesthouse at the rear of the parcel. Side yard setbacks are a minimum 22 feet. Rear yard setback is 3 feet for the guesthouse and 27 feet for the main house. The front yard setback is 18 feet. Relocation of the main structure to the northern lot will reduce these setbacks to 3 feet minimum at the side yards, 15 feet at the rear, and eliminate the front yard setback entirely (i.e., the garage is built at the property line, the house will be recessed 26 feet). See Exhibit 4.

Furthermore, the relocation of the existing main structure may facilitate an increase in residential density by unencumbering a second lot. The applicant submits there are two legal lots of record and the proposed project will provide two buildable lots where now there is only one due to the siting of the existing house. The applicant wishes to relocate the existing structure entirely onto the northern lot (Block 88, lot 11) and leave open the opportunity for development on the southern lot (Block 88, lot 13). This has the immediate effect of increasing density on the block and placing additional development pressure on a block, which currently has more than 10 oversized lots. It also increases site coverage on the subject lot (Block 88, lot 11) by 100%.

Furthermore, the proposed project represents a speculative demolition/relocation since the applicant has not submitted City-approved plans for a replacement structure on the southern lot (Block 88, lot 13). This type of "speculative" demolition may involve significant changes to community character and thus prejudice the LCP because the ultimate outcome of this change is uncertain. The proposed development (demolition and relocation) will change the intensity and density of use on the 8,000 square foot parcel. In conversations with City planners, staff has learned that a second 1,800 square foot two-story residence is proposed for the southern lot (Block 88, lot 13), though plans and an application have not been submitted for Commission review.

Demolition of the guesthouse and relocation of the existing main house will almost certainly lead to a change in character at this site, particularly when considered in light of the proposed development that will be facilitated by the demolition. In addition, when the cumulative impacts of demolitions such as that proposed here are considered, particularly the more recent increase in residential demolitions, it is difficult to conclude that this project would not significantly change the community character of Carmel. As mentioned above, the relocation may involve a structure that qualifies as a historical resource. Secondly, the project proposes to remove significant trees. The project does unencumber a second buildable lot but does not involve a City-approved replacement structure. Further, it will increase residential density, site coverage, and additional development pressure along Torres Street. Additionally, the proposed development will result in a 42% increase in square footage of the main structure. Thus, several aspects of the development that are facilitated by the demolition project are important to evaluating the impacts on community character impacts of such demolitions.



Table 1 illustrates the differences in the existing and proposed site characteristics.

TABLE 1

Lot Area (8,000sf)	Existing (80 x 100)	Proposed (40 x 100)	Difference
Floor Area	1,850 sf (23%)	1,800 sf (45%)	96%
Site Coverage	400 sf (5%)	400 sf (10%)	100%
Setbacks			
Front (Torres Street)	18 ft	0 ft	-18 ft
Rear (West)	3 ft* / 27 ft	15 ft	12 ft / -12 ft
North side yard	4 ft* / 22 ft	3 ft	-1 ft / -19 ft
South side yard	28 ft	3 ft	-25 ft

*Includes both guesthouse and main house.

The City's Planning Commission, concerned with the protection and enhancement of the urban forest, open space, and landscaping, required special conditions in order to find the project consistent with Design Study finding 2 of its Municipal Code Findings. Although these Code Findings are not certified by the Commission, they do provide important context for understanding the potential community character impacts of the project. In particular, Section 17.18.170, *Findings Required For Design Study Approval*, require that City evaluate whether the submitted plans support adoption of the findings. Those findings in part, include:

2. *The project is consistent with the City's design objectives for protection and enhancement of the urban forest, open space resources and landscaping.*

In its findings the City expressed concern that landscaping should provide a sense of "progression" or "layering" from the street edge to the front of the property and toward the entry. As a result, the City answered NO to Design Study Finding 2 and the application was conditioned to require a revised landscape plan "to offer a more thoughtful layering of spaces and landscape treatments using natural and native plant species for right-of-way landscaping." There was no mention of concern regarding the removal of significant trees.



Conclusion

Overall, as proposed, the demolition of the small guesthouse to facilitate the relocation of the existing main structure and resultant remodel / addition will bring about significant change to the neighborhood's special character. Section 30253(5) of the Coastal Act requires that new development protect the character of special communities and neighborhoods. Whether or not this "change" is appropriate, has yet to be defined by the City of Carmel and the local community through the LCP process. The critical point is that there would be a significant change in community character with this project. If there were no significant changes in the various aspects that together make up community character in Carmel, the project might otherwise be approvable. Moreover, when the cumulative trend of increasing residential demolitions in Carmel is considered, it is difficult to conclude that this project does not result in significant impacts to community character. As such, the project as currently proposed cannot be found to be consistent with Section 30253(5) of the Coastal Act, either individually or cumulatively, because of uncertainties about what exactly would protect Carmel's character, consistent with 30253(5). Therefore, the project must be denied.

Further, because community character has not yet been clearly defined, the effect of such a demolition on Carmel's character is unclear. Because it cannot be guaranteed that such a demolition would protect Carmel's community character, consistent with 30253(5), the project will prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3, and is thus inconsistent with Coastal Act Policy 30604(a) and must be denied. This denial is without prejudice to the proposed project inasmuch as once the City's LCP has been finished, and ultimately certified by the Commission, the proposed project could be held up against the applicable LCP standards and evaluated accordingly at that time. Until that time, however, the Commission cannot find this application consistent with the Coastal Act.

D. 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 that would substantially lessen any significant adverse effect that the activity may have on the environment.

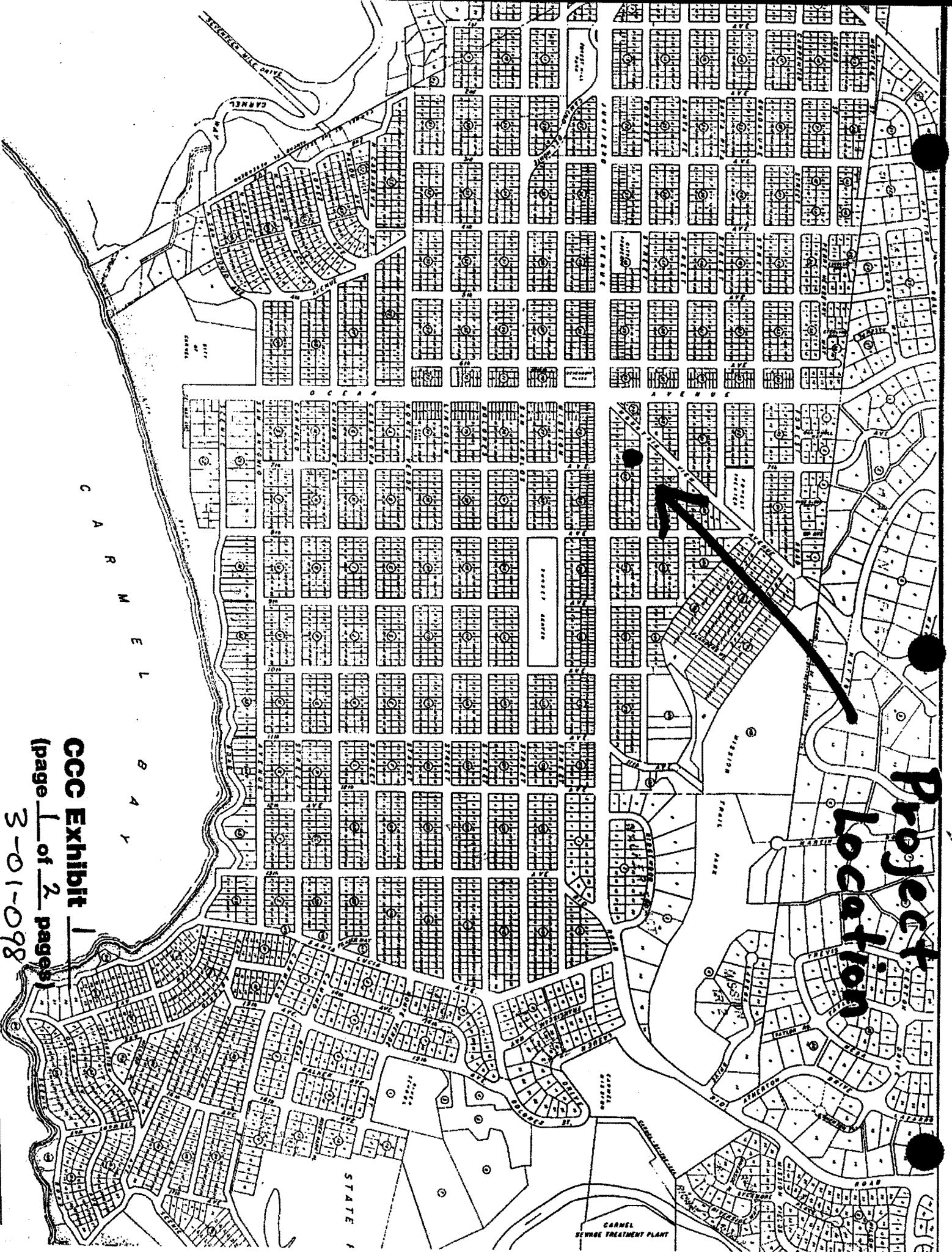
The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. Notwithstanding the City's adopted CEQA document, the Commission's findings above (incorporated herein by reference) have documented that the proposed project could lead to significant adverse effects to Carmel's community character protected by the Coastal Act, impacts that cannot be adequately evaluated without completion of the City's LCP. Approval of the proposed project in the face of this uncertainty would prejudice the City's LCP planning efforts. 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 demolition would result in significant adverse effects on the environment within the meaning of CEQA, and that at least two alternatives to the project are available. Accordingly, the proposed project is not approvable under CEQA and is denied.



**Project
Location**



CCC Exhibit 1
(page 1 of 2 pages)

3-01-098

Project Location

Scale 1 in. = 120.00'

TAX CODE AREA 1-00

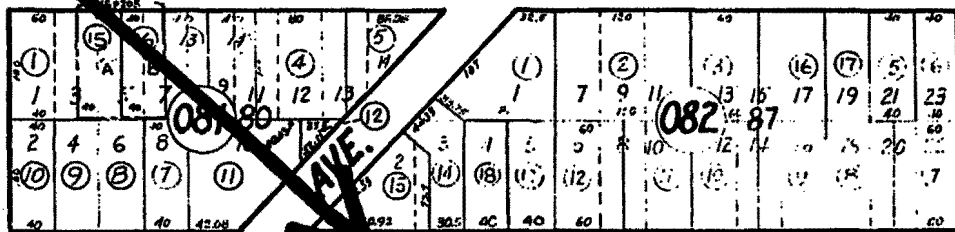
ASSESSOR'S MAP
BOOK 10, PAGE 08

3

4

SANTA FE ST.

AVE.



5

9

OCEAN



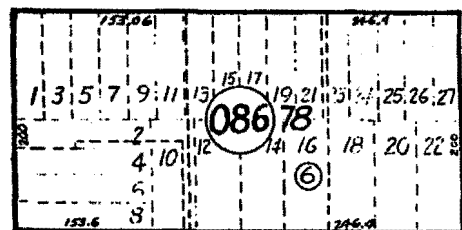
AVE.

AVE.

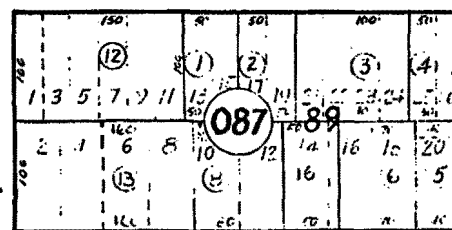
7

JUNIPERO

AVE.



7TH



8TH

9TH

15

13

MISSION

ST.

14

CARMEL BY THE SEA ADDN No. 5
Blocks 79, 80, 87, 88 & 99
CARMEL BY THE SEA
Blocks 78, 89 & 90

CCC Exhibit 1
(page 2 of 2 pages)

3-01-08



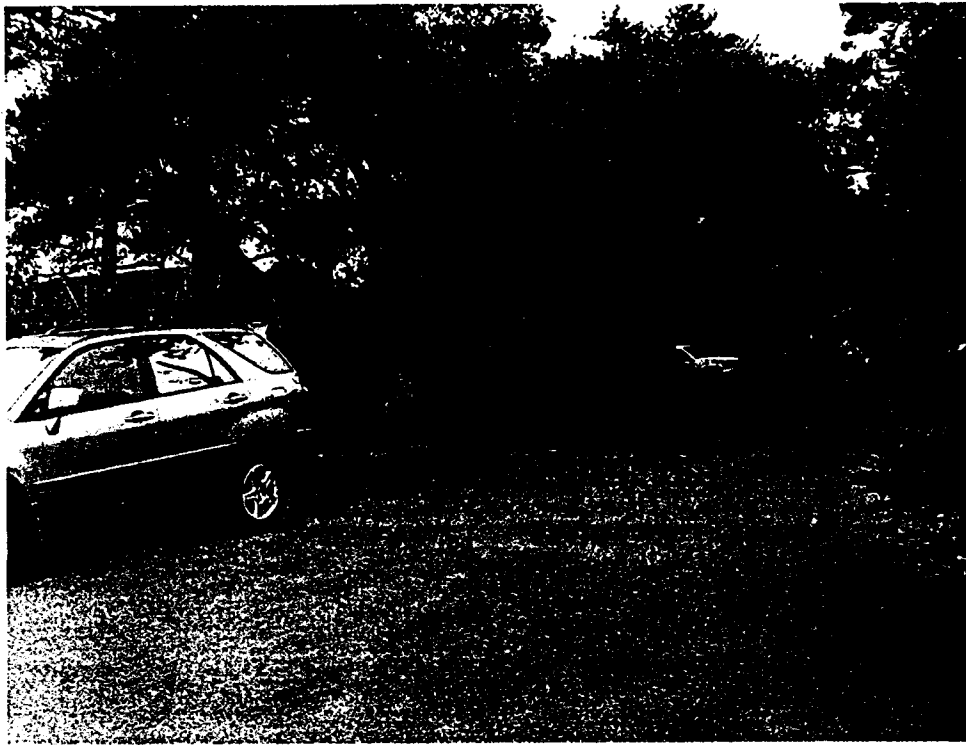
Heyermann site as seen from Torres Street. .



Existing view of the Heyermann residence.



Neighborhood residences.

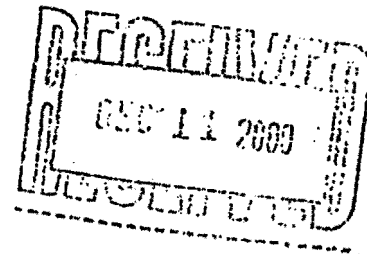


View looking north along Torres Street.



View looking south along Torres Street.

KENT L. SEAVEY
510 LIGHTHOUSE AVENUE
PACIFIC GROVE, CALIFORNIA 93950
(408) 575-8759



December 6, 2000

Mr. Chip Rerig/Assoc. Planner
Planning & Community Development Dept.
City of Carmel by-the-Sea
P.O. Drawer G
Carmel, CA 93921

Dear Mr. Rerig:

Thank you for the opportunity to comment on the Thomas L. Edler House on Torres, south of Mountain View (APN# 010-084-004), in Carmel. From my preliminary investigation of the property on a site visit, it appears that the 1924 Craftsman-Bungalow is basically intact as constructed. There are a few window changes, and an inappropriate horizontal aluminum exterior wall cladding, from 1985, covering the original wood shingles. The brick chimney on the north side elevation was rebuilt in 1960, but basically maintains the character of the house.

The building contributes, in general, to the historic Arts and Crafts architectural character of Carmel in the 1920s, and may qualify for listing on the California Register of Historical Resources as a good example of an architectural style. The original owner, Thomas L. Edler operated the Studio Cafe, on Dolores between Ocean and Seventh, and was a member of the Carmel Sanitary Commission in 1927.

The 1949 carport and 1954 guest house, both on the north side of the parcel appear to have no historic significance. I hope this helps clarify the issues you mentioned regarding the building.

Most Sincerely,

CCC Exhibit 3
(page 1 of 8 pages)
3-01-098

Historic Evaluation Report
for
Cheryl Heyermann / Perky D'Ambrosio
APN 010-084-004
— Block 88, Lots 11 and 13, —
Torres 3 SW of Mt. View

Prepared for:
City of Carmel-by-the-Sea
Community Planning and Building
P.O. Drawer G
Carmel, CA 93921
Contact Chip Rerig
(831) 620-2010

March 18, 2001

Prepared by:
William L. Salmon
Historic Architect
P.O. Box 1369
Carmel Valley, CA
93924-1369

INTRODUCTION

This report has been prepared to determine if a potential exists to qualify the property under local, state or national standards as a historic resource. The owner wishes to alter the property by adding or altering living space or demolition of the house. All new work to conform to current zoning and building codes. The City has passed the City Council Resolution (2000-79), adopted on May 26, 2000, for Historic Preservation Chapter 17.41 (Criteria for Determination of Significance). The change created four categories of identifying historic properties as listed in the text below.

RESEARCH AND INVENTORY METHODS

Property Description / Location: A.P. # 10-084-04

Current Owner: Cheryl Heyermann / Perky D'Ambrosio
Phone: (831) 626-2221

Property Address:
Torres 3 SW of Mt. View
Carmel-by-the-Sea, CA.

Description of Construction Methods and Materials:

Built: original house, 1924
Owner: T. L. Edler
Contractor: unknown
Permit # 786 (80' X 100' lot)

The original house was a single wall structure, with hip roofs and a small Carmel stone entry court. The property has been modified over the years with various remodels and additional buildings added to the property. Some of the windows have been replaced with large undivided 'picture' windows. The exterior siding on the original single wall structure, has been covered with metal horizontal lapped siding. Modern fixtures have been added to the bathrooms and / or kitchen on both units. A simple flat roofed carport was added to the property to shelter a single automobile.

Previous Studies

Carmel Preservation Foundation (CPF) Historical Survey, covered properties built between 1905 to 1940. The City Council of the City of Carmel-by-the-Sea has not, at this date, adopted the survey results. The CPF Survey although not complete, and largely prepared by volunteers, will be the starting point of a new historic study, now under contract.

Site Visit

A site visit was conducted the month of March 2001.

History of Building Changes (Partial)

Permit # 1674; New Carport, Sept. 1948, builder J.C. Rea, owner.

Permit # 1855; New detached carport, Sept. 1949, Contr. Hugh Comstock.

Permit # 2596; Separate guest house (396 S.F.) April 1954, Main house: 1220 S.F.

Flat roofed, concrete foundation with crawl space, wood casement windows.

Contractor: Owner

Permit # 3571; Rebuild fireplace, Aug. 1960, Contr. J. DeAmaral

Permit # 5871; May 1954, plumbing permit.

Permit # 85-107; July 1985, Remodel with new metal siding and insulation.

Historic Listings

Currently the property was not listed on the State of California Register of Historic Resources.

A recent newspaper article (Carmel Pine Cone Aug. 25, 2000) provided an update on this process. A joint meeting with the Planning Commission and the Historic Preservation Committee, outlined three potential classifications in the draft study for Carmel's older buildings.

- 1) Primary Historic Resources; which meet state or national historical significance; (i.e.) Mission San Carlos.
- 2) Local Historic Resources; local significance, but would not be recognized as such outside of Carmel or the Monterey Peninsula. (i.e.) The Tuck Box, by Hugh Comstock.
- 3) Local Character Resources; resources that have less than significant historic values but which contribute to the city's character due to design and context.

The Property does not fall under the three potential classifications, with the exception of the carport which appears to be built by Hugh Comstock. This minor ancillary structure would not be a significant historic asset to the property, it is a simple wood frame and flat roof, and has little or no architectural character. Most of the buildings appear to be built by the owner.

(The first category would be subject to government preservation regulations, the last two categories would require "voluntary" measures of preservation by the property owners. City incentives could be provided.)

Potential Historic District

Previously four potential historic district areas have been identified. The concept of a historic district has not yet been adopted by the City. The property does fall within the boundary of a potential district number 5, located closely to the Mountain View Road area. A historic building or resource would need to qualify under its own merits as part of a potential historic district.

City of Carmel-by-the-Sea adopted policies:

The City has recently adopted a City Council Resolution (2000-79), on 26 May 2000. A change to the Historic Preservation Chapter 17.41 (Criteria for Determination of Significance). The change created four categories of identifying historic properties, similar to the state of California Register of Historical Resources; Chapter 11.5, (5)(b).

To qualify as a Historic Resource a resource shall be fifty years old or older and shall retain sufficient integrity to convey a sense of its past and historical context. In addition, a Historic Resource is required to meet either (1) the criteria for listing on the National Register of Historic Places; (2) criteria for listing on the California Register of Historic Resources or

City of Carmel by-the-Sea's local Criteria for Identifying Potential Historic, Architectural and Cultural Resources as described below:

A. Events - The resource is associated with events that have made a significant contribution to the broad pattern of local history.

1. The resource is strongly associated with a singular historic occurrence of great import or that is viewed as a turning point in the history of the City, or
2. The resource is highly representative of common, repeated occurrences that shaped the physical, social or cultural development of the City.

B. Important person(s) - The resource is associated with the lives of persons who contributed to the arts, culture, history or development of the City.

1. The resource is strongly associated with a person(s) that made significant contributions to the physical, social, cultural or historic patterns of the City as identified in the adopted Historic Context Statement, and
2. The resource is relevant to the period of the important person's local significance.
3. Where multiple resources might represent an important person, only those resources with the highest integrity and /or the strongest associations should be selected.

C. Design - The resource embodies distinctive characteristics of a type, period, region or method of construction, or the resource represents the finest and best-preserved work of a master or possesses high artistic values.

1. The resource represents the work of an architect, designer or builder who's individual work significantly influenced the broad patterns of physical development and traditions of design within the City as identified in the Historic Context Statement, and either;

2. The resource retains both a high degree of integrity and unique features or materials valuable for study of a period, style or method of construction, or

3. The resource embodies extraordinary design or craftsmanship that makes it architecturally innovative, distinctive or strongly representative of the community.

D. Archaeology - The site or resource has yielded, or has the potential to yield, information important to a greater understanding of the prehistory or history of the local area, California or the Nation.

Evaluation / Application of the Criteria

The historic resources of the City of Carmel-by-the-Sea are defined by three categories: 1) single family houses 2) commercial buildings 3) landscape and public art.

The California Environmental Quality Act (CEQA) applies when there are discretionary projects and equates a substantial adverse change in the property such as: demolition or alteration of the exterior. Under CEQA the state's Criteria is as follows: Types of Historical Resources and Criteria for Listing in the California Register of Historic Resources.

The criteria for listing historical resources in the California Register are consistent with those developed by the National Park Service for listing historical resources in the National Register, but have been modified for state use in order to include a range of historical resources which better reflect the history of California. Only resources which meet the criteria as set out below may be listed in, or formally determined eligible for listing, in the California Register.

- Types of resources eligible for nomination:

- 1) **Building.** A resource, such as a house, barn, church, factory, hotel, or similar structure created principally to shelter or assist in carrying out any form of human activity. "Building" may also be used to refer to an historically and functionally related unit, such as a courthouse and jail or a house and barn;
- 2) Site.
- 3) Structure.
- 4) Object.

- Criteria for evaluating the significance of historical resources. An historical resource must be significant at the local, state, or national level under one or more of the four criteria:

- 1) It is associated with events that have made patterns of local history, or the cultural heritage of California or the United States;

- 2) It is associated with the lives of persons important to local, California, or national history
- 3) It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual or possesses high artistic values; or
- 4) It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

- Integrity, is the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance.

(Note: The City's criteria for evaluating the significance of historic resources is very similar to the state of California's and the State's criteria can be used in the same context.)

Conclusion and Findings

To qualify as a Historic Resource the residence would be fifty years old or older and would have retained sufficient integrity to convey a sense of its past and historical context. The house is over 50 years old (built 1924) and a guest unit was added to the property with the building changes and exterior remodel work (i.e. application of metal horizontal siding) there is enough of the original building integrity to convey a sense of its past. With the addition of large plate glass windows and the metal siding, much of the original design has been compromised. If the original building had architectural characteristics for a strong 'craftsman' style it is not evident now. The main house and guest house were not designed or built by notable figures in Carmel's history.

The site is unlikely to have the potential for the discovery of archaeological artifacts because of the extensive excavation on two small lots, and the many modification to the property over the years.

Conclusion:

A new survey has just been awarded by the City to a private contractor to augment the historic survey done by the Carmel Preservation Foundation and completed in 1996. (Carmel Pine Cone, Sept. 22, 2000 & January 26, 2001). The original CPF survey, accomplished by volunteers, has never been adopted by the City. This new survey will be more comprehensive and build on the information from the previous survey. This property would be unlikely to be included for the new Carmel-by-the-Sea listing of historic properties.

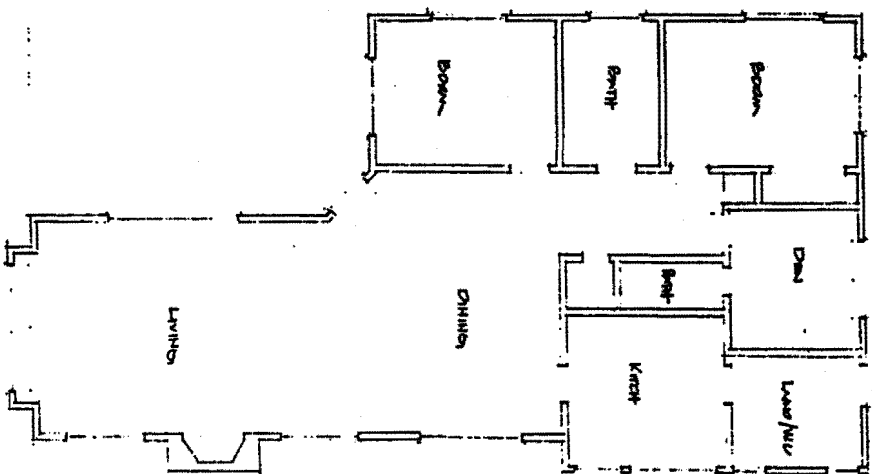
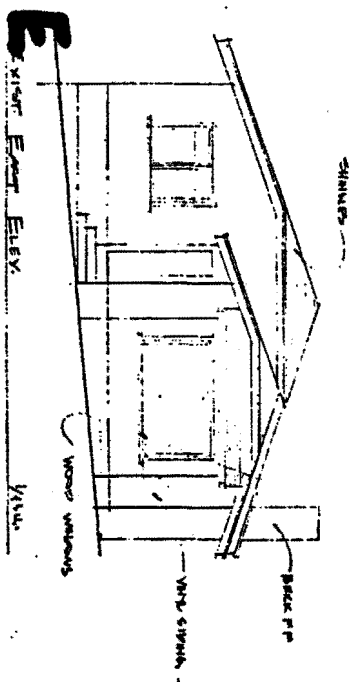
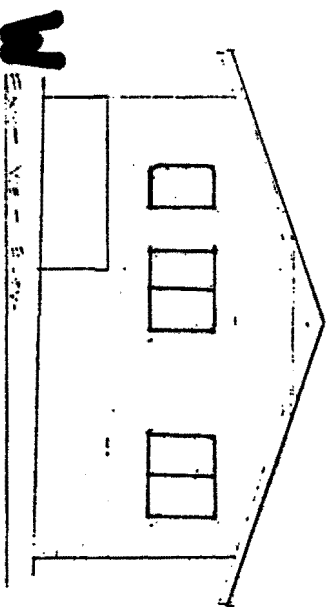
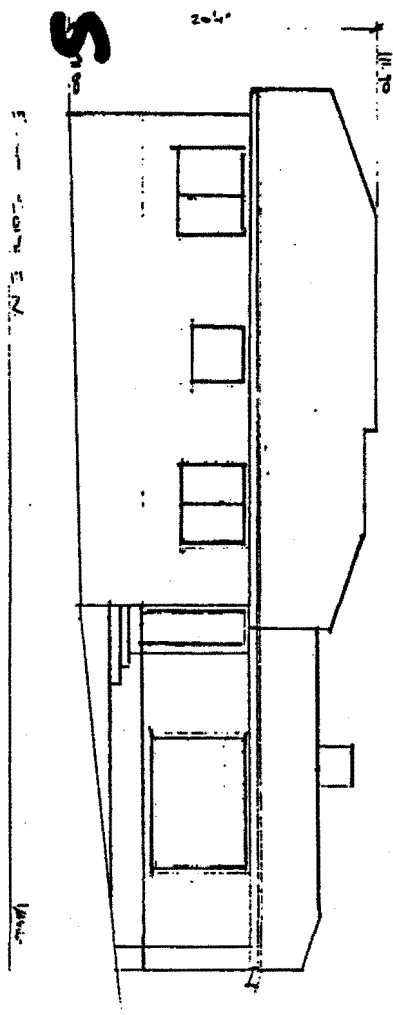
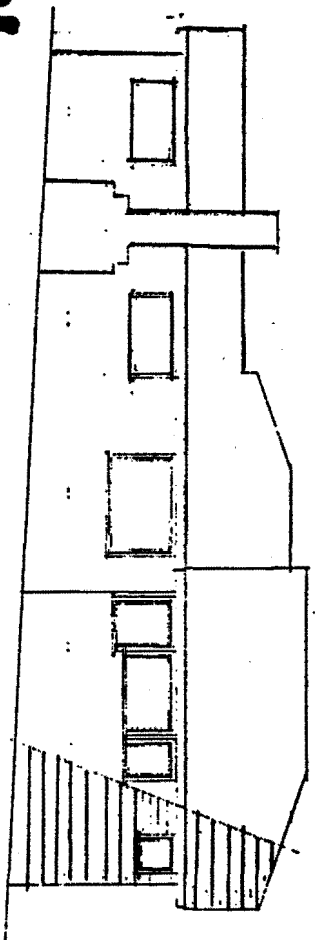
The research was done under the City's "Criteria for Identifying Potential Historic, Architectural and Cultural Resources" adopted by the City Council on May 26, 2000, and other sources listed in this report. Due to the reconnaissance level of this report, a California Department of Parks and Recreation forms (DPR 523) has not been completed.

Recommendation:

The Heyermann / D'Ambrosio property was considered under Historic Preservation Processing Protocols Case # 3 ... Buildings older than 50 years that have been surveyed, but not identified as significant or notable.

The property was found to be located in a potential historic district, but does not meet any of the four City (newly adopted) criteria for historic designation. The historic integrity of the house has been lost through the remodeling process over the years. Any property in a historic district would need to qualify as a historic resource under its own merits based on the City's criteria for historic designation.

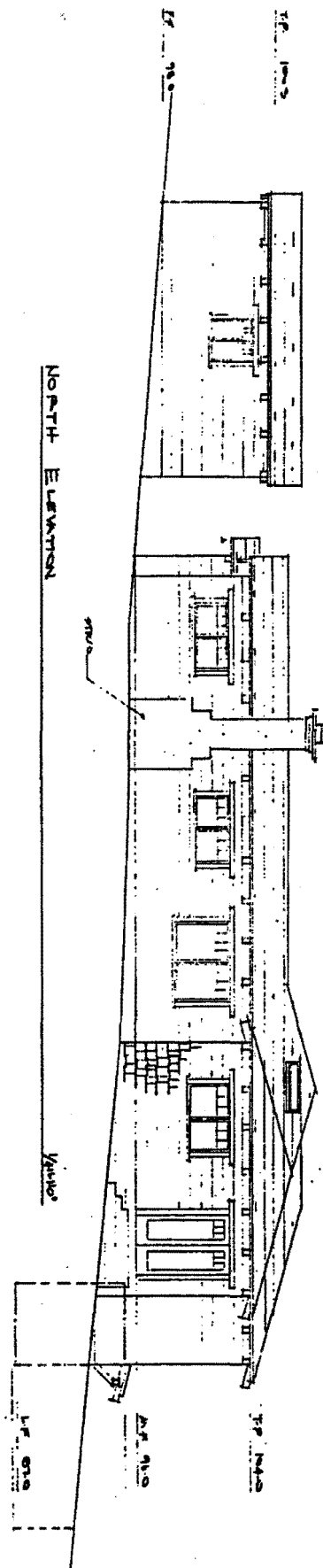
Recommend that the property be processed through normal procedures.



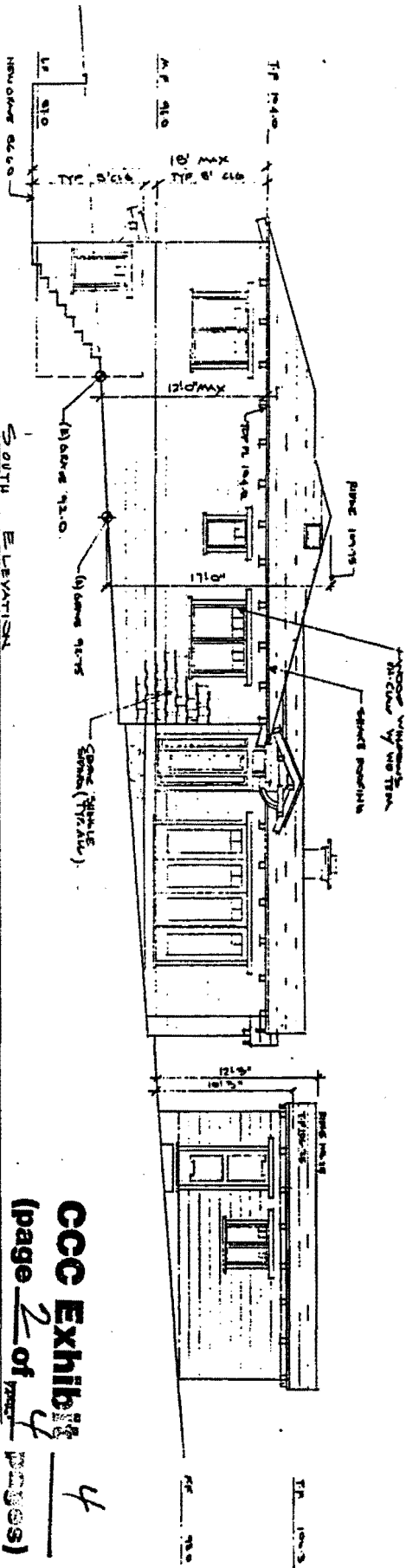
CCC Exhibit 4
(page 1 of 4 pages)
3-01-098

EXIST FLOOR PLAN

Existing Elevations

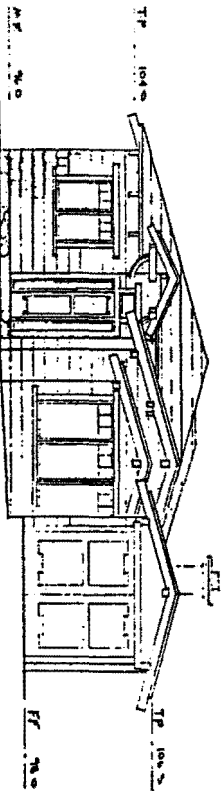


NORTH ELEVATION

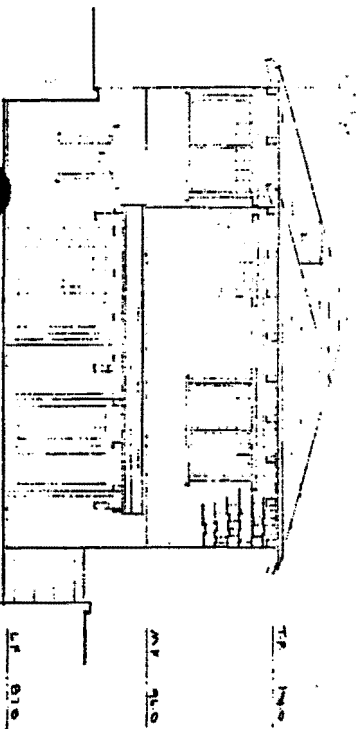


SOUTH ELEVATION

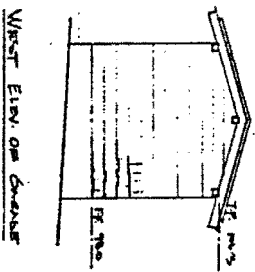
CCC Exhibit 4
(page 2 of 4 pages)
3-01-098



Proposed Elevations
EAST ELEVATION

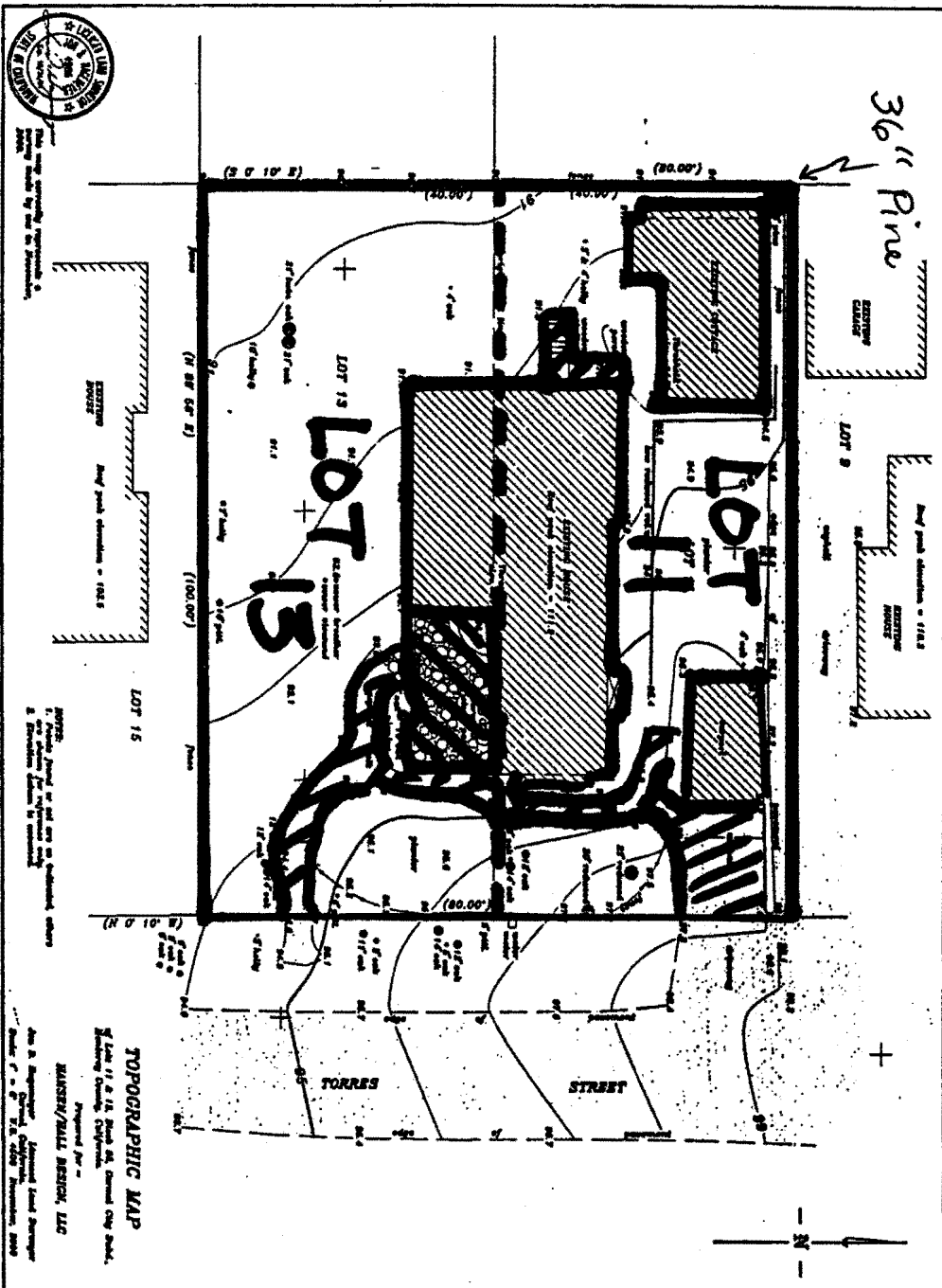


WEST ELEVATION

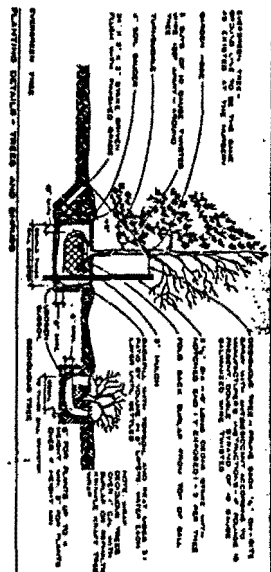


WEST ELEV. OF GARAGE

Existing Site Plan



A diagram of a tree trunk with a horizontal line representing a tree trunk protection. The line is labeled "TREE TRUNK PROTECTION" and is positioned on the left side of the trunk. The trunk itself is labeled "TREE TRUNK PROTECTION" and is positioned on the right side of the trunk.

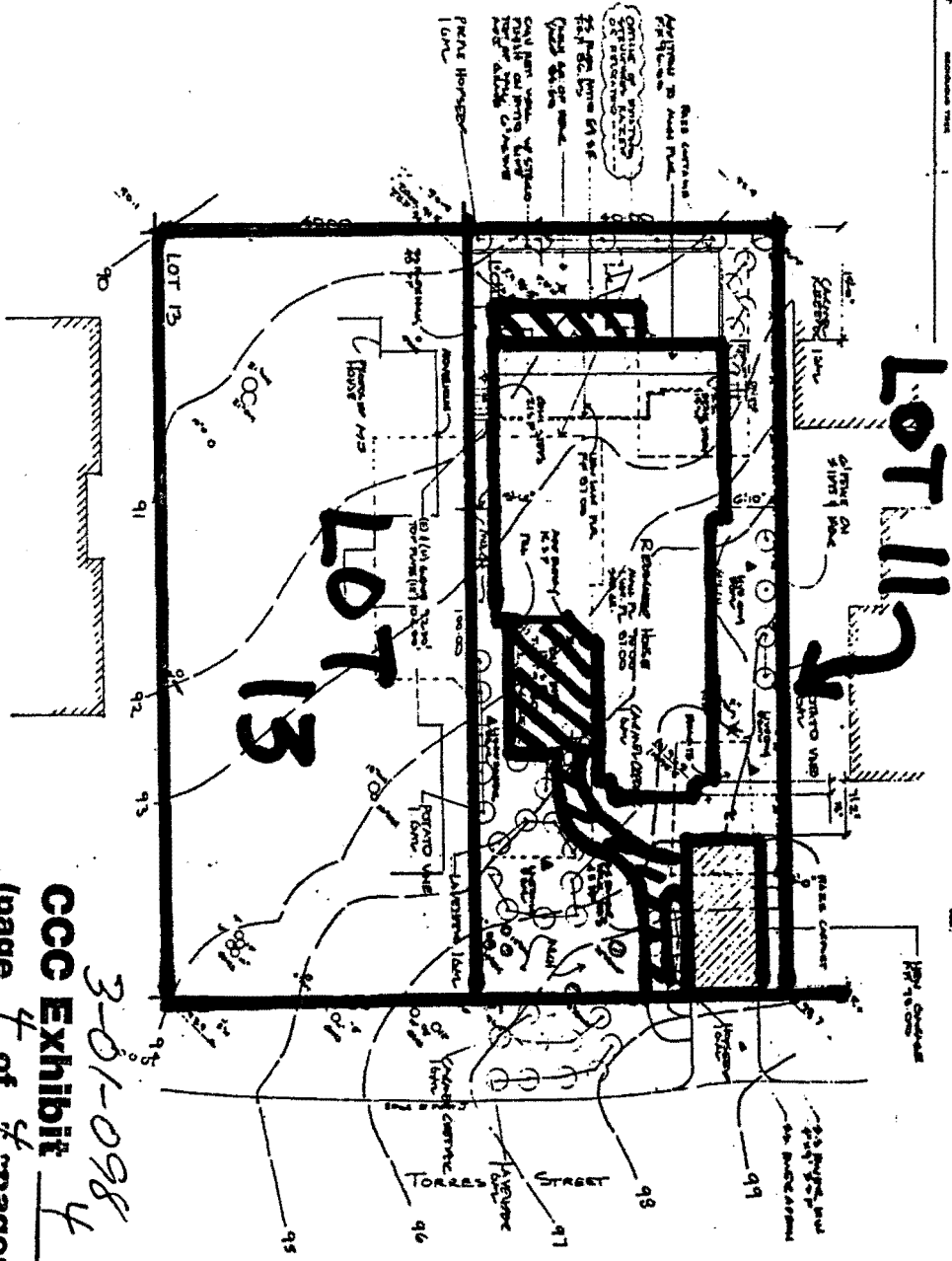
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DATE	BY
8-13-01	0
8-29-01	0

Block Area	1245	67	212	200	4000	40%
E/1111 HALL - MM R/L 400 TO 4000 R/L NEW LAMINATE R/L NEW OVERLAYS TOTAL 4000						
LOT 5012 E/1111 HALL 400 TO 4000 R/L NEW OVERLAYS TOTAL 4000	1245	67	212	200	4000	40%

Lump - Leverage	
Cost of Capital	Perpetual S. In Perpetuals
Debt	10
Preferred	3
Common	45
Retain	197
Buy Bonds	21
Buy/Retain	46
Retain	47
Buy Bonds	15
Buy Bonds	170
Total	310 = 400 - 90

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3-01-098
CCC Exhibit 4
(page 4 of 4 pages)

Site	Plan	Lausant	Exterior	Lausant	Year
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RELOCATED HOUSE

