

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

Th10d



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Staff: MJW
Staff report: 05/23/02
Hearing date: 06/13/02

COASTAL DEVELOPMENT PERMIT APPLICATION

- Application number**3-01-110 Reimers
- Applicant**.....Niels Reimers
- Project location**.....Northeast corner of Camino Real and 9th Avenue, Carmel, Monterey County (APN 010-264-003) (See Exhibit A)
- Project description**Demolition of an existing two-story single family residence and garage to facilitate construction of a new two-story single family residence and garage and merger of two 4,000 square foot lots. (See Exhibit B)
- Local approval**.....City of Carmel-by-the-Sea: DS 00-10 / RE 00-11.
- File documents**.....City of Carmel-By-The-Sea uncertified Land Use Plan and Zoning Ordinance; Categorical Exclusion Order E-77-13; City of Carmel Community Building and Planning Department Staff Report (08/22/01);
- Staff recommendation** ...**Approve with Conditions**

Summary: The Applicant proposes to demolish an existing two-story single-family residence (approximately 2,325 square feet) and construct in its place a two-story single-family residence (approximately 3,200 square feet) on two 4,000 square foot lots in the City of Carmel-by-the-Sea. The proposal also includes merging both lots of record into one 8,000 square foot lot. The applicant proposes to rebuild the new structure in approximately the same footprint of the existing home. Although, the resultant structure is 38% larger (875 sq. ft.) than the existing residence, building site coverage remains less than 32% of the site. The applicant proposes a modest 542 square feet of walks, driveway, patio, and porches bringing overall site coverage to approximately 39%. The site is well screened with native vegetation and shrubbery including a mature canopy of Coast live oaks. The applicant has received a permit from the City of Carmel Forest and Beach Commission to remove a couple of non-significant tree species and prune a limb from one Coast live oak. In return the applicant will plant at least one Monterey Cypress and other trees as recommended by the Forester.

The proposed two-story residence will be 24' in height. The architectural style and details are reflective of a true Craftsman style. The building materials include horizontally lapped cedar siding, a shallow pitched roof with faux-wood shingle tiles, exposed rafter tails, horizontally arranged windows, and retaining wall faced with golden granite [Carmel] stone. Scale and mass of the proposed rebuild are at



California Coastal Commission
June 13, 2002 Meeting in Long Beach

the maximum allowed by City ordinance for double-wide lots in the R-1 district, but noticeably less than the existing motel structures located along the west side of Camino Real. As a result, the combination of site coverage, location, existing vegetation, 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 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 3-01-110 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.

B. Special Conditions

1. **Future Development.** This permit is only for the development described in Coastal Development Permit No. 3-01-110. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including but not limited to, a change in the density or intensity of use land shall require an amendment to



Permit No. 3-01-110 from the California Coastal Commission or shall require an additional Coastal Development Permit from the California Coastal Commission or from the applicable certified local government.

2. Drainage Plan. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a Drainage Plan documenting that the runoff from the roof, driveway and other impervious surfaces shall be collected and directed into pervious areas on the site (landscaped areas) for infiltration to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site. The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
3. Lot Merger. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide to the Executive Director for review and approval evidence that the existing lots of record (Block O, Lots 17 and 19) have been merged into one 8,000 square foot lot.

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.

B. Project Location and Description

The Applicant proposes to demolish an existing two-story single family residence (approximately 2,325



square feet) and construct a two-story single family residence (3,200 square feet) in its place, on two 4,000 square foot lots in the City of Carmel-by-the-Sea. The proposal also includes merging both lots of record into a single 8,000 square foot lot of record. The architectural style and details of the replacement structure are indicative of a true Craftsman style. The building materials include horizontally lapped cedar siding, a shallow pitched roof with faux-wood shingle tiles, exposed rafter tails, horizontally arranged windows, and retaining wall faced with golden granite [Carmel] stone.

The total site coverage under the existing configuration is 2,380 square feet, consisting of the existing structure at 1,525 square feet and the non-permeable and semi-permeable land coverage (walkways, driveway, etc) of 855 square feet. The total site coverage for the proposed replacement structure is 3,090 square feet (2,548 + 542) or roughly 30% greater than currently existing on-site, but still less than 39% of total site area. (Exhibit C) Design and orientation of the replacement structure maintain the larger-than-required setbacks along the Camimo Real and 9th Avenue frontages. The rear yard and side yard setbacks are also greater than the minimum required. The proposed new residence will be sited in the same general footprint as the existing structure but will also expand beyond those limits. Construction of the house does not require the removal of any significant trees, though the City of Carmel Forest and Beach Commission has granted approval to remove a couple of non-significant trees. A condition was placed on its permit requiring that at least one Monterey Cypress be planted as mitigation and 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 1922, but because of significant alteration and remodel, does not qualify for historical designation under either the California Register of Historical Resources (CRHR) or the City's criteria as a historic resource. This was corroborated in the Carmel Preservation Foundation's Historic Evaluation Report for the structure.

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 1922. The c. 1922 structure is not listed on the state roster of historical or architecturally important structures in the City. The City of Carmel-by-the-Sea concluded during its evaluation of the structure that the residence did not qualify for historical designation under either the California Register of Historic Resources (CRHR) or the City's criteria as a historic resource due to its many alterations over the years. This finding was corroborated by the Carmel Preservation Foundation, which noted that because of its many additions, its lack of cohesiveness and its inability to be related to Carmel's architectural heritage, the building couldn't be considered a historic resource.

The applicant proposes to demolish and rebuild in the area of the existing foundation and footprint of the existing garage and residence. See Exhibit D. The design of the proposed home and garage is comparable with that of the general character of other Craftsman homes throughout the City and along Camino Real. Size, scale, and bulk of the proposed rebuild, though larger than then existing structure, are within the limits of the City design ordinances. Nonetheless, the cumulative effect of these types of expansions has the potential to affect the health of the urbanized forest growing throughout the City and on the site. If the project is approved, building coverage will increase by 67% (1,525 sq. ft. to 2,548 sq. ft); other impervious and semi-pervious surfaces will decrease by 100 square feet. In this instance overall site coverage will increase from roughly 29.7% of the total area ($2,380 / 8,000 = 29.7\%$) to just less than 39% of the total site area ($3,090 / 8,000 = 38.6\%$). This is near the upper range for site coverage on the small lots while still being able to maintain a healthy forest environment by maintaining area for forest regeneration. Additionally, the increase in impervious surfaces may exacerbate erosion of the moderately sloped site by creating more runoff and reducing the available open space for water absorption.

Thus, in order to preserve the open space and the health of the forest environment and minimize runoff, the Commission is attaching Special Conditions 1 & 2. Special Condition 1 requires the applicant and/or any future property owners to submit a permit amendment or new coastal development permit before any future development occur on the site. Special Condition 2 requires the applicant to submit a drainage plan for Executive Director review and approval, documenting how runoff from the new structure will be collected and directed on site for infiltration in a non-erosive manner prior to being conveyed off-site. As conditioned, the Commission finds that the proposed project preserves community character and is consistent with the Chapter 3 policies of the Coastal Act.

The architectural style and details of the proposed rebuild reflect a true Craftsman style. Building materials such as horizontally lapped cedar siding, a shallow pitched roof, exposed rafter tails, horizontally arranged windows, and Carmel stone are used throughout. Plate heights are on the high side at 15' and 22' respectively, however overall height does not exceed the 24-foot maximum. The proposed structure appears to be larger than two stories from the 9th Avenue (south) elevation, but this vantage is well screened with vegetation and trees, which softens the overall appearance of the structure. Thus, the combination of site coverage, design, orientation, 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 parcels are located within the city limits of the City of Carmel. The parcels are currently developed with one single-family dwelling. The applicant was granted a floor area bonus from the City for merging the two existing lots into one lot of record. As a result, the applicant is also proposing as part of this application, to merge the lots into one lot of record. Therefore, Special Condition 3 is attached requiring the applicant to submit evidence that the proposed lot merger has been accomplished. 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 and parking is adequate.

The proposed demolition and rebuild 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 greater than 10% larger in square footage and the proposed site coverage is greater than 10% larger. Though the project exceeds the limits for increase in floor area and site coverage, staff has found that the proposed design and configuration are allowable because it maintains over 60% of the site in open space and minimizes the amount of new disturbance by placing the rebuild in the area of the existing footprint. The proposed project does not involve demolition of a structure of any historical or architectural significance; but in fact will replace the existing structure with a true Craftsman residence of extraordinary design. The architectural style of the proposed rebuild is compatible with and compliments the architectural styles noted elsewhere in the City. No significant trees will be removed and the project maintains the current residential density. The proposed project preserves the current ambient quality of the site and the overall character along Camino Real. 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.



Project Location

C
A
R
M
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L
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A
Y

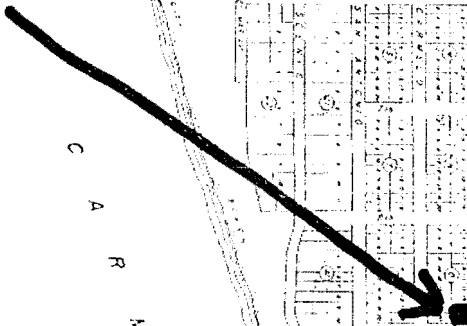
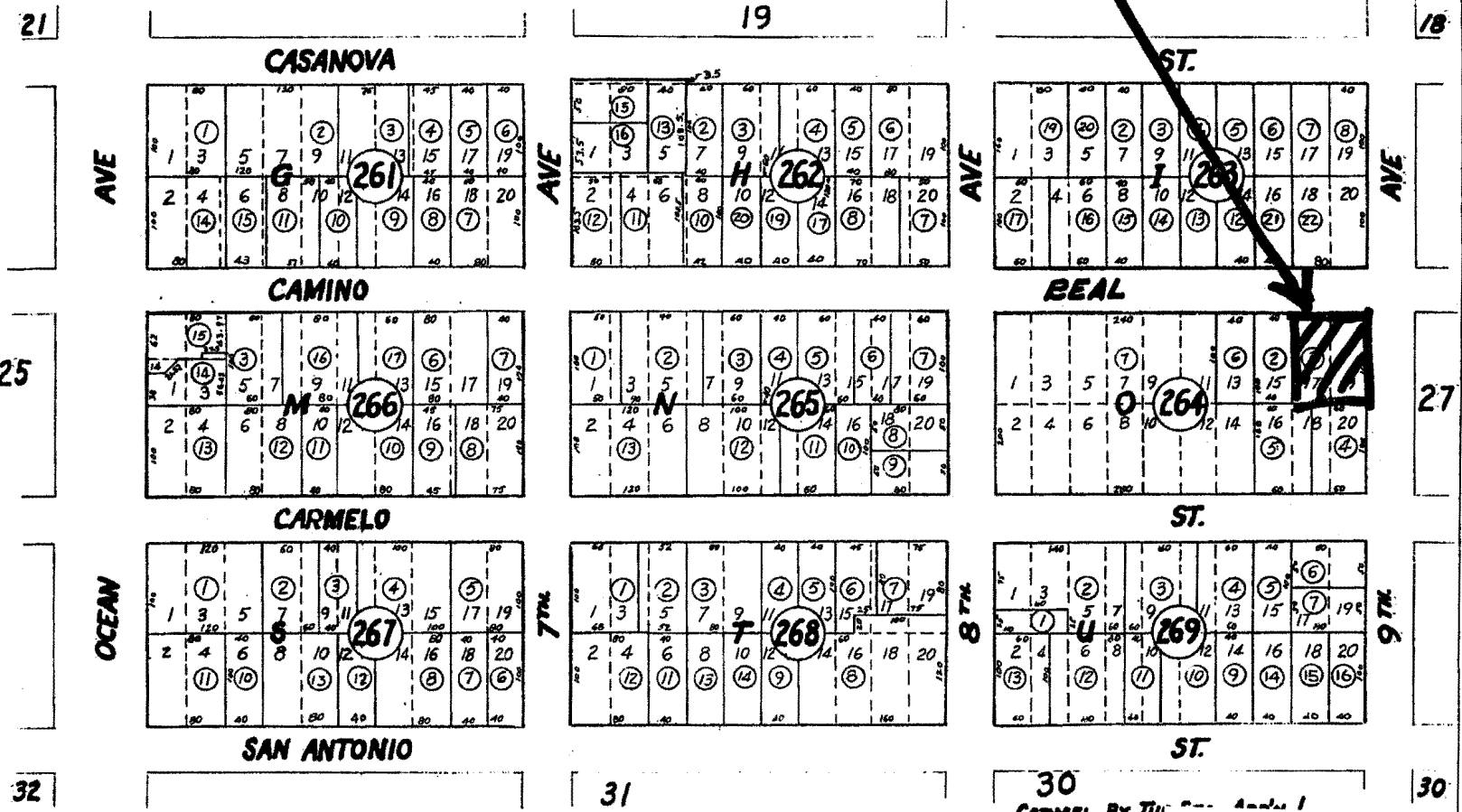


EXHIBIT NO. <i>A</i>
APPLICATION NO. <i>3-501-110</i>
<i>Location Map</i>

Project Site

TAX CODE AREA 1-00

ASSESSOR'S MAP
BOOK 10 PAGE 26



30
CARMEL BY THE SEA
BLOCKS G, H, I

EXHIBIT NO. B
APPLICATION NO. 3-01-110
Parcel Map

East Elevation (Camino Real)

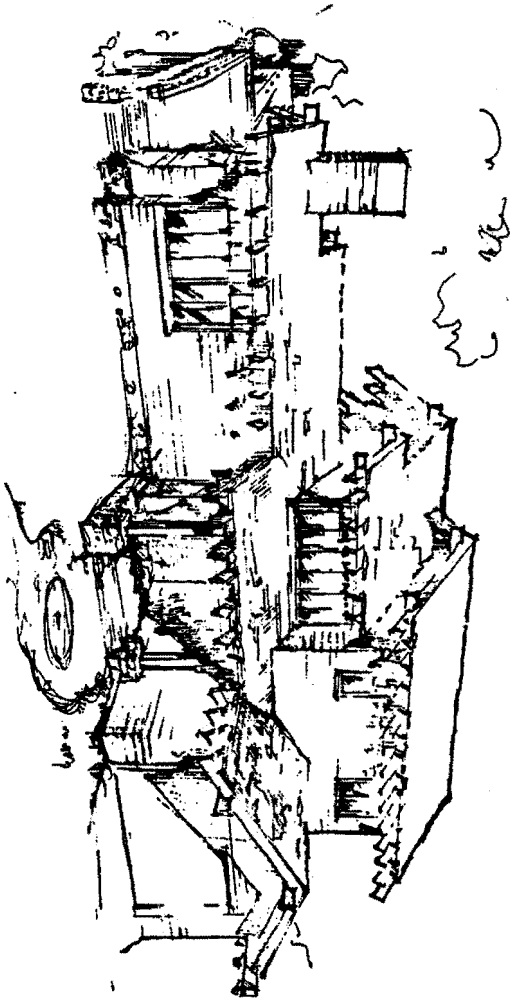


EXHIBIT NO. *D*

APPLICATION NO.
3-01-110

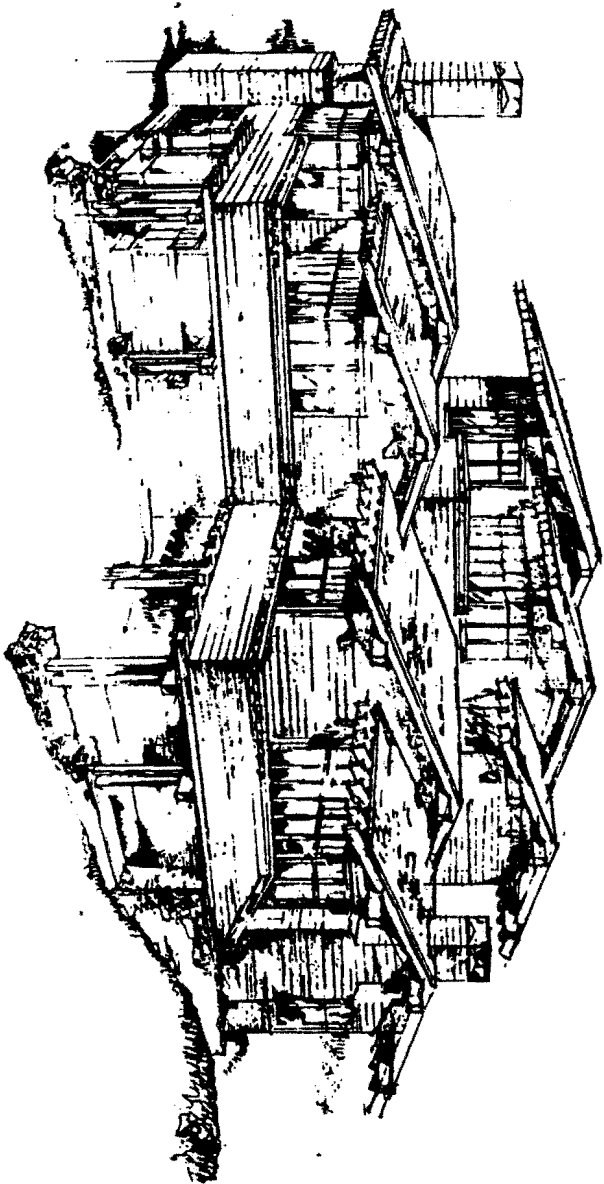
Elevations

P 1 of 4

DATE	
SCALE	
PROJECT NO.	
ARCHITECT	
DATE	



NO.	



South Elevation (9th Avenue)

EXHIBIT NO. D
APPLICATION NO. <i>3-07-110</i>
<i>Elevations</i>
<i>P 2 of 4</i>

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10
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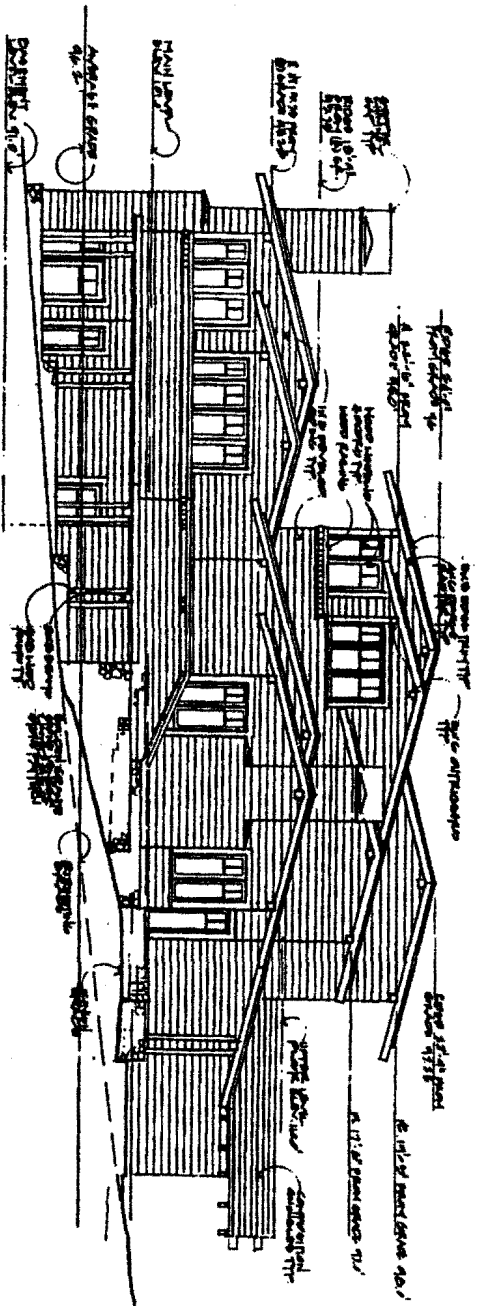
DESIGN DEVELOPMENT

A NEW ARCHITECTURE
 For Mr. & Mrs. [Name]
 1234 Main Street
 Los Angeles, CA 90001
 Telephone: 625-5582

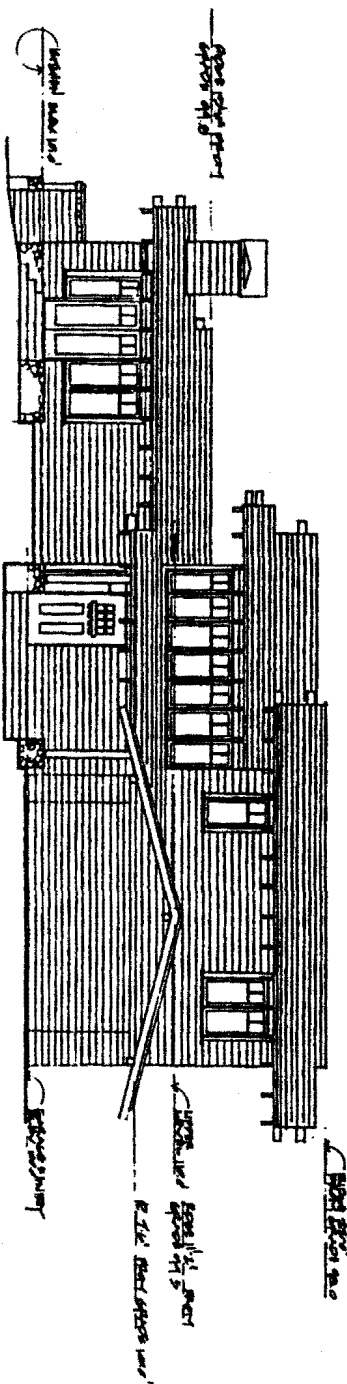
Robert
 Linn
 Architect

P.O. Box 3745
 Central
 California
 95921
 Phone
 625-5582

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10
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1 SOUTH ELEVATION
 AS SC: 1/4"=1'-0"



2 EAST ELEVATION
 AS SC: 1/4"=1'-0"

Robert
 Lynn
 Architect

P.O. Box 3745
 Corral
 California
 92921

Phone
 65-5582

ADDRESS
 No. & Date
 Job Name

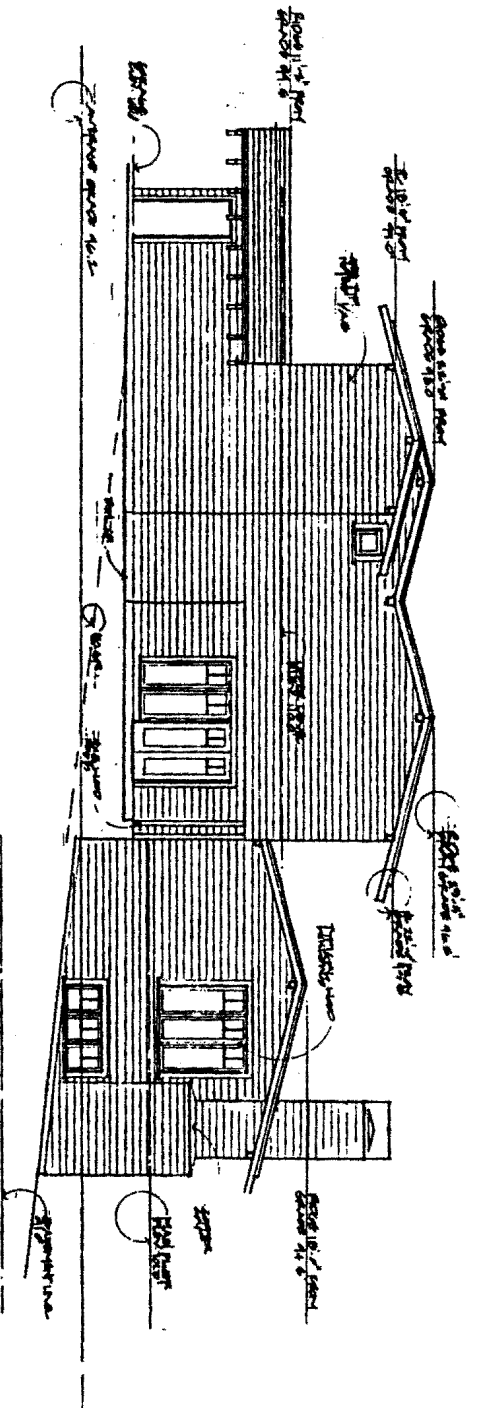
Sheet Number
 and Name to
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Project Name
 and Location
 and Date of
 Issue

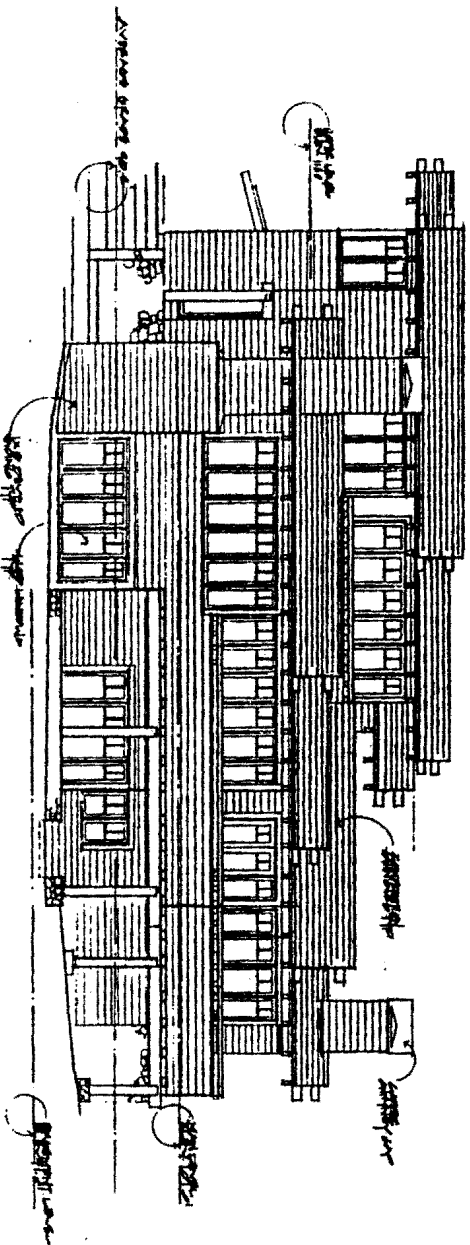
DEVELOPMENT
 DESIGN

EXHIBIT NO. D
APPLICATION NO. 3-06-110
P 3 of 4 Elevations

AS



1 NORTH ELEVATION
 SC: 1/4" = 1'-0"



1 WEST ELEVATION
 SC: 1/4" = 1'-0"

EXHIBIT NO.	D
APPLICATION NO.	3-81-110
Elevations	
P 4 of 4	

ASB	7
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DESIGN DEVELOPMENT

Robert L. ... Architect

PO Box 3245 Corral California 92921 Phone 625-5582

View 1



East elevation (Camino Real)
with red netting on the existing
structure.



Camino Real frontage
taken from across the
street and slightly to the
north.



9th Avenue vantage from
between the existing
vegetation.



View from across the intersection at Camino Real and 9th Avenue. Note the Coast live oaks and tall shrubs ringing the property.



View from 9th Avenue looking east towards Camino Real. Note the substantial vegetation all the way up to the neighboring property (red gate).

