

CALIFORNIA COASTAL COMMISSION

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REVISED FINDINGS

- Application number**3-01-098, 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 description**Demolition of a detached guesthouse, relocation of a single-family residence and construction of a 519 square foot addition, to facilitate and unencumber second lot.
- Commission Action**Approved with Conditions.
- Date of Action**May 9, 2002
- Staff recommendation** ... Adopt Revised Findings

Summary of Staff Recommendation: The staff recommends that the Commission adopt the following revised findings in support of the Commission’s action on May 9, 2002 approving with conditions the permit for demolishing the detached guesthouse, relocating of the existing single-family residence, and construction of a 519 square foot addition, which is the subject of 3-01-098. Staff made substantive changes to the report findings in its Summary, at the end of paragraph 2 and the end of paragraph 3 of the Specific Project Impacts, and the fist paragraph of the Conclusion (pages 1, 11, 12, and 14 respectively). In addition, revisions to the Staff Recommendation, Conditions of Approval, and CEQA findings were necessary to reflect the Commission’s directive given at the May 9, 2002 Commission meeting. Commissioners eligible to vote: Wan, Potter, Nava, Kruer, Desser, Woolley, McClain-Hill, Burke, Hart, Dettloff, and McCoy.



California Coastal Commission
June 13, 2002 Meeting in Long Beach

Staff: Michael Watson Approved by: *DSL*

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1. Staff Recommendation on Revised Findings

The staff recommends that the Commission, after public hearing, approved revised findings.

Motion: I move that the Commission adopt the revised findings in support of the Commission’s action on May 9, 2002 concerning 3-01-098.

Staff Recommendation of Approval: Staff recommends a YES vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the June 13, 2002 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission’s action are eligible to vote on the revised findings.

Resolution to Adopt Revised Findings: The Commission hereby adopts the findings set forth below for 3-01-098 on the ground that the findings support the Commission’s decision made on May 9, 2002 and accurately reflect the reasons for it.



2. Conditions of Approval

Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

Special Conditions

1. Revised Landscape Plan

PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit for Executive Director review and approval, a revised landscape plan that adds layering or progression of ground covers and multi-stem trees from the street edge to the front of the property. The revised plan shall include the following: 1) all new landscaping shall be 75% drought-tolerant; 2) landscaped areas shall be irrigated by a drip sprinkler system set on a timer; and 3) the project shall meet the City of Carmel's recommended tree density standards, unless otherwise approved by the City based on site conditions.



3. 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, a 200 square foot detached garage on the site and restore the structure back to its original character. 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 per the City forester's approval 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).

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 adequately 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

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."



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 part of the mitigation for tree removal, the applicant has offered to include as part of its application, a revised landscape treatment that layers ground covers and other low-lying plants from the street to the front of the property. The City of Carmel has conditioned its Design Study permit to have the applicant revise and resubmit the landscape plan to include green leafy ground covers and multi-stem trees layered back from Torres Street. Likewise, this Coastal Development Permit requires that a revised landscape be submitted for Executive Director review and approval.

As mentioned above, the structure may qualify as a historical resource 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. The applicant has proposed to restore the structure to its original character by replacing the faux-wood siding with cedar shingles. The 519 square foot addition and detached garage will be constructed with similar materials to match the original character of the existing structure.

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

	Existing	Proposed	
Lot Area (8,000sf)	(80 x 100)	(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. Staff is concerned with the additional residential density brought about by the development and the number of trees that will ultimately need to be removed. But at the same time, the proposal preserves and restores a potentially historic resource albeit in a different location and setting. Thus, although Section 30253(5) of the Coastal Act requires that new development protect the character of special communities and neighborhoods and this "character" has yet to be formally defined by the City of Carmel, on balance the project is protective of at least one critical element of community character (i.e., historic resources) and should be approved.

D. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding must 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.

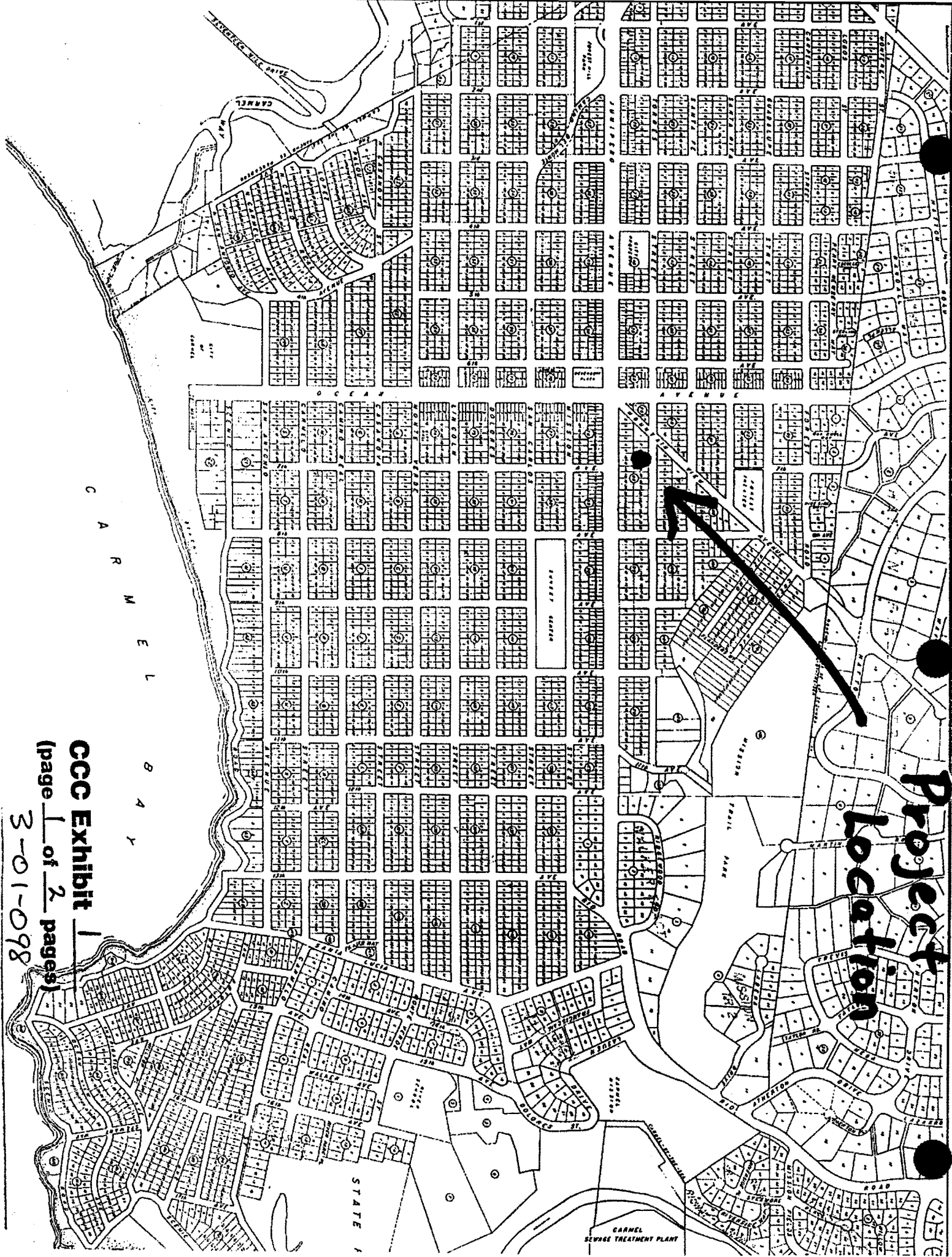
The environmental review of the project conducted by commission staff involved the evaluation of potential impacts to relevant coastal resource issues, including character resources and impacts to biotic resources (i.e., trees). This analysis is reflected in the findings that are incorporated into this CEQA finding.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate



mitigations to address adverse impacts to said resources. Accordingly, the project is being approved subject to conditions which implement the mitigating actions required of the Applicant by the Commission (see Special Conditions). As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.





Project Location

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CCC Exhibit 1
(page 1 of 2 pages)

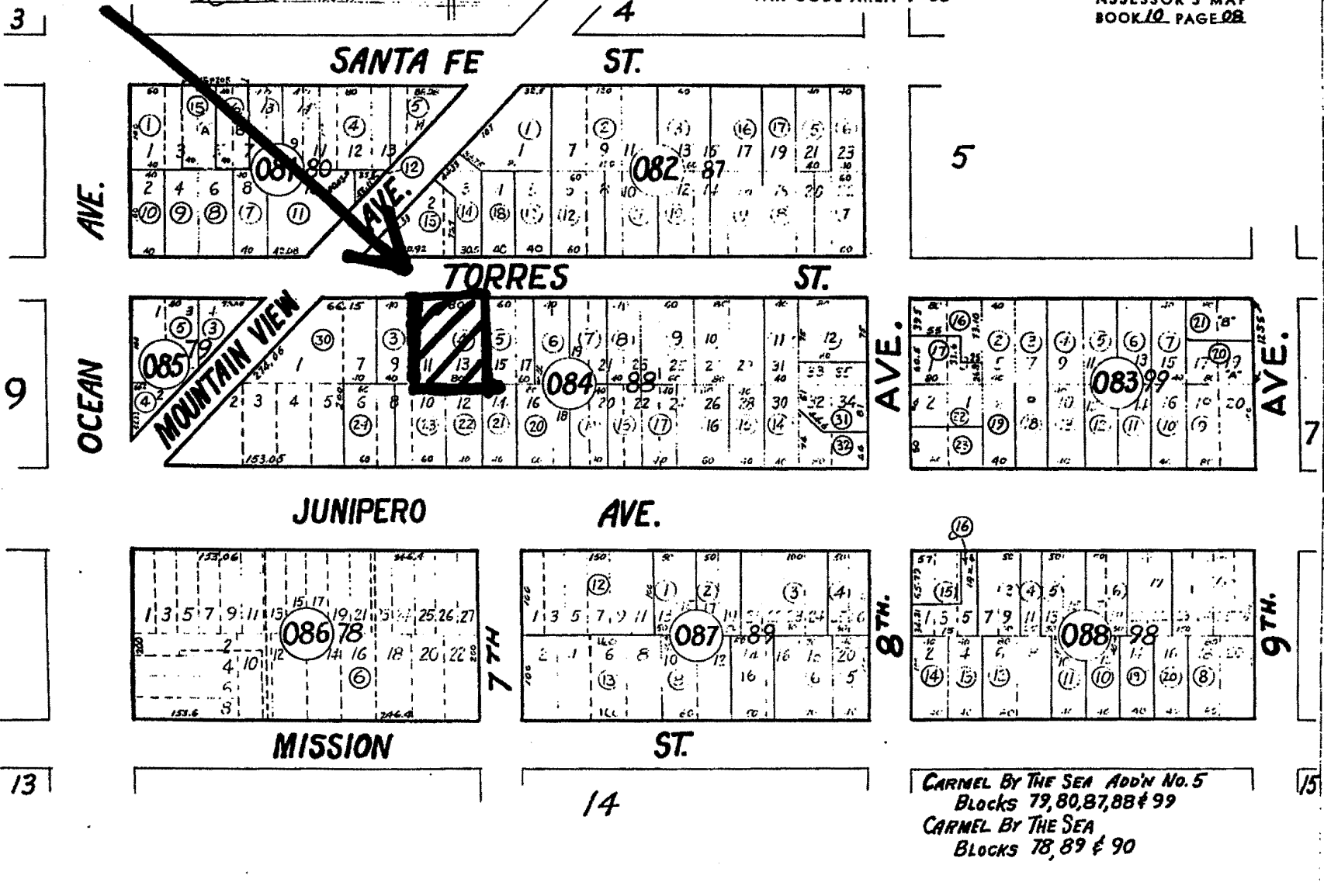
3-01-098

Project Location

Scale 1 in. = 100 ft.

TAX CODE AREA 1-00

ASSESSOR'S MAP BOOK 10 PAGE 08



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

CCC Exhibit 1
 (page 2 of 2 pages)
 3-01-088



View looking north along Torres Street.



View looking south along Torres Street.

**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

CCC Exhibit 3
(page 2 **of** 8 **pages)**
3-01-098

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:

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;

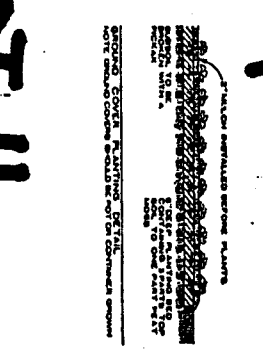
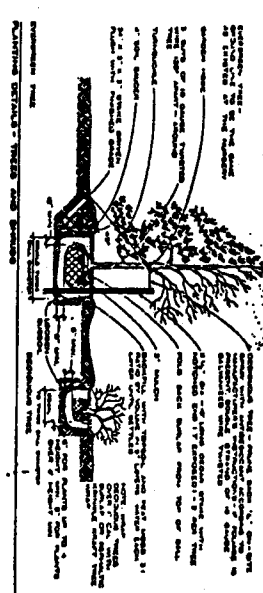
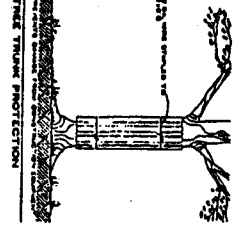
Recommendation:

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.

Proposed Site Plan



NOTES:

1. ALL PLANTING SHALL BE DONE BY THE CONTRACTOR.
2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES SPECIFICATIONS FOR PLANTING.
3. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES SPECIFICATIONS FOR PLANTING.
4. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES SPECIFICATIONS FOR PLANTING.

FLOOR AREA

EXIST'G HOUSE - MAIN FLOOR	1245 sqft
ADD TO MAIN FLOOR	871
NEW LOWER FLOOR	2572
NEW OVERHEAD	2000
TOTAL	4888

LOT 1144
45% MAX

LOT COVER

EXIST'G HOUSE - MAIN FLOOR	1245
ADD TO FOOTPRINT	150
NEW OVERHEAD	600
TOTAL	1995

LOT 1144
45% MAX

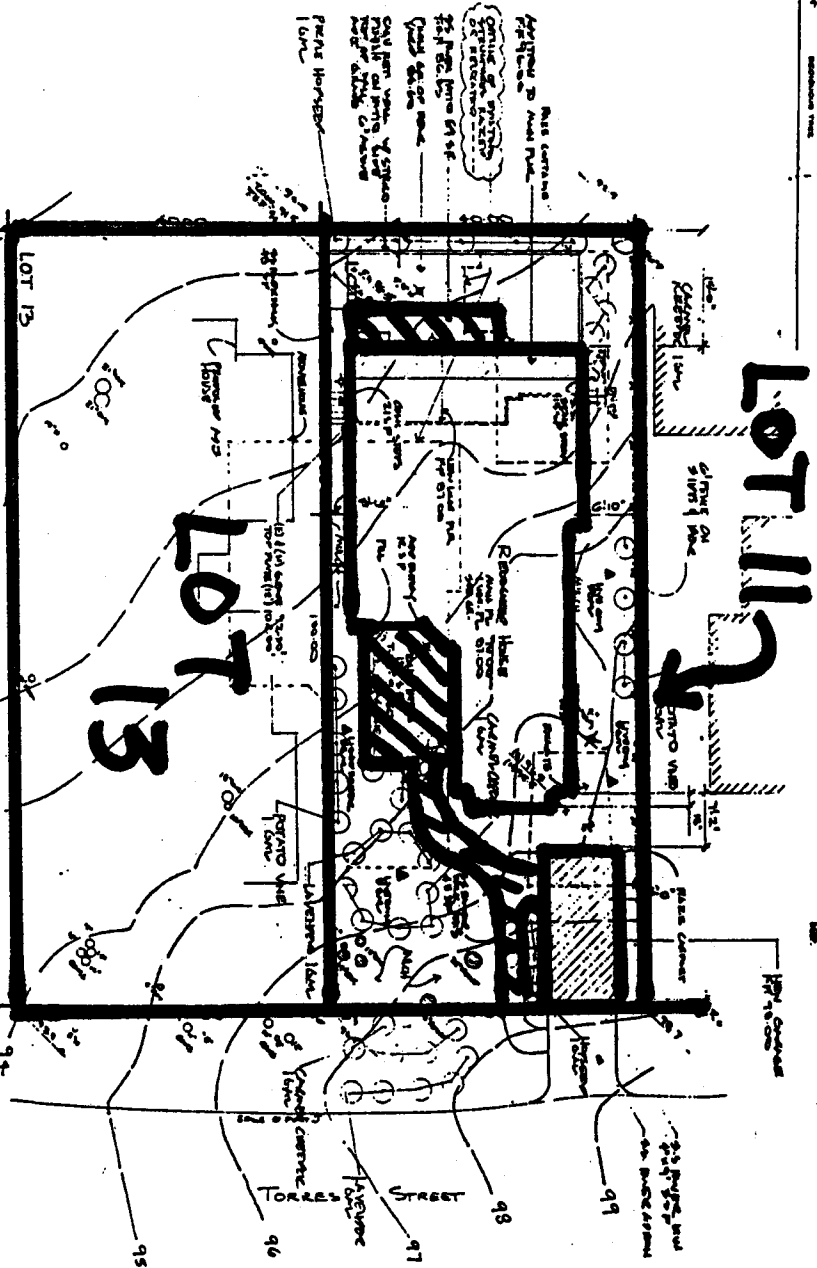
LANDSCAPE

PLANTING	10
IRRIGATION	45
LANDSCAPE	177
LANDSCAPE	21
TOTAL	173

370 = 400 sqft

VEGETATION

GRASS	540 T. FT ²
FLORAL	1074 T. FT ²
SHRUBS	2000
TREE	1730
TOTAL	5344



SITE PLAN / LANDSCAPE / EXTERIOR LIGHTING

3-01-0984
CCC Exhibit
 (page 4 of 4 pages)

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DATE	0-13-01
BY	8-23-01