

## CALIFORNIA COASTAL COMMISSION

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

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RECORD PACKET COPY

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**ADMINISTRATIVE PERMIT NUMBER 3-03-086**


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**CORRECTED**

**Applicant**..... Peter and Charlotte Boyle

**Project location**..... East side of Dolores Street between Santa Lucia and Franciscan Way, Carmel, Monterey County (BLOCK 9 LOT 3; APN 009-382-018) (See Exhibit A)

**Project description**..... Demolition of an existing 1,740 square foot, single-story residence and a 103 square foot accessory structure and construct a new 2,523 square foot, two-story residence. (See Exhibit B)

**Local Approvals** ..... City of Carmel-by-the-Sea: DS 02-43 / RE 02-10.

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**Note:** Public Resources Code Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs. This permit will be reported to the Commission at the following time and place:

November 7, 2003  
 9:00 A. M.

Sheraton Los Angeles Harbor  
 601 S. Palos Verdes Street  
 San Pedro, CA 90731

(310) 519-8200

**IMPORTANT: Before you may proceed with development, the following must occur:** You must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return to our office (Title 14, California Code of Regulations, Sections 13150(b) and 13158). Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, if applicable, we will send you a Notice of Administrative Permit Effectiveness. **Before you can proceed with development, you must have received both your administrative permit and the notice of permit effectiveness from this office.**

**PETER DOUGLAS**  
 Executive Director

**By: Diane Landry**  
 Central Coast District Manager

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**EXECUTIVE DIRECTOR'S DETERMINATION:** THE FINDINGS FOR THIS DETERMINATION, AND FOR ANY SPECIAL CONDITIONS, APPEAR BELOW.

**STANDARD CONDITIONS**

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

**SPECIAL CONDITION**

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1. **Drainage Plan. PRIOR TO COMMENCEMENT OF CONSTRUCTION,** 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 directed into permeable areas on the site (landscaped areas) for infiltration to the maximum extent practicable in a non-erosive manner. 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.

**EXECUTIVE DIRECTOR'S DETERMINATION**

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The Executive Director hereby determines that the proposed development is a category of development that qualifies for approval by the Executive Director through the issuance of an administrative permit (Public Resources Code Section 30624). Subject to Standard and Special conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to develop a Local Coastal Program in conformity with the provisions of Chapter 3, and will not have any

significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

## **FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION**

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### **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, in general, demolitions. 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. Section 30253 of the Coastal Act addresses 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.*

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.

Another 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.

**Project Description.** The project site is a rectangular 6,162 square foot lot, an atypical size in Carmel. It is located on the east side of Dolores Street between Santa Lucia Avenue and Franciscan Way, approximately seven blocks inland from the beach. The site has an existing 1,740 square foot single-story residence with detached 200 square foot garage, in what appears to be a modified ranch style. There are no original building permits or plans in the City's property file that could be used to pinpoint the origin of the home, though subdivision of this general area of the City occurred sometime in the mid-1960's. The applicant proposes to demolish the existing residence and replace it with a two-story 2,523 square foot residence (without garage). The existing residence is "u" shaped with two protruding wings and courtyard at the south elevation. The exterior wall cladding consists of horizontal shiplap siding and there is a low-pitched cross-gabled roof with exposed rafter tails. The replacement home will have a plaster exterior with a medium pitched slate tile roof, stone veneer base wall, and exposed rafter tails.

Structural site coverage will increase slightly from 1,740 square feet (existing) to 1,757 square feet (proposed) and massing will increase with the replacement home due to the second story element, though total volume is well within the City's allowable limits. Non-structural site coverage will be reduced significantly from 1,270 (existing) to 533 square feet (proposed). (Exhibit C)

**Analysis.** The origin of the existing home slated for demolition is unknown and the historic evaluation provided by the City's consultant conclude that the residence cannot be considered historic because it does not meet any of the criteria for determining significance under wither the California Register of Historical Resources (CRHR) or meet the themes identified in the City's Historic Context Statement.

In the past, the Commission expressed concern that demolitions were facilitating construction of replacement home structures that were much larger in size, scale, height, etc. The primary basis for this concern was the effects these changes would have on community character. Carmel is world-renown for its small cottages. In this instance, the applicant is proposing to demolish a single-story residence and replace it with a larger two-story modern home. Though there will be a noticeable change in the size and scale of the new home, the replacement structure is within the City approved limits for square footage and volume. The footprint of house is relatively unchanged and will occupy only 28% of the lot -with a significant portion of the site available for the design of on-site drainage controls.

The City's Design Traditions Project identified Carmel's eclectic architecture as a defining element of its character. Carmel is distinctly recognized for its small well-crafted cottages, informal streetscapes, and architectural diversity. The City's adopted LUP policies require that all residential designs maintain the City's enduring principals of modesty and simplicity and preserve the City's tradition of simple homes nestled in the forest. These policies likewise recommend limiting the number of roof planes and require restraint in the use of offsets and

appendages. The proposed replacement structure appears to embrace these principles, as it is a simple "u" shaped structure with a medium pitched gable roof. The design shows restraint in the use of roof planes and offsets. As proposed, the replacement residence is consistent with the LUP policies in its architectural expression.

Although the existing house appears from the outside to be in good condition and the site is attractive, the proposed project will not adversely affect the unique characteristics that make Carmel a special community. The parcel is currently developed with a single-family dwelling and all utilities are connected to the existing house on this site. Parcels on either side of the subject parcel are developed with single-family dwellings at urban densities. There are adequate public services for the proposed new house and parking is adequate. Neither the demolition nor the new construction would adversely or significantly affect any significant public view. The area is developed at urban densities and with urban services in an area able to accommodate the replacement of the existing house with a new one. Therefore, the demolition of the existing structure and construction of the new residence is consistent with Coastal Act Sections 30251 and 30253(5).

## 2. Water Quality.

Section 30231 of the Coastal Act requires, in part, that the biological productivity of coastal waters be maintained and enhanced by controlling storm water runoff. Carmel-by-the-Sea lies within and at the bottom of the Carmel River watershed. Runoff from the City flows into Carmel Bay, which is designated both as an Area of Special Biological Significance (ASBS) in the California Ocean Plan, and as a California Fish and Game Ecological Reserve. It is also part of the Monterey Bay National Marine Sanctuary. An ASBS is an area designated by the State Water Resources Control Board that requires special protection of species or biological communities that could be impacted by water quality degradation. Carmel Beach and the shoreline is also a highly popular public recreation area. Maintaining and restoring water quality throughout the Carmel River watershed, and in this case, Carmel's urban landscape, is necessary to protect these sensitive coastal resources.

The City's certified LUP contains policies that generally require all new development to incorporate site design controls to reduce the generation of pollutants and minimize site disturbance of natural drainage conditions. In addition, all new development is required to implement simple infiltration techniques throughout drainage areas to efficiently manage storm water, infiltrate runoff into the soil, retain runoff for slower release, and convey runoff slowly through vegetation. In this specific case, the existing residence does not have any rain gutters or other method of design for conveying rain water to the earth, rainwater is simply allowed to sheet off the roof and onto the lot. Without knowing the specifics of the existing condition (e.g., sand condition, depth, presence of clay, water pressure created by the slope and height of the roof, etc.), it is difficult to ascertain whether this system is adequate to handle the amount of storm water runoff created from the current impervious coverage. By contrast, the proposed demolition and rebuild will facilitate a reduction in the amount of impervious coverage of the site, which will help in the absorption of storm water runoff from the site. However, there is a moderately steep slope at the southwest corner of the lot and so it is very likely that without a

designed on-site storm water retention feature, runoff generated from the site will spill out onto Dolores street and eventually down to Carmel Bay with little opportunity for absorption or filtration.

To aid in controlling and containing runoff created from the increase in impervious surfaces of the new development, staff is recommending that the applicant submit a drainage plan. 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. This special condition serves to ensure that runoff created by the development is captured on-site and allowed to percolate into the soils, minimizing erosion, filtering pollutants, nurturing the forest landscape, and aiding the recharge of aquifers. As conditioned, the Commission finds that the proposed project preserves the quality of coastal waters and is consistent with section 30231 of the Coastal Act.

### **3. City of Carmel Local Coastal Program.**

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 Commission has approved the City's LUP and work on the IP has commenced.

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).*

The City is currently in the middle of a community planning process to determine, among other things, the specific development standards that will be incorporated in its upcoming IP submittal. The Commission has approved the City's Land Use Plan and staff has referred to its policies for guidance on the proposed development. Nevertheless, the Coastal Act remains the standard of review and staff has had to use its best professional judgment 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 an increase in impervious surfaces, involve the demolition of notable or historic buildings or result in the removal of significant trees or vegetation. Each of these factors must be evaluated separately and together as a whole. As discussed above, the proposed demolition does not involve a historic resource. The rebuild is consistent with the size and volume standards for single-family residence on 6,000 + square foot lots, and employs a simple architectural style with a limited number of offsets and roof planes. The project will not affect any trees or other coastal resources. There are potential water quality issues which have been addressed in the findings above. Staff has recommended a special condition to address the water quality concerns and bring the project into compliance with the Coastal Act sections for protecting coastal waters.

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, as conditioned, 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.

**4. 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. This staff report has analyzed the environmental impacts posed by the project and identified changes to the project that are necessary to reduce such impact to an insignificant level. Based on these findings, which are incorporated by reference as if set forth herein in full, the Commission finds that only as modified and conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA.

**ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS**

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

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Applicant's signature

\_\_\_\_\_  
Date of signing