

CALIFORNIA COASTAL COMMISSION

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

F3b



ADMINISTRATIVE PERMIT NUMBER 3-03-094

Applicant.....Daniel and Kimberly Silverie
Project location.....Northwest corner of 6th Street and Carpenter, Carmel-by-the-Sea, Monterey County (BLOCK 63 LOT 19; APN 010-032-019) (See Exhibit A)
Project description.....Demolition of an existing 1,459 square foot, single-story residence and garage and construction of a new 1,795 square foot, two-story residence with garage. (See Exhibit B)
Local ApprovalsCity of Carmel-by-the-Sea: DS 03-08 / RE 03-03.

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) 518-8200

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: Charles Lester
Central Coast Deputy District Director

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

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.

EXECUTIVE DIRECTOR'S DETERMINATION

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

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 4,000 square foot lot, the typical size in Carmel. It is located on the west side of Carpenter Street at the corner of 6th Avenue, approximately fifteen blocks inland from the beach. The site has an existing 1,459 square foot single-story residence and garage, in what appears to be a California bungalow style residence. According to the historic evaluation report, the existing bungalow was originally constructed in 1931. The residence is unusually shaped with no discernable design. The exterior wall cladding consists of horizontal shiplap siding and there is a low-pitched cross-gabled roof. The applicant proposes to demolish the existing residence and replace it with a two-story 1,795 square foot

residence and garage. The replacement home will have a plaster exterior with a slightly pitched wood shake roof, exposed rafter tails, and wood windows.

Structural site coverage will decrease from 1,459 square feet (existing) to 1,340 square feet (proposed) and massing will increase with the replacement home due to the second story element, though total volume is within the City's allowable limits. Non-structural site coverage will also be reduced significantly from 644 square feet (existing) to 400 square feet (proposed).

Analysis. The parcel is currently developed with a single-family dwelling constructed in the early 1930's. As a result of its age, the house was eligible for consideration as a historic resource, though it was not listed on the current or any former historic resource surveys or lists. The original building permit and plans on file with City show the bungalow as being laid out on an "H" configuration. However, a series of change including a bedroom and bath addition in 1963 have altered the shape of the original bungalow. The provided historic evaluation concludes that the builder, Gwynne Worden, is not considered a prominent builder in Carmel. Further, although the house is of a simple utilitarian design, there are few design features that make it a notable residence. It lacks architectural distinction, it is not associated with important persons or master builders, and there is no record of any significant events occurring at this location. Thus, because the house no longer retains its original integrity and is not associated with any notable persons, events, or architectural style, 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, and cannot be considered historic.

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 new house will actually be smaller than currently existing and will occupy only 34% of the lot -with a significant portion of the site available for the design of on-site drainage controls and forest regeneration.

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. Though the proposed replacement structure is somewhat less restrained in its architectural expression and design, it is nonetheless consistent with the modern architectural character exhibited throughout the City.

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 or any other coastal resources. All existing trees will remain. 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 know whether this system is adequate to handle the amount of storm water runoff created from the current impervious coverage. 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. Further, the applicant proposes to incorporate a designed on-site storm water retention feature (i.e., drainage swale), along three sides of the property to actively capture storm water runoff generated from the new residence and promote infiltration on-site prior to conveyance onto Carpenter Street or 6th Avenue.

Thus, the Commission finds that the proposed project and drainage plan will minimize erosion, aid in filtering pollutants, nurture the forest landscape, and generally preserve the quality of coastal waters and is therefore 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 4,000 square foot lots, and will not affect any trees or other coastal resources (i.e., water quality).

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.

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. 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.

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.

Applicant's signature

Date of signing