

CALIFORNIA COASTAL COMMISSION

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

Th10a

RECORD PACKET COPY

Permit Expiration:	12/14/02
Extension Request Filed:	12/13/02
Staff:	M. Watson
Staff report:	04/17/03
Hearing date:	05/08/03

STAFF REPORT: PERMIT EXTENSION REQUEST

Application number: 3-00-115-E

Applicant: Kasey and Monique Dority

Project location: Monte Verde, 5 Southwest of 12th Avenue, City of Carmel-by-the-Sea, Monterey County (Block 134, Lot 11; APN 010-175-06)

Project description: Request for an extension of a Coastal Development Permit to demolish an existing 520 square foot single family residence to facilitate construction of a 1,800 square foot two-story residence on a standard 4,000 square foot lot.

Local approval: City of Carmel-by-the-Sea: DS 02-33 / RE 02-11.

File documents: City of Carmel-By-The-Sea approved Land Use Plan and uncertified Zoning Ordinance; Categorical Exclusion Order E-77-13; City of Carmel Community Building and Planning Department Staff Report (06/12/02).

Recommendation: Denial

Procedural Note

Section 13169 of the Commission's regulations provide that permit extension requests shall be reported to the Commission if:

- 1) The Executive Director determines that due to changed circumstances the proposed development may not be consistent with the Coastal Act, or
- 2) Objection is made to the Executive Director's determination of consistency with the Coastal Act.

In this case, the extension request is being reported to the Commission because the Executive Director has determined that there are changed circumstances that may affect the project's consistency with the Coastal Act. Section 13169(d)(1) of the Commission's regulations provide that if three (3) Commissioners object to an extension request on the grounds that the proposed development may not be consistent with the Coastal Act, the application shall be set for a full hearing as though it were a new application. If three objections are not received, the permit will be extended for an additional one-year period.

Executive Summary

The applicant proposes to extend Coastal Development Permit 3-00-115 for the demolition of a 520 square foot single-family residence on a 4,000 square foot lot in the City of Carmel-by-the-Sea. The



California Coastal Commission
May 8, 2003 Meeting in Monterey

Staff: M. Watson Approved by: *DBL*

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project approved by the Commission in 2000 facilitated construction of a new 1,800 square foot two story, single family dwelling with attached garaged and was conditioned to provide a Relocation or Salvage Plan for the home prior to commencement of the demolition.

Work has not commenced on the project since the issue date of the original coastal development permit (December 2000). Because the applicant did not take steps to inaugurate the coastal development permit, the City's original design review approval expired and the applicant was required to reapply for a new design review and demolition permit before moving forward. In addition, there had been numerous changes in the City's building ordinances and thus, the applicant was compelled to redesign the replacement dwelling. The City conditioned the demolition request to require a Coastal Development Permit from the Commission and the applicant has subsequently asked for an extension of the original CDP.

The standard of review for a permit extension request, established by Section 13169 of the Commission's Administrative Regulations, is whether there are changed circumstances that may affect the project's consistency with the California Coastal Act. The City of Carmel-by-the-Sea has not yet received coastal development permitting authority but is actively pursuing a certified LCP. The Commission recently approved the City's Land Use Plan in March 2003. Though the LUP can be used as additional guidance to determine whether new development is consistent with Coastal Act policies protecting special communities, the standard of review remains the Coastal Act. If the Commission determines that there are changed circumstances regarding the project's conformance with these standards, the application must be set for a full hearing as if it were a new application.

Staff recommends that the Commission deny the extension request based on the Executive Director's determination that there are changed circumstances that may affect the project's consistency with section 30253(5) of the Coastal Act and the policies set forth in the uncertified City of Carmel-by-the-Sea LUP. These circumstances include:

- Changes in the Commission's knowledge and evaluation of community character resources in Carmel-by-the-Sea. Specifically, changes in the evaluation and treatment of historic resources based on more detailed information and understanding of potential historic resources. In the course of developing the Land Use Plan, the Commission and the City have prepared a Historic Preservation Element that establishes the rules and guidelines for development and redevelopment of project sites with historic resources; the Commission recently approved the City's Land Use Plan that provides the framework for identification, evaluation, and appropriate treatment of historic resources. Treatment under the LUP policies specifically prohibits demolition but allows for rehabilitation with a limited amount of development including the possibility of an addition consistent with the Secretary of Interior Standards.



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Appendix A

Adopted staff report for 3-00-115



1. Staff Recommendation

Staff recommends that the Commission **DENY** the permit extension request by concurring with the Executive Director's determination that there are changed circumstances affecting the development's consistency with the Coastal Act and adopting the following motion.

MOTION

I move that the Commission grant a one-year extension to Coastal Development Permit 3-00-115 because there are no changed circumstances that affect the project's consistency with the Coastal Act.

Staff recommends a **NO** vote. Pursuant to Section 13169 of Title 14 of the California Code of Regulations, three Commissioners must object to the extension of the permit in order to deny the extension request and require rescheduling of the application as if it were a new application.

2. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Background, Description, & Location

The project site is a rectangular 4,000 sq.ft. lot, the typical lot size in Carmel. It is located on the east side of Monte Verde Street between 12th and 13th Avenues, five blocks inland from the beach, in the south central part of the City. The City's staff report states that the site has an existing 900 square foot residence, built sometime between 1917 and 1920 (applicant lists the existing structure as only 520 square feet—the reason for this discrepancy was not determined). The wood-frame, bungalow style structure has a steeply gabled roofline and lapped wood siding exterior. The front of the house has a reconstructed front porch dating from 1974.

The Carmel Preservation Foundation included the property on its comprehensive list of historic resources because it found that:

The house does relate directly to Carmel's early development, architecturally, because its style, borrowing from the New England tradition, reflects the presence of some of the earliest settlers in Carmel as well as those from the Big Sur coast.

A subsequent historical resource evaluation report for this property was prepared at the City's request by Jones & Stokes Associates (Final Evaluation Report for the Dority Property, Jones & Stokes, Dec. 1999). This report concluded:

The Dority property is not eligible for listing in the CRHR [California Register of Historic Resources] as an individual resource or as a contributing element of the potentially eligible "District One" historic district. Although the house is not intrusive to



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the district, it does not exemplify the qualities of early design traditions in Carmel. Many homes of the 1910s followed the tradition of simplicity, making use of rustic materials and other bungalow design elements inspired by the earlier Arts and Crafts movement. Others followed revival or "storybook" themes. This house is a modest example of the bungalow type built during that period. The historic appearance of the house has been compromised with the 1974 reconstruction of the front porch, built with modern construction materials and inappropriate ornate iron railing. The house is not a good example of its type or design traditions in Carmel, but represents a simple working class bungalow type common to working class neighborhoods across the nation. In addition, the integrity of the original house has been compromised with the reconstruction of the front porch, overall rendering it a changed example of a simple housing type with no real design tradition associated with Carmel, and therefore it does not make a special contribution to the historic district. The property does not meet the CRHR criteria for having association with events or persons significant to the history of Carmel.

According to the City staff report, the City's Historic Preservation Committee disagreed with the report's conclusions, and voted to recommend that the new Form DPR 523 not be adopted. The reasons cited include "...the potential for reconversion of the front façade, and the cottage's potential contribution to a potential historic district." Nonetheless, on May 24, 2000 the City's Planning Commission, upon consideration of the Historic Preservation Committee's recommendation, found that the site does not constitute a historic resource; and, voted to accept the new DPR 523 and approve the demolition and replacement residence. This action is consistent with the City staff report, which states:

The Planning Commission has consistently rejected the "potential contribution to a potential historic district" argument as sufficient to warrant historic significance. Further, reconstruction of the front façade of the cottage to its original appearance does not avoid the fact that the original historic fabric has been lost.

On December 14, 2000, the Commission heard the application and approved the project with special conditions that required Relocation or Salvage of the cottage prior to commencement of demolition. Additional mitigation was warranted in this case, because of the existing buildings cottage character and/or potential as a historic resource and the adverse cumulative effect such demolitions were having on the City's special character - particularly in the absence of a certified LCP. The Commission found that as mitigated -in the form of Relocation or Salvage- the change facilitated by the proposed demolition would not be substantial enough to undermine the City's efforts to complete an LCP. The Commission found the project consistent with Chapter 3 of the Coastal Act and a CDP was issued. The adopted staff report for the Commission's approval is attached to this report as Appendix A.

Since that time, work has not commenced on the project and as a consequence, the City's design approval has expired. Additionally, the applicant was required to obtain design approval for a similar but completely new project because of changes in the City's zoning ordinances that had taken effect in the interim. The City conditioned the second approval to require the applicant to obtain a coastal development permit for the demolition. The CDP issued by the Commission in December 2000 was for



a demolition of an existing structure and did not include approval of a new residence. The previously proposed replacement structure was excluded from CDP requirements under the City's categorical exclusion order, E-77-13.

B. Changed Circumstances

Section 13169(d) of the Commission's regulations provide that permit extension requests shall be reported to the Commission if the Executive Director determines that due to changed circumstances the proposed development may not be consistent with the Coastal Act. Subsection (1) also states that if three Commissioners object to an extension request on the grounds that the proposed development may not be consistent with the Coastal Act, the application will be set for a full hearing as if it were a new application. If three objections are not received, the permit will be extended for an addition one-year period.

1. Preserving Historic Resources

Background / Information

The protection of historic resources is central to the issue of protecting community character in Carmel. Historical resources range from architecturally significant historic buildings and collections of buildings or residences that form distinctive neighborhoods to those associated with important persons or events in Carmel's history. It also includes street features, landscaping and both prehistoric and historic archaeological resources. Historic resources often embody the attributes and design traditions recognized in the City's Design Traditions Project as providing "character" to the community. However, historical resources are further distinguished for their contribution to the broad patterns of local history. The types of historic resources in Carmel are classified using the criteria established in the California Register of Historic Resources. The criteria for historical significance ranges from architecturally significant historic buildings associated with significant events or persons, or resources that embody the distinctive characteristics of a type, period, region, or method of construction or represent the work of master builder, and resources that yield information important to the prehistory or history of the local area, California, or the nation. The City has prepared and adopted a Historic Context Statement that provides additional context for establishing historic significance under local criteria.

In Carmel, an unprecedented amount of acquisitions of existing small cottages and requests for permits to demolish and redevelop the lots with larger modern homes is occurring. In response, public concern has turned to the need for a historic preservation program that protects historic resources from being demolished and that guides rehabilitation of these homes in a manner that is consistent with the Secretary of Interior Standards and the established character of the community. In large part, this single issue is driving the City's most recent effort at LCP certification. The City of Carmel has responded by submitting a program for preserving historic resources.

Prior Commission Action

As noted in the Project Background/Description and Location section above, the Commission approved



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a CDP for the demolition of a small cottage in December 2000. The proposed replacement structure was not the subject of the permit because it met the criteria for excludable development under the City's categorical exclusion order, E-77-13. There was a debate as to the historical significance of the cottage. One evaluator determined the house was historic, another concluded it was not. The City's Historic Preservation Committee recommended to the City Council that the house be designated a historic resource, but the council rejected the recommendation and issued the permit for its destruction. After careful review, the Commission concluded that demolition of the cottage might adversely impact the character of neighborhood and community and ultimately prejudice the City's LCP planning efforts. The Commission found that in order to bring the project into conformity with sections 30253(5) and 30604 of the Coastal Act, it was necessary to mitigate for the irreversible loss of a potentially historic resource. A relocation or salvage condition was placed on the permit requiring the applicant to make arrangements to move the structure within the City or if relocation was infeasible, salvage as much of the materials as possible.

Analysis of Changed Circumstances

A. New Information Regarding Historic Resources in Carmel

Prior to the development and approval of the City's Land Use Plan in March 2003, the intrinsic value of historic preservation in Carmel had not been realized. In fleshing out the many intertwined elements of Carmel's character, working with the City, the Commission began to further appreciate the importance of retaining historic resources to the village character. The realization that the residential character was directly linked to and possibly even dependent upon the existing historic architecture led to an immediate change in approach towards historic resources. Until this time, historic preservation and the measures necessary to effectuate preservation and facilitate public understanding and acceptance of its value had yet to be developed. Only recently have more detailed historic preservation approaches in the Carmel coastal zone been recognized and embraced by the City and the Commission. This process has included an extensive survey of resources in the City, site visits by staff, public meetings, discussion with historic protection organizations, and an evaluation of the historic preservation policy particularly in California. As a direct result, a Historic Preservation Element was crafted by the City and submitted to the Commission as part of the LUP. As further modified by the Commission, this element provides a process for identification, evaluation, and ultimately rehabilitation of historic homes. Although the question of historic resources was evaluated by the Commission in the original Dority CDP, this review did not have the benefit of the Commission's newfound knowledge of historic character of Carmel.

B. Identification of Historic Resources

At the same time the LUP [and Historic Preservation Element] was being prepared, the City initiated a process of identifying historic resources through a comprehensive survey of the City's residential neighborhoods. Consultants have been brought in to perform a reconnaissance survey and block-by-block visual review of the entire community, identifying sites that warrant more intensive historic analysis. The consultants evaluate properties for their potential to meet eligibility criteria for inclusion in the National and/or State Register of Historic Resources. A principal basis for inclusion on the survey is the historic resource's ability to convey a sense of time, place, and theme established through the City's



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Historic Context Statement. The Statement was concurrently prepared with the LUP and provides the framework for identifying historic resources through its thematic descriptions and identification of associated resource characteristics.

The City's LUP also prescribes a process of identifying historic resources when development is proposed. If a structure was not immediately identified as a historic resource during the initial survey, it may still qualify and be designated as such on a case-by-case basis when a project is proposed that would alter the building footprint or add a second story. Original building plans are used to evaluate the integrity of the resource, along with an on-site site assessment of the home. To qualify as a historic resource, the physical features of the home must retain substantial integrity. Depending on the state of the home, a qualified professional may be called to prepare an historic evaluation that includes researching the origins of the house, its relationship to the builder, occupants, and possibly any contributions to the broad patterns of local, state, or national history. The City's LUP criterion for establishing historical significance generally follows the California Register of Historical Resources eligibility requirements but has been made more specifically apply with the inclusion of the Historic Context Statement.¹ For example, a structure that has retained its integrity and is a good example of an architectural style or constructed by an identified builder, or occupied by an important person identified in Carmel's Historic Context Statement, would qualify as a historic resource.

At the time of the Commission's original evaluation of the applicant's project, these common historic preservation principles and criteria for identifying resources had not been developed. There were two evaluations performed on the cottage: one identifying and designating it a historic resource, the other denying it that status. The City's Historic Preservation Committee had recommended that the cottage be designated a historic resource. Without knowledge of the common identification criteria and process, the Commission was unable to make a definitive determination as to the status of the cottage. The Commission found that the structure may be historic but nonetheless approved the demolition request with a condition to salvage or relocate the home. The approved LUP now contains the broad policy guidance and specific criteria for identifying historic resources. Based on the Commission's new understanding and knowledge, however, it appears that the proposed project may not be consistent with Chapter 3 of the Coastal Act. Based on these specific changed circumstances, this permit shall not be extended.

C. New Knowledge of Treatment of Historic Resources in Carmel

As noted above, new information regarding the established character of Carmel has become available to the Commission since the 2000 approval that has led to an evolution in identification, evaluation, and

¹ The California Register has four criteria for historic significance. These are: (1) the resource is associated with events that have made a significant contribution to broad patterns of local or regional history or the cultural heritage of California or the United States; or (2) the resource is associated with the lives of persons important to local, California or national history; or (3) the resource embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of a master or possesses high artistic values; or (4) the resource has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.



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ultimately treatment of historic resources and protection principals. In essence, the development of the LUP has led to a substantial increase in understanding of the intrinsic value of historic resources in Carmel and the recognition that effective historic preservation program is necessary to protect the special character of Carmel's residential neighborhoods and community. Additionally, the development of the LUP has fleshed out the process and criteria for evaluating and identifying historic resources consistent with statewide criteria and the underlying local context. Finally, the development of the LUP has led to an additional understanding as to the appropriate treatment of historic resources. As applied to residential structures, this approach to historic resource preservation requires that historic resources be protected and rehabilitated according to the Secretary of Interior Standards. The Secretary of Interior Standards are common sense principles that provide guidance to help preserve historic resources by promoting consistent preservation practices. These principals and preservation practices have been implemented by many cities in California and across the country. Under the SOI standards and guidelines demolitions of historic resources are prohibited, as are changes that are inconsistent with SOI standards, unless it is determined through environmental review that all other alternatives consistent with SOI standards are not feasible.

In this case, at least one independent evaluation and the City's Historic Preservation Committee had recommended that the existing structure be designated a historic resource and treated accordingly. A second evaluation prepared at the request of the City concluded that the house was not historic. The City Council overruled the findings of the Historic Preservation Committee and adopted findings that concluded the house was not historic. In its analysis, the Commission acknowledged the fact that there was considerable debate as to whether the existing cottage constituted a historic resource and, if demolished, recognized that demolition would result in an irreversible loss to the community. The Commission did not, however, find that the structure was an historic resource nor did it conclude that it was not an historic resource. In light of the uncertainty, the Commission equivocated and permitted the demolition with a condition to mitigate for the loss through relocation and salvage of elements of the house.

As the Commission has come to learn, the relocation and salvage condition is not adequate for the protection of historic resources. There is very little opportunity for relocation within the City's one square mile city limits. Secondly, salvaging materials from a cottage does little to preserve historic resources or the neighborhood context from whence it came. These conditions do not result in effective mitigation for the loss of a historic resource and/or preservation of community character.

When a new endangered species or habitat has been discovered and/or listed, it is necessary and appropriate to re-evaluate potential development impacts on the sensitive resource. In this instance, the resource is Carmel's community character. This character was meticulously identified and defined in the recently approved (March 2003) Land Use Plan, which also identified historic homes as an essential element of that character that must be preserved. In pages 20-21 of the document, the City wrote:

Its [Historic Preservation Element] primary goals are to educate residents and visitors about the unique architectural, cultural and historic identity of Camel-by-the-Sea, and to promote the identification and preservation of structures and sites that best represent this history. The addition of this component to the Coastal Plan reflects Carmel's commitment



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to the preservation of its important historic resources and the City's recognition of the role that historic resources play in defining community character.

A major goal of the Historic Preservation Element as noted by policy P9-79 is to "protect and enhance historic resources." Policy P9-82 of the LUP requires that all historic resources be maintained and rehabilitated. It specifically states:

Prohibit the demolition of all historic resources and prohibit changes to historic resources that are inconsistent with the Secretary of Interior (SOI) Standards and Guidelines unless it is determined through environmental review that alternatives consistent with the SOI standards are not feasible...

The proposed project is to demolish a potential historic structure. If evaluated under the recently approved LUP standards and guidelines, demolition of a historic resource would not be approved. As a result, extension of the previously approved Coastal Development Permit 3-00-115 may not be consistent with the City's LUP policies or Coastal Act section 30253(5) for protecting community character. Based on the Commission's new knowledge and evaluation of community character resources in Carmel, it appears that there is a changed circumstance that may affect the project's consistency with section 30253(5) of the Coastal Act.

Finally, in light of the above circumstances, the City has prepared a Historic Preservation Element and incorporated it into its recently approved Land Use Plan to address identification, designation, and treatment of historic resources. Notwithstanding the policies contained therein, specific management and protection measures and processes (i.e., ordinances and standards) will need to be further developed through the LCP (Implementation Plan) process in order to ensure compliance with Coastal Act and Land Use Plan policies protecting special communities. Thus, extending the coastal development permit for the Dority project may directly prejudice opportunities to consider, via the current LCP process, the full range of alternatives that are most protective of historic resources.

D. Analysis of Cumulative Impacts

The implications of approving the demolition of a potentially historic resource, and the cumulative impact on the City's unique character, were not fully understood during the original review of the Dority project. In particular, demolitions of existing historic homes and cottages were resulting in the loss of the unique character, which they individually represent and which cumulatively, form an important part of Carmel's architectural evolution and character. Significantly, the volume of requests for demolitions has escalated rapidly in recent years. In the three years between January 2000 and December 2002, there have been 61 applications received by the Commission requesting the demolition of a residential structure in the City of Carmel. Additionally, the City processes numerous permits for substantial alterations each month, many of which result in significant changes to Carmel residences. Not all of these demolition and substantial alterations involved historic homes, but some of them were and their contribution to the unique character of Carmel is forever lost.



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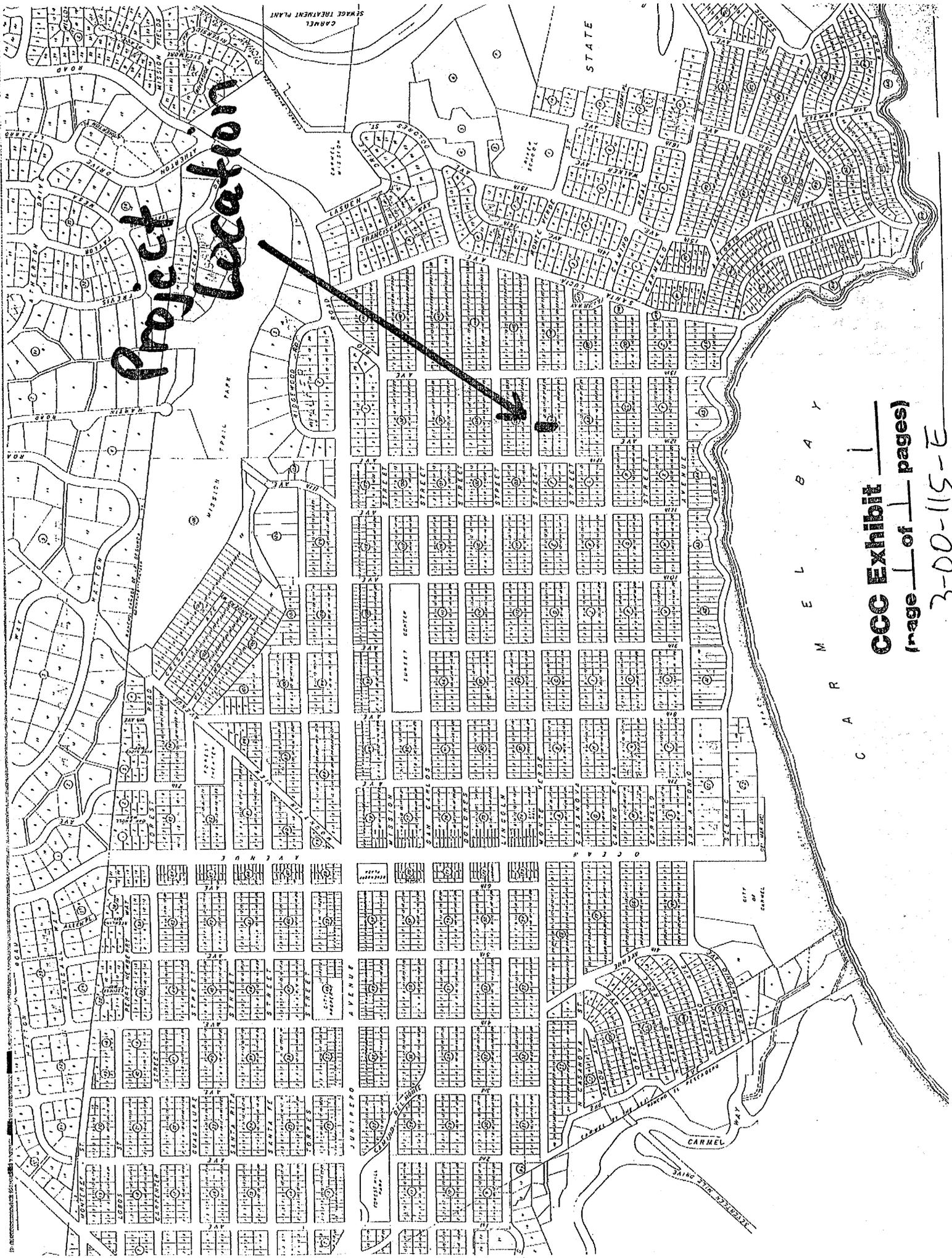
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Conclusion

New information regarding the unique character of Carmel and an improved understanding of the role historic resources play in that special community, has resulted in changed circumstances that must be considered before the coastal development permit for the Dority project be extended. Furthermore, the Local Coastal Program currently being developed by the City provides a new opportunity to assess treatment of historic resources and the full range of alternatives that will best address preservation needs and opportunities within the City of Carmel-by-the-Sea coastal zone. Extension of the previously approved Dority permit may prejudice this opportunity, in conflict with section 30604 of the Coastal Act.





Project Location

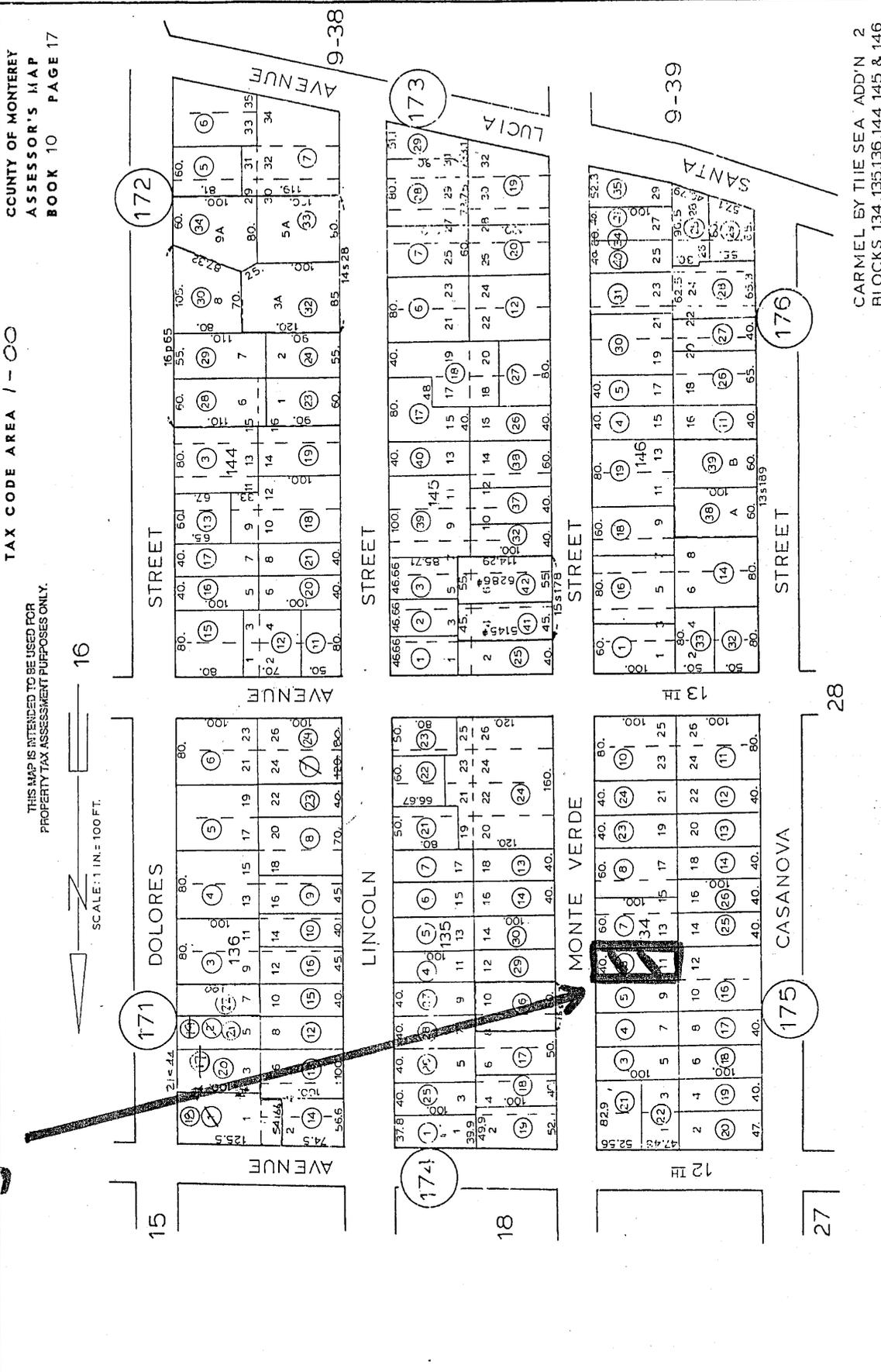


C A R M E L I N D I A

CCC Exhibit 1
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3-00-115-E

Project Site



TAX CODE AREA 1-00

COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 10 PAGE 17

THIS MAP IS INTENDED TO BE USED FOR
PROPERTY TAX ASSESSMENT PURPOSES ONLY.

SCALE: 1 IN. = 100 FT.

CARMEL BY THE SEA ADD'N 2
BLOCKS 134,135,136,144,145 & 146
JUN 14 2002

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Appendix A

CALIFORNIA COASTAL COMMISSION

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

Th7i

C.F.C. 11/27/00



ADOPTED

Filed:	8/9/00
49th day:	9/27/00
180th day:	2/5/01
Staff:	CL
Staff report:	11/27/00
Hearing date:	12/14/00(con't)

COASTAL DEVELOPMENT PERMIT APPLICATION

Application number3-00-115

Applicant.....Kasey & Monique Dority

Project location..... Monte Verde St., 5 SW of 12th Ave., Carmel (Monterey County).

Project description.....Demolition of approx. 900 sq. ft. single family dwelling, in order to facilitate construction of a new 1800 sq.ft. two story, single family dwelling, with attached garage, on a 4,000 sq. ft. lot (APN 010-175-006).

File documents.....City of Carmel-by-the-Sea: DS 99-54/RE 99-49/HR 99-11, May 24, 2000.

Staff recommendation ...Approval with Conditions

I. Summary: The proposed project is located within the City of Carmel-by-the-Sea. Carmel is a very popular visitor destination, as much for the style, scale, and rich history of its residential, commercial, and civic architecture, as for its renowned shopping area, forest canopy and white sand beach. Carmel is especially notable for the character of both public and private development within the context of its native pine forest. In particular, as a primarily residential community, Carmel's predominantly small scale, well-crafted homes play a key role in defining the special character of the City.

Applicant proposes to demolish an existing residential structure, and to replace it with a new residence on the same site. Pursuant to Categorical Exclusion E-77-13, a coastal development permit is required for the demolition portion of the project (but not the new construction). There is a concern that the existing pattern of such demolitions and rebuilding may prejudice the ability of the City to complete its Local Coastal Program (LCP) in a manner that would be in conformance with Coastal Act policies. In particular, the LCP will need policies that respect and protect the keystone elements of Carmel's special character—the beach, the forest canopy, the compact scale and design of its built environment, the context and integrity of its historic resources. At the same time, the LCP will also need to provide reasonable standards for restoration, additions, or where warranted, replacement. These policies will be determined through a community process that the City expects will culminate with the completion of an LCP Land Use Plan by April, 2001.

In this case, while the project will result in a significant change (a 100% increase in building

scale and an increase from one story to two), there are similarly sized structures close by, and the new structure will still not exceed 1800 sq.ft. (the prevailing maximum for the typical 4000 sq.ft. lot in Carmel). No removal of significant native trees would be required. The existing c. 1917 house does exhibit the characteristics associated with the traditional Carmel Cottage style and/or represents a potential historic resource.

The cumulative effect of such demolitions raises concerns with respect to the overall protection of the City's special character. This concern is being addressed in part through the City's existing review process for tree removal, historic resources, and design review. Further refinements to these processes are expected from the LCP completion effort now underway.

Pending LCP completion, additional mitigation—in the form of a relocation/salvage condition—is warranted in this case, because of the existing building's cottage character and/or its potential as a historic resource. Therefore, while the proposed demolition will result in a change of character, as conditioned such change will not be substantial enough to undermine the effort to complete a certifiable LCP within the timeframe projected by the City. Accordingly, as conditioned to provide for reuse or salvage of the existing structure to the extent feasible, the project is consistent with the policies of Chapter 3 of the Coastal Act and will not prejudice the City's ability to complete its Local Coastal Program.

II. Staff Recommendation on Coastal Development Permit

The staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standard and special conditions below. Staff recommends a **YES** vote on the motion below. A yes vote results in approval of the project as modified by the conditions below. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission approve Coastal Development Permit Number 3-00-115 subject to the conditions below and that the Commission adopt the following resolution:*

***Approval with Conditions.** The Commission hereby grants a permit for the proposed development, as modified by the conditions below, on the grounds that the modified development is consistent with the requirements of Chapter 3 of the California Coastal Act of 1976 (Coastal Act), will not prejudice the ability of the City of Carmel to prepare a local coastal program conforming to Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act (CEQA).*

CCC Exhibit A
(page 2 of 15 pages)
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III. 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 CONDITION

1. **Relocation or Salvage.** PRIOR TO COMMENCEMENT OF REMOVAL OR DEMOLITION OF THE EXISTING STRUCTURE, permittee shall submit, for review and approval by the Executive Director, the following measures to implement relocation or salvage:
 - a. Documentation that arrangements have been made to move the existing building to another location within the City; or,
 - b. If relocation is not feasible, then documentation of the structure shall be completed in accordance with the Secretary of Interior's (HABS) standards; and, a materials salvage plan shall be prepared. Such plan shall provide for identification, recovery and reuse of all significant exterior architectural elements of the existing building that can be feasibly incorporated in new construction on or off site. To the extent salvageable materials exceed on-site needs, they may be sold, exchanged or donated for use elsewhere (with preference for recipients proposing reuse within Carmel). The plan shall specify that salvageable materials not used on site, sold or exchanged shall be offered without charge, provided recipient may be required to bear the cost of removal. Unsound, decayed, or toxic materials (e.g., asbestos

CCC Exhibit A
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shingles) need not be included in the salvage plan. The plan shall include a written commitment by permittee to implement the plan.

Relocation shall not be deemed infeasible unless: 1) a Licensed Historical Architect, Licensed Historical Contractor, or equivalent qualified expert has determined that relocation of the structure would not be feasible, or if feasible, would not result in worthwhile preservation of building's architectural character; or, 2) it has been noticed by appropriate means as available for relocation, at no cost to recipient, and no one has come forward with a *bona fide* proposal to move the existing structure within a reasonable time frame (i.e., within 60 days from date of first publication and posting of availability notice). Such notice of availability shall be in the form of a public notice or advertisement in at least two local newspapers of general circulation (at least once a week for four weeks), as well as by posting on the site and by other means as appropriate.

Submitted salvage plans shall be accompanied by a summary of all measures taken to encourage relocation, copies of posted notice, text of published notices/advertisements, and evidence of publication, along with a summary of results from this publicity, a list of relocation offers (if any) that were made and an explanation of why they were not or could not be accepted.

Nothing in this condition is intended to limit permittee's right to sell the structure or salvaged portions thereof; nor is permittee required to pay for moving costs, whether the structure is sold or donated.

IV. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Location and Description

The project site is a rectangular 4,000 sq.ft. lot, the typical lot size in Carmel. It is located on the east side of Monte Verde Street between 12th and 13th Avenues, five blocks inland from the beach, in the south central part of the City. The City's staff report states that the site has an existing approximately 900 square foot residence, built sometime between 1917 and 1920 (applicant lists the existing structure as only 428 sq.ft.—the reason for this discrepancy was not determined). The wood-frame, bungalow style structure has a steeply gabled roofline and lapped wood siding exterior. The front of the house is dominated by a reconstructed front porch dating from 1974.

A historical resource evaluation report for this property was prepared for the City by a professional consultant (*Final Evaluation Report for the Dority Property*, Jones & Stokes, Dec. 1999). This report concluded:

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The Dority property is not eligible for listing in the CRHR [California Register of Historic Resources] as an individual resource or as a contributing element of the potentially eligible "District One" historic district. Although the house is not intrusive to the district, it does not exemplify the qualities of early design traditions in Carmel. Many homes of the 1910s followed the tradition of simplicity, making use of rustic materials and other bungalow design elements inspired by the earlier Arts and Crafts movement. Others followed revival or "storybook" themes. This house is a modest example of the bungalow type built during that period. The historic appearance of the house has been compromised with the 1974 reconstruction of the front porch, built with modern construction materials and inappropriate ornate iron railing. The house is not a good example of its type or design traditions in Carmel, but represents a simple working class bungalow type common to working class neighborhoods across the nation. In addition, the integrity of the original house has been compromised with the reconstruction of the front porch, overall rendering it a changed example of a simple housing type with no real design tradition associated with Carmel, and therefore it does not make a special contribution to the historic district. The property does not meet the CRHR criteria for having association with events or persons significant to the history of Carmel.

According to the City staff report, the City's Historic Preservation Committee disagreed with the report's conclusions, and voted to recommend that the new Form DPR 523 not be adopted. The reasons cited include "...the potential for reconversion of the front façade, and the cottage's potential contribution to a potential historic district." Nonetheless, on May 24, 2000 the City's Planning Commission, upon consideration of the Historic Preservation Committee's recommendation, found that the site does not constitute a historic resource; and, voted to accept the new DPR 523 and approve the demolition and replacement residence. This action is consistent with the City staff report, which states:

The Planning Commission has consistently rejected the "potential contribution to a potential historic district" argument as sufficient to warrant historic significance. Further, reconstruction of the front façade of the cottage to its original appearance does not avoid the fact that the original historic fabric has been lost.

B. LCP History and Status

The entire City of Carmel 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 subject to 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 certification expired.

The LCP zoning or Implementation Plan (IP) was certified by the Commission subject to suggested modifications on April 27, 1984. However, the City did not accept the suggested modifications and so the IP, too, was never certified.

Predating the City's LCP planning efforts, the Commission in 1977 authorized a broad-ranging categorical exclusion covering most of the area of the City of Carmel (Categorical Exclusion E-77-13). E-77-13 excludes from coastal permitting requirements most types of development not located along the beach and beach frontage of the City; not excluded, however, are demolitions such as that proposed in this case.

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. According to City representatives, the Land Use Plan is expected to be submitted for Commission review in April 2001, with the Implementation Plan submittal expected by December 2001.

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 shoreline, 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 comprises a significant coastal resource worthy of protection in its own right.

C. Standard of Review

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.

D. Coastal Development Permit Determination

1. Community Character

Sections 30253 and 30251 of the Coastal Act address the issue of preserving the community character of special communities such as Carmel:

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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.

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.

The Coastal Act defines special coastal communities in terms of their unique characteristics that make them attractive to the visitor. The City of Carmel is a very popular visitor destination as much for the style, scale, and rich history of its residential, commercial, and civic architecture, as for its renowned shopping area and white sand beach. Carmel is made special, in part, by the character of development within City limits.

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. 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.

Particulars for this project: The parcel is currently developed with a single family dwelling. The existing home on the site appears to be an unremarkable early bungalow in reasonably good condition, with a pronounced gable and lapped wood siding exterior finish. In scale and design, it appears to represent a typical simple residence of the era. See Exhibit 2, attached, for photograph of the existing structure.

As noted above, the question of whether or not the existing structure constitutes a historic resource has been a subject of debate. Even if it is not considered as one of the historical or architecturally important structures in the City, by virtue of its age and modest dimensions it contributes to the small-scale character of the neighborhood.

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. All utilities are connected to the existing house on this site. There are adequate public services for the proposed new house. The proposed demolition will not open the way to new development that would be growth inducing or lead to compromise of an existing urban-rural boundary. Parking is adequate. Additionally, the

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proposed new house meets City requirements for maximum height, floor area, coverage, and yard setbacks.

Mitigation, through Relocation or Salvage: The structure proposed for demolition, through cottage-style architecture or historical attributes, or both, evokes the Carmel character. (See attached Exhibit 2 for illustration of the existing structure, and Exhibit 3 for site plan and elevations of the replacement structure.) The loss of the existing structure can be mitigated, in part, through relocation elsewhere within Carmel.

Suitable sites for relocation are relatively scarce within Carmel. While the supply of relocation-worthy structures is likely to substantially outpace the availability of receiver sites within City limits, such relocations from time to time are in fact accomplished in Carmel. A recent example is the Door House, which at its new location will serve as a guest unit. Even though its original specific context is changed, a certain level of mitigation is achieved because the relocated structure is retained within its overall community context.

The likelihood of a successful relocation can be improved by publicizing the availability of the structure that is proposed for demolition. And, in those instances where relocation is not feasible or no qualified recipients come forward, at least parts of the structure can nonetheless be salvaged and eventually incorporated in other structures in Carmel¹.

At present, there is no formal relocation or salvage program in Carmel. Informal and commercial channels are already available in the region (e.g., Carmel has at least one shop [Off the Wall] that specializes in salvaged architectural details, and Capitola has the Recycled Lumber Company). There is discussion of a regional program for the Monterey Peninsula area, which would facilitate not only the reuse of structures in Carmel but also support existing programs such as that already in place in the neighbor city of Pacific Grove.

Conclusion: Therefore, considering existing and future avenues for relocating or recycling older buildings, such measures appear appropriate and feasible. To the extent that salvaged materials will find their way back into new construction in Carmel, the requirement to prepare a relocation/salvage plan will provide a limited form of mitigation for impacts on Carmel's

¹ What if the permit is conditioned to require that the building be offered for relocation or salvage, but there are no takers for reuse within Carmel? The usual demolition expedient is destruction and removal to the nearest landfill. The Coastal Act contains no specific direction regarding structural relocation or salvage of existing buildings. Nonetheless, relocation and salvage would support other Statewide public policy efforts to provide affordable housing, conserve valuable materials, avoid placing unnecessary materials into the wastestream and minimize energy consumption. Therefore, while the purpose of such a condition would clearly be to protect Carmel's character, the public offering and thoughtful disposition of the structure would also serve the broader public interest-- whether or not relocation is achieved within Carmel in any given instance.

community character. Accordingly, relocation—or failing that, salvage—will provide for reasonable conformance with Coastal Act Sections 30251 and 30253(5), and will help to avoid prejudice to the City's efforts to prepare an LCP that conforms with Coastal Act policies. This permit is conditioned accordingly.

2. Potential for Prejudice to LCP Planning Efforts

Section 30604 of the Coastal Act states in part that a coastal development permit shall be granted if the Commission finds that the development will not prejudice the local government's ability to prepare a Local Coastal Program (LCP) in conformity with the applicable resource protection policies of the Coastal Act. More specifically, 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.

As previously described, the City is currently working on a new LUP submittal. A community planning process is now underway to determine, among other things, the basis for defining Carmel's community character and ways to protect and preserve this character consistent with the Coastal Act.

Each residential demolition results in a significant change to the character of the lot upon which it is situated. In some cases, an existing structure—because of virtues such as architectural style or historical associations—constitutes a significant component of the City's special character all by itself. More commonly, the structure only contributes to the overall impression on the visitor. Thus, the proposed project also affects community character on a cumulative basis. In other words, the effect of this particular demolition/rebuild must be evaluated within the context of the larger pattern of demolition and rebuild in Carmel.

Development trends: Over time, Carmel has been changing as its older housing and commercial stock makes way for new developments, usually larger in size and scale. As such, the period since 1990 can be examined to provide a meaningful sample for understanding the change issue in Carmel.

Since 1990, there have been 177 development proposals in Carmel. Of these, 145 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 13 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 has been fairly constant until 2000. However, in the year 2000 alone, the Commission has received 44 applications as of October. Of these 44 applications received in the year 2000, 33 involved some form of demolition, rebuilding and/or substantial alteration of residential structures; 17 of the 33 have already been approved this year and 16 remain pending. More applications are arriving—the current average is approximately 3 per month.

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 City limits. However, at the expected rate of approximately 3 demolition applications per month, the cumulative amount of overall change by the target submittal date for the Land Use Plan (April 2001), will be relatively limited. Accordingly, the cumulative adverse effect on community character will, for the short term, continue to be insignificant.

In the event the Commission receives more than the expected number of applications that it has been averaging most recently, the Commission can evaluate such a changed circumstance and revise its approach accordingly.

Summary: Reliance on the City's own forestry, design review and historical resource protection procedures, together with monitoring of the application rate trends by Commission staff and the relocation/salvage condition attached to this permit, will be adequate for addressing the mandate of Coastal Act Section 30253 to protect community character (at least for the limited time until the LCP is completed). Therefore, while the proposed demolition will result in a change of character, as conditioned for relocation or salvage such change is not substantial enough to undermine the efforts to complete a certifiable LCP within the timeframe projected by the City. Accordingly, approval of the proposed project will not prejudice the ability of the City to complete its LCP in accordance with Coastal Act requirements.

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)(i) 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 City found the project to be Categorical Exempt. 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 report has examined the relevant issues in connection with the environmental impacts of this proposal. The Commission finds that, for the reasons stated above, the proposed project as conditioned will not have any significant adverse effects on the environment within the meaning of CEQA.

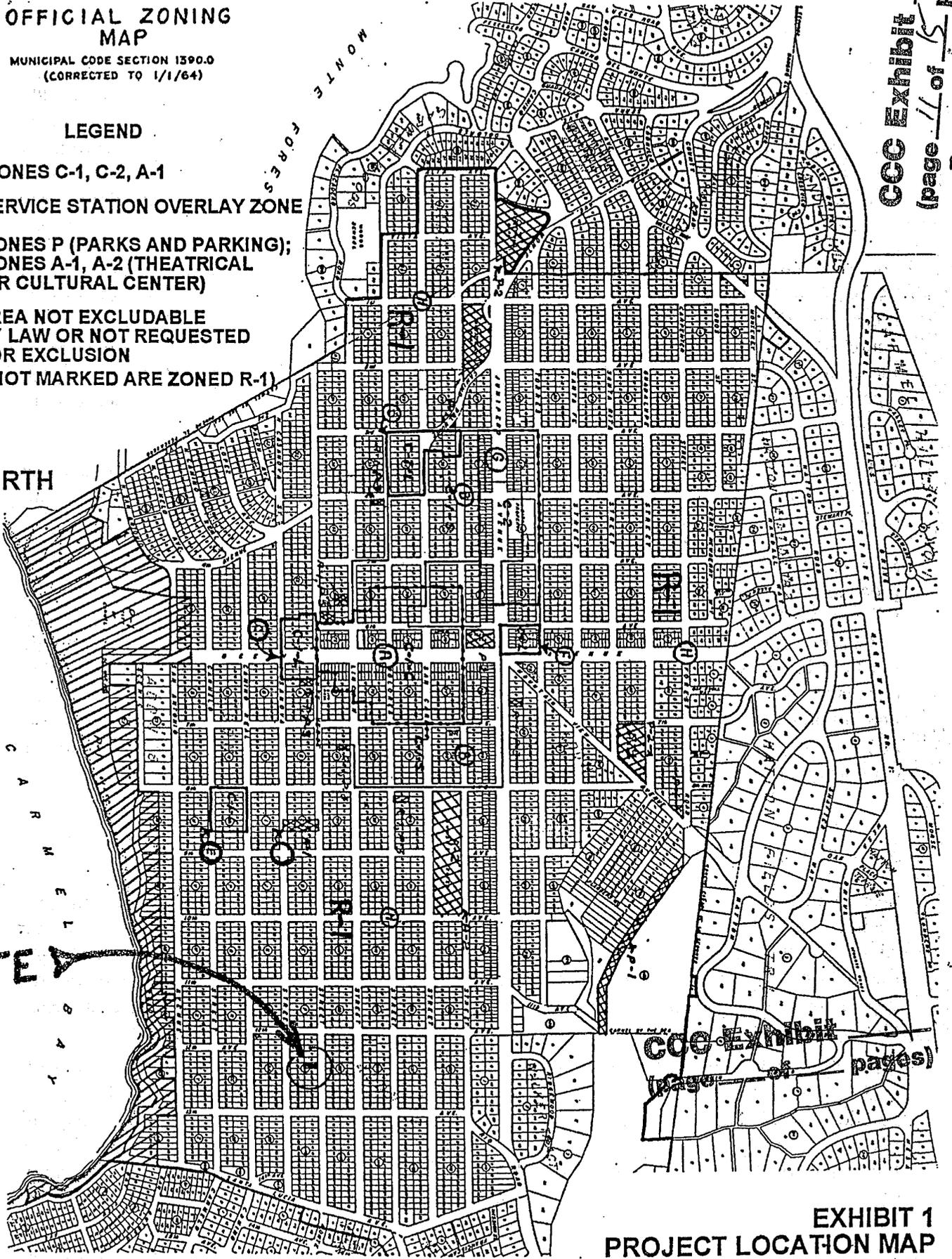
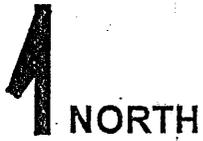
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CARMEL-BY-THE-SEA OFFICIAL ZONING MAP

MUNICIPAL CODE SECTION 1590.0
(CORRECTED TO 1/1/64)

LEGEND

-  ZONES C-1, C-2, A-1
 -  SERVICE STATION OVERLAY ZONE
 -  ZONES P (PARKS AND PARKING);
ZONES A-1, A-2 (THEATRICAL
OR CULTURAL CENTER)
 -  AREA NOT EXCLUDABLE
BY LAW OR NOT REQUESTED
FOR EXCLUSION
- (AREAS NOT MARKED ARE ZONED R-1)



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EXHIBIT 1
PROJECT LOCATION MAP
3-00-115 Dority

PRIMARY RECORD

Primary # _____

HRI # _____

Trinomial _____

NRHP Status Code _____

Other Listings _____

Review Code _____

Reviewer _____

Date _____

Page 1 of 4

*Resource Name or #: (Assigned by Recorder) APN: 010-175-006

P1. Other Identifier: Dority Property

*P2. Location: Not for Publication Unrestricted

*a. County Monterey

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad Monterey Date 1947 T: R: % of % of Sec: B.M.

c. Address West side of Monte Verde between 12th and 13th City Carmel-by-the-Sea Zip 93921

d. UTM: (Give more than one for large and/or linear resources) Zone: mE/ mN

e. Other Locational Data: (e.g. parcel #, directions to resource, elevation, etc., as appropriate)

Block 134, Lot 11

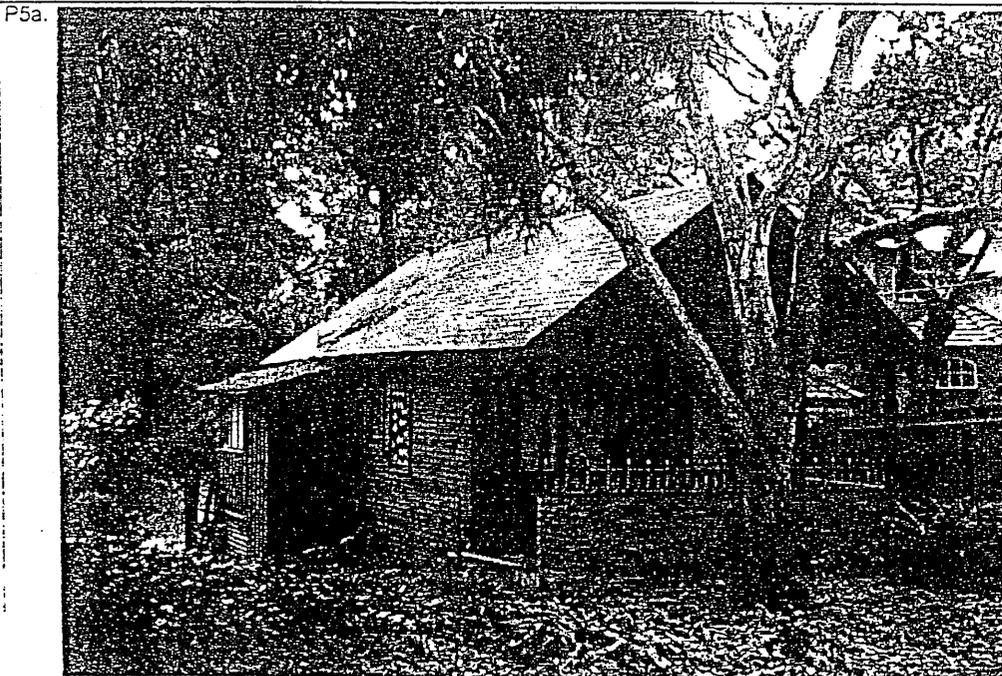
CCC Exhibit A (page 12 of 15 pages) 3-00-115-E

*P3a. Description (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The Dority house is located on the west side of Monte Verde Street south of 12th Avenue. This residential area of Carmel is south of the commercial downtown, with the terrain sloping southwest. The houses on the east side of this block have varied setbacks, often located to capture the highest point on the lot. Houses on the east side of the street typically are set further back and higher up on the lots while houses on the west side are often closer to the street, as the landscape here generally trends towards the coast. The Dority house is set near the front of the lot, as is typical for houses on the west side of the street, to take advantage of the highest point on the lot. The lot is undeveloped and has a single tree at the east front side, with brush and rubble at the west rear side. (See continuation sheet.)

*P3b. Resource Attributes: (List attributes and codes) HP2 Single Family Residence

*P4. Resources present: Building Structure Object Site District Element of District Other (isolates, etc.)



P5b. Description of Photo: (View, date, accession #) South side & east front elevations looking northwest: 11/20/99

*P6. Date Constructed/Age and Sources: Historic Prehistoric Both Constructed 1917 (Monterey County Deed)

*P7. Owner and Address: Kasey and Monique Dority 879 Alloe Street #C Monterey, CA 93940

*P8. Recorded by: (Name, affiliation, and address) Janice Calpo Jones & Stokes 2600 V Street Sacramento, CA 95818

*P9. Date Recorded: 11/20/99

*P10. Survey Type: (Describe) Site specific inventory and evaluation

*P11. Report Citation: (Cite survey report and other sources, or enter "none.") Jones & Stokes Associates, Inc. 1999. Evaluation report for the

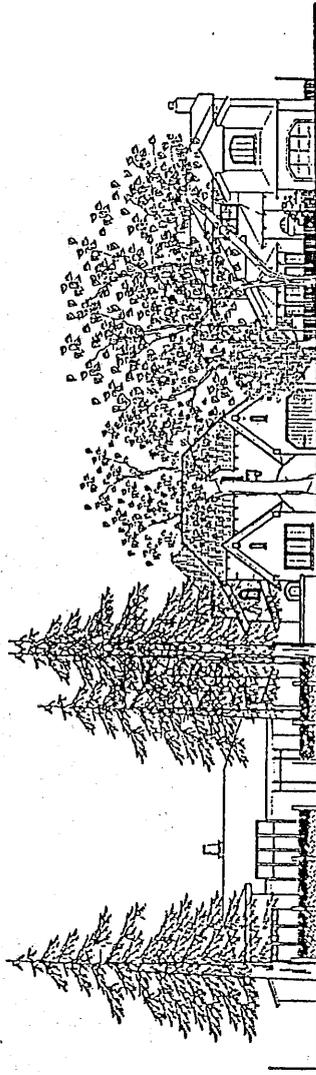
Dority Residence, Carmel-by-the-Sea, Monterey County, CA Prepared for City of Carmel-by-the-Sea, Community Planning and Building

*Attachments: NONE Location Map Sketch Map Continuation Sheet Building, Structure, and Object Record

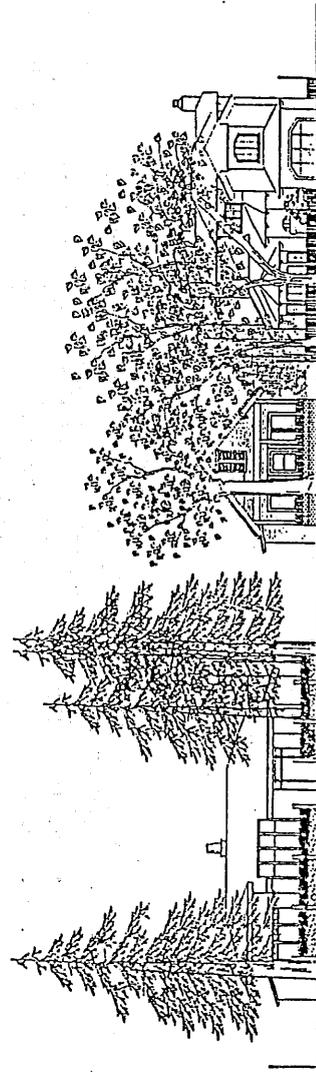
Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record Artifact Record Photograph Record Other (List):

DPR 523A (1/95)

*Required Information



Proposed Monte Verde st. Elevations



Existing Monte Verde st. Elevations

STREETSCAPE
SCALE: 1/8" = 1'-0"

10-7-99
 9920
 7
 DORRITY RESIDENCE
 5 S/W OF 12TH ON MONTE VERDE ST.
 CARMEL BY THE SEA, CALIFORNIA
 MAURITZAGO
 MAURITZAGO &
 BULLYAN
 ARCHITECTS
 1000 S. GARDEN STREET, SUITE 100
 SAN ANTONIO, TEXAS 78205

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STREETSCAPE - PROPOSED vs. EXISTING

3-00-115 DORITY

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EXHIBIT 3