

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
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Filed:	10/16/01
49th day:	12/04/01
180 <sup>th</sup> day:	04/14/02
Staff:	MJW
Staff report:	10/25/01
Hearing date:	11/14/01

**COASTAL DEVELOPMENT PERMIT APPLICATION**

**Application number** ..... 3-01-077 Bertuccio

**Applicant** ..... Tina Bertuccio

**Project location** ..... East side of Scenic Road between 8<sup>th</sup> and 9<sup>th</sup> Avenues, Carmel, Monterey County (APN 010-301-009) (See Exhibit A)

**Project description** ..... Remodel and addition to an existing single family residence including demolishing the existing garage and construction of a new subterranean garage. (See Exhibit B)

**Local approval** ..... City of Carmel-by-the-Sea: DS 00-64 / UP 01-3.

**File documents** ..... City of Carmel-By-The-Sea uncertified Land Use Plan and Zoning Ordinance; City of Carmel Community Building and Planning Department Staff Report (04/11/01);

**Staff recommendation**... Approve

**Summary:** The Applicant proposes to remodel an existing single family residence (approximately 2,236 square feet) which includes demolishing the existing garage and constructing a subterranean garage, a family room, bedroom, and bathroom in its place on a 12,266 square foot lot in the City of Carmel-by-the-Sea. The proposal consists of a 1,225 square foot addition to the existing residence.

The proposed one-story addition is approximately 13' in height, well below the 18' allowable maximum. The architectural style and exterior materials are proposed to match the materials of the existing house. Scale and mass of the home and proposed addition is comparable with that of the general character of other structures along Scenic Road with oversized lots. The City of Carmel Planning Department has worked closely with the applicant to reduce the scale, mass, and bulk of the site design. Though the addition is more than 10% of the existing structure, the combination of site coverage, location, configuration, and architectural detail preserves the existing street ambience.

The project does not impact visual resources, community character, or coastal access, nor will it prejudice the completion of an LCP consistent with the Coastal Act. Therefore, the project is consistent with the policies of Chapter 3 of the Coastal Act.



**California Coastal Commission**

**November 14, 2001 Meeting in Los Angeles**

Staff: Mike Watson Approved by: C.F.Z. 10/25/01

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## I. Staff Recommendation on CDP Application

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard conditions below.

**Motion.** I move that the Commission approve Coastal Development Permit Number 3-01-077 pursuant to the staff recommendation.

**Staff Recommendation of Approval.** Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**Resolution to Approve a Coastal Development Permit.** The Commission hereby approves the coastal development permit on the ground that the development as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the coastal development permit complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.



## II. Conditions of Approval

### A. Standard Conditions

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

## III. Recommended Findings and Declarations

The Commission finds and declares as follows:

### A. Standard of Review

The City of Carmel-by-the-Sea is located entirely within the coastal zone but does not yet have a certified LCP. The Commission approved a Land Use Plan (LUP) and an Implementation Plan (IP) at different times in the early 1980s, but the City did not accept the Commission's suggested modifications. Thus, both the LUP and the IP remain uncertified. Until the Commission has certified the entire LCP submittal, the Commission retains coastal permitting authority over development within the City, for which the standard of review is the Coastal Act of 1976.

The Commission has authorized a broad-ranging categorical exclusion within the City of Carmel (Categorical Exclusion E-77-13) that excludes from coastal permitting requirements most types of development not located along the beach and beach frontage of the City. Part of the proposed



development, however, is not excluded under Categorical Exclusion E-77-13 because it is located within a non-excluded area along Scenic Road.

## **B. Project Location and Description**

The Applicant proposes to remodel an existing single family residence (approximately 2,236 square feet) which includes demolishing the existing garage and constructing a subterranean garage, a family room, bedroom, and bathroom in its place on a 12,266 square foot lot in the City of Carmel-by-the-Sea. The proposal consists of a 1,225 square foot addition to the existing residence.

The total site coverage under the existing configuration is 4,718 square feet, consisting of the existing structure at 2,237 square feet and the non-permeable and semi-permeable land coverage (walkways, patio's, etc) of 2,481 square feet. The total square footage of the remodeled structure will be 3,492 square feet (Exhibit C) and non-permeable and semi-permeable land coverage under this proposal would be 1,226 square feet. The combined total site coverage is 4,718 square feet, exactly the same as the current configuration. Furthermore, the proposed addition is sited on the southeast portion of the lot on virtually the same location as the existing garage. Expansion of the house does not require the removal of any trees, nevertheless, the City of Carmel Forest and Beach Commission has conditioned its permit to require two lower canopy trees, to provide additional screening.

According to the City staff report, the existing home and the garage slated for demolition were constructed in 1952 and do not qualify for historical designation under either the California Register of Historical Resources (CRHR) or the City's criteria as a historic resource.

## **C. Issue Discussion**

### **1. Community Character**

While residential development in most of Carmel is excluded from the requirement for a coastal development permit by virtue of Commission Categorical Exclusion E-77-13, demolitions and development along Scenic Road are not excluded. Because the City of Carmel does not have a certified LCP, the Coastal Commission must issue the coastal development permit. The main issue raised by demolition and remodel projects in Carmel is the preservation of community character. Sections 30253 and 30251 of the Coastal Act address the issue of preserving the community character of special communities such as Carmel:

*30253(5): New development shall where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

*30251: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land*



*forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality on visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Demolition of existing residential buildings in Carmel is not a recent phenomenon. However, a series of demolitions in the recent past have engendered controversy over whether or not an existing house represents the historical, architectural, and environmental character of Carmel; and if a replacement house detracts from Carmel's character because of a modern design, tree removal, proposed house size, or other characteristics. There are a number of examples where a house or houses were demolished and a single, much larger house constructed on the site. In other instances, a single house straddling a lot line has been demolished and two new, smaller houses were constructed. In either of these types of instances, the character of Carmel may or may not be preserved. The size of a house is one aspect of Carmel's character, but not all existing houses in Carmel are small. However, because the lots are almost all relatively small, about 4000 square feet, the general pattern of development is one of smaller houses.

The architectural style of houses in Carmel is another aspect of the City's character. Many of the houses were built in the first quarter of the century in the Craftsman style; others resemble houses that might be found in an English village. Modern style houses, while they do exist, are not prevalent in Carmel.

A third aspect of Carmel's character is the pine and oak dominated landscape. Although the forest landscape is not all natural – there has been enhancement over the years by tree planting – it pervades the City and is a defining characteristic of Carmel. Demolition can result in tree damage and/or removal. New construction after demolition also may result in the loss of trees, especially if a new structure is built out to the maximum allowed by the zoning.

Carmel is also a very popular visitor destination as much for the style, scale, and rich history of its residential, commercial, and civic architecture, as for its renowned shopping area, forest canopy and white sand beach. The City is considered a "special community" under the Coastal Act due to its unique architectural and visual character. It is often stated that Carmel, along with such other special coastal communities as the town of Mendocino, is one of the special communities for which Coastal Act Section 30253(5) was written. Indeed, Carmel has been, and remains today, a spectacular coastal resource known the world over as an outstanding visitor destination as much for the character of its storied architecture, as for its renowned shopping area and white sand beach. In part, Carmel is made special by the character of development within City limits as various architectural styles present reflect the historical influences that have existed over time.

### **Analysis: Remodel of Existing House.**

According to the City of Carmel, the existing structure was constructed in 1952. The c. 1952 structure is not listed on any state roster of historical or architecturally important structures in the City. While it is not uncommon for a City to consider buildings 50 years or older to generally have historic character (the existing structure is only 49 years old), there is no evidence of any historic or cultural significance



associated with this house or with anyone involved in its construction or who lived there. Furthermore, the primary existing structure is merely slated for an addition, the garage is being demolished to accommodate the addition to the structure.

The proposed remodel is a single-story addition and subterranean garage on the southeast portion of the lot in virtually the same location as the existing garage. See Exhibit D. Though the addition represents a 50% increase in square footage as compared to the existing house, the architectural style and exterior materials are proposed to match the materials of the existing house. Furthermore, scale and mass of the home and proposed addition is comparable with that of the general character of other structures along Scenic Road. The addition extends back and slightly above the existing garage into the backyard and preserves the front yard setback along Scenic Road. The rear setback is reduced, but this is not noticeable from Scenic Road. Four mature Cypress trees at the rear of the site provide screening of the addition from the public walkway immediately adjacent to the south. The overall height of the single-story addition is approximately 13', well below the 18' allowable maximum. As viewed from Scenic Road, the addition gradually steps up to the south and east of the existing structure softening the increase in height associated with the addition. Thus, the combination of site coverage, location, configuration, and architectural detail does not significantly change the current ambient quality of the site and the overall character along Scenic Road. See Exhibit E.

The subject parcel is located within the city limits of the City of Carmel. The parcel is currently developed with a single family dwelling. Parcels in the vicinity of the subject parcel are developed with single family dwellings at urban densities. All utilities are connected to the existing house on this site. There are adequate public services for the proposed new house. Parking is adequate. Additionally, the proposed new addition meets City requirements for maximum height, floor area, coverage, and yard setbacks.

The proposed addition will not adversely affect the unique characteristics that make Carmel a special community. Neither the demolition nor the new construction would adversely or significantly affect any public view. The area is developed at urban densities and with urban services in an area able to accommodate the replacement of the existing house with a new one. Therefore, the demolition of the existing structure and the construction of the new structure are consistent with Coastal Act Sections 30251 and 30253(5).

## **2. Local Coastal Programs**

The Commission can take no action that would prejudice the options available to the City in preparing a Local Coastal Program that conforms to the provisions of Chapter 3 of the Coastal Act (Section 30604 of the Coastal Act). As described previously, the City is currently working on a new LCP submittal (both LUP and IP), funded in part by an LCP completion grant awarded by the Commission. The City has made progress on the LCP submittal and has indicated that they expect the Land Use Plan and Implementation Plan to be submitted for Commission review in December 2001.



The Coastal Act provides specific guidance for issuance of coastal development permits in cases where the local jurisdiction does not have a certified LCP. Section 30604(a) of the Coastal Act states:

*Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200).*

A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for that conclusion. The City is currently in the middle of a community planning process to determine, among other things, the basis for defining Carmel's community character and ways to protect and preserve said character consistent with the Coastal Act. Until that time, Commission staff has been given guidance to use their best professional judgement to assess the individual and cumulative effect that projects such as this will have on the community character of Carmel.

As described previously, to implement community character protection requirements of the Coastal Act, the commission evaluates projects and measures a project's impact on coastal resources across a number of variables. These changes are also evaluated in the overall context of changes in community character. Because the more specific features that define Carmel's character, as well as their significance, has yet to be decided, it is important to focus on measures of significant change to community character so that the completion of an LCP consistent with the Coastal Act is not prejudiced. One such criterion is whether the development will result in more than a 10% increase in the gross square footage, height, or footprint (i.e., size, scale, bulk, etc). Other measures of change in community character, though, include changes in architectural style, demolition of notable or historic buildings, the removal of significant vegetation or trees, any development that facilitates an increase in residential density, etc. Each of these factors must be evaluated separately and together as a whole. As discussed above, the proposed addition is greater than a 10% increase in square footage. However, the proposed project also does not involve demolition of a structure of any historical or architectural significance and the architectural style of the proposed remodel is compatible with the primary structure. No trees will be removed and the project will not affect residential density. Furthermore, the addition preserves the current ambient quality of the site and the overall character along Scenic Road. Thus, in the larger context of community character, even though the proposed final structure will be greater than 50% than the existing, the proposed addition and remodel will not significantly change the community character of the area.

Additionally, the proposed project will not otherwise impact public access or view opportunities available along the coast on Scenic Road. Therefore, the Commission finds that the proposed project is consistent with Coastal Act Policy 30604(a) in that approval of the project has been found consistent



with the Chapter 3 policies of the Coastal Act and will not prejudice development of the LCP in conformance with Chapter 3 policies of the Coastal Act.

### **3. California Environmental Quality Act (CEQA)**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The findings, incorporated by reference herein have discussed the relevant coastal resource issues with the proposal. Accordingly, the project is being approved without special conditions or the need to implement mitigating actions required of the Applicant by the Commission. All public comments received relevant to this application have been addressed either in these findings or in other correspondence. As such, the Commission finds that the proposed project will not have any significant adverse effects on the environment within the meaning of CEQA.







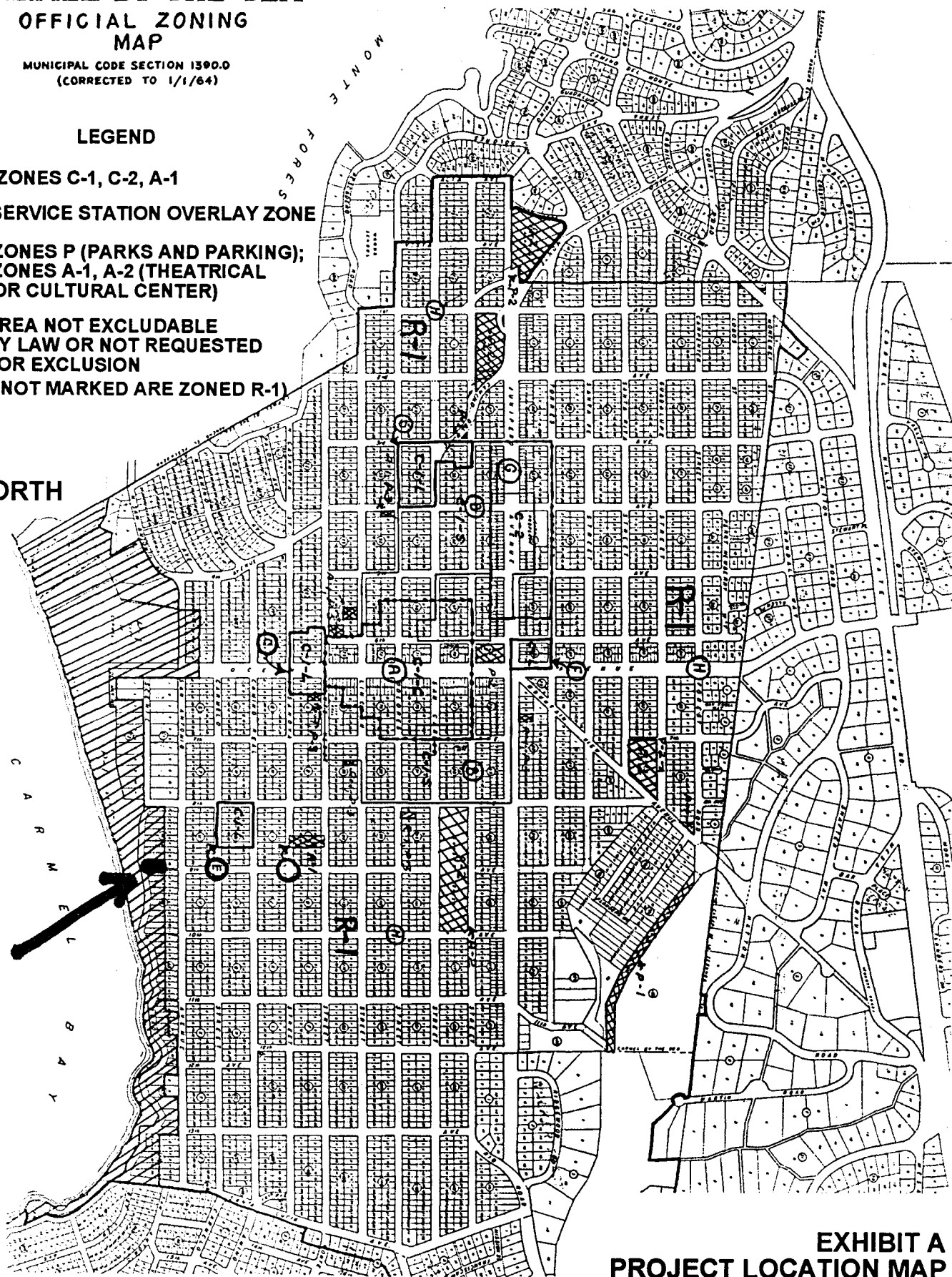


# CARMEL-BY-THE-SEA OFFICIAL ZONING MAP

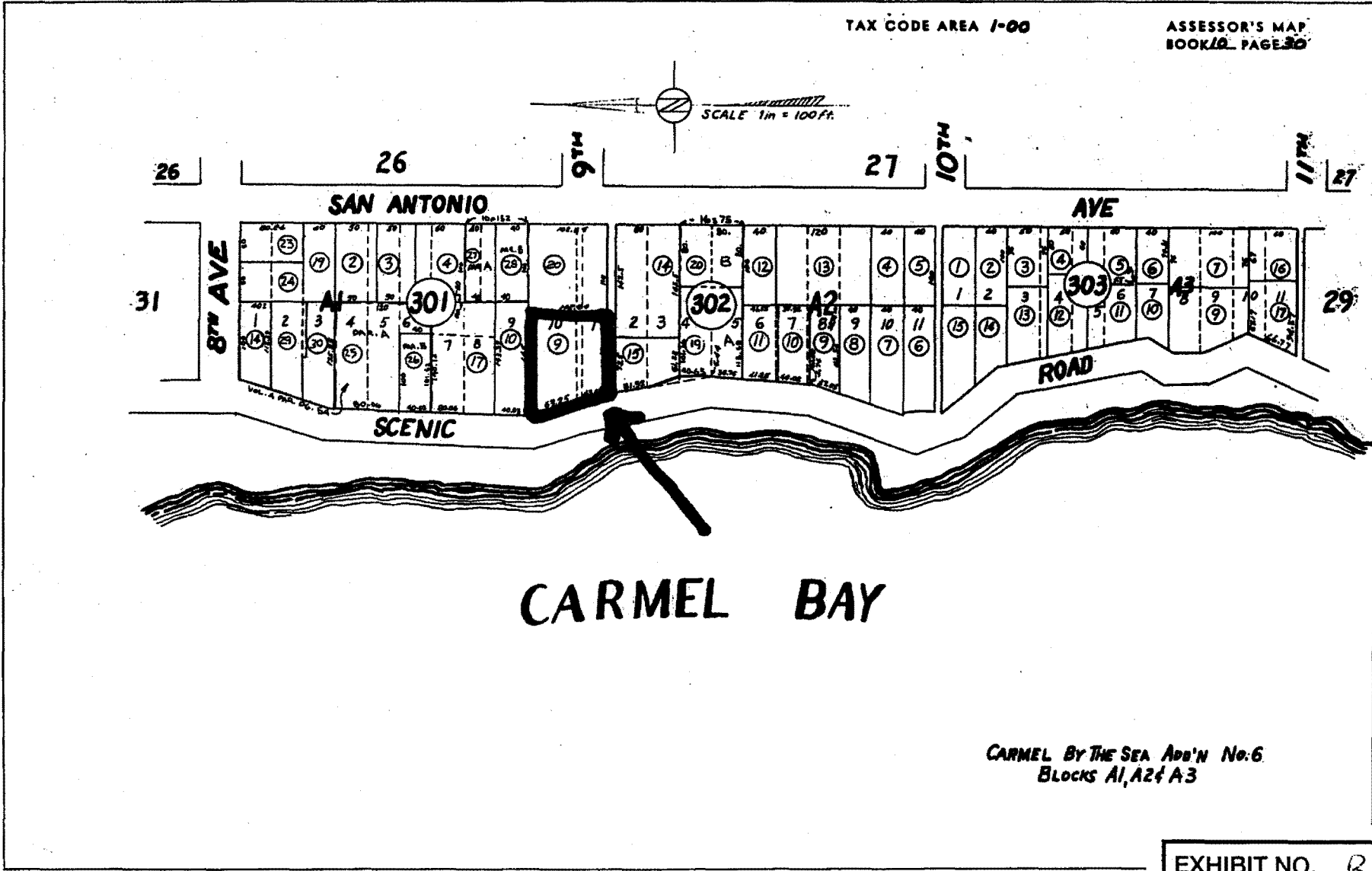
MUNICIPAL CODE SECTION 1300.0  
(CORRECTED TO 1/1/64)

## 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)



**EXHIBIT A  
PROJECT LOCATION MAP**



# BERTUCCIO RESIDENCE

## REMODEL

### PROJECT INFORMATION

A.P.N. • 010-301-004  
 LOT SIZE • 12,266.0 S.F.  
 ZONING • R-1  
 ADDRESS • LOT 4 BLK. 21  
 EAST SIDE OF SCENIC  
 BETWEEN 8TH & 9TH  
 CARMEL-BY-THE-SEA CA. 93921

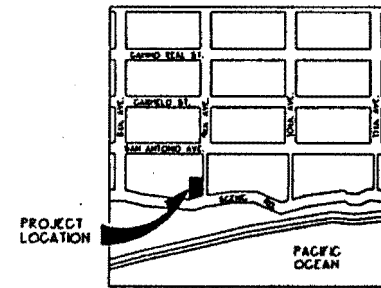
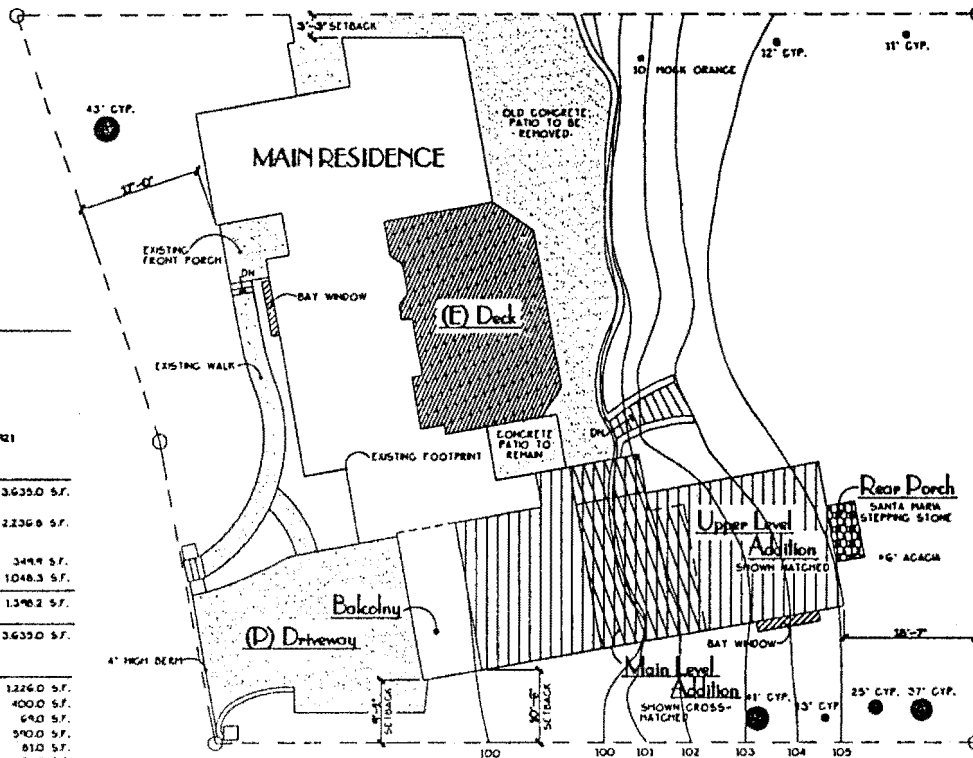
### FLOOR AREA RATIO

F.A.R. ALLOWED	2462	3,635.0 S.F.
EXISTING RESIDENCE		2,236.0 S.F.
PROPOSED ADDITION		349.9 S.F.
UPPER LEVEL		1,048.3 S.F.
TOTAL	11.32	1,398.2 S.F.
TOTAL PROPOSED F.A.R.	2462	3,635.0 S.F.

### LAND COVERAGE

LAND COVERAGE ALLOWED	1,226.0 S.F.
(P) DRIVEWAY	400.0 S.F.
(E) FRONT WALK	69.0 S.F.
(E) DECK	590.0 S.F.
(E) PATIO TO REMAIN	81.0 S.F.
(E) FRONT PORCH	94.0 S.F.
PRO. REAR PORCH	31.0 S.F.
TOTAL PRO. LAND COVERAGE	1,225.0 S.F.

• OLD CONCRETE PATIO TO BE REMOVED 710.9 S.F.



### SHEET SCHEDULE

1. Site Plan
2. Existing Floor Plan
3. Proposed Floor Plans
4. Existing Elevations
5. Proposed Elevations
6. Proposed Elevations
7. Existing Roof Plan
8. Proposed Roof Plan
9. Streetscape Plan
10. Landscape Plan

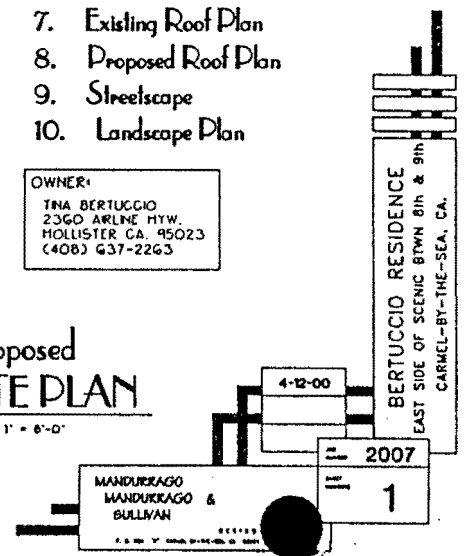
OWNER:  
 TINA BERTUCCIO  
 2360 ARLINE HWY.  
 HOLLISTER CA. 95023  
 (408) 637-2263

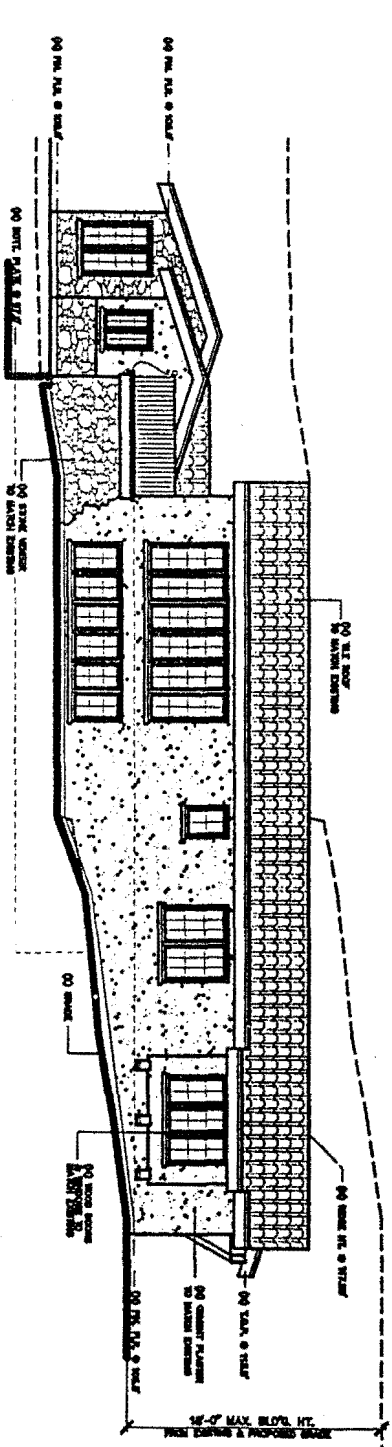
EXHIBIT NO. C
APPLICATION NO. 3-01-077
Site Plan
California Coastal Commission



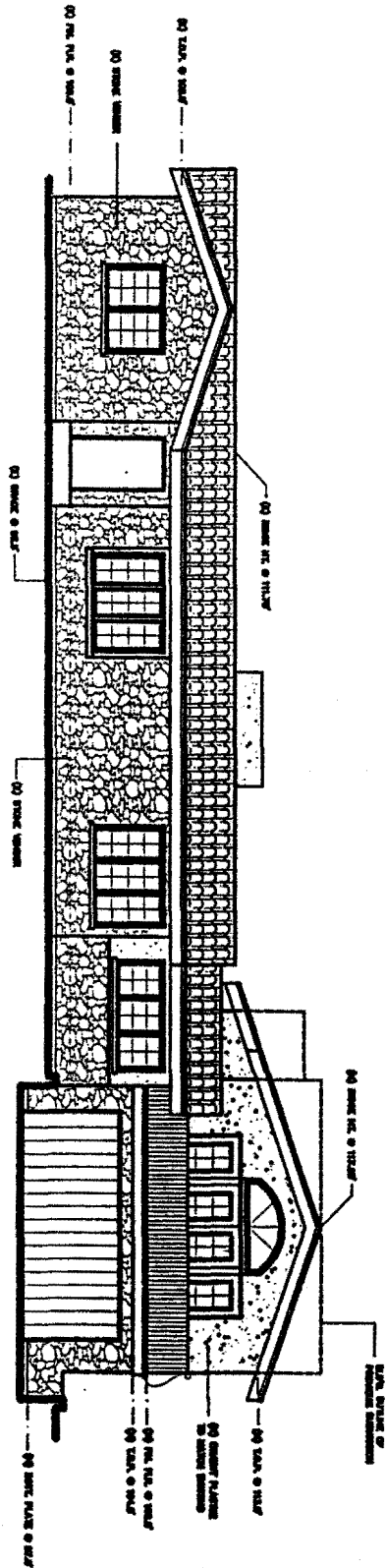
Proposed  
**SITE PLAN**

SCALE 1" = 6'-0"





South Elevation



ELEVATIONS  
SCALE 1/8" = 1'-0"

EXHIBIT NO. D

APPLICATION NO. 3-01-077

Elevations

California Coastal Commission

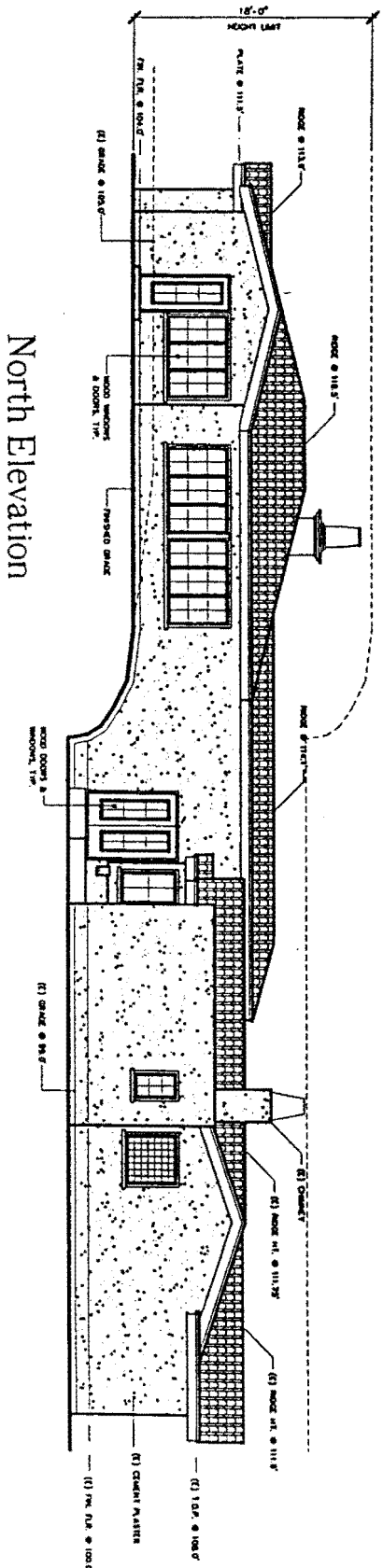
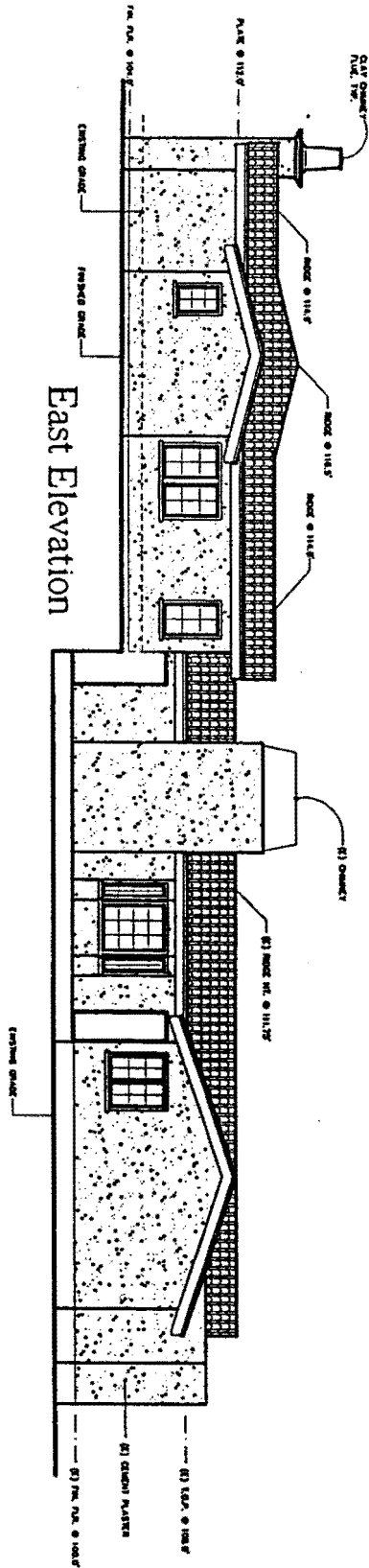
BERTUCCIO RESIDENCE  
EAST SIDE OF SCENIC BTWN 8th & 9th  
CARMEL-BY-THE-SEA, CA.

2007

5

3-24-00

MANUELA  
MARTINELLI &  
SERGIO SERRES  
ARCHITECTS



**ELEVATIONS**

SCALE 1/8" = 1'-0"

EXHIBIT NO. <b>D</b>
APPLICATION NO. <b>3-01-077</b>
<i>Elevations</i>
<i>Page 2</i>
California State Board of Equalization

**BERTUCCIO RESIDENCE**  
 EAST SIDE OF SCENIC BTWN 8th & 9th  
 CARMEL-BY-THE-SEA, CA

2007

1-18-01

LANZETTA  
 BERTUCCIO &  
 BILLYM



Photo 1. View of existing Bertuccio home along Scenic Rd. Photo shows the north wing of the structure.



Photo 2. Continuing view of Bertuccio residence as seen from Scenic Road. This is the south wing of the structure.

Exhibit E  
Site Photographs  
3-01-077  
Bertuccio Addition