

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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Filed:	10/16/01
49th day:	12/04/01
180 th day:	04/14/02
Staff:	MJW
Staff report:	10/31/01
Hearing date:	11/14/01

COASTAL DEVELOPMENT PERMIT APPLICATION

Application number 3-01-081 Winterbotham

Applicant James Winterbotham

Project location Lincoln Street, West-side 3rd house south of 11th Avenue, Carmel, Monterey County (APN 010-183-003) (See Exhibit A)

Project description Remodel and addition to an existing single family residence including construction of a new 1-car garage. (See Exhibit B)

Local approval City of Carmel-by-the-Sea: DS 01-31 / VA 01-04.

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 (08/08/01);

Staff recommendation ... Approve

Summary: The Applicant proposes to remodel an existing single family residence (approximately 967 square feet) which includes demolishing 40 square feet of kitchen area and a 45 square foot deck and construct a two-story addition with two bedrooms, one bathroom and a deck downstairs and a master bedroom, bathroom and deck upstairs on a 4,000 square foot lot in the City of Carmel-by-the-Sea. The applicant also proposes to construct a 220 sq. ft. attached garage. The proposal consists of an 816 square foot addition to the existing residence.

The proposed two-story addition is approximately 18' in height, right at the 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 in the neighborhood. The combination of site coverage, location, configuration, and architectural detail preserves much of 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 Valencia

Staff: Mike Watson Approved by: *M.W.* 11/31/01

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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 3-01-081 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 involves demolition and a variance to the front yard setback.

B. Project Location and Description

The Applicant proposes to remodel an existing single family residence (approximately 967 sq.ft.) which includes demolishing 40 square feet of kitchen and a 45 square foot deck and constructing a two-story addition with two bedrooms, one bathroom and a deck downstairs and a master bedroom, bathroom and deck upstairs. The development also includes the construction of a 220 square foot attached garage on a 4,000 square foot lot in the City of Carmel-by-the-Sea. The proposal consists of an 816 square foot addition to the existing residence.

The total site coverage under the existing configuration is 1,597 square feet, consisting of the existing structure (967 square feet) and the non-permeable and semi-permeable (walkways, patio's, etc) land coverage (630 square feet). The total site coverage for the proposed project is 1,801 square feet, or approximately 200 square feet more than the existing configuration.¹ (See Exhibit C) The proposed addition and the proposed new garage also are sited on virtually the same footprint as the existing structure and parking pad respectively. The site contains a number of significant pine and oak trees including a 44" Monterey pine and several oaks ranging from 13" to 18" in diameter. Expansion of the house does not require the removal of any trees.

According to a historical inspection report performed by Kent Seavey, the existing home does not qualify for historical designation under either the California Register of Historical Resources (CRHR) or the City's criteria for architectural significance. Mr. Seavey is a noted historian and preservationist that has been hired by the City of Carmel to canvass and evaluate the structures within the village and compile a list of historical resources. He was hired by the architect working with the applicant to evaluate the affected house. He found that the exterior wall cladding of the building had been modified during repairs made in the early 1960's. Mr. Seavey also noted that a brick chimney was added during that same time. He stated that as currently constructed, the windows and perhaps the front door are the only original exterior finishes remaining. He states that the structure may, because of its form, scale and massing, contribute to the appearance of a proposed Carmel historic district, but not as an 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 new construction that require variances are not excluded. Because the City of Carmel does not have a

¹ This includes total square footage of the remodeled structure 1,405 square feet and 396 square feet of non-permeable and semi-permeable land coverage.



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 Kent Seavey, a noted historian and developer of the City of Carmel's historical resources survey, the existing structure is not listed on any state roster of historical or architecturally important structures in the City. Due to relatively recent (1961) changes to the exterior wall cladding, the cottage does not retain enough integrity of original historic building fabric to qualify for listing on any state or local register under architecture. While it is not uncommon for a City to consider buildings 50 years or older to generally have historic character, 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. In addition, the primary existing structure is not slated for demolition, only part of the kitchen and decking to accommodate the addition to the structure.

The proposed remodel of the structure will include an 816 square foot addition to the existing 967 square foot cottage. The total site coverage under the existing configuration is 1,597 square feet, consisting of the existing structure (967 square feet) and the non-permeable and semi-permeable (under-story of the house, sidewalk, and deck) land coverage (630 square feet). The total site coverage for the proposed project is 1,801 square feet, just 200 square feet more than the existing configuration. (See Exhibit C) Thus, even though the proposal nearly doubles the square footage of the house, site coverage increases by only 12%. The design of the structure integrates the slope of the lot, unused space beneath the existing house and deck, and a second-story addition to attain the extra square footage. The site also contains a number of significant pine and oak trees including a 44" Monterey pine and several oaks ranging from 13" to 18" in diameter. Expansion of the house does not require the removal of any trees.

The proposed remodel is for a two-story addition and new garage on virtually the same location / footprint as the existing structure and parking pad respectively. See Exhibit D. The architectural style and exterior materials are proposed to match the materials of the existing house. Scale and mass of the home with the proposed addition is comparable to that of other structures along in the neighborhood. The two-story addition is approximately 18' in height, right at the allowable maximum. The proposed addition to the back of the house introduces gables but does not increase the residence's existing ridge and plate elevations. Overall, the combination of site coverage, location, design, configuration, and architectural detail does not significantly change the current ambient quality of the site and the overall character and street ambience. See Exhibit E.

A variance was granted to allow for the construction of a garage in the front yard setback. Currently the



property has a parking pad. The front property lines of most properties along this block of Lincoln Street are located approximately 20 feet from the pavement. However, other properties on the same block have garages that encroach into the front setback. Thus, placement of the garage as proposed would be consistent with the character of the surrounding neighborhood and not constitute a grant of special privilege.

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, and coverage.

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 public access or any significant public view. No trees are slated for removal. 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, footprint, or site coverage (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 rebuild nearly doubles the square footage of the house. However, the total site coverage is merely 12% larger than currently existing on-site. The design of the structure makes good use of the slope of the lot, unused space beneath the existing house and deck, and a second-story addition to attain the extra square footage. The proposed design and configuration place the rebuild on the existing foundation in the same footprint. The project does not involve demolition of a structure of any historical or architectural significance. Architectural style and use of materials in the proposed rebuild is compatible with the existing structure and the architectural styles noted elsewhere in the City. No trees will be removed and the project will not affect residential density. The proposed project preserves the current ambient quality of the site and the overall character along Lincoln Avenue. Thus, in the larger context of community character, the proposed demolition and rebuild will not significantly change the community character of the area.

Additionally, the proposed project will not otherwise impact public access or view opportunities available to and along 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.

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.

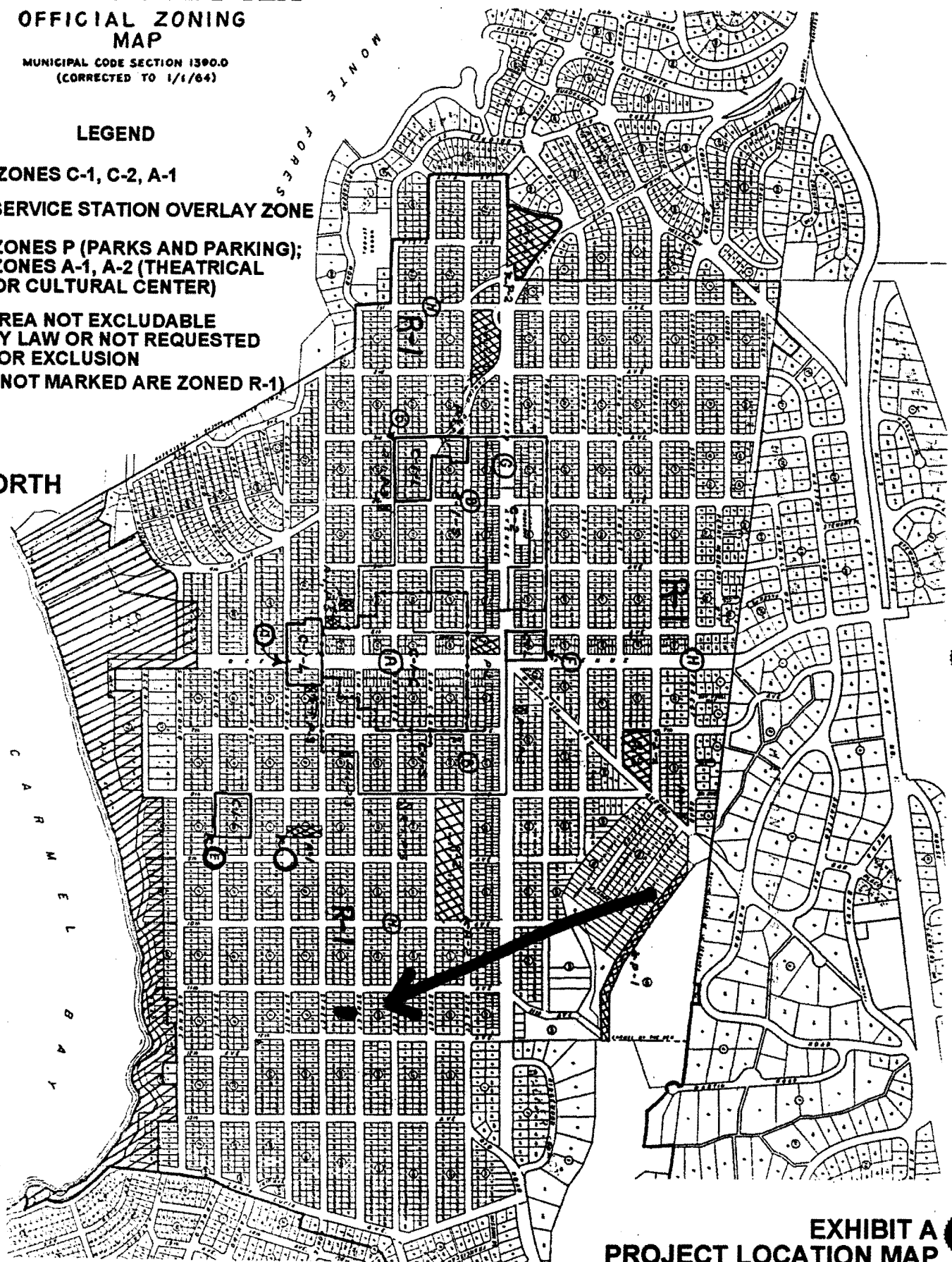


CARMEL-BY-THE-SEA OFFICIAL ZONING MAP

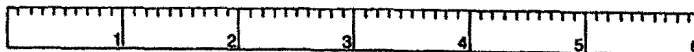
MUNICIPAL CODE SECTION 1390.0
(CORRECTED TO 1/1/64)

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**



SCALE IN 1/10 OF AN INCH

TAX CODE AREA

ASSESSOR'S MAP
BOOK 10 PAGE 18

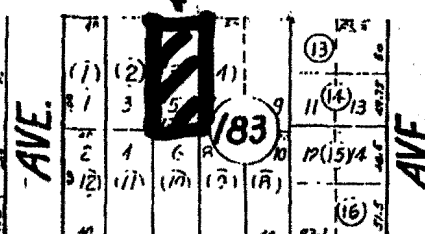
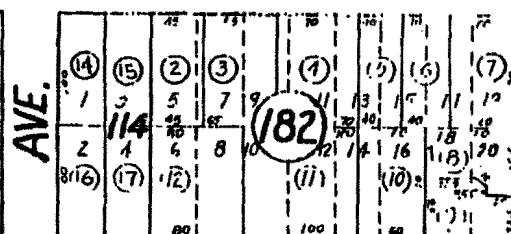
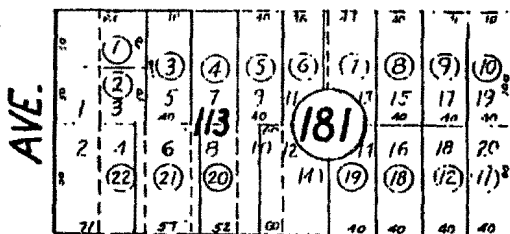
MAP SUBJECT

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15

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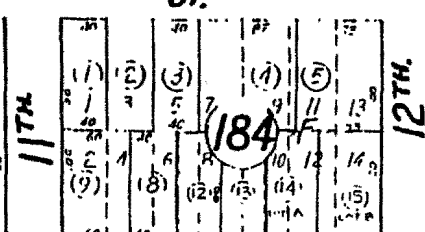
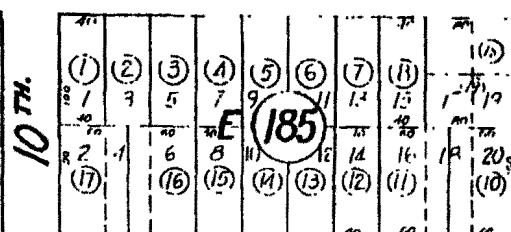
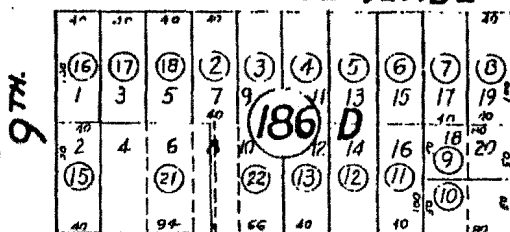
LINCOLN



17

MONTE VERDE

19



28

CASANOVA

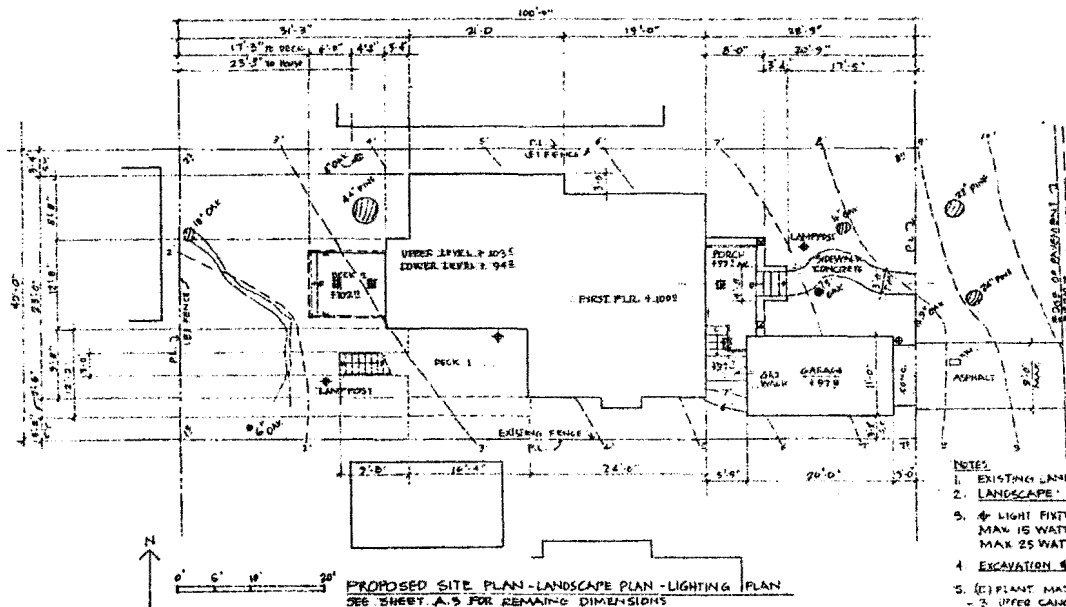
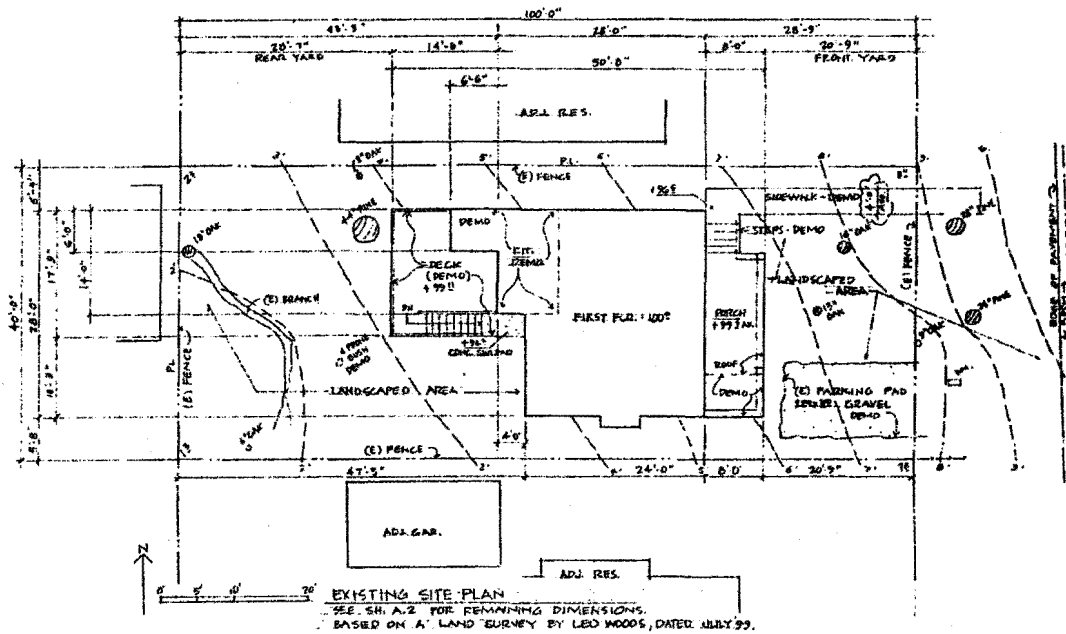
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27

CARMEL BY THE SEA
BLOCKS 113, 114 & 133
CARMEL BY THE SEA ADD'N. 1
BLOCKS D, E & F

4-4-84

EXHIBIT NO.	B
APPLICATION NO.	3-01-081
Parcel Map	
California State Commission	



- NOTES
- EXISTING LANDSCAPING TO BE MAINTAINED.
 - LANDSCAPE DRIP IRRIGATION SYSTEM - TIMED.
 - LIGHT FIXTURE MAX 15 WATT IN GARDEN MAX 25 WATT ON HOUSE.
 - EXCAVATION & FILL - NONE.
 - (C) PLANT MATERIALS INCLUDE:
 - 3 UFFER CANOPY TREES.
 - 6 LOWER CANOPY TREES.
 - NATURAL GRASSES.

AREA TABLE		
	EXISTING	PROPOSED
SITE AREA *	4000 SF	4000 SF
FIRST FLR. AREA W/ GARAGE, W/ UPPER FLOOR AREA.	967 SF (NO PORCH)	1405 SF W/ PORCH
LOWER FLOOR LEVEL	- 0 -	578 SF
TOTAL FLOOR AREA:	967 SF	1783 SF
*NOTE: EXISTING DOES NOT INCL. GRAVEL PARKING PAD (3095 SF).		
NONLANDSCAPABLE AREA (LAND COVERAGE)		
DRIVEWAY	-	24 SF
WALK	115 SF	54
STEPS	25	10
GARAGE WALK (STEPS W/ PAD)	-	20
DECK (C) W/ CONC. LNR. PAD	233	-
DECK 1	-	199
DECK 1 STAIRWAY	-	27
DECK 2	-	54 (6" x 4")
PORCH - UNCOVERED	48	-
	481 SF	376 SF

EXHIBIT NO. C

APPLICATION NO. 3-01-081

Site Map

California Coastal Commission

Winterbotham Residence Remodel

Lincoln Street
3 SW of 11th Avenue
Carmel-by-the-Sea

Roger Boyer
AIA
Architect
Tiburon, California

DATE: JUNE 28, 2001
DPL: JULY 5, 2001
REV: JULY 22, 2001

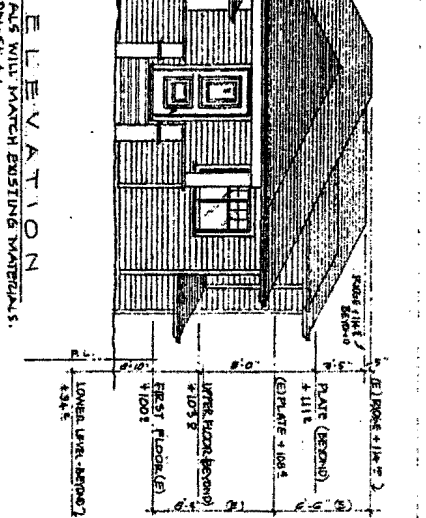
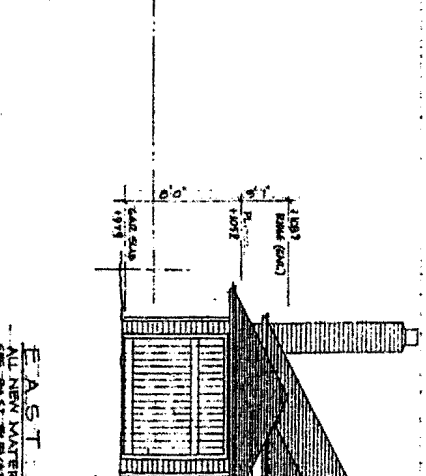
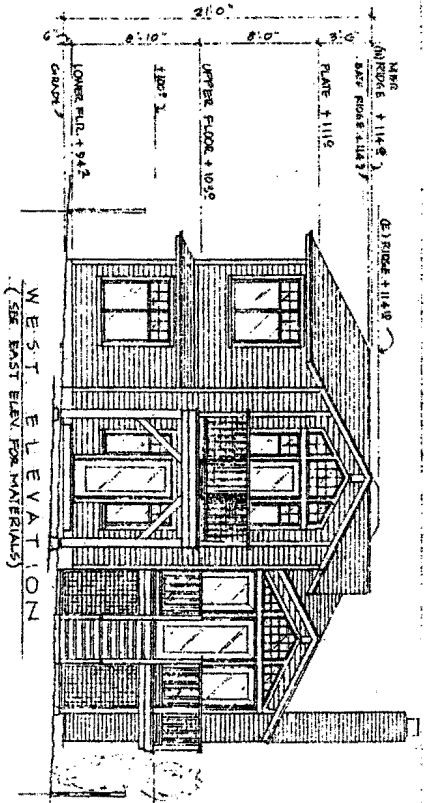
Project Information

Project Location:
Lincoln Street
3 SW of 11th
Carmel-by-the-Sea
Block 133, Lot 5
APN 010-183-040

Applicant/Owner:
Jim Winterbotham
Lincoln & 11, 35W
P.O. Box 4498
Carmel, CA 93921
Tel. 831-424-8046
Fax 831-424-4729

Architect:
Roger Boyer, AIA
7 Corte Las Casas
Tiburon, CA 94920-2012
Tel. 415-435-2632
Fax 415-435-6668

EXISTING SITE PLAN
PROPOSED SITE PLAN
AREA TABLE



ALL NEW MATERIALS WILL MATCH EXISTING MATERIALS.
SEE EAST ELEVATION - SH. 44

Roger Boyer
Architect
Thousand Oaks, California

Winterbotham Residence Remodel
Lincoln Street
3 SW of 11th Avenue
Carmel-by-the-Sea

DATE: JUNE 9, 2001
DRAWN: JUNE 9, 2001
REVISION: NONE

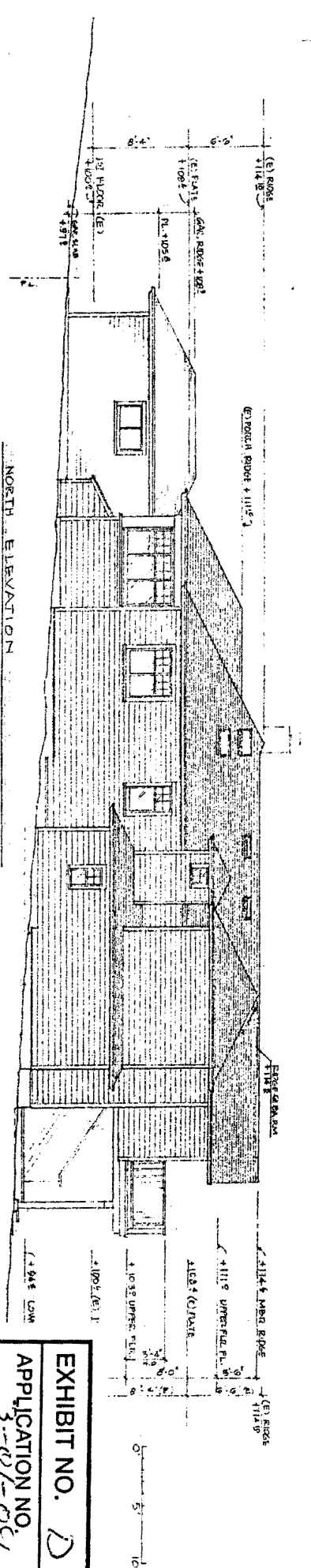
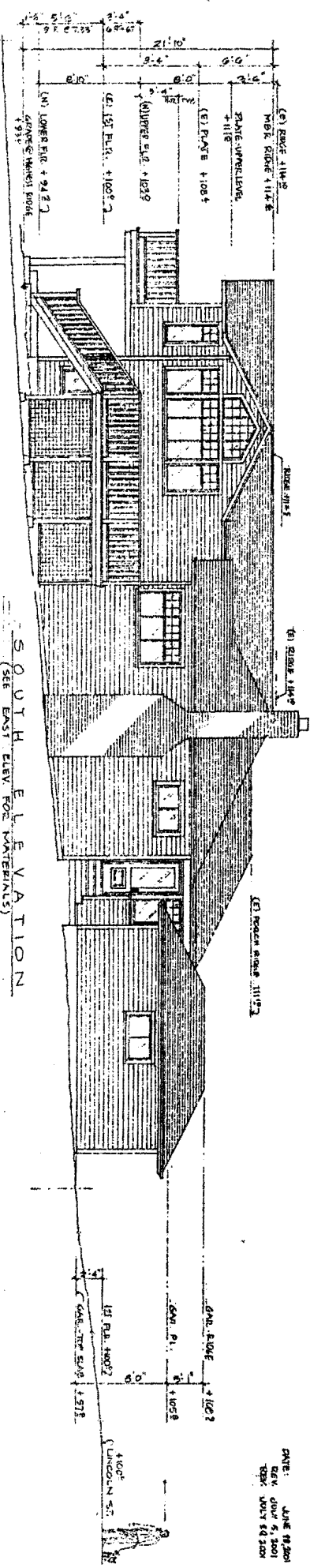


EXHIBIT NO. D
APPLICATION NO. 3-07-051
Elevations

Coastal Commission



Photo 1. View of existing structure and parking pad along Lincoln.



Photo 2. View of existing structure and site characteristics.

Exhibit E
Site Photographs
3-01-081
Winterbotham Remodel



Photo 1. Rear view of existing structure shows large pine, decking, and slope of the lot.



Photo 2. Rear view of existing structure and decking.

Exhibit E
Site Photographs
3-01-081
Winterbotham Remodel

