

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION
AGENDA CHECKLIST

MEETING DATE: 1 May 2013

BLOCK: N/A LOT: N/A

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: MP 13-8

APPLICANT: N/A

SUBJECT:

Consideration of recommendations to the City Council regarding an ordinance amending Municipal Code Sections 12.28.180, 12.28.350 and 17.48.080 to revise the tree removal permit requirements.

ENVIRONMENTAL REVIEW:

Exempt – (CEQA Guidelines Section 15305)

LOCATION:

City-Wide

ZONING:

City-Wide

ISSUES:

1. Are the proposed ordinance amendments appropriate?

OPTIONS:

1. Recommend that the City Council adopt the attached ordinance.
2. Recommend that the City Council adopt the attached ordinance with revisions.
3. Recommend that the City Council deny the request to amend the Municipal Code.
3. Continue consideration with a request for additional information.

RECOMMENDATION:

Option #1 (Recommend that the City Council adopt the attached ordinance.)

ATTACHMENTS:

1. Staff Report dated 1 May 2013.
2. Exhibit "A" Ordinance Amendments.

STAFF CONTACT: Marc Wiener, Senior Planner

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

STAFF REPORT

TO: CHAIR PATTERSON AND PLANNING COMMISSIONERS

THRU: MIKE BRANSON, CITY FORESTER
MARC WIENER, SENIOR PLANNER

FROM: MEMBERS OF THE FOREST AND BEACH COMMISSION

DATE: 1 MAY 2013

SUBJECT: CONSIDERATION OF RECOMMENDATIONS TO THE CITY COUNCIL
REGARDING AN ORDINANCE AMENDING MUNICIPAL CODE
SECTIONS 12.28.180, 12.28.350 AND 17.48.080 TO REVISE THE TREE
REMOVAL PERMIT REQUIREMENTS.

BACKGROUND & PROJECT DESCRIPTION

Over several meetings the Forest and Beach Commission discussed the issue of successful planting and establishment of replacement trees required as a condition of approval for a development project or issuance of a city removal permit.

After a presentation by City Attorney Don Freeman and a report by an Ad hoc committee on tree replacement, the commission decided to revise the tree removal/pruning permit process. The revisions the commission decided to make are: 1) require the applicant to include a specific replanting map with their application; 2) require a specific date for planting any tree(s) that are a condition of the tree permit; 3) have a specific date for the city to inspect the tree planting.

The commission decided that in order to be most effective these new requirements should be incorporated into the tree ordinances of the municipal code. Staff has included relevant sections of the code relating to permits, replanting, and tree maintenance (See Exhibit "A"). After a review of the following amended code sections, the commission also decided to add an identification tag so the trees would be recognized as replacement planting that are to be retained on a property.

The city attorney reviewed the revisions and did not find a problem with the new proposed language. His only comment was whether to have October as an inspection period or to have inspections within 30 days of the annual approval date.

The commission decided on having a designated inspection period since permits are regularly issued and implementation can be several months later or longer for construction permits. A tree tag will be provided with the tree permits when they are issued or at the final landscape review. An example will be available at the meeting.

CMC Section 17.62.030 states that "*all proposed actions to adopt or amend planning documents shall be presented to the Planning Commission for review*" prior to being forwarded to the City Council. The action requested of the Planning Commission is to review the proposed amendments and make recommendations to the City Council. Staff supports the amendments as presented to the Planning Commission.

It should be noted that revisions to Title 17 of the Municipal Code constitute a change to the City's Local Coastal Plan and will need to be approved by the Coastal Commission after adoption by the City Council.

RECOMMENDATION:

Recommend that the City Council adopt the attached ordinance amendments.

Exhibit "A"
(Changes shown in bold italic and as strikeouts)

CMC 17.48.080 Tree Removal and Replacement.

A. Tree Replacement. When tree replacement is required by this chapter, the following requirements apply.

1. Location. Replacement trees shall be planted on-site unless the City Forester recommends that replacement trees be located in the public right-of-way or in an adjacent park/open space area. ***All trees shall be planted within 30 days of tree removal or before final inspection if a construction permit. All trees will be identified with a tag provided by the city which will remain attached to the tree until the required annual 5 year inspection period has expired.***

2. Tree Quantity. The number of replacement trees required when approving tree removals shall be based on the size of the lot, as listed in Table 17.48-A, the characteristics of the surrounding neighborhood and protection of significant public views, scenic routes and corridors. In some areas fewer trees or only lower canopy trees may be most appropriate.

Lot Size (Square Feet)	Upper Canopy Trees	Lower Canopy Trees
0 – 4,000	3	1
4,001 – 6,000	4	3
6,001 – 8,000	5	4
Over 8,000	As determined by the Forest and Beach Commission	As determined by the Forest and Beach Commission

3. Tree Species. Replacement trees shall be the same species as the removed tree or another species listed on the Tree Species List and as approved by the City Forester except that particular emphasis shall be placed on maintaining a significant population of native Monterey Pine, coast live oaks and Monterey Cypress on a City-wide basis. Replacement Monterey Pine trees shall be of local genetic stock.

4. Tree Quality. Replacement trees shall be of substantial size, caliper, and height to produce an immediate visual impact and reduce the incidence of unauthorized removal. Replacement trees shall be a minimum 24-inch box size except for Monterey Pines, which shall be a minimum 15-gallon size. Larger sizes may be required by the Forest and Beach Commission, or the Planning Commission based in specific design considerations applicable to the project. The City Forester may authorize the use of smaller sizes when trees meeting these standards, or meeting specific conditions of approval, are unavailable.

5. Monitoring and Maintenance. Replacement trees shall be recorded and monitored for at least five years to ensure their establishment and growth to maturity. ***The City will inspect the replacement trees annually each October, with proper notification,*** ~~and may be inspected by the City~~ to ensure adequate maintenance. Replacement trees that do not survive or are removed shall be replaced at the owner's expense. (Ord. 2009-07 Att. A, 2009; Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

CMC 12.28.350 Safeguarding Trees That are Required to be Planted as a Condition of Tree-Removal Permit Approval.

A. All trees shall be planted within 30 days of tree removal or before final inspection if a construction permit. All trees will be identified with a tag provided by the city which will remain attached to the tree until the required annual 5 year inspection period has expired. Trees required to be kept on a building site and trees required to be planted as a condition of tree-removal permit approval shall be maintained according to accepted arboricultural practices for a minimum of five years from the completion of construction or the date that the tree is planted. ***The City will inspect the replacement trees annually each October, with proper notification.***

B. At no time shall these trees be moved without the issuance of a valid permit.

C. Nothing contained in this section shall be deemed to replace or revoke any requirements for the safeguarding of trees found elsewhere in this municipal code or in the ordinances and procedures of the City. (Ord. 95-10 § 1, 1995; Ord. 84-6 § 1, 1984; Code 1975 § 1238).

12.28.180 Permit for Removing Trees, Pruning or Removing Roots on Private Property – Application.

Applications for permission to cut or remove a tree or trees under this chapter shall be submitted to the Director of Forest, Parks and Beach on forms provided by her/him. There shall be a fee for this permit as established by resolution of the City Council. ***The application shall include a site map identifying all of the trees on the site, the tree(s) to be removed, and the replacement tree planting location(s).*** The Forest and Beach Commission may approve or deny the application and require as a condition on which a permit is granted that replacement trees be planted at a place, of a species and of a size designated by the commission on public or private property. The person requesting the permit ~~may also~~ ***will*** be required to pay the cost of obtaining and planting the ***any*** replacement trees. (Ord. 95-3 § 1, 1995; Ord. 88-13 § 2, 1988; Ord. 81-4 § 5, 1981; Ord. 75-10 § 3, 1975; Ord. 236 C.S. § 1, 1971; Code 1975 § 1232.01).

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION
AGENDA CHECKLIST

MEETING DATE: 1 May 2013

BLOCK: 116 LOT: 8

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: DS 13-33

OWNER: David Goldenson

STREAMLINING DEADLINE: 5/16/13

SUBJECT:

Consideration of a Design Study application for the replacement of an existing wood shake roof with composition shingles on a residence located in the Single Family Residential (R-1) District.

ENVIRONMENTAL REVIEW:

Exempt (Class 3 – New Construction)

LOCATION:

4 SE of 10th on Dolores

ZONING:

R-1

ISSUES:

1. Does the proposed design comply with the Residential Design Objectives (CMC 17.10.1) and the Residential Design Guidelines?

OPTIONS:

1. Approve the application as submitted.
2. Approve the application with special conditions.
3. Continue the application with a request for changes.
4. Deny the application.

RECOMMENDATION:

Determine the appropriate action.

ATTACHMENTS:

1. Staff Report dated 1 May 2013.
2. Photograph.

STAFF CONTACT: Marc Wiener, Senior Planner

**CITY OF CARMEL-BY-THE-SEA
COMMUNITY PLANNING AND BUILDING
STAFF REPORT**

APPLICATION: DS 13-33

APPLICANT: David Goldenson

BLOCK: 116

LOT: 8

LOCATION: 4 SE of 10th on Dolores

REQUEST:

Consideration of a Design Study application for the replacement of an existing wood shingle roof with composition shake on a residence located in the Single Family Residential (R-1) District.

BACKGROUND & PROJECT DESCRIPTION:

This site is located on Dolores Street four southeast of Tenth Avenue. The property is developed with a two story residence clad with board and batten siding and a wood shake roof. The roof has rolled eaves and the wood shakes curve around the edges. The applicant is proposing to replace the existing shakes with a composition shingle roof.

On 25 January 2012 the Planning Commission determined that all requests for replacement of wood shingles/shakes with composition shingles should be reviewed by the Commission. The Commission wanted to ensure that the use of composition shingles would not negatively impact community character.

EVALUATION:

Section 9.8 of the Residential Design Guidelines states the following:

9.8 Roof materials should be consistent with the architectural style of the building and with the context of the neighborhood.

- *Wood shingles and shakes are preferred materials for most types of architecture typical of Carmel (i.e., Arts and Crafts, English Revival and Tudor Revival).*
- *Composition shingles that convey a color and texture similar to that of wood shingles may be considered on some architectural styles characteristic of more recent eras.*

The existing wood shake roof is a prominent architectural feature of the residence. The manner in which the shakes curve around the edges is unique and represents skilled workmanship. Staff would prefer the use of wood shakes over composition shingles for this style of residence. However, the applicant has indicated that replacing the roof with wood shakes is highly expensive and not in their budget. The installation would require that the shakes be soaked and bent on site by hand.

The composition shingle roofing can bend around the eaves without the added labor associated with a wood shake roof. The applicant will bring a sample of the roofing material to the meeting for the Commission to review. Staff recommends approval if the composition shingle roofing if it can be demonstrated that it would present an appearance similar to the existing wood shakes.

RECOMMENDATION:

Review the sample and determine if the material is appropriate.



CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION
AGENDA CHECKLIST

MEETING DATE: 1 May 2013

BLOCK: 116 LOT: 12

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: DS 13-12

APPLICANT: Heyermann/Siebert
STREAMLINING DEADLINE: 6/24/13

SUBJECT:

Consideration of Design Study (Concept & Final), Demolition Permit and Coastal Development Permit applications for the construction of a new residence located in the Single Family Residential (R-1) District.

ENVIRONMENTAL REVIEW:

Exempt (Class 3 – new construction)

LOCATION:

Dolores 5 SE of 10th

ZONING:

R-1

ISSUES:

1. Does the proposed design comply with the Residential Design Objectives (CMC 17.10.1) and the Residential Design Guidelines?

OPTIONS:

1. Approve the application as submitted.
2. Approve the application with special conditions.
3. Continue the application with a request for changes.
4. Deny the application.

RECOMMENDATION:

Option #2 (Approve the application with special conditions.)

ATTACHMENTS:

1. Staff Report dated 1 May 2013.
2. Application Materials.
3. Project Plans.

STAFF CONTACT: Marc Wiener, Senior Planner

**CITY OF CARMEL-BY-THE-SEA
COMMUNITY PLANNING AND BUILDING
STAFF REPORT**

APPLICATION: DS 13-12
BLOCK: 116
LOCATION: Dolores 5 SE of 10th

APPLICANT: Heyermann/Siebert
LOT: 12

REQUEST:

Consideration of Design Study (Concept & Final), Demolition Permit and Coastal Development Permit applications for the construction of a new residence located in the Single Family Residential (R-1) District.

BACKGROUND/PROJECT DESCRIPTION:

The applicant is proposing to demolish the existing residence and construct a new two-story residence. The proposed residence is 1,795 square feet, which includes 1,357 square feet on the main floor, 238 square feet on the second floor, and a 200 square foot, detached garage that is located in the composite side-yard setback.

This project was reviewed by the Planning Commission at the March and April meetings and continued with a request for changes. At the April meeting the Commission indicated support for the overall design, but was still concerned with the view impact to the eastern neighbor created by the great room. The Commission continued the application with a request that the applicant lower the height of the great room. The applicant has returned with revisions as requested by the Commission.

PROJECT DATA FOR A 4,000 SQUARE FOOT SITE:			
Site Considerations	Allowed	Existing	Proposed
Floor Area	1,800 sf (45%)	1,461 sf (36.5%)	1,795 sf (45%)
Site Coverage	556 sf (13.9%)*	1,241 sf (31%)	556 sf (13.9%)
Trees (upper/lower)	3/1 trees	0 trees	1/4 trees
Ridge Height (1 st /2 nd)	18 ft./24 ft.	18 ft.	13.5 ft./20.5 ft.
Plate Height (1 st /2 nd)	12 ft./18 ft.	13 ft.	10 ft./17 ft.
Setbacks	Minimum Required	Existing	Proposed
Front	15 ft.	15 ft.	15 ft.
Composite Side Yard	10 ft. (25%)	10 ft. (25%)	10 ft. (25%)**
Minimum Side Yard	3 ft.	1 ft.	3 ft.
Rear	3 ft.	2.5 ft.	5 ft.
* Includes a 4% bonus if 50% of all coverage is permeable or semi-permeable.			
**Detached garage has composite setback of 8ft. as permitted by CMC 17.10.030.A			

View Impact: The great room originally had a height of 16 feet. However, between the first and second meetings the applicant dropped the height of the great room by 26 inches. At the last meeting the Planning Commission determined that the Great Room needed to be lowered and additional one foot. This recommendation was primarily based on the use of the story-poles to evaluate the view impact.

Since the last meeting the applicant has evaluated the story-poles and determined that the ridge line was set seven inches too high (see attached letter). The applicant is proposing to lower the height an additional six inches. As a result the story-poles will be lowered 13 inches from what was seen at the last hearing. The Commission will have another opportunity to view the revised story-poles on the tour. If there are still concerns about the view impact the approval could be conditioned so that the height of the great room is further reduced, possibly another six inches.

It should be noted that with the latest proposal the height of the great room will have been lowered approximately 30 inches from what was originally proposed. The ridge is now proposed at 13.5 feet tall, which is 4.5 feet below the allowed ridge height of 18 feet.

Master Bedroom: Since the last meeting the applicant has made further revisions to the rear master bedroom. The plate height was dropped by an additional six inches and the rear wall was shifted an additional two feet from the rear property line, giving the master bedroom a seven foot setback from the rear property line.

RECOMMENDATION:

Approve the application with the attached special conditions.

SPECIAL CONDITIONS:

1. The applicant shall plant one upper canopy tree and one lower canopy tree of substantial size and caliber and of a species approved by the City Forester. The tree shall be planted on site located approximately 10 feet from any building and shown on the final landscape plan submitted with the building permit application.

FINDINGS REQUIRED FOR CONCEPT AND FINAL DESIGN STUDY APPROVAL
(CMC 17.64.8 and LUP Policy P1-45)

For each of the required design study findings listed below, staff has indicated whether the submitted plans support adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate the Planning Commission decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.

Municipal Code Finding	YES	NO
1. The project conforms with all zoning standards applicable to the site, or has received appropriate use permits, variances consistent with the zoning ordinance.	✓	
2. The project is consistent with the City's design objectives for protection and enhancement of the urbanized forest, open space resources and site design. The project's use of open space, topography, access, trees and vegetation will maintain or establish a continuity of design both on the site and in the public right of way that is characteristic of the neighborhood.	✓	
3. The project avoids complexity using simple/modest building forms, a simple roof plan with a limited number of roof planes and a restrained employment of offsets and appendages that are consistent with neighborhood character, yet will not be viewed as repetitive or monotonous within the neighborhood context.	✓	
4. The project is adapted to human scale in the height of its roof, plate lines, eave lines, building forms, and in the size of windows doors and entryways. The development is similar in size, scale, and form to buildings on the immediate block and neighborhood. Its height is compatible with its site and surrounding development and will not present excess mass or bulk to the public or to adjoining properties. Mass of the building relates to the context of other homes in the vicinity.	✓	
5. The project is consistent with the City's objectives for public and private views and will retain a reasonable amount of solar access for neighboring sites. Through the placement, location and size of windows, doors and balconies the design respects the rights to reasonable privacy on adjoining sites.	✓	
6. The design concept is consistent with the goals, objectives and policies related to residential design in the general plan.	✓	
7. The development does not require removal of any significant trees unless necessary to provide a viable economic use of the property or protect public health and safety. All buildings are setback a minimum of 6 feet from significant trees.	✓	
8. The proposed architectural style and detailing are simple and restrained in character, consistent and well integrated throughout the building and complementary to the neighborhood without appearing monotonous or repetitive in context with designs on nearby sites.	✓	
9. The proposed exterior materials and their application rely on natural materials and the overall design will as to the variety and diversity along the streetscape.	✓	
10. Design elements such as stonework, skylights, windows, doors, chimneys and garages are consistent with the adopted Design Guidelines and will complement the character of the structure and the neighborhood.	✓	

11. Proposed landscaping, paving treatments, fences and walls are carefully designed to complement the urbanized forest, the approved site design, adjacent sites, and the public right of way. The design will reinforce a sense of visual continuity along the street.	✓	
12. Any deviations from the Design Guidelines are considered minor and reasonably relate to good design principles and specific site conditions.	✓	

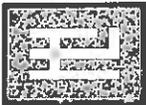
COASTAL DEVELOPMENT FINDINGS (CMC 17.64.B.1):

1. The project conforms with the certified Local Coastal Program of the City of Carmel by the Sea.
2. The project is not located between the first public road and the sea and no review is required for potential public access.

Standard R-1 Conditions		
No.	Condition	
1.	This approval constitutes Design Study and Coastal Development permits authorizing the demolition and construction of a new residence. All work shall conform to the approved plans dated 1 May 2013 except as conditioned by this permit.	✓
2.	The project shall be constructed in conformance with all requirements of the local R-1 zoning ordinances. All adopted building and fire codes shall be adhered to in preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested at the time such plans are submitted, such changes shall require separate approval by the Planning Commission.	✓
3.	This approval shall be valid for a period of one year from the date of action unless an active building permit has been issued and maintained for the proposed construction.	✓
4.	All new landscaping shall be shown on a landscape plan and shall be submitted to the Department of Community Planning and Building and to the City Forester prior to the issuance of a building permit. The landscape plan will be reviewed for compliance with the landscaping standards contained in the Zoning Code, including the following requirements: 1) all new landscaping shall be 75% drought-tolerant; 2) landscaped areas shall be irrigated by a drip/sprinkler system set on a timer; and 3) the project shall meet the City's recommended tree density standards, unless otherwise approved by the City based on site conditions. The landscaping plan shall show where new trees will be planted when new trees are required to be planted by the Forest and Beach Commission or the Planning Commission.	✓
5.	Trees on the site shall only be removed upon the approval of the Forest and Beach Commission; and all remaining trees shall be protected during construction by	✓

	methods approved by the City Forester.	
6.	All foundations within 15 feet of significant trees shall be excavated by hand. If any tree roots larger than two inches (2") are encountered during construction, the City Forester shall be contacted before cutting the roots. The City Forester may require the roots to be bridged or may authorize the roots to be cut. If roots larger than two inches (2") in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the building permit will be suspended and all work stopped until an investigation by the City Forester has been completed. Twelve inches (12") of mulch shall be evenly spread inside the dripline of all trees prior to the issuance of a building permit.	✓
7.	Approval of this application does not permit an increase in water use on the project site. Should the Monterey Peninsula Water Management District determine that the use would result in an increase in water beyond the maximum units allowed on a 4,000 square foot parcel, this permit will be scheduled for reconsideration and the appropriate findings will be prepared for review and adoption by the Planning Commission.	✓
8.	The applicant shall submit in writing any proposed changes to the project plans as submitted on 1 May 2013 and approved by the Planning Commission, prior to incorporating changes on the site. If the applicant changes the project without first obtaining approval, the applicant will be required to either: a) Submit the change in writing and cease all work on the project until either the Planning Commission or staff has approved the change; or b) Eliminate the change and submit the proposed change in writing for review. The project will be reviewed for its compliance to the approved plans prior to final inspection approval.	✓
9.	Exterior lighting shall be limited to 25 watts or less per fixture and shall be no higher than 10 feet above the ground. Landscape lighting shall be limited to 15 watts or less per fixture and shall not exceed 18 inches above the ground.	✓
10.	All skylights shall use nonreflective glass to minimize the amount of light and glare visible from adjoining properties. The applicant shall install skylights with flashing that matches the roof color, or shall paint the skylight flashing to match the roof color.	✓
11.	The Carmel stone façade shall be installed in a broken course/random or similar masonry pattern. Setting the stones vertically on their face in a cobweb pattern shall not be permitted. Prior to the full installation of stone during construction, the applicant shall install a 10 square foot section on the building to be reviewed by planning staff on site to ensure conformity with City standards.	✓
12.	The applicant shall install unclad wood framed windows. Windows that have been approved with divided lights shall be constructed with fixed wooden mullions. Any window pane dividers, which are snap-in, or otherwise superficially applied, are not permitted.	✓
13.	The applicant agrees, at its sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or	✓

	other legal proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.	
14.	The driveway material shall extend beyond the property line into the public right of way as needed to connect to the paved street edge. A minimal asphalt connection at the street edge may be required by the Superintendent of Streets or the Building Official, depending on site conditions, to accommodate the drainage flow line of the street.	✓
15.	This project is subject to a volume study.	✓
16.	Approval of this Design Study shall be valid only with approval of the Use Permit.	N/A
17.	A hazardous materials waste survey shall be required in conformance with the Monterey Bay Unified Air Pollution Control District prior to issuance of a demolition permit.	✓
18.	The applicant shall include a storm water drainage plan with the working drawings that are submitted for building permit review. The drainage plan shall include applicable Best Management Practices and retain all drainage on site through the use of semi-permeable paving materials, French drains, seepage pits, etc. Excess drainage that cannot be maintained on site, may be directed into the City's storm drain system after passing through a silt trap to reduce sediment from entering the storm drain. Drainage shall not be directed to adjacent private property.	✓
19.	The project plans submitted for building permit review shall comply with the City's Green Building Ordinance (CMC Section 15.54) and obtain a minimum of 60 points based on the Residential Green Building Checklist.	✓



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DATE: 04/24/13
SCALE: AS NOTED
DRAWN: LL
JOB NUMBER: 13-12
REVISION:

NOT FOR CONSTRUCTION

BARBARA SIEBERT RESIDENCE
LOT 12 IN BLOCK 116
CANNEL-BR-THE-SEA, CA 92921
A.P.N. 010-155-013

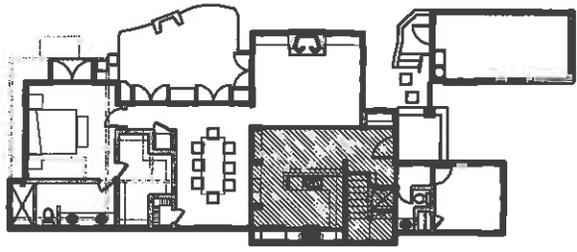
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LEGEND

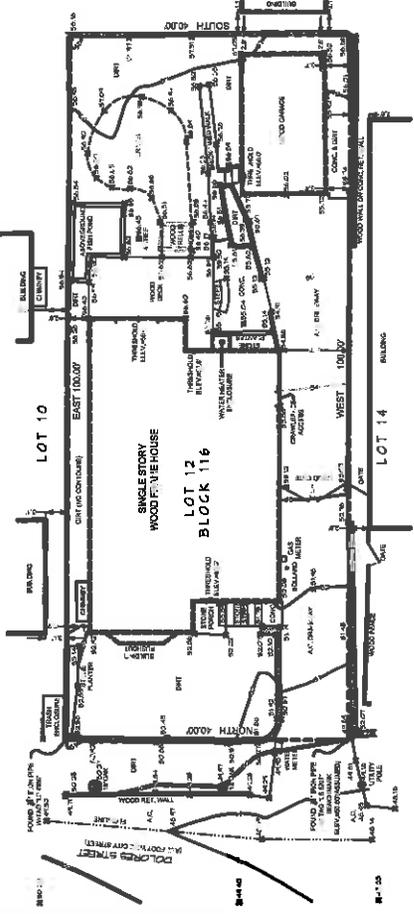
- AREA OF MAIN LEVEL
- AREA OF SECOND LEVEL THAT IS 10% OF SECOND LEVEL
- AREA OF SECOND LEVEL THAT IS 20% OF SECOND LEVEL
- AREA OF SECOND LEVEL THAT IS 30% OF SECOND LEVEL

FLOOR AREA TABLE

FIRST FLOOR: 1,994 S.F.
SECOND FLOOR: 280 S.F.
THIRD FLOOR: 280 S.F.
FIRST FLOOR: 2,274 S.F.
SECOND FLOOR: 280 S.F.
FIRST FLOOR: 2,274 S.F.



FLOOR LEVEL MAP
SCALE: 1/8" = 1'-0"

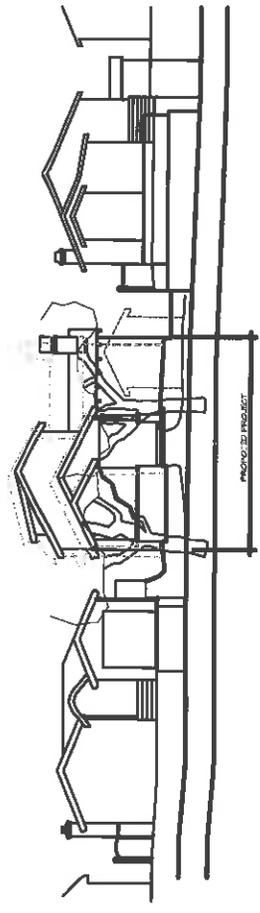


NORTH WALL REMOVAL / TAKE DOWN AND SITE GRADING PLAN
SCALE: 1/8" = 1'-0"

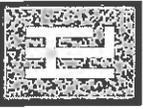
NOTE:
NO GRADING IS PROPOSED IN PUBLIC RIGHT OF WAY.

LEGEND

- EXISTING STRUCTURE TO BE REMOVED (100%)
- EXISTING PAVING/DECK TO BE REMOVED
- EXISTING FENCE/STEPS TO BE REMOVED
- AREA OF GRADING OUTSIDE FOOTINGS (LESS THAN 5 C.Y. OUT, 5 C.Y. FILL)



DOLORIS STREET PROFILE - WEST ELEVATION
SCALE: 1/8" = 1'-0"



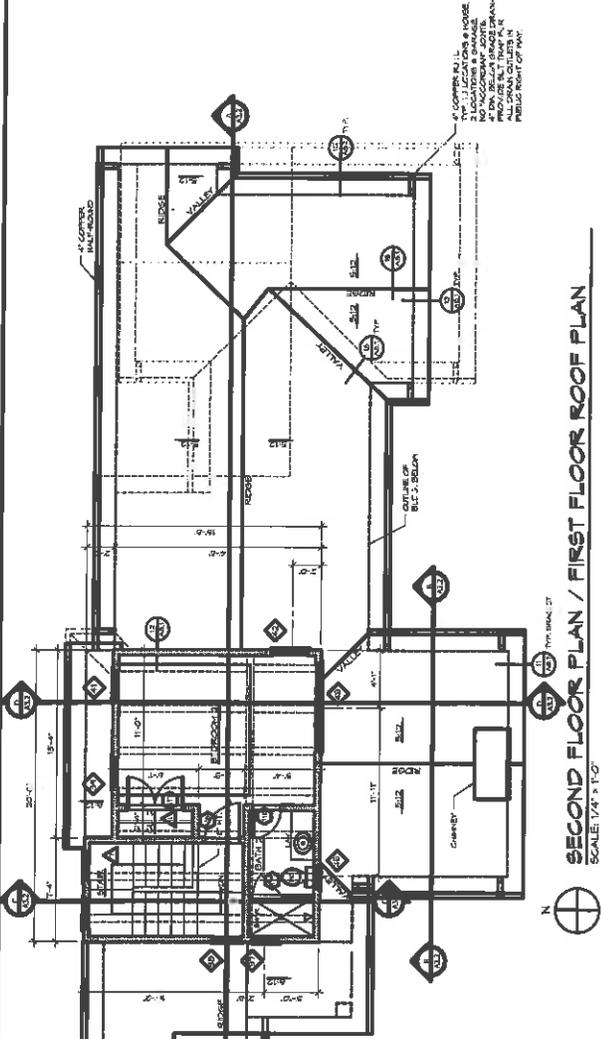
**HOLDRENHJETZKE
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WWW.HJARCH.COM

DATE: 04/24/13
SCALE: 1/4" = 1'-0"
L: VHR
C: GHCC
JOB NUMBER: 13112
SHEET:

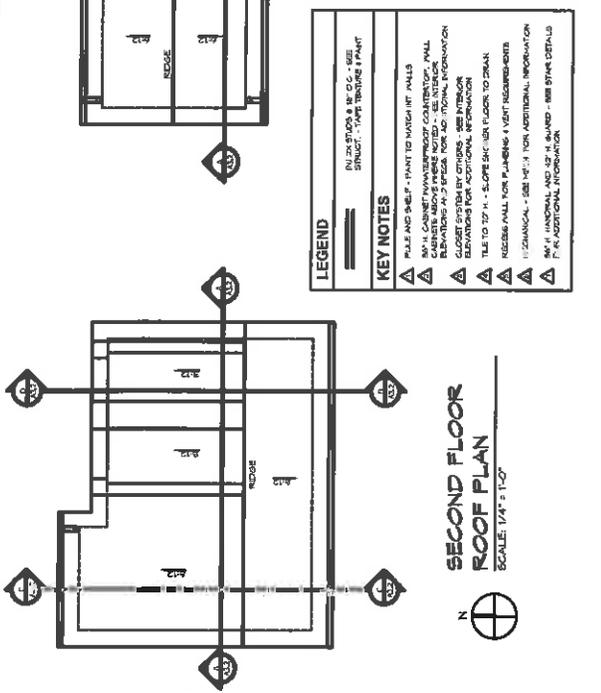
NOT FOR CONSTRUCTION

FLOOR & ROOF PLANS
BARBARA SIEBERT RESIDENCE
LOT 12 IN BLOCK 116
CARMEL-BY-THE-SEA, CA 93021
A.P.N. 010-155-013

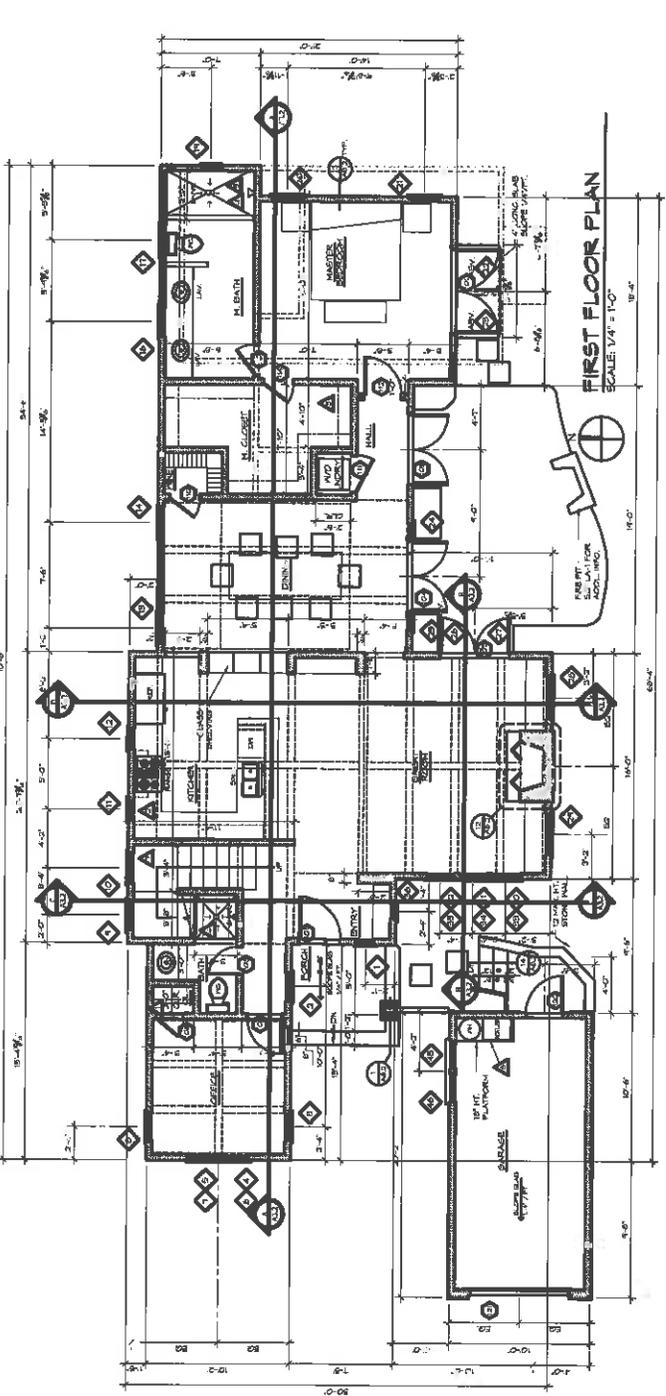
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SECOND FLOOR PLAN / FIRST FLOOR ROOF PLAN
SCALE: 1/4" = 1'-0"



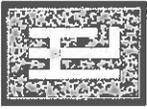
GARAGE ROOF PLAN
SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

- LEGEND**
- IN 2X STUDS @ 16" O.C. - SEE STRUCT. - PAINT TYPING PAINT
- KEY NOTES**
- ▲ PALE AND SHEET - PAINT TO MATCH HT. PANELS
 - ▲ 3/4" x 1/2" CABINET FINISH ROOF COORDINATION - PAINT REVISIONS AS SPECIFIED FOR ADDITIONAL INFORMATION
 - ▲ CLOSET SYSTEM BY OTHERS - SEE INTERIOR SCHEDULES FOR ADDITIONAL INFORMATION
 - ▲ TILES TO 12" H. - SLOPE 3/4" ON FLOOR TO DRAIN
 - ▲ RECESS PANEL FOR PLUMBING & VENT REGISTER-DIMS
 - ▲ 1/2" ZENITHICAL - SEE VENT. FOR ADDITIONAL INFORMATION
 - ▲ 1/2" x 1/2" ANCHORS AND 1/2" x 1/2" BOLTS - SEE SPEC DETAILS FOR ADDITIONAL INFORMATION

67



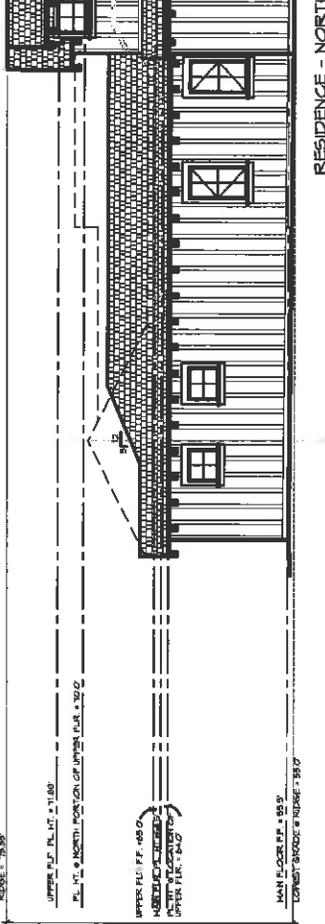
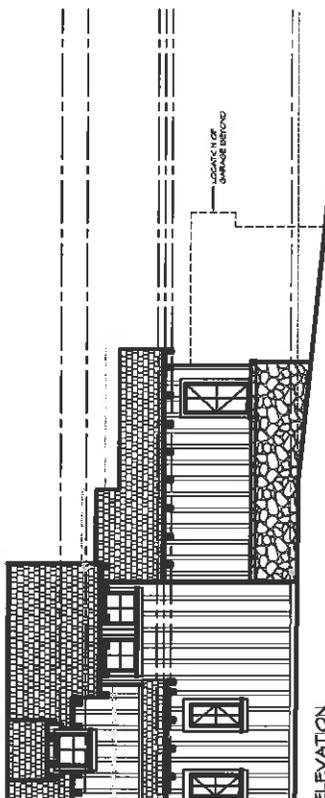
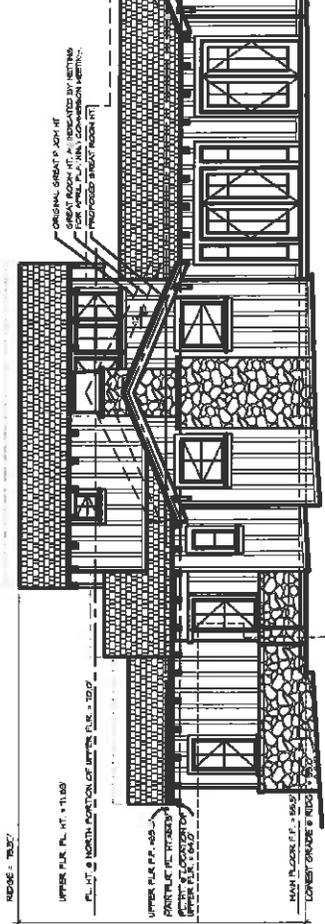
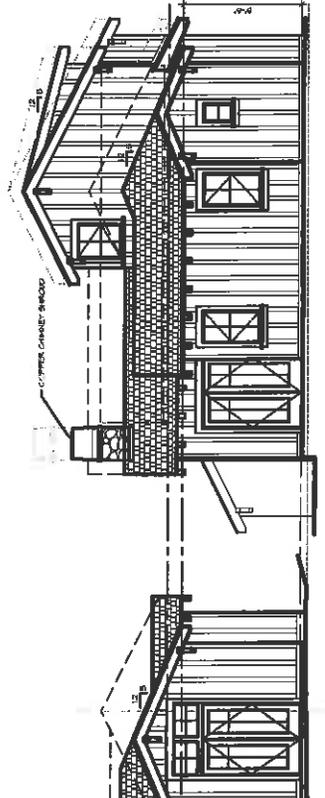
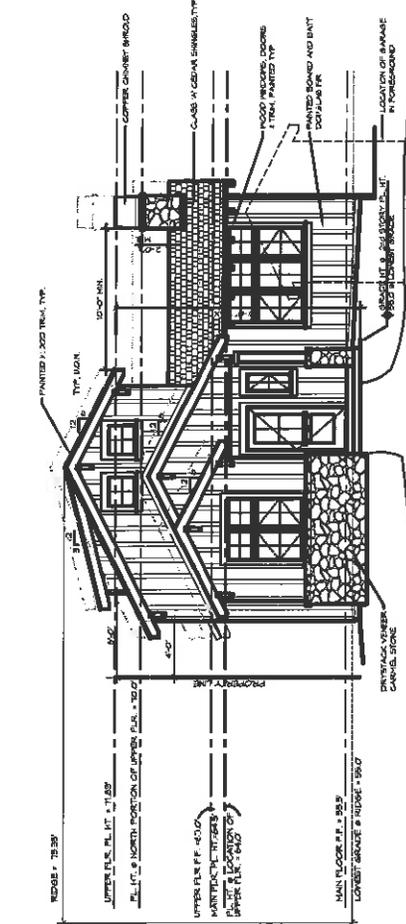
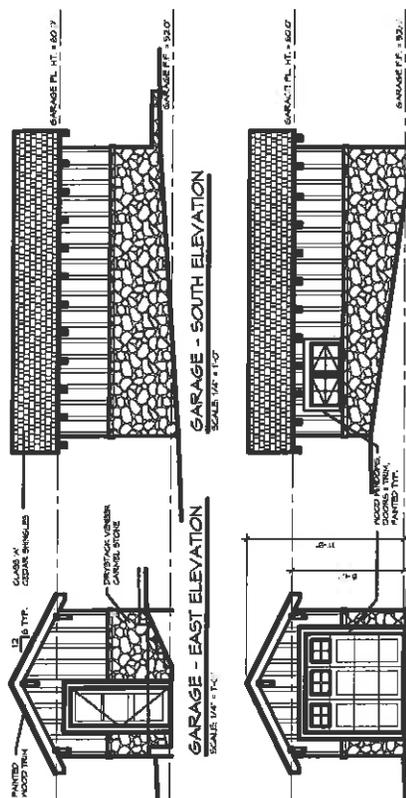
GOLDREN-LIETZKE
ARCHITECTURE
225 CAUNTON RD. SUITE A
MIRAMONTE, CA 92029
TEL: 949.441.1111
WWW.GLA.COM

DATE	08/20/18
SCALE	1/4" = 1'-0"
DRAWN	CA/GO
DO NUMBER	1517
REVISION	

NOT FOR CONSTRUCTION

EXTERIOR ELEVATIONS
BARBARA SIEBERT RESIDENCE
LOT 12 IN BLOCK 116
CARMEL-BY-SEA, CA 93921
A.P.N. 010-155-013

A3.1



Marc Wiener

From: Craig Holdren
Sent: Wednesday, April 24, 2013 4:15 PM
To: Marc Wiener
Subject: Siebert-Heyermann Ridge issues

Hello Marc;

I wanted to give you a written breakdown of the evolving situation in regards to the Great Room roof at the Siebert-Heyermann residence.

In the original proposal (March PC meeting) the room was shown with a floor height of 56.0', a 10'-0" plate and 6:12 pitch resulting in an overall height of 15'-2" above finish floor (ridge datum 70.8').

For the second meeting (April PC) we dropped the overall floor height to 55.5', dropped the plate to 9'-0" and went to a 5:12 pitch, which should have resulted in an overall ridge height of 13'-1" above finish floor (ridge datum 68.65'). This is a drop of 26". Unfortunately due to a confusing drawing the storypole contractor set the orange netting for this ridge at datum 69.2', or 7" too tall (we showed a flashing strip against the second story element beyond which, due to poor line weight rendering, he assumed was the ridge in the gable view). During the meeting, and looking at the photo neighboring I thought the netting looked too high, and it was.

In this third submittal, we have dropped the plate in the Great Room by an additional 6" and corrected for the incorrect netting. The effect of this is to drop the ridge of the Great Room to 12'-7" above finish floor, or **13" below the netting as it appeared for the April PC review**. This is a total drop of 31" from our original proposal.

Please note that we also revised a bit the layout of the Master bedroom at the rear of the property. We dropped the plate of this entire wing by an additional 6" and shifted the edge of the bedroom wall 2'-2" further from the rear property line. We projected a gable approximately 2'-10" towards the south property line. The modest gable associated with this change is 8" below the Great Room ridge height and should not affect the eastern neighbor's view.

Thank you.

Craig Holdren
Holdren-Lietzke Architecture

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION
AGENDA CHECKLIST

MEETING DATE: 1 May 2013

BLOCK: C-1 LOT: 5

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: DS 13-28

OWNER: L. Fiallo & M. Martinez

STREAMLINING DEADLINE: 5/16/13

SUBJECT:

Consideration of Design Study (Concept & Final) and Coastal Development Permit applications for the construction of a detached garage in the front setback, and revised site coverage for a property located in the Single Family Residential (R-1) District and Archaeological Overlay.

ENVIRONMENTAL REVIEW:

Exempt (Class 3 – New Construction)

LOCATION:

San Antonio 5 SW of Ocean

ZONING:

R-1

ISSUES:

1. Does the proposed design comply with the Residential Design Objectives (CMC 17.10.1) and the Residential Design Guidelines?

OPTIONS:

1. Approve the application as submitted.
2. Approve the application with special conditions.
3. Continue the application with a request for changes.
4. Deny the application.

RECOMMENDATION:

Option #2 (Approve the application with special conditions.)

ATTACHMENTS:

1. Staff Report dated 1 May 2013.
2. Application Materials.
3. Project Plans.

STAFF CONTACT: Marc Wiener, Senior Planner

**CITY OF CARMEL-BY-THE-SEA
COMMUNITY PLANNING AND BUILDING
STAFF REPORT**

APPLICATION: DS 13-28

APPLICANT: L. Fiallo, M. Martinez

BLOCK: C-1

LOT: 5

LOCATION: San Antonio 5 SW of Ocean

REQUEST:

Consideration of Design Study (Concept & Final) and Coastal Development Permit applications for the construction of a detached garage in the front setback and revised site coverage on a property located in the Single Family Residential (R-1) District and Archaeological Overlay.

BACKGROUND/PROJECT DESCRIPTION:

The project site is located on San Antonio Avenue five southwest of Ocean Avenue. The property is developed with a two-story contemporary style residence and a carport located in the front setback. A determination of historic ineligibility was issued on 16 April 2013.

On 8 December 2012 staff approved a Design Study application for the residence that included relatively minor modifications to the roof and window design. The applicant is now applying for phase two of the project, which includes the construction of a detached garage and rooftop deck. The plans submitted with this application show elevation drawings of the original home, elevation drawings of the staff approved modifications and the proposed elevations for phase two.

The applicant is proposing to construct a 200 square foot detached garage on the north side of the property with a three foot setback from the front and north property lines. The proposed garage has a low-pitched, gabled roof design and wood siding to match the main residence. The applicant is proposing a glass door on the south elevation of the garage. Sand-set pavers are proposed for the driveway. The front and north side-yards will be enclosed with a ledge-stone wall matching the garage not to exceed three feet in height. The front entrance includes a wooden gate covered by a seven foot-tall trellis.

The applicant is also proposing a rooftop deck on the south side of the residence. There is currently a deck at the rear of the residence that would be eliminated. Site coverage modifications include a spa and fire pit in the rear yard and an outdoor shower in the north side yard.

PROJECT DATA FOR A 4,000 SQUARE FOOT SITE:			
Site Considerations	Allowed	Existing	Proposed
Floor Area	1,800 sf (45%)	1,778 sf (44%)	1,800 sf (45%)
Site Coverage	556 sf (13.9%)*	955 sf (23.9%)	520 sf (13%)
Trees (upper/lower)	N/A	N/A	N/A
Ridge Height (garage)	15 ft.	10 ft. (carport)	9 ft. 10 in.
Plate Height (garage)	12 ft.	N/A	8 ft.
Setbacks	Minimum Required	Existing	Proposed
Front (garage)	15 ft.	11 ft.	3.5 ft.*
Composite Side Yard	10 ft. (25%)	14 ft. 3 in. (35%)	No Change
Minimum Side Yard	3 ft.	3 ft.	No Change
Rear	3 ft./15 ft.	20 ft. 8 in.	No Change

*Includes a 4% bonus if 50% of all coverage is permeable or semipermeable.

EVALUATION:

Detached Garage: Design Guideline 6.2 states that *“parking facilities that maintain or enhance variety along the street edge are encouraged.”* CMC 17.10.030 allows for detached garages and carports to encroach into the front and/or side yard setbacks if certain standards can be met. These include avoiding impacts on significant trees and providing diversity to the streetscape.

The applicant is proposing to place the garage at the northeast corner of the property, three feet from the front and side property lines. The original carport was similar in scale but located on the southern side of the property in the front setback. The carport was also set back approximately nine feet from the front property line.

In order to provide conforming parking the garage must be located in the front setback. Staff has not identified any significant impacts that will be created for the neighboring properties. While the garage is located in the front setback, there is a 15 foot distance between the garage and the street which provides a buffer.

Staff supports the project as it allows the applicant to have covered and secure parking and will replace the original carport. However, staff has some concern with the overall treatment of the front yard and right-of-way. CMC 17.10.030 states that when proposing a garage in the front setback *“at least 50% of the adjacent right of way is landscaped or preserved in a natural and forested condition to compensate for the loss of open space.”*

Staff's concern is that the wall and arbor/gate, in conjunction with the garage, leads to a more walled off and formal appearance at the front of the property and reduces the appearance of openness and landscaping. Staff could support the wall, but with a condition that the applicant provide a landscape plan that includes more landscaping in the front yard and in the public right-of-way. Staff has also recommends that the front gate be reduced to a height that is similar in scale to the wall and that the arbor be eliminated. If the Commission still has concerns with the design it could require that the applicant use a grapestake fence rather than a wall.

Rooftop Deck: With regards to privacy, Design Guidelines 5.0 - 5.1 state to "*maintain privacy of indoor and outdoor spaces in a neighborhood*" and "*organize functions on a site to preserve reasonable privacy for adjacent properties*".

The applicant is proposing to eliminate a 126 square foot deck at the rear of the property in order to place a new 294 rooftop deck onto an existing flat roof portion of the residence. Staff was initially concerned with the privacy impact that it could create for the southern neighbor, who has a kitchen window approximately six feet from the proposed deck. However, the southern neighbor does not have any issues with the proposal.

Staff notes that the applicant originally proposed to have a solid railing along the south side of the deck for privacy, but the neighbor requested that the railing consist of stainless steel cables to provide more light and openness to their kitchen window. The neighbor also requested that the railing be set back one foot from the edge of the wall. Staff supports the rooftop deck so long as the neighbor does not have any issues with the proposal. The proposed deck would not create a privacy impact to any other neighboring properties.

Landscape Plan/Forest Character: The applicant has provided a landscape plan proposing a minimal amount of landscaping. As previously stated, staff is recommending that a new landscape plan be submitted proposing additional landscaping at the front of the property and in the right-of-way.

The City Forester has reviewed the site and recommends that the applicant plant one new lower canopy tree and one new upper canopy. The Forester has indicated that the upper canopy tree could potentially be planted in the right of way on the north side of the property. This would help achieve the objective of maintaining the right of way in a natural and forested condition as recommended in the standards for detached garages in the front setback. A condition has been added to address the trees and landscaping.

RECOMMENDATION:

Approve the application with the attached special conditions.

SPECIAL CONDITIONS:

1. A landscape plan shall be provided that includes additional landscaping at the front of the property and in the right-of way. The applicant shall plant one upper canopy tree and one lower canopy tree of substantial size and caliber and of a species approved by the City Forester. The trees shall be planted on site located approximately 10 feet from any building and shown on the final landscape plan submitted with the building permit application.
2. The applicant shall eliminate the arbor and work with staff on reducing the height of the gate so that it is consistent with the scale of the wall.
3. The applicant shall provide stone samples (type of stone and pattern) to be approved by planning staff prior to construction of the front wall.

FINDINGS REQUIRED FOR CONCEPT AND FINAL DESIGN STUDY APPROVAL
(CMC 17.64.8 and LUP Policy P1-45)

For each of the required design study findings listed below, staff has indicated whether the submitted plans support adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate the Planning Commission decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.

Municipal Code Finding	YES	NO
1. The project conforms with all zoning standards applicable to the site, or has received appropriate use permits, variances consistent with the zoning ordinance.	✓	
2. The project is consistent with the City's design objectives for protection and enhancement of the urbanized forest, open space resources and site design. The project's use of open space, topography, access, trees and vegetation will maintain or establish a continuity of design both on the site and in the public right of way that is characteristic of the neighborhood.	✓	
3. The project avoids complexity using simple/modest building forms, a simple roof plan with a limited number of roof planes and a restrained employment of offsets and appendages that are consistent with neighborhood character, yet will not be viewed as repetitive or monotonous within the neighborhood context.	✓	
4. The project is adapted to human scale in the height of its roof, plate lines, eave lines, building forms, and in the size of windows doors and entryways. The development is similar in size, scale, and form to buildings on the immediate block and neighborhood. Its height is compatible with its site and surrounding development and will not present excess mass or bulk to the public or to adjoining properties. Mass of the building relates to the context of other homes in the vicinity.	✓	
5. The project is consistent with the City's objectives for public and private views and will retain a reasonable amount of solar access for neighboring sites. Through the placement, location and size of windows, doors and balconies the design respects the rights to reasonable privacy on adjoining sites.	✓	
6. The design concept is consistent with the goals, objectives and policies related to residential design in the general plan.	✓	
7. The development does not require removal of any significant trees unless necessary to provide a viable economic use of the property or protect public health and safety. All buildings are setback a minimum of 6 feet from significant trees.	✓	
8. The proposed architectural style and detailing are simple and restrained in character, consistent and well integrated throughout the building and complementary to the neighborhood without appearing monotonous or repetitive in context with designs on nearby sites.	✓	
9. The proposed exterior materials and their application rely on natural materials and the overall design will as to the variety and diversity along the streetscape.	✓	
10. Design elements such as stonework, skylights, windows, doors, chimneys and garages are consistent with the adopted Design Guidelines and will complement the character of the structure and the neighborhood.	✓	

11. Proposed landscaping, paving treatments, fences and walls are carefully designed to complement the urbanized forest, the approved site design, adjacent sites, and the public right of way. The design will reinforce a sense of visual continuity along the street.	✓	
12. Any deviations from the Design Guidelines are considered minor and reasonably relate to good design principles and specific site conditions.	✓	

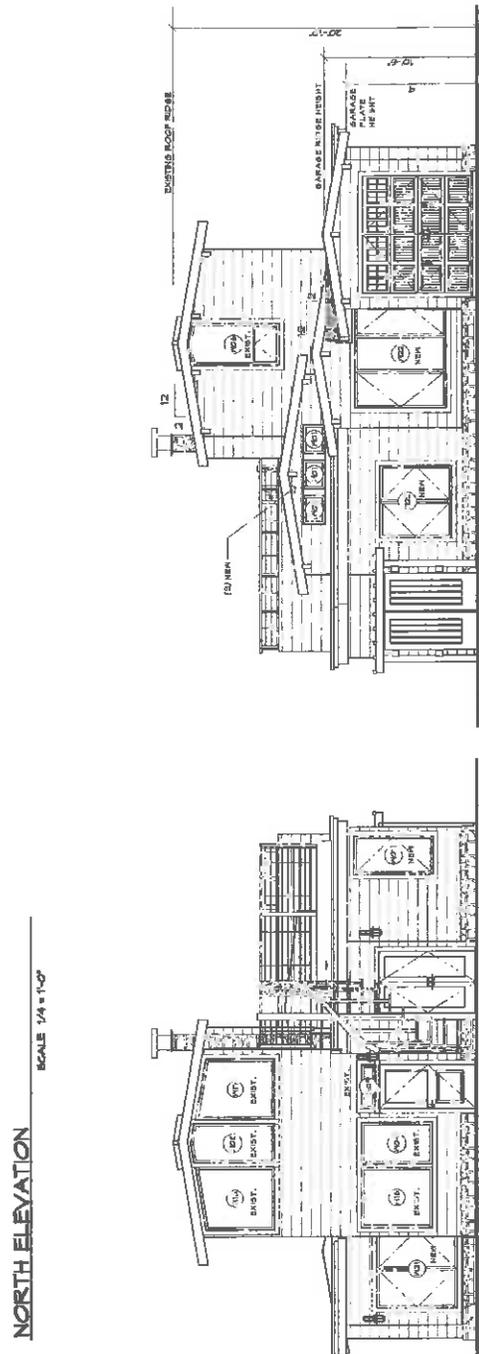
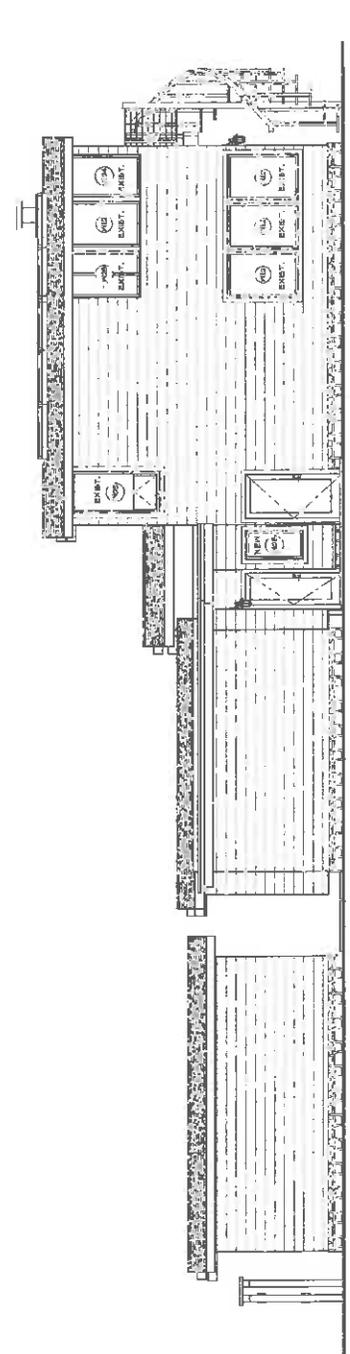
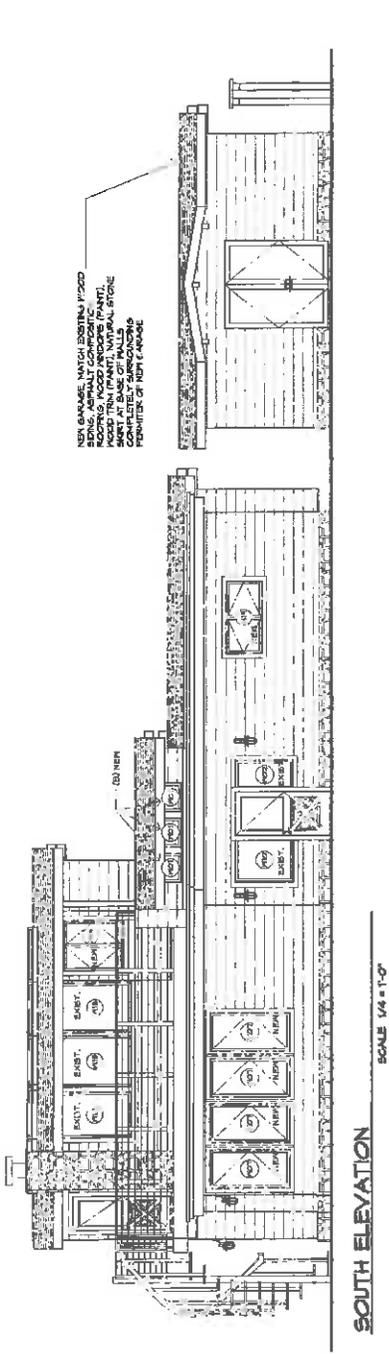
COASTAL DEVELOPMENT FINDINGS (CMC 17.64.B.1):

1. The project conforms with the certified Local Coastal Program of the City of Carmel by the Sea.
2. The project is not located between the first public road and the sea and no review is required for potential public access.

Standard R-1 Conditions		
No.	Condition	
1.	This approval constitutes a Design Study permit authorizing the alteration of an existing residence. All work shall conform to the approved plans dated 1 May 2013 except as conditioned by this permit.	✓
2.	The project shall be constructed in conformance with all requirements of the local R-1 zoning ordinances. All adopted building and fire codes shall be adhered to in preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested at the time such plans are submitted, such changes shall require separate approval by the Planning Commission.	✓
3.	This approval shall be valid for a period of one year from the date of action unless an active building permit has been issued and maintained for the proposed construction.	✓
4.	All new landscaping shall be shown on a landscape plan and shall be submitted to the Department of Community Planning and Building and to the City Forester prior to the issuance of a building permit. The landscape plan will be reviewed for compliance with the landscaping standards contained in the Zoning Code, including the following requirements: 1) all new landscaping shall be 75% drought-tolerant; 2) landscaped areas shall be irrigated by a drip/sprinkler system set on a timer; and 3) the project shall meet the City's recommended tree density standards, unless otherwise approved by the City based on site conditions. The landscaping plan shall show where new trees will be planted when new trees are required to be planted by the Forest and Beach Commission or the Planning Commission.	✓
5.	Trees on the site shall only be removed upon the approval of the Forest and Beach Commission; and all remaining trees shall be protected during construction by methods approved by the City Forester.	✓

6.	All foundations within 15 feet of significant trees shall be excavated by hand. If any tree roots larger than two inches (2") are encountered during construction, the City Forester shall be contacted before cutting the roots. The City Forester may require the roots to be bridged or may authorize the roots to be cut. If roots larger than two inches (2") in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the building permit will be suspended and all work stopped until an investigation by the City Forester has been completed. Twelve inches (12") of mulch shall be evenly spread inside the dripline of all trees prior to the issuance of a building permit.	✓
7.	Approval of this application does not permit an increase in water use on the project site. Should the Monterey Peninsula Water Management District determine that the use would result in an increase in water beyond the maximum units allowed on a 4,000 square foot parcel, this permit will be scheduled for reconsideration and the appropriate findings will be prepared for review and adoption by the Planning Commission.	✓
8.	The applicant shall submit in writing any proposed changes to the project plans as submitted on 1 May 2013 and approved by the Planning Commission, prior to incorporating changes on the site. If the applicant changes the project without first obtaining approval, the applicant will be required to either: a) Submit the change in writing and cease all work on the project until either the Planning Commission or staff has approved the change; or b) Eliminate the change and submit the proposed change in writing for review. The project will be reviewed for its compliance to the approved plans prior to final inspection approval.	✓
9.	Exterior lighting shall be limited to 25 watts or less per fixture and shall be no higher than 10 feet above the ground. Landscape lighting shall be limited to 15 watts or less per fixture and shall not exceed 18 inches above the ground.	✓
10.	All skylights shall use nonreflective glass to minimize the amount of light and glare visible from adjoining properties. The applicant shall install skylights with flashing that matches the roof color, or shall paint the skylight flashing to match the roof color.	✓
11.	The Carmel stone façade shall be installed in a broken course/random or similar masonry pattern. Setting the stones vertically on their face in a cobweb pattern shall not be permitted. Prior to the full installation of stone during construction, the applicant shall install a 10 square foot section on the building to be reviewed by planning staff on site to ensure conformity with City standards.	✓
12.	The applicant shall install unclad wood framed windows. Windows that have been approved with divided lights shall be constructed with fixed wooden mullions. Any window pane dividers, which are snap-in, or otherwise superficially applied, are not permitted.	✓
13.	The applicant agrees, at its sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval.	✓

	The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.	
14.	The driveway material shall extend beyond the property line into the public right of way as needed to connect to the paved street edge. A minimal asphalt connection at the street edge may be required by the Superintendent of Streets or the Building Official, depending on site conditions, to accommodate the drainage flow line of the street.	✓
15.	This project is subject to a volume study.	✓
16.	Approval of this Design Study shall be valid only with approval of the Use Permit.	N/A
17.	A hazardous materials waste survey shall be required in conformance with the Monterey Bay Unified Air Pollution Control District prior to issuance of a demolition permit.	✓
18.	The applicant shall include a storm water drainage plan with the working drawings that are submitted for building permit review. The drainage plan shall include applicable Best Management Practices and retain all drainage on site through the use of semi-permeable paving materials, French drains, seepage pits, etc. Excess drainage that cannot be maintained on site, may be directed into the City's storm drain system after passing through a silt trap to reduce sediment from entering the storm drain. Drainage shall not be directed to adjacent private property.	✓
19.	The project plans submitted for building permit review shall comply with the City's Green Building Ordinance (CMC Section 15.54) and obtain a minimum of 15 points based on the Residential Green Building Checklist.	✓



Original Site (Nov 2012)





West Neighbor



CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION
AGENDA CHECKLIST

MEETING DATE: 1 May 2013

BLOCK: R LOT: 9, 11

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: DS 13-34

APPLICANT: Paul and Kristin Vais

STREAMLINING DEADLINE: 5/17/13

SUBJECT:

Consideration of Design Study (Concept & Final) and Coastal Development Permit applications for the substantial alteration and addition of a garage in the front setback of an existing residence located in the Single Family Residential (R-1) District.

ENVIRONMENTAL REVIEW:

Exempt (Class 3 – new construction)

LOCATION:

Camino Real 3 SW of 11th

ZONING:

R-1

ISSUES:

1. Does the proposed design comply with the Residential Design Objectives (CMC 17.10.1) and the Residential Design Guidelines?

OPTIONS:

1. Approve the application as submitted.
2. Approve the application with special conditions.
3. Continue the application with a request for changes.
4. Deny the application.

RECOMMENDATION:

Option #2 (Approve the application with special conditions.)

ATTACHMENTS:

1. Staff Report dated 1 May 2013.
2. Application Materials.
3. Project Plans.

STAFF CONTACT: Marc Wiener, Senior Planner

**CITY OF CARMEL-BY-THE-SEA
COMMUNITY PLANNING AND BUILDING
STAFF REPORT**

APPLICATION: DS 13-34

APPLICANT: Paul & Kristin Vais

BLOCK: R

LOT: 9, 11

LOCATION: Camino Real 3 SW of 11th

REQUEST:

Consideration of Design Study (Concept & Final) and Coastal Development Permit applications for the substantial alteration and addition of a garage in the front setback of an existing residence located in the Single Family Residential (R-1) District.

NONCONFORMITIES:

1. Parking.
2. Site coverage.
3. Side-yard encroachment.

BACKGROUND/PROJECT DESCRIPTION:

This site is located on Camino Real Street three southwest of Eleventh Avenue and is developed with a one-story residence. The site has a driveway that serves as a parking pad but does not have conforming off-street parking. A Preliminary Determination of Ineligibility for listing on the City's Inventory of Historic Resources was issued on 17 April 2013.

The applicant is proposing to remodel the residence, which includes the following:

- 177 square foot expansion to the residence with minor additions to the front and north (side) elevations.
- Construction of a detached garage in the front setback.
- A four-foot tall grape stake fence and gate along the front property line
- Alterations to the windows.
- Addition of a chimney on the north elevation.
- Alterations to the side porch and rear deck.
- Replacement of the existing wood shingle siding and roofing where needed.

Because of the limited scope of this project staff has scheduled it for a "Concept and Final" review. However, if the Commission has concerns that cannot be addressed at this meeting, the application can be continued with a request for changes.

PROJECT DATA FOR A 6,000 SQUARE FOOT SITE:			
Site Considerations	Allowed	Existing	Proposed
Floor Area	2,460 sf (41%)	2272 sf (37.8%)	2,449 sf (40.8%)
Site Coverage	751 sf (12.5%)*	1,487sf (24.8%)	751sf (12.5%)
Trees (upper/lower)	3/1 trees	3/1 trees	3/1 trees
Ridge Height	18/24 ft.	18/20.5 ft.**	No Change
Plate Height	12 ft./18 ft.	12 ft./14 ft.**	No Change
Setbacks	Minimum Required	Existing	Proposed
Front	15 ft.	20 ft. 6 in.	15 ft. 9 in.***
Composite Side Yard	15 ft. (25%)	30 ft. (50%)	31 ft. (51.6%)
Minimum Side Yard	3 ft.	2 ft.	3 ft.
Rear	3 ft./15 ft.	3 ft.	No Change
* Includes a 4% bonus if 50% of all coverage is permeable or semi-permeable.			
** Rear of structure considered two-story.			
*** New garage addition 2 ft. setback.			

EVALUATION:

Forest Character: Residential Design Guidelines 1.1 - 1.4 encourage maintaining “a forested image on the site” and for new construction to be at least six feet from significant trees.

The site contains a total of 16 trees, three of which are significant. The construction of the new garage would not require the elimination of any trees. The deck addition would require the removal of the Monterey Cypress identified by the city forester as non-significant. The City Forester recommends planting one new upper canopy tree on site. A special condition has been added to address this requirement.

Privacy & Views: Design Guidelines 5.1 - 5.3 encourage new designs to “preserve reasonable privacy for adjacent properties” and to “maintain view opportunities.”

No view impacts will be created by this project. With regards to privacy, the northern neighbor has expressed concern with the two new kitchen windows on the north elevation. The proposed windows are in close proximity to the property line and look over the neighbor’s backyard.

To address this issue the applicant is proposing to use obscure glass on the kitchen windows and is proposing awning style windows that would only open to a limited extent for ventilation. The northern neighbor has requested that the windows be fixed.

The use of obscure glass will address the privacy impact. However, the Commission should discuss whether the windows need to be fixed.

Mass & Bulk: Design Guidelines 7.1 - 7.6 encourage a building's mass to relate "*to the context of other homes nearby*" and to "*minimize the mass of a building as seen from the public way or adjacent properties.*"

The proposed project minimally increases the size of the residence. However, the northern neighbor has expressed concern with the proposed kitchen additions on the north elevation. The additions create a continuous wall with a four foot setback from the north property line. The wall plane of the existing residence is staggered with portions having a seven foot setback. However, the neighbor's primary concerns appear to be more related to the privacy impacts from the windows and less with the massing.

Building & Roof Form: Design Guidelines 8.1 - 8.3 state that "*basic gable and hip roofs are traditional and their use is encouraged*" and "*moderately pitched roofs (4:12 to 6:12) are preferred.*" The Guidelines encourage traditional building forms that do not create a busy or complex appearance.

The applicant has done a nice job of integrating the addition into the existing residence without presenting an overly complicated appearance. Staff supports the proposed alterations to the residence.

Finish Details: Design Guideline 9.5 indicates that "*painted wood clapboard, stained or painted board and batten siding and shingles are preferred primary materials for exterior walls*" and "*when design details and surface materials are selected they should be used throughout the full exterior of the building to maintain consistency.*"

The proposed additions are clad with wood shingle siding, wood shake roof and unclad wood windows to match the existing residence. The proposed materials are consistent with the recommendations of the Design Guidelines and are consistent with the architectural style of the home.

Detached Garage: Design Guideline 6.2 states that "*parking facilities that maintain or enhance variety along the street edge are encouraged.*" CMC 17.10.030 allows for detached garages and carports to encroach into the front and/or side yard setbacks if certain standards can be met. These include avoiding impacts on significant trees and providing diversity to the streetscape.

There is currently a driveway on the north side of the property that serves as an off-street parking pad. The parking pad is located in the front setback and is technically non-conforming. CMC 17.10.030.F requires properties to have conforming parking when adding floor area. In order to provide conforming parking the applicant is proposing to construct a garage at the southeast corner of the property two feet back from the front property line.

Staff supports covered parking on the site, but notes that the proposed garage and new driveway will disturb a nicely planted area in the right-of-way. A condition has been added that the applicant provide a landscape plan showing the elimination of the north driveway and replacement with new landscaping to offset the loss of landscaping on the north side of the property.

The applicant is proposing to locate the garage in the front setback primarily so that it does not impact their side-yard. The proposed garage is located two feet from the front property line. For this particular site the garage appears somewhat out of place at the proposed location. Staff recommends that the garage be set back an additional seven feet from the front property line to provide a greater setback from the street. A condition has been added to address this recommendation.

Landscape Plan/Site Coverage: The applicant is required to submit a detailed landscape plan with the working drawings to be reviewed by staff and the City Forester. As previously noted, the existing driveway shall be eliminated and replaced by landscaping as indicated on the site plan. A special condition has been added to address the landscaping requirements.

With regards to site coverage, staff has identified some inconsistencies on the data table. Staff did not have the opportunity to work with the applicant on this issue prior to the meeting. A special condition has been added that the applicant work with staff on the site coverage to ensure that it is properly documented and eliminated to the extent required by code.

Chimney: CMC 17.10.030.B states that the maximum allowed horizontal dimensions of a chimney are three feet and four inches. The proposed chimney is approximately six feet wide and eight feet at the base along the north elevation. A special condition has been added requiring the applicant to bring the chimney into compliance.

Encroachments: There is an existing garden wall encroachment in the right-of-way. A portion of it will need to be removed for the new driveway. Staff recommends that the remainder of the encroachment be removed. The applicant is, however, encouraged to maintain the landscaping.

JA

RECOMMENDATION:

Approve the application with the attached special conditions.

SPECIAL CONDITIONS:

1. The applicant shall plant one upper canopy tree of substantial size and caliber and of a species approved by the City Forester. The trees shall be planted on site located approximately 10 feet from any building and shown on the final landscape plan submitted with the building permit application.
2. The two north elevation kitchen windows shall be awning style with obscure glass.
3. The garage shall be located nine feet back from the front property line.
4. The applicant shall submit a detailed landscape plan including a proposal to eliminate the driveway and replace with landscaping on the property and in the public right of way.
5. The applicant shall work with staff to ensure that the site coverage is properly documented and is eliminated as required by code.
6. The applicant shall revise the chimney so that it does not exceed three feet and four inches in any horizontal direction.
7. The garden wall encroachment located in the public right-of-way shall be eliminated.

FINDINGS REQUIRED FOR CONCEPT AND FINAL DESIGN STUDY APPROVAL
(CMC 17.64.8 and LUP Policy P1-45)

For each of the required design study findings listed below, staff has indicated whether the submitted plans support adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate the Planning Commission decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.

Municipal Code Finding	YES	NO
1. The project conforms with all zoning standards applicable to the site, or has received appropriate use permits, variances consistent with the zoning ordinance.	✓	
2. The project is consistent with the City's design objectives for protection and enhancement of the urbanized forest, open space resources and site design. The project's use of open space, topography, access, trees and vegetation will maintain or establish a continuity of design both on the site and in the public right of way that is characteristic of the neighborhood.	✓	
3. The project avoids complexity using simple/modest building forms, a simple roof plan with a limited number of roof planes and a restrained employment of offsets and appendages that are consistent with neighborhood character, yet will not be viewed as repetitive or monotonous within the neighborhood context.	✓	
4. The project is adapted to human scale in the height of its roof, plate lines, eave lines, building forms, and in the size of windows doors and entryways. The development is similar in size, scale, and form to buildings on the immediate block and neighborhood. Its height is compatible with its site and surrounding development and will not present excess mass or bulk to the public or to adjoining properties. Mass of the building relates to the context of other homes in the vicinity.	✓	
5. The project is consistent with the City's objectives for public and private views and will retain a reasonable amount of solar access for neighboring sites. Through the placement, location and size of windows, doors and balconies the design respects the rights to reasonable privacy on adjoining sites.	✓	
6. The design concept is consistent with the goals, objectives and policies related to residential design in the general plan.	✓	
7. The development does not require removal of any significant trees unless necessary to provide a viable economic use of the property or protect public health and safety. All buildings are setback a minimum of 6 feet from significant trees.	✓	
8. The proposed architectural style and detailing are simple and restrained in character, consistent and well integrated throughout the building and complementary to the neighborhood without appearing monotonous or repetitive in context with designs on nearby sites.	✓	
9. The proposed exterior materials and their application rely on natural materials and the overall design will as to the variety and diversity along the streetscape.	✓	
10. Design elements such as stonework, skylights, windows, doors, chimneys and garages are consistent with the adopted Design Guidelines and will complement the character of the structure and the neighborhood.	✓	

11. Proposed landscaping, paving treatments, fences and walls are carefully designed to complement the urbanized forest, the approved site design, adjacent sites, and the public right of way. The design will reinforce a sense of visual continuity along the street.	✓	
12. Any deviations from the Design Guidelines are considered minor and reasonably relate to good design principles and specific site conditions.	✓	

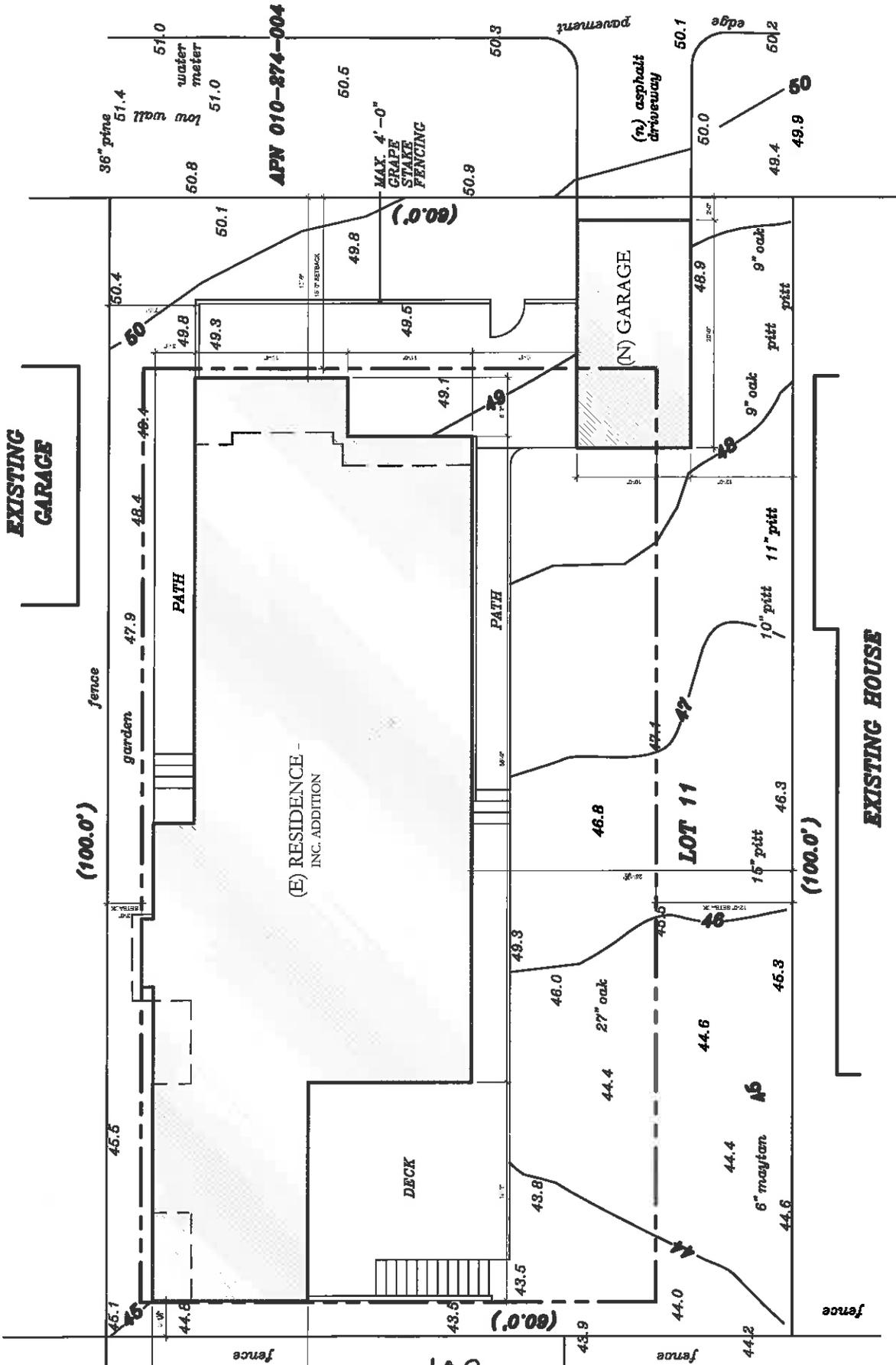
COASTAL DEVELOPMENT FINDINGS (CMC 17.64.B.1):

1. The project conforms with the certified Local Coastal Program of the City of Carmel by the Sea.
2. The project is not located between the first public road and the sea and no review is required for potential public access.

Standard R-1 Conditions		
No.	Condition	
1.	This approval constitutes a Design Study permit authorizing the alteration of an existing residence. All work shall conform to the approved plans dated 1 May 2013 except as conditioned by this permit.	✓
2.	The project shall be constructed in conformance with all requirements of the local R-1 zoning ordinances. All adopted building and fire codes shall be adhered to in preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested at the time such plans are submitted, such changes shall require separate approval by the Planning Commission.	✓
3.	This approval shall be valid for a period of one year from the date of action unless an active building permit has been issued and maintained for the proposed construction.	✓
4.	All new landscaping shall be shown on a landscape plan and shall be submitted to the Department of Community Planning and Building and to the City Forester prior to the issuance of a building permit. The landscape plan will be reviewed for compliance with the landscaping standards contained in the Zoning Code, including the following requirements: 1) all new landscaping shall be 75% drought-tolerant; 2) landscaped areas shall be irrigated by a drip/sprinkler system set on a timer; and 3) the project shall meet the City's recommended tree density standards, unless otherwise approved by the City based on site conditions. The landscaping plan shall show where new trees will be planted when new trees are required to be planted by the Forest and Beach Commission or the Planning Commission.	✓
5.	Trees on the site shall only be removed upon the approval of the Forest and Beach Commission; and all remaining trees shall be protected during construction by methods approved by the City Forester.	✓

6.	All foundations within 15 feet of significant trees shall be excavated by hand. If any tree roots larger than two inches (2") are encountered during construction, the City Forester shall be contacted before cutting the roots. The City Forester may require the roots to be bridged or may authorize the roots to be cut. If roots larger than two inches (2") in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the building permit will be suspended and all work stopped until an investigation by the City Forester has been completed. Twelve inches (12") of mulch shall be evenly spread inside the dripline of all trees prior to the issuance of a building permit.	✓
7.	Approval of this application does not permit an increase in water use on the project site. Should the Monterey Peninsula Water Management District determine that the use would result in an increase in water beyond the maximum units allowed on a 6,000 square foot parcel, this permit will be scheduled for reconsideration and the appropriate findings will be prepared for review and adoption by the Planning Commission.	✓
8.	The applicant shall submit in writing any proposed changes to the project plans as submitted on 1 May 2013 and approved by the Planning Commission, prior to incorporating changes on the site. If the applicant changes the project without first obtaining approval, the applicant will be required to either: a) Submit the change in writing and cease all work on the project until either the Planning Commission or staff has approved the change; or b) Eliminate the change and submit the proposed change in writing for review. The project will be reviewed for its compliance to the approved plans prior to final inspection approval.	✓
9.	Exterior lighting shall be limited to 25 watts or less per fixture and shall be no higher than 10 feet above the ground. Landscape lighting shall be limited to 15 watts or less per fixture and shall not exceed 18 inches above the ground.	✓
10.	All skylights shall use nonreflective glass to minimize the amount of light and glare visible from adjoining properties. The applicant shall install skylights with flashing that matches the roof color, or shall paint the skylight flashing to match the roof color.	✓
11.	The Carmel stone façade shall be installed in a broken course/random or similar masonry pattern. Setting the stones vertically on their face in a cobweb pattern shall not be permitted. Prior to the full installation of stone during construction, the applicant shall install a 10 square foot section on the building to be reviewed by planning staff on site to ensure conformity with City standards.	✓
12.	The applicant shall install unclad wood framed windows. Windows that have been approved with divided lights shall be constructed with fixed wooden mullions. Any window pane dividers, which are snap-in, or otherwise superficially applied, are not permitted.	✓
13.	The applicant agrees, at its sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval.	✓

	The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.	
14.	The driveway material shall extend beyond the property line into the public right of way as needed to connect to the paved street edge. A minimal asphalt connection at the street edge may be required by the Superintendent of Streets or the Building Official, depending on site conditions, to accommodate the drainage flow line of the street.	✓
15.	This project is subject to a volume study.	✓
16.	Approval of this Design Study shall be valid only with approval of the Use Permit.	N/A
17.	A hazardous materials waste survey shall be required in conformance with the Monterey Bay Unified Air Pollution Control District prior to issuance of a demolition permit.	✓
18.	The applicant shall include a storm water drainage plan with the working drawings that are submitted for building permit review. The drainage plan shall include applicable Best Management Practices and retain all drainage on site through the use of semi-permeable paving materials, French drains, seepage pits, etc. Excess drainage that cannot be maintained on site, may be directed into the City's storm drain system after passing through a silt trap to reduce sediment from entering the storm drain. Drainage shall not be directed to adjacent private property.	✓
19.	The project plans submitted for building permit review shall comply with the City's Green Building Ordinance (CMC Section 15.54) and obtain a minimum of <u>15</u> points based on the Residential Green Building Checklist.	✓



- 102 -

SITE PLAN
1/2" = 1'-0"

EXISTING HOUSE

EXISTING GARAGE

PROPOSED SITE PLAN
VAIS RESIDENCE
CARMEL REAL - 35W OF 11TH ST.
CARMEL, CA 93921
APN: 010.274.004

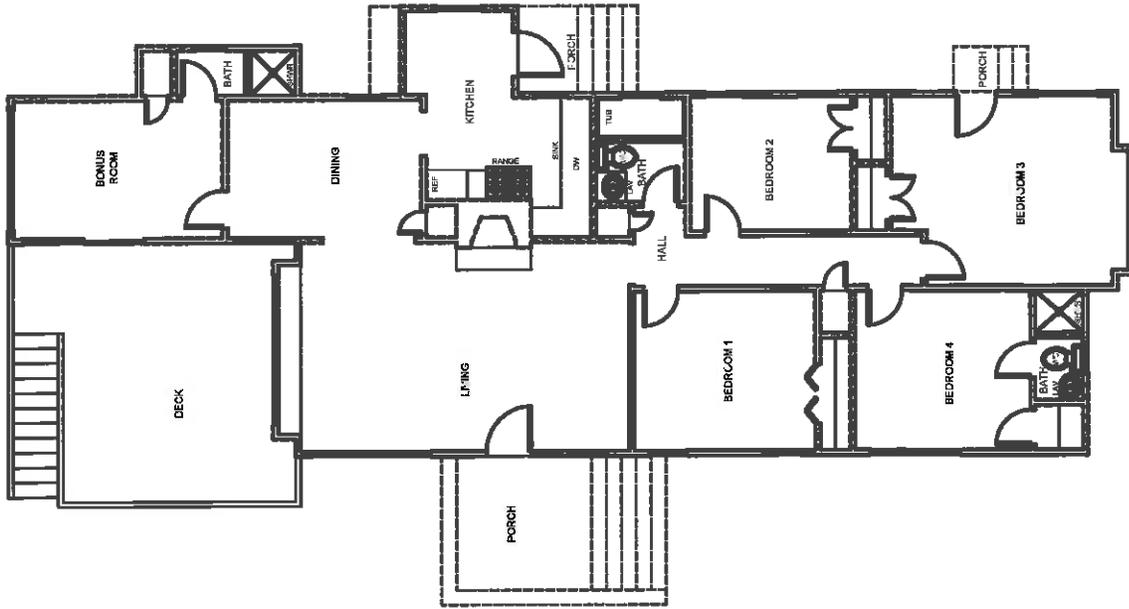
D.T.	04/15/2019
SCALE	1/2" = 1'-0"
DRAWN BY	DMD
DESIGNED	
REVISIONS	

CARMEL BUILDING DESIGN

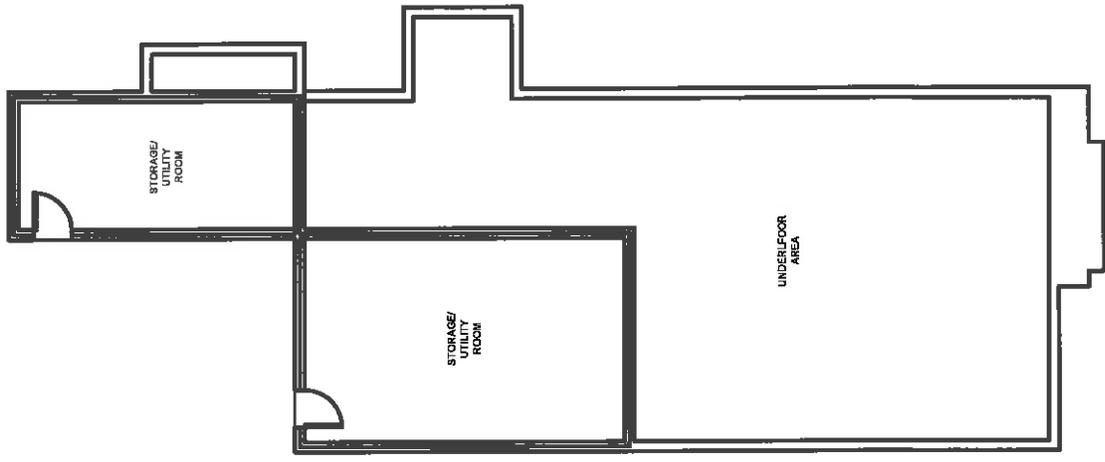
 Fine Custom Homes
 8786 82

PO Box 2201
 Carmel, CA 93921
 P. 831.626.8606
 F. 831.626.8607
 info@carmelbuilding.com

PAGE:
A1.0



MAIN FLOOR PLAN
1/8" = 1'-0"



LOWER FLOOR/PERIMETER PLAN
1/8" = 1'-0"

LEGEND
 [Symbol] (R) STUD WALL TO BE REPEATED
 [Symbol] (S) STUD WALL TO REMAIN

EXISTING FLOOR PLAN
 VAIS RESIDENCE
 CAMINO REAL - 35W OF 11TH ST.
 CARMEL, CA 93921
 APN: 010274004

DATE:	04/16/2010
SCALE:	1/8" = 1'-0"
DRAWN BY:	01/0
REVISION:	

CAMEL BUILDING DESIGN
 1 line Custom Homes
 License # 46492

PO Box 2201
 Carmel, CA 93921
 p. 831.626.8606
 f. 831.626.8607
 info@cammelbuilding.com

Front Addition



Existing Parking



Garage Location
108



Neighbor Letter

Marc Wiener

From: Marc Desautels
Sent: Wednesday, April 24, 2013 4:22 PM
To: Marc Wiener
Subject: File number DS13-34 At: W/s Camino Real 3 S 11th
Attachments: IMG_0747 2.jpg; IMG_0748 2.jpg; IMG_0749.JPG

Dear Marc,

Thank you for meeting with me this afternoon. Below follows our concerns and comments on the proposed project adjacent to the south side of our home.

Last week we received the Public Notice and we came to the Town offices and met with TJ to look at the Plans. The planned redevelopment and expansion of the north side of the neighboring house is of great concern for our privacy. The plan calls for the neighboring house to be built approximately three feet closer to our property with a increased plate height, while raising the roof line. Currently that portion of the neighboring house borders our small patio yard and is across from our sunroom/guest bedroom both of which are set lower than the neighboring structure. Currently one small obscure glass window exists along the referenced portion of the north facing wall of the neighboring house. The proposed plans call for 3 large windows to be built in the same span of the structure. This new structure will therefore loom higher and closer and create a "fish bowl" in what now is a very, small private patio and sunroom, that we enjoy daily. Because our patio area is south facing and shielded from the wind, we spend allot of time using the space. With the increased massing and these additional windows so close and directly over our patio, even a private conversation would be difficult.

We ask that the two most north-westerly windows be eliminated from The Plan, which leaves two windows remaining on that wall on either side of the proposed fireplace and of course all their west wall windows and banks of south facing windows. Our request would be in keeping with the way windows are placed on our house and the new house built to our north as well as the house on the south border of the proposed property redevelopment. This has historically respected and protected neighbors' privacy.

We appreciate your kind consideration of this matter.

Photos are attached

Respectfully Yours,

Marc and Susan Desautels
(2 SW Camino Real at 11th)

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION
AGENDA CHECKLIST

MEETING DATE: 1 May 2013

BLOCK: 135 LOTS: 19

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: DS 13-31

APPLICANT: Nancy Green

STREAMLINING DEADLINE: 6/4/13

SUBJECT:

Consideration of a Preliminary Design Concept for the alteration of an existing residence at a site located in the Single Family Residential (R-1) District.

ENVIRONMENTAL REVIEW:

Exempt (Class 3 – new construction)

LOCATION:

Lincoln 3 NW of 13th

ZONING:

R-1

ISSUES:

1. Does the proposed design comply with the Residential Design Objectives (CMC 17.10.1) and the Residential Design Guidelines?

OPTIONS:

1. Provide direction to the applicant.

RECOMMENDATION:

Option #1

ATTACHMENTS:

1. Staff Report dated 1 May 2013.
2. Application Materials.
3. Project Plans.

STAFF CONTACT: Marc Wiener, Senior Planner

**CITY OF CARMEL-BY-THE-SEA
COMMUNITY PLANNING AND BUILDING
STAFF REPORT**

APPLICATION: DS 13-31

APPLICANT: Nancy Green

BLOCK: 135

LOT: 19

LOCATION: Lincoln 3 NW of 13th

REQUEST:

Consideration of a Preliminary Design Concept for the alteration of an existing residence at a site located in the Single Family Residential (R-1) District.

BACKGROUND/PROJECT DESCRIPTION:

This site is located on Lincoln Street three northwest of Thirteenth Avenue and is developed with a one-story wood clad residence with an unfinished crawl space below. The residence contains two bedrooms and two bathrooms. The applicant is proposing to expand the residence by 202 square feet in order to add a third bedroom and is proposing to replace the wood siding with stucco.

The applicant has listed the floor area as 1,598 square feet, but this total does not include the unfinished crawl space below the house. If the crawl space were included the residence would likely be over the allowed 1,800 square feet, which would prohibit any additions to the residence. As part of this project the applicant is proposing to reduce the ceiling height of the crawlspace so that it will no longer qualify as floor area.

Staff has scheduled this application for a conceptual hearing. The purpose of this meeting is to review the project and determine if the proposal is appropriate and consistent with the zoning requirements and Design Guidelines. The primary focus is on the conversion of the crawl space and whether it can be excluded from the floor area.

EVALUATION:

Crawl Space: CMC Section 17.10.030.D states that *“all attic, basement and storage shed spaces with five or more feet of clearance between the floor or walking surface and the ceiling or roof surface shall be counted as floor area.”* The Code states that these spaces are to be counted *“whether finished or unfinished.”*

At the rear of the residence there is large crawl space that has a ceiling height of approximately six feet. When counting the crawl space the residence exceeds the allowed 1,800 square feet. However, staff notes that there is only 1,598 square feet of usable space and when deducting out the garage only 1,356 square feet is habitable. The applicant is proposing to lower the ceiling height of the crawl space in order to deduct it out of the floor area.

Past Planning Commissions have allowed the elimination floor area contained within the crawl space by lowering the ceiling height if it could be determined that entire residence would pass volumetric requirements. The concern was that the residence would still present the same exterior mass, even though the floor area is being eliminated. The issue with requiring a volume study of the entire residence is that often times the residence will not pass the volumetric requirements.

Typically when adding on to an existing residence only the addition needs to pass volumetric requirements, not the entire residence. CMC Section 17.10.030.D states that: *"It is recognized that existing homes built prior to 2003 may not have been designed to comply with volume standards. For these homes the following option is available: additions of floor area, whether attached or detached, may be approved through design review without determining compliance with the exterior volume standard for the entire site. Instead, the addition(s) shall comply with the applicable volume factor, only for the specific floor area contained in the addition(s)."*

What makes this project unique is that floor area is being eliminated without any reduction to the exterior of the residence. It is understandable why past commissions have required the entire residence to pass volume. However, it is fairly clear that for this project the subject residence would not pass volumetric requirements. Staff is concerned with the hardship that it would create for the property owner by essentially reducing the habitable floor area by 202 square feet.

If the Commission supports this project then it could require that only the additions would have to meet volume. Staff would also condition the approval so that the applicant or future property owner would be restricted from improving or conditioning the crawl space for habitation at a future date. This project presents an opportunity for the Commission to discuss how the City should treat crawl spaces. This discussion will have implications for other future projects.

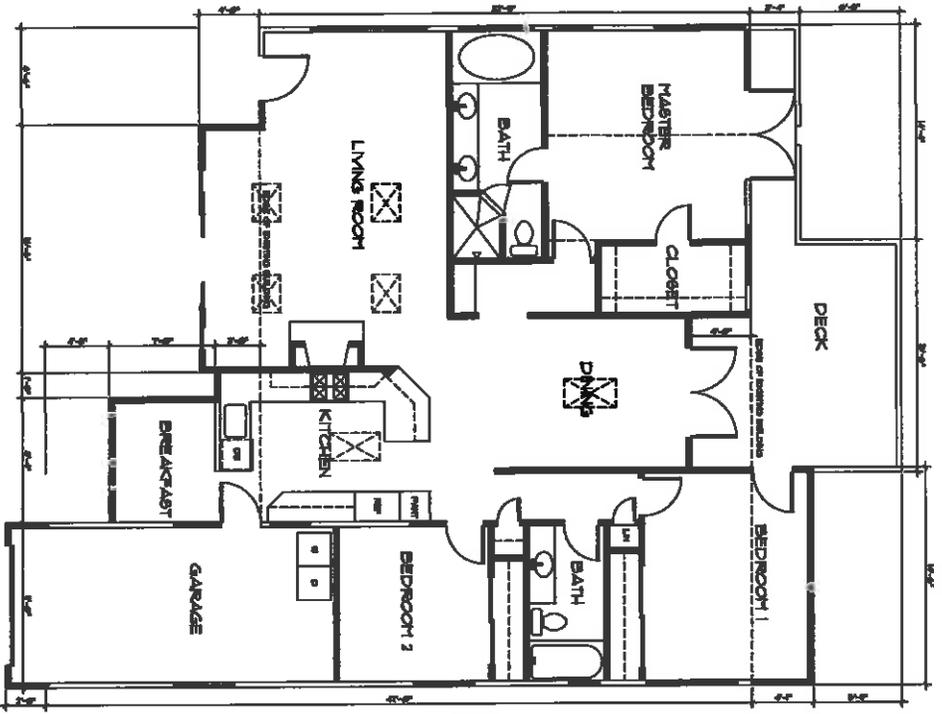
Design: Staff has not identified any significant issues with the proposed remodel, other than the issue of floor area as discussed above. The proposed additions meet the setback and height requirements and the building forms are consistent with the design of the existing residence.

The Commission can provide feedback to the applicant on the finish materials. For example, the applicant is proposing to convert the residence from wood to stucco which should be discussed. Design Guideline 9.5 states that *"stucco, in conjunction with some natural materials, may be considered depending on neighborhood character but should not be repeated to excess within a block."*

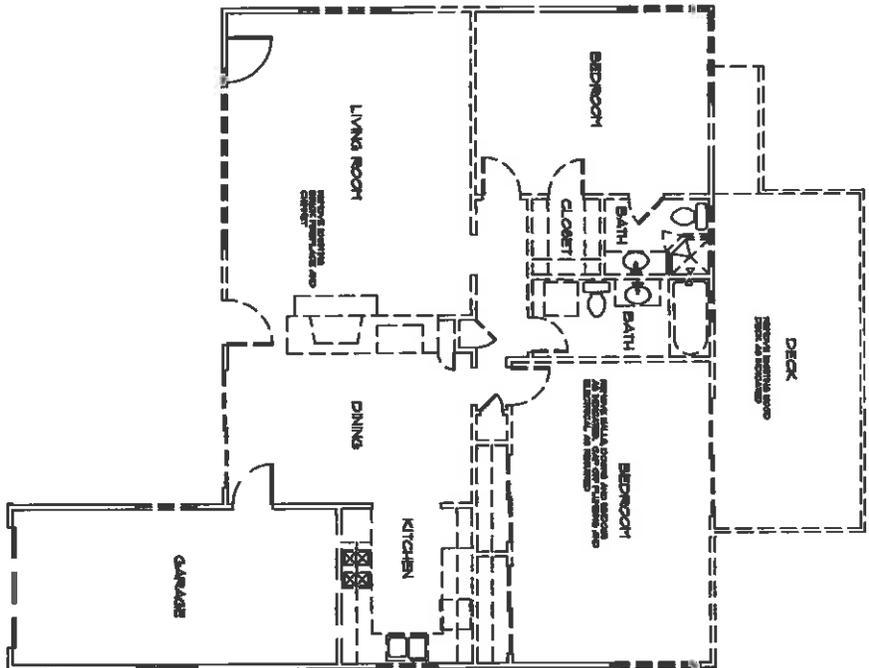
The applicant is proposing three skylights on the front elevation. *Design Guideline 9.14 states that "skylights should not be visually prominent from the street or from neighboring properties."* The Commission should discuss whether the proposed skylights are consistent with this requirement.

RECOMMENDATION:

Provide direction to the applicant.



FLOOR PLAN
1/4" = 1'-0"



DEMOLITION PLAN
1/4" = 1'-0"

REMODEL AND ADDITIONS FOR
Ms. Nancy Green
 LINCOLN, S NB OF 15TH CARTEL, CA
 APN 016-114-021

DATE: 4/4/88
 PROJECT NO.: 88003
 SHEET NO.: 1
 CHECKED BY:
 DRAWN BY:
 FLOOR PLANS

SHEET NO.
A-2
 OF THREE SHEETS

117

WILLIAM C. CLIFFORD
 ARCHITECT
 01 WA OMBARRON MONTEREY, CA 93040
 (831) 373-4567 LICENSE # C-22883

REVISIONS
 NO. DATE

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION
AGENDA CHECKLIST

MEETING DATE: 1 May 2013

BLOCK: 75 LOTS: 13

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: UP 13-5

APPLICANT: Dolores St. Partners LLC

BUSINESS: Cantineta Luca

STREAMLINING DEADLINE: 5/25/2013

SUBJECT:

Consideration of a Use Permit application to extend the hours of operation for an existing restaurant located in the Central Commercial (CC) District.

ENVIRONMENTAL REVIEW:

Exempt (Class 5 – Minor Alterations in Land Use)

LOCATION:

W/s Dolores bet. Ocean & 7th

ZONING:

CC

ISSUES:

1. Does the application comply with Municipal Code and General Plan?

OPTIONS:

1. Approve the application as submitted.
2. Approve the application with special conditions.
3. Continue the application with a request for additional information.
4. Deny the application.

RECOMMENDATION:

Option #2 (Approve the application with special conditions.)

ATTACHMENTS:

1. Staff Report dated 1 May 2013.
2. Findings for Decision.

STAFF CONTACT: Marc Wiener, Senior Planner

**CITY OF CARMEL-BY-THE-SEA
COMMUNITY PLANNING AND BUILDING
STAFF REPORT**

APPLICATION: UP 13-5 **APPLICANT:** Dolores St. Partners LLC
BLOCK: 75 **LOT:** 13
LOCATION: W/s Dolores bet. Ocean & 7th

REQUEST:

Consideration of a Use Permit application to extend the hours of operation for an existing restaurant located in the Central Commercial (CC) District.

BACKGROUND/PROJECT DESCRIPTION:

The subject commercial space is located on the west side of Dolores Street between Ocean and Seventh Avenues and is occupied by Cantinetta Luca restaurant. The restaurant operates under use permit (UP 02-34), which allows a total of 94 seats including 18 seats at a bar. The use permit allows the restaurant to operate between the hours of 7:30 a.m. to 9:00 p.m. Sunday through Thursday and 7:30 a.m. to 10:00 p.m. Friday and Saturday.

The restaurant is requesting to extend the hours of operation from 7:00 a.m. to 1:00 a.m. daily. The cover letter indicates that the applicant is proposing to have a limited late night food menu along with the regular bar service. The applicant is also requesting to occasionally have a DJ to play music through the restaurant speaker system.

EVALUATION:

Hours of Operation: Full-line restaurants are a conditionally permitted use and the operation of the business is established through a use permit. All use permit amendments, such as revising the hours of operation, require Planning Commission approval.

CMC 17.14.040 permits full-line restaurants to have bars in operation while food is being served and states that *“any sale of alcoholic beverages shall be subordinate to the primary use.”* The application indicates that a limited range of food items would be served until 1:00 a.m., however, it is unlikely that the sale of alcoholic beverages would be subordinate to the primary use food sales in the early morning hours. Staff’s primary concern with extending the hours of operation is that it could promote the restaurant to operate as a bar or night club in the early morning hours.

With regards to business hours, General Plan Policy P1-14 discourages “*evening commercial activity, especially on the perimeter of the commercial district that may be detrimental to the livability of adjacent residential areas.*” Over the years the City has tried to be consistent with this policy by limiting the amount of late night activity that occurs in the commercial district. Staff has only identified one restaurant (Jack London’s) that is permitted to stay open past 12:00 a.m. The majority of restaurants in town close between the hours of 9:00 p.m. to 11:00 p.m.

The applicant has indicated that they would like to operate similar to Mundaka and Vesuvio by staying open until later hours. It should be noted that both restaurants are required to close by 11:00 p.m. Staff has contacted the police department and code enforcement to look into this matter.

Staff is recommending that the hours of the restaurant be extended, but only until 11:00 p.m. The existing hours are 7:30 a.m. to 9:00 p.m. Sunday through Thursday and 7:30 a.m. to 10:00 p.m. Friday and Saturday. The approved hours would be 7:00 a.m. to 11:00 p.m. daily.

Recorded Music: CMC Section 9.16.040 states that “*it is unlawful for any person, firm, business, or corporation located in any CC, SC, RC or R-4 land use district to play or permit to be played recorded or reproduced music on private property at a volume that produces a sound level exceeding 55 db-A as measured at the property line or produces more than 40 db-A inside any building occupied by a noise-sensitive use.*”

The code does not prohibit the playing of recorded music, but does place restrictions on the noise levels. It should be noted that when the applicant first submitted the application it included a floor plan proposing to open space for a dance floor in conjunction with a DJ. Staff notified the applicant that dancing is not permitted in establishments that serve alcohol, consequently the proposal was withdrawn.

Staff recommends against allowing a DJ as part of the business operation, which is governed through the use permit. The primary concern is that it will promote loud music that exceeds the noise requirements and will create a code enforcement issue. It should be noted that the two buildings to the south have upstairs apartments that could be impacted by the noise. For these reasons staff recommends denial of the proposal for a DJ.

RECOMMENDATION:

Adopt the amended use permit with the attached findings and conditions.

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR DECISION

UP 13-5

Dolores Street Partners LLC (Cantinetta Luca)

W/s Dolores bet. Ocean & 7th

Block 75, Lot A13

CONSIDERATION:

Consideration of a Use Permit application to extend the hours of operation for an existing restaurant located in the Central Commercial (CC) District.

FINDINGS OF FACT:

1. The subject commercial space is located on the west side of Dolores Street between Ocean and Seventh Avenues. The commercial space is currently occupied by a restaurant named Cantinetta Luca, which operates under UP 02-34.
2. On 25 March 2013 the applicant submitted an application to amend the existing use permit and extend the hours of operation. The current hours of operation are 7:30 a.m. to 9:00 p.m. Sunday through Thursday and 7:30 a.m. to 10:00 p.m. Friday and Saturday. The approved hours would be 7:00 a.m. to 11:00 p.m. daily.
3. Carmel Municipal Code Section 17.14 Schedule II-B establishes that full line restaurants are a conditionally permitted use in the Central Commercial District and are subject to Planning Commission approval.
4. The application is exempt from the requirements of the California Environmental Quality Act (class 5).

FINDINGS FOR DECISION:

1. The proposed use, as conditioned, is not in conflict with the General Plan.
2. The proposed use, as conditioned, will comply with all zoning standards applicable to the use and zoning district.
3. The granting of the Use Permit will not set a precedent for the approval of similar uses whose incremental effect will be detrimental to the City, or will be in conflict with the General Plan.

4. The proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.
5. The proposed use will not be injurious to public health, safety or welfare.
6. The proposed use will be compatible with surrounding land uses and will not conflict with the purpose established for the district within which it will be located.
7. The proposed use will not generate adverse impacts affecting health, safety, or welfare of neighboring properties or uses.

SPECIAL CONDITIONS:

1. This use permit (UP 13-5) amends and supersedes the original use permit UP 02-34.
2. Restaurant hours shall be limited to 7:00 a.m. to 11:00 p.m. seven days per week.
3. Total restaurant capacity shall be limited to 94 seats including 18 seats at a bar.
4. The restaurant shall not operate as a "Drive-in, Formula Food or Fast Food" establishment as defined in CMC Section 17.70.
5. Except as provided in CMC Sections 8.68.070 and 8.68.080 no restaurant shall provide prepared food to its customers in CFC-processed food packaging or polystyrene foam food packaging, nor shall any restaurant purchase, obtain, keep, sell, distribute, provide to customers or otherwise use in its business any CFC-processed food packaging or polystyrene foam food packaging. The restaurant shall comply with all other requirements in CMC Section 8.68.
6. Substantially all foods from the standard menu shall be available for purchase during the hours that alcoholic beverages are being served except for the first hour and the last hour of each business day.
7. Customers shall be provided with individual menus while seated at a table or counter except for those picking up food at the take-out counter.
8. Food sold for consumption off the premises shall be incidental to the primary use. Such food shall be placed in covered containers or wrappings.

9. Adequate facilities shall be provided on the site for the closed storage of trash and garbage generated by the use. The on-site storage shall be designed so that the area can be cleaned and the refuse removed without creating a public nuisance and without being placed on the sidewalks or other public ways. If the method of cooking used will generate hot ashes, a storage facility and disposal method shall first be approved by the Fire Department.
10. At least one restroom shall be available for use by both sexes within, or conveniently adjacent to, the specific business premises and on the same property on which the use is located. This restroom shall comply with all provisions of the State Uniform Building and Plumbing Codes as to the required size, location and accessibility standards, and shall be available for use by both the employees and patrons of the business.
11. Maximum seating capacity shall not exceed the standards in the State Uniform Building and Fire Codes, the number of seats approved by the Planning Commission through public review, or the number of seats in the previous business, whichever is less. The seating capacity shall be posted on the premises.
12. The use shall be conducted in a manner consistent with the presentations and statements submitted in the application and at the public hearing, and any change in the use which would alter the findings or conditions adopted as part of this permit shall require approval of a new use permit by the Planning Commission.
13. This use permit shall become void and no further force or effect if the use is not initiated within six months and/or upon termination or discontinuance of the use for any period of time exceeding six months.
14. Violations of the terms of this use permit or other ordinances of the City may constitute grounds for revocation of this use permit and the associated business license by the Planning Commission.
15. Approval of this application does not permit an increase in water use on the project site. Should the Monterey Peninsula Water Management District determine that the use would result in an increase in water use as compared to the previous use, this Use Permit will be scheduled for reconsideration.

16. The applicant agrees, at its sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.

DECISION:

Adopt the amended use permit with the attached findings and conditions.



3/25/13

Dear Marc,

In regards to the request for an amended use permit, and based on our conversation last week, I wanted to clarify the purpose of this permit.

There has been a growing popularity among local restaurants to offer later hours and provide a venue for local patrons to socialize over food and beverage. Places such as Mundaka and Vesuvios offer dining options with a lively atmosphere up until later in the evening. We are not proposing to do anything different than what these other venues are offering. It would not be a "night club" as you feared, only a limited late night food menu coupled with our regular bar service. We would play music through our regular restaurant speaker system and on some nights have a DJ there to provide additional draw and ability for customers to choose the music that wish to have played. We are not planning any live music. Our intent is not to move tables or offer a dance floor, and we understand that dancing is not allowed while alcohol is being served.

While we are not currently open for breakfast and only open for lunch on Saturday and Sundays- I have indicated the use permit from 7am each morning as we would like to have the ability and flexibility to service private party luncheons or breakfast as needed.

I hope that clarifies the request for the use permit.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Dias", with a long, sweeping underline.

Lisa Dias
Chief Operating Officer
Mirabel Hotel & Restaurant Group

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION
AGENDA CHECKLIST

MEETING DATE: 1 May 2013

BLOCK: 76 LOT: 18

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: UP 13-7

APPLICANT: Esme Lazzare

BUSINESS OWNER: Wild Vine

PROPERTY OWNER: Jody Letowt

STREAMLINING DEADLINE: 6/11/13

SUBJECT:

Consideration of a Preliminary Concept Review of a request to include wine tasting as an ancillary use at a restaurant located Central Commercial (CC) District.

ENVIRONMENTAL REVIEW:

Exempt (Class 5 – Minor Alterations in Land Use)

LOCATION:

ZONING:

San Carlos 3 SE of Ocean

CC

ISSUES:

1. Does the application comply with the Municipal Code and Wine Tasting Policy?

OPTIONS:

1. Provide direction to the applicant.

RECOMMENDATION:

Option #1 (Provide direction to the applicant.)

ATTACHMENTS:

1. Staff Report dated 1 May 2013.
2. Application materials.

STAFF CONTACT: Marc Wiener, Senior Planner

**CITY OF CARMEL-BY-THE-SEA
COMMUNITY PLANNING AND BUILDING
STAFF REPORT**

APPLICATION: UP 13-7

APPLICANT: Esme Lazzare (Wild Vine)

BLOCK: 77

LOTS: 5-8

LOCATION: San Carlos 3 SE of Ocean

REQUEST:

Consideration of a Preliminary Concept Review of a request to include wine tasting as an ancillary use at a restaurant located Central Commercial (CC) District.

BACKGROUND/PROJECT DESCRIPTION:

The project site is a 3,500 square foot commercial space located on San Carlos Street three southeast of Ocean Avenue. The space includes a downstairs level currently used for retail and a small upstairs mezzanine. The space is currently occupied by a clothing store named Inago. The applicant is proposing to establish a new wine tasting room at the subject location.

Staff has scheduled this application as a conceptual review for two reasons. One reason is that there are some questions about whether the proposal is consistent with the wine tasting policy. Staff recommends that the Planning Commission provide input to the applicant prior to final review.

Another reason for the conceptual review is that when voting on a use permit four members of the Planning Commission are required to form a quorum. For this project one commissioner is not able to attend the meeting and another owns property within 500 feet of the project site and must recuse them self. With only three commissioners no formal action can be taken on the use permit.

EVALUATION:

Wine Tasting Policy: Staff has provided an evaluation of the wine tasting policy with the presumption that the new business is considered a wine tasting room. Below is a summary of the recently approved wine tasting policy followed by a response on how the applicant may or may not comply.

- *Tasting should only involve traditional wine based products such as still wines, sparkling wines or Port, no other alcoholic beverages should be permitted to be tasted or purchased.*
- *Tasting should involve wine only, no other alcoholic beverages should be permitted to be tasted or purchased.*

- *The maximum serving size should be 2 ounces per serving. Customers should not be permitted to drink bottles of purchased wine in the store and no wine tasting should take place on public property.*

Response: The applicant's proposal would be consistent with these three criteria. The applicant has not indicated what the serving size will be. However, if the use permit is approved it would be conditioned so that the serving size is no greater than 2 ounces.

- *Wines originating from Monterey County Vineyards and Wineries and locating their off-site tasting rooms in Carmel are desired and strongly encouraged.*

Response: The intent is that the space would be used to host three local wineries. There would be three separate standing bars each hosting one of the local wineries. Most of the local wine stock would be located on the upstairs mezzanine.

The applicant is also proposing to sell a variety of non-local wines, none of which would be served at the tasting bars. The wine would be stored and displayed in the lower level space. Staff concludes that as long as the non-local wineries are not providing tastings, the proposal would be consistent with the policy.

- *In order to encourage diversity and maintain a balanced mix of uses, one retail location offering wine tasting should not be located directly adjacent to another retail location offering wine tasting (not including restaurants). Generally, not more than five establishments offering tasting should be permitted along any one block.*

Response: There are two wine tasting venues on east side of San Carlos Street between Ocean and Seventh Avenues. One is Manzoni Estate Vineyard and the other is Bountiful Basket. There are no wine tasting establishments directly adjacent to the project site. The proposal is consistent with this policy requirement.

- *The primary purpose of wine tasting should be to encourage patrons to purchase wine for consumption off-site. Establishments should not operate as a wine bar where the primary purpose would be for patrons to drink wine.*
- *In order to avoid the appearance of a bar, the wine tasting service and seating area should generally be limited to no more than 30% of the floor area of the retail space.*

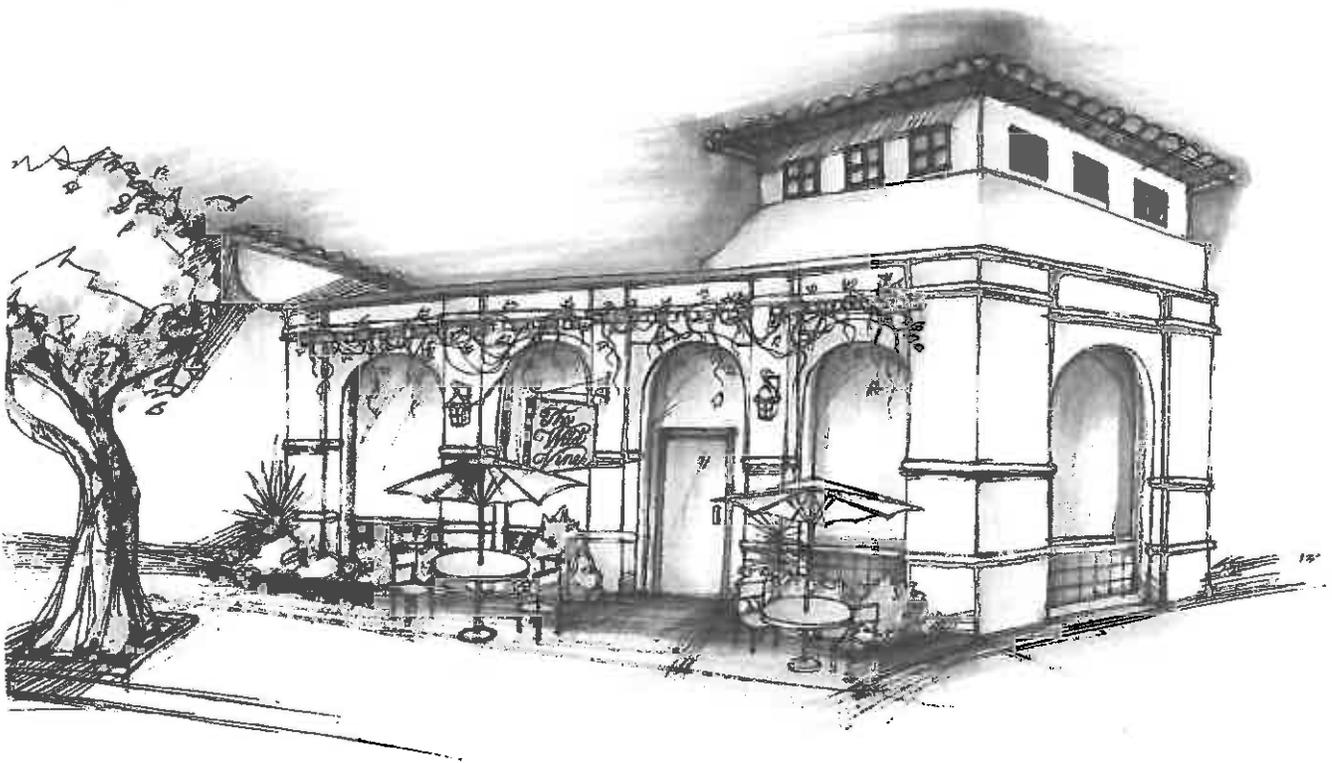
Response: The downstairs level and upstairs mezzanine would be devoted to retail. The main floor, however, is primarily devoted to wine tasting and seating. Three standing bars are proposed as well as three small tables and three sofas. The Commission should discuss whether more of the floor space needs to be devoted to retail to be consistent with the policy. The primary concern is that the establishment would operate as a bar as currently proposed.

Summary: The purpose of this meeting is to provide direction to the applicant so that they can return with a proposal that is consistent with the Wine Tasting Policy and likely to be approved. The Planning Commission will be provided with more details on the business plan and floor plans at the final meeting. Staff has also notified the applicant that outdoor seating is not permitted in conjunction with wine tasting, as currently proposed.

RECOMMENDATION:

Provide guidance to the applicant.

The Wild Vine



1.0 Company Summary

Elegance, artisan wine, upscale ambiance, and professional wine industry experience all come together to create The Wild Vine - a Wine Tasting Room and Retail Wine Shoppe featuring premiere local wines.

Featuring wines available for immediate purchase from our Participating Wineries' Educational Tastings, the Wild Vine Wine Shoppe will also offer a premium hand-picked selection of wines primarily from the Central Coast, but also from unique producers in California and around the world. Offering a complete experience including wine education and tours, the Wild Vine brings an educational focus and a community for wine enthusiasts interested in Central Coast Wineries through wine tasting and wine retail in downtown Carmel by-the-sea, California.

The Wild Vine Tasting Room will offer:

- An upscale, enjoyable environment where wine novices, enthusiasts, connoisseurs and industry professionals can enjoy educational tastings while getting to know local wineries and their brands
- Wine tasting attendants, retail staff and management who are friendly, personable and knowledgeable about Participant Wineries (their history and their wines), as well as wines for sale directly from The Wild Vine Wine Shoppe which will carry a range of wines representing first and foremost Central Coast producers, as well as other hand selected California wines and wines from around the world.
- Activities to enhance our guest participation in their wine education and appreciation journey, ranging from tours to winery grounds to sponsored picnics on the Peninsula.
- Retail products which Guests may purchase to remember their special visit to our Wine Tasting Room

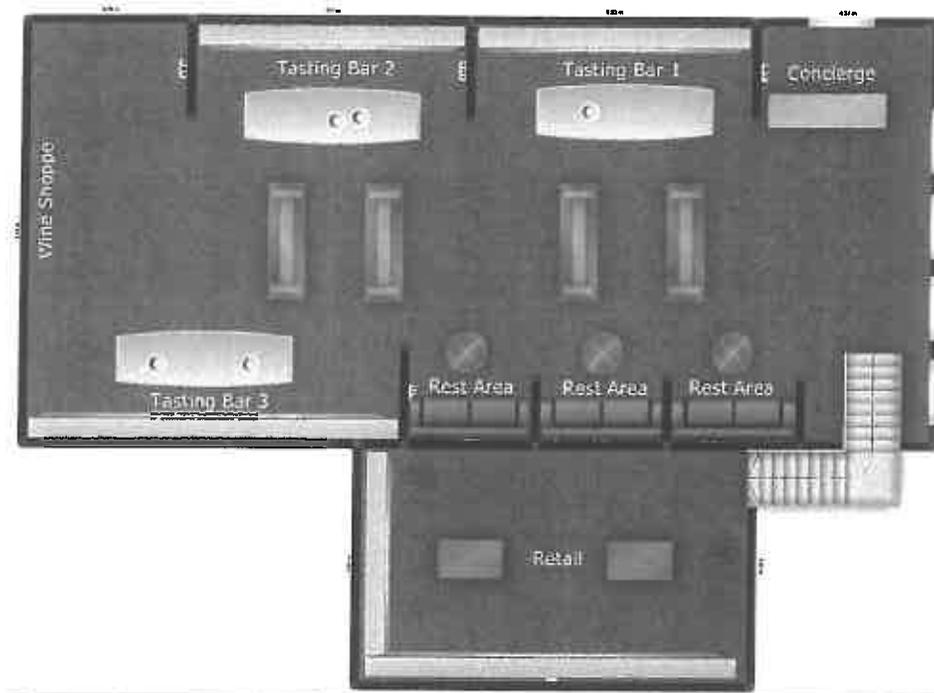
1.2 Mission: ***The Wild Vine mission is to create a memorable experience which exceeds the experience at other Peninsula tasting rooms.*** The wild Vine intends to offer this heightened experience through:

- A carefully designed elegant retail atmosphere
- Superior customer service by staff which are continually educated to have superior product knowledge
- Ensuring that every winery in our retail portfolio artfully crafts their wines and is passionate about both their product and their history
- Involvement of Participant Wineries and their years of experience: Participant Winery management will work with The Wild Vine management to continue to evaluate the desires of their customer and to meet and exceed those desires
- Offering complimentary and fee based activities that create for the guest an unforgettable experience.

1.3 Facility

Our facility located at

will be largely dedicated to retail, with three small designated areas for tastings, each dedicated to a specific local winery. The downstairs, which is zoned for retail, as well as the upstairs, will hold much of the wine stock for sale. The main floor will be dedicated to complimentary offerings of small prepackaged items and featured wines for sale. Three seats will also be available for guests waiting on on friends or family who are shopping or participating in tastings. No wine will be served or allowed to be consumed in the seating area.





The Wild Vine will also maintain exhibitions of single artists, local and international, to bring color and ambience to the location, and to enhance the cultural element already established with wine tasting and education.



1.4 Strategic Partners

The Wine Vine has teamed up with three local Wineries to showcase their wine products. These 3 Winery Participants are crucial to our business model and we consider them partners.



2.0 Products and Services

Our customers are both our Winery Participants and our Retail Guests. Thus, our services are custom designed to uniquely serve each of the above.

2.1 For The Participating Wineries

As a multi-winery tasting room, The Wild Vine will work closely with our 3 Winery Participants to improve their brand recognition and increase their sales through wine tastings, direct retailing of their products on site as well as through their wine club programs by assisting in new membership acquisition, allowing the wineries to focus on their core business while increasing their rapport with the public and increasing Participant Winery visibility with the Public visiting the Monterey Peninsula. The Wild Vine multi-winery Tasting Room offers additional benefits through the "Labrusca Educational Center" and through "Labrusca Wine Tours". Labrusca will provide an extended program of wine workshops and classes to educate their patrons about Monterey A.V.A.s and their wines, as well other California A.V.As and other U.S. wine regions, giving priority to the A.V.A.'s on the Peninsula. Labrusca will provide guided wine tours to our Participant Wineries on the Monterey Peninsula, which will be heavily promoted, as well as to non-partner wineries also located in the Monterey Bay area. Increased visits to winery grounds, through local tour packages and transportation arranged at the retail location, increase Participant Winery visibility with the Public visiting the Monterey Peninsula.

2.2 For the Wine Novice, Enthusiast and Connoisseur Guest

- A pleasant friendly environment for our visitors full of ambiance and rich in personality.
- The benefits of the superior training of our tasting room personnel on the history of Participant Wineries and their wines, as well as on the wines of other producers we retail. Personnel will also be educated on local history and our full time Concierge will be able to provide directions and suggestions for our curious Guests as well as take prepayments for tastings and ring up retail purchases when the tasting room is busy, ensuring a seamless experience.
- A variety of educational opportunities through Labrusca Wine Education and Tours to enhance wine knowledge and create memories of Guest visits to Carmel-by-the-sea, include a series of creative events for the enjoyment of the Guest ; chocolate and cheese tastings/pairings, sponsoring of picnics and other seasonal events which will increase brand recognition for the Winery Participants as well.
- A superior retail selection of local and international wines and locally crafted gift items for the public, locals and visitors alike!

3.0 Tasting Room Manager

Everyone on The Wild Vine's staff will be highly trained in a "upon hire educational training program" through Labrusca and supervised by our Tasting Room Manager. The program requires new staff to attend one week of full time training. Afterwards staff members will be able to:

- Educate guests about our Participant Wineries and their products, procedures, and their history.
- Assist Guests so that they make educated purchases and are aware of the quality and range of the product we carry and to make sure customers select and find exactly what they are looking for or desire.
- Invite Guests to join our Participant wine clubs
- Engage in earth friendly practices while maintaining the aesthetic requirements of the tasting room at all times
- Listen to customers and make suggestions to management about new products or services that our Guest would like to enjoy at our establishment

Our Tasting Room Manager is responsible for overseeing the overall tasting and retail experience, overseeing all aspects of the daily operations in the Tasting Room and Wild Vine Wine Shoppe and for ensuring that the staff is providing exceptional customer service and creating a uniquely memorable experiences for our Guests .

Pablo Antinao-Alvarez has been hand-picked to lead our team as TRM for his experience and knowledge of the industry. He is currently the tasting room manager and events planner for Joyce Vineyards and Winery in Carmel Valley, California. He is also currently a Wine Educator and Wine Consultant on the Monterey Peninsula. Previously he worked as the Wine Representative/Sommelier at Carmel Ridge Hills Winery in Monterey, California. He will conduct all training of staff and will be shadowed by a junior manager who will provide back up and support while learning to fill the manager's shoes if need be so that quality is maintained at all times in the Tasting Room.

Pablo has received the advanced certification of the Wine & Spirits Education: Trust (WSET). In 2008, he attended the Sommelier Academy of Spain, (Escuela Espanola de Sommelier) in Barcelona, Spain, becoming a Certified Sommelier. In 2008 he also attended the Culinary Institute of America in Napa Valley, California. He is a Certified Wine Professional, (CWP) and his wine education studies include all United States growing regions, South American and European growing regions, as well as culinary and wine pairing studies. He has participated in a number recent Wine Tasting events in Los Angeles and San Francisco.

5.0 Objectives:

Our immediate objectives for the realization of the Wild Vine Tasting Room and Wine Shoppe are:

1. Finalize Complete Business Plan
2. Purchase Required Licenses
3. Finalize Interior Design of Wine Tasting Room and create exterior signage
4. Hire and Educate Staff
5. Commence Operations sometime between June 1st and August 1st

6.0 Keys to Success

1. Creating an environment that appeals to women and women's socialization patterns. Since women drink more wine than men overall, it is important to create an atmosphere where women can attend wine tastings with men as well as other women and to create types of events that are appealing to and memorable especially for women as well as to be extra supportive of women interested in making wine purchases and considering wine club benefits.
2. Entertaining, knowledgeable tasting room attendants who can tell visitors how the grapes were grown, how the wine was made and other interesting information about the winery are far more important in generating sales than being an on-site tasting room. Moreover, about half the visitors will spend about \$80 while only 10 percent spend over \$200. Spending time inducing the one- to two-bottle buyer to buy one more bottle will increase total revenue more than persuading the case buyer to buy more.
3. Getting visitors in the door is the most important thing a winery can do. Once in the tasting room, 69 percent will buy your wine, and 19 percent will join your wine club. Of those who bought and/or joined, the great majority said that an entertaining, informative attendant was an important factor in their decision. It is important to us that locals embrace the The Wild Vine as much as Visiting Guests, as an educational resource, a community for wine enthusiasts, and as a reliable retail venue. VIP membership for local repeat customers with special pricing as well as keeping the retail store well stocked and the educational offerings fresh will be key to attracting locals as well as non-local customers.



Lastly,

The Wild Vine is requesting outdoor seating for four people, which is not accurately depicted here. Two small tables and 4 chairs would ideally be posted inside the area currently dedicated to native flora. These planter areas would be maintained with flora, but reduced in size to accommodate this small amount of seating on hard ground. No alcohol would be consumed at these tables, which would be brought inside nightly and during the day the seating would remain within the bounds currently outlined by the plantable area. Fixed tables and seating is an option, if there is concern that seating may be moved and cause obstruction, in which case they would remain outdoors overnight.