

**CITY OF CARMEL-BY-THE-SEA  
PLANNING COMMISSION  
SPECIAL MEETING AGENDA**

Special Meeting  
City Hall  
East Side of Monte Verde Street  
Between Ocean & Seventh Avenues

December 16, 2015  
Wednesday  
Tour: 2:30 p.m.  
Meeting: 4:00 p.m.

**A. CALL TO ORDER AND ROLL CALL**

Commissioners: Don Goodhue, Chair  
Michael LePage, Vice-Chair  
Keith Paterson  
Jan Reimers  
Ian Martin

**B. TOUR OF INSPECTION**

Shortly after 2:30 p.m., the Commission will leave the Council Chambers for an on-site Tour of Inspection of all properties listed on this agenda (including those on the Consent Agenda). The Tour may also include projects previously approved by the City and not on this agenda. Prior to the beginning of the Tour of Inspection, the Commission may eliminate one or more on-site visits. The public is welcome to follow the Commission on its tour of the determined sites. The Commission will return to the Council Chambers at **4:00 p.m.** or as soon thereafter as possible.

**C. ROLL CALL**

**D. PLEDGE OF ALLEGIANCE**

**E. ANNOUNCEMENTS/EXTRAORDINARY BUSINESS**

**F. APPEARANCES**

Anyone wishing to address the Commission on matters not on the agenda, but within the jurisdiction of the Commission, may do so now. Please state the matter on which you wish to speak. Matters not appearing on the Commission agenda will not receive action at this meeting but may be referred to staff for a future meeting. Presentations will be limited to three minutes, or as otherwise established by the Commission Chair. Persons are not required to give their name or address, but it is helpful for speakers to state their name in order that the Secretary may identify them.

**G. CONSENT AGENDA**

Items placed on the Consent Agenda are considered to be routine and are acted upon by the Commission in one motion. There is no discussion of these items prior to the Commission action unless a member of the Commission, staff, or public requests specific items be discussed and removed from the Consent Agenda. It is understood that the staff recommends approval of all consent items. Each item on the Consent Agenda approved by the Commission shall be deemed to have been considered in full and adopted as recommended.

1. Consideration of draft minutes from November 18, 2015 Planning Commission Special Meeting

**H. PUBLIC HEARINGS**

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

- |  |   |
|--|---|
| 1. DS 15-359 (Lawson)<br>David K. Costa Jr.<br>26109 Ladera Dr.<br>Blk:MA ; Lot: 10<br>APN: 009-331-002  | Consideration of a Design Study (DS 15-359) for the replacement of a wood-shake roof with composition shingles on a residence located in the Single-Family Residential (R-1) District   |
| 2. DS 15-352 (Rezai)<br>John Mandurrigo<br>SE Corner of 4 <sup>th</sup> and Perry Newberry<br>Block: 2B, Lot: 4<br>APN: 009-161-017<br><i>Continued to 1/13/15</i> | Consideration of a Final Design Study (DS 15-352) and Coastal Development Permit application for a remodel and addition to an existing residence located in the Single-Family Residential (R-1) Zoning District   |
| 3. CDP 15-244 (Desert Beach, LLC)<br>Tim Germany<br>Carmel Beach: West side of the Scenic Road and 8 <sup>th</sup> Ave intersection                                | Consideration of Coastal Development Permit (CDP 15-244) for the restoration of sand dunes located on City property in the P-2 (Improved Parklands) and Beach and Riparian Overlay District (BR) Zoning Districts. The project is being proposed by a property owner that lives adjacent to the sand dunes. |
| 4. DS 15-418 (Ghazal)<br>Steven Diaz<br>NE corner San Antonia at 10 <sup>th</sup> Avenue<br>Block: V, Lot: 18 and 20<br>APN: 010-277-007                           | Consideration for the Reissuance of a Final Design Study (DS 15-418) and Coastal Development Permit application for the remodel and addition to an existing residence located in the Single-Family Residential (R-1) Zoning District (previous planning application case number DS 12-68)                   |

- |   |  |
|---|--|
| <p>5. DS 15-411 (Howley)<br/> Erik Dyar<br/> SW corner of Lincoln and 11<sup>th</sup><br/> Block: 133, Lot: 1<br/> APN: 010-183-001</p>                               | <p>Consideration of a Concept Design Study (DS 15-411) and Coastal Development Permit application for a remodel and addition to an existing single-family residence located in the Single-Family Residential (R-1) Zoning District</p>   |
| <p>6. DR 15-381 (Carmel Properties)<br/> Alan Leham<br/> Sixth Avenue, 3 SW of San Carlos<br/> Blk 71, Lot: 1 (south 1/4) &amp;all of Lot 5<br/> APN: 010-134-005</p> | <p>Consideration of a Design Review (DR 15-381) application for the remodel of a commercial building storefront located in the Central Commercial (CC) Zoning District</p>   |
| <p>7. DR 15-217 (Chadwick)<br/> Eric Miller Architects<br/> Scenic Road, 2 NW of 8<sup>th</sup> Avenue<br/> Blk C2, Lot: 10 &amp; 11<br/> APN: 010-312-026</p>        | <p>Consideration of a Concept Design Study (DS 15-217) and Coastal Development Permit application for demolition of existing residence and construction of new residence located in the Single-Family Residential (R-1), Beach and Riparian (BR) and Archaeological Significance (AS) Overlay Zoning Districts</p> |

**I. DIRECTOR'S REPORT**

1. Update from the Director

**J. SUB-COMMITTEE REPORTS**

1. Discussion on Roofing Subcommittee
2. Discussion on Restaurant Subcommittee

**K. ADJOURNMENT**

The next meeting of the Planning Commission will be:

January 13, 2016

The City of Carmel-by-the-Sea does not discriminate against persons with disabilities. Carmel-by-the-Sea City Hall is an accessible facility. The City of Carmel-by-the-Sea telecommunications device for the Deaf/Speech Impaired (T.D.D.) Number is 1-800-735-2929.

The City Council Chambers is equipped with a portable microphone for anyone unable to come to the podium. Assisted listening devices are available upon request of the Administrative Coordinator. If you need assistance, please advise the Planning Commission Secretary what item you would like to comment on and the microphone will be brought to you.

NO AGENDA ITEM WILL BE CONSIDERED AFTER 8:00 P.M. UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE PLANNING COMMISSION. ANY AGENDA ITEMS NOT CONSIDERED AT THE MEETING WILL BE CONTINUED TO A FUTURE DATE DETERMINED BY THE COMMISSION.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning & Building Department located in City Hall, east side of Monte Verde between Ocean & 7<sup>th</sup> Avenues, during normal business hours.

**AFFIDAVIT OF POSTING**

*I, Marc Wiener, Acting Community Planning and Building Director, for the City of Carmel-by-the-Sea, DO HEREBY CERTIFY, under penalty of perjury under the laws of the State of California, that the foregoing notice was posted at the Carmel-by-the-Sea City Hall bulletin board, posted at the Harrison Memorial Library on Ocean and Lincoln Avenues and the Carmel Post Office.*

Dated this 9th day of December 2015 at the hour of 4:00 p.m.

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Marc Wiener  
Acting Community Planning and Building Director

**CITY OF CARMEL-BY-THE-SEA  
PLANNING COMMISSION SPECIAL MEETING – MINUTES  
NOVEMBER 18, 2015**

**A. CALL TO ORDER AND ROLL CALL FOR TOUR OF INSPECTION**

PRESENT: Commissioners: Martin, Paterson, LePage, Reimers and Goodhue

ABSENT: NONE

STAFF PRESENT: Marc Wiener, Acting Planning & Building Director  
Catherine Tarone, Assistant Planner  
Ashley Hobson, Contract Planner  
Matthew Sundt, Contract Planner  
Cortina Whitmore, Planning Commission Secretary

**B. TOUR OF INSPECTION**

The Commission convened at 2:30 p.m. and then toured the following sites:

- DS 15-328 (Master Work Builders); Monte Verde, 2 NE of 12<sup>th</sup>; Blk: 10, Lot:133
- DS 15-322 (North Point Investments); NE Corner of Ocean and San Antonio; Block: HH, Lot: 2 & 4
- DS 15-327 (Carlson); NW Corner of Ocean Ave. and Carpenter St., Block: 64, Lot: S ½ of 2,4 & 5
- DS 15-352 (Rezai); SE Corner of 4<sup>th</sup> and Perry Newberry, Block: 2B, Lot:4

**C. ROLL CALL**

Chairman Goodhue called the meeting to order at 4:00 p.m.

**D. PLEDGE OF ALLEGIANCE**

Members of the audience joined Commission Members in the Pledge of Allegiance.

**E. ANNOUNCEMENTS/EXTRAORDINARY BUSINESS**

N/A

**F. APPEARANCES**

Mrs. Primrose raised questions regarding the Public Noticing procedure. Marc Wiener clarified noticing procedures.

**G. CONSENT AGENDA**

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1. Consideration of draft minutes from October 20, 2015 Planning Commission Regular Meeting

Commissioner Paterson noted a correction to the October 20, 2015 Planning Commission minutes in regards to UP 15-317 (Il Tegamino), the Commission approved three days of live music.

**Commissioner LePage moved to accept item #1 with noted correction. Commissioner Paterson seconded the motion and carried the following vote: 5-0-0-0.**

AYES: COMMISSIONERS: PATERSON, MARTIN, LEPAGE, REIMERS & GOODHUE  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE

- |                                     |   |
|-------------------------------------|---|
| 2. DS 15-269 (Trailer)              | Consideration of a Final Design Study (DS 15-269) |
| Zach Trailer                        | and associated Coastal Development Permit for the |
| Camino Real 2 NW of 9 <sup>th</sup> | construction of a new single-family residence     |
| Block: O; Lot :15                   | located in the Single-Family Residential (R-1)    |
| APN:010-264-002                     | Zoning District.                                  |

Commissioner Reimers recused herself from Consent Item #2. Vice Chair LePage noted the word “demolition” needs to be added in the description.

**Commissioner LePage moved to accept Consent Item #2. Commissioner Paterson seconded the motion and carried the following vote: 4-0-0-1.**

AYES: COMMISSIONERS: PATERSON, MARTIN, LEPAGE, & GOODHUE  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: REIMERS

**H. PUBLIC HEARINGS**

- |  |  |
|--|--|
| 1. Rio Park/ Larson Field Pathway<br>City of Carmel-by-the-Sea<br>Blk: US, Lots: 38N<br>APN: 009-531-003 | Consideration of advisory recommendations to the City Council on (1) the adequacy of the environment documents, and (2) appropriate design options for the Rio Park/Larson Field Shared Use Trail Project. |
|--|--|

Speaker #1: Brain Roseth provided Rio Park/Larson Field Pathway Report summary. Mr. Roseth noted the City Council approved a concept design and Environmental Study in April 2015. Mr. Roseth presented four design options and answered questions from the Planning Commission. Mr. Roseth noted environmental issues raised in regards to Tribal and Traffic impact and were addressed.

- Option #1: Addition of parking and recreational amenities. PNC also noted no Environmental impact.
- Design option #2: Re-route the trail, to allow continued joint use with the Waste Water District.
- Design Option #3: New proposed crosswalk onto the trail at Rio Road.
- Design Option #4: Pave the surface of the trail to allow the trail to be classified as a Class One Bikeway. This will include widening the pathway to allow for 2-way bike traffic.

Chair Goodhue closed the public hearing.

The Commissioners held discussion. Commissioner Reimers expressed her concern for safety at the entrances/exits to the trails. Commissioner Martin noted the need for the trail to remain accessible to families and children during school commute times.

**Commissioner Reimers moved to recommend the following to the City Council: recommendation #1, initial study is legally adequate, #2, the mitigation is identified, #3, include project design options #1-3, #4, the surface of the path should be developed and maintained for safety and use from small children on bicycles and #5, encourage the City to work with CAWD to schedule off-hours maintenance to keep the pathway accessible in light of the school commute. Motion seconded by Vice Chair LePage and carried on a 5-0-0-0 vote as follows:**

AYES:	COMMISSIONERS: REIMERS, MARTIN, LEPAGE, PATERSON & GOODHUE
NOES:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: NONE



Speaker #1: Applicant, Mr. Karapetkov provided additional design details.

Speaker #2: Jeff Kilpatrick, Architect clarified proposed design changes and answered questions from the Commission. Mr. Kilpatrick asked the Commission to consider a larger driveway width to accommodate angle driveway and setback limits.

Chair Goodhue opened the meeting to the public.

Seeing no speakers, Chair Goodhue closed the public hearing.

The Commissioners held discussion. Commissioner Martin commented the proposed hardy board will take away from the original design. Vice Chair LePage noted he agrees with the staff and believes the garage and house siding should match horizontally. Commissioner Paterson asked staff to clarify maximum driveway width allowed by City Code. Commissioner Reimers noted her concern for the different proposed material choice for the garage. Marc Wiener clarified City code requires a 14 foot driveway width in the right-of-way.

**Commissioner Reimers moved to accept DS 15-057 with staff recommendations # 1-3, and the following special conditions: driveway width not to exceed 14 feet, applicant shall plant and maintain one new upper-canopy tree, and the applicant shall submit paint chips for staff review prior to the building permit issuance and use colors compatible with the metal railings above the garage. In addition, the detached garage shall be clad in stucco and the garage door shall have wood channel lock siding to match the horizontal fence design. Motion seconded by Vice Chair LePage and carried by the following vote 5-0-0-0:**

AYES:	COMMISSIONERS: MARTIN, LEPAGE, PATERSON, REIMERS & GOODHUE
NOES:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: NONE
ABSTAIN:	COMMISSIONERS: NONE

4. DS 15-359 (Lawson) David K. Costa Jr. 26109 Ladera Drive Blk: MA; Lot: 10 APN: 009-331-002	Consideration of Design Study (DS 15-359) for the replacement of a wood-shake roof with composition shingles on a residence located in the Single-Family Residential (R-1) District
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**Commissioner Reimers moved to continue DS 15-359 (Lawson) per the request of the Applicant. Motion seconded by Commissioner LePage and carried on a 5-0-0-0 vote as follows:**

AYES:	COMMISSIONERS: MARTIN, LEPAGE, REIMERS, PATERSON, GOODHUE
NOES:	COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE

5. DS 15-352 (Rezai) Consideration of a combined Concept and Final Design Study (DS 15-322) and associated Coastal Development Permit for alterations to an existing residence located in the Single-Family Residential (R-1), Park Overlay (P), and Beach and Riparian (BR) Overlay Zoning District.
- John Mandurrago  
SE Corner of 4<sup>th</sup> and Perry Newberry  
Blk: 2B, Lot:4  
APN: 009-161-017

Ashley Hobson, Contract Planner presented the staff report. Ms. Hobson noted concerns raised by Susan Singer, the Applicant's neighbor to the east.

Speaker #1: Project Architect, John Mandurrago provided further explanation of the proposed design and stated he is aware of the concerns raised by the neighbor to the east and noted there are solutions that will satisfy the neighbors concerns for privacy. Mr. Mandurrago answered questions from the Commission.

Chair Goodhue opened the meeting to the public.

Speaker #2: Susan Singer, neighbor to the east noted concern with the location of the garage, the four Rezai windows facing east, and expressed her preference for a new fence.

Speaker #1: John Mandurrago clarified the garage was staked approximately one foot away from the property line.

Speaker #3: Neighbor, noted concerns in regards to traffic and parking.

Seeing no other speakers, Chair Goodhue closed the public hearing.

The Commission held a brief discussion. Vice Chair LePage asked Marc Wiener to clarify available parking. Commissioners Goodhue and Reimers noted their support of mixing the material choices. Commissioner Martin questioned who would be responsible for paying for a new fence and noted exterior lights need to be down lighting.

**Vice Chair LePage moved to accept application DS 15-352 (Rezai) with staff recommendation #1, and the following approval conditions: Applicant work to resolve the contrast of materials as directed, ensure windows on the east elevation are frosted or opaque, shift detached garage one foot from the east property line and Applicant and the neighbor to the east work together to determine if a new fence is needed. Motion seconded by Commissioner Reimers and carried by the following 5-0-0-0 vote:**

AYES: COMMISSIONERS: MARTIN, LEPAGE, REIMERS,  
PATERSON & GOODHUE

NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE

6. DS 15-322 (North Point) Consideration of a combined Concept and  
North Point Investments Final Design Study (DS 15-328) and  
NE Corner of Ocean & San Antonio associated Coastal Development Permit for  
Blk:10, Lot: 133 alterations to an existing residence located in  
APN: 010-183-008 the Single-Family Residential (R-1) Zoning  
District

Ashley Hobson, Contract Planner provided staff report and answered questions from the Commission. Chair Goodhue asked staff to clarify the reason the residence is not listed as historical.

Marc Wiener, provided explanation for the historical denial.

Speaker #1: Applicant Branden Sterling summarized the design concept.

Chair Goodhue opened the public hearing.

Seeing no other speakers, Chair Goodhue closed the hearing.

The Commission held discussion. Commissioner Reimers noted she is in favor of the muted grey color and questioned if the replacement of four trees is necessary. Commissioner Reimers, LePage and Paterson noted they do not approve of the “Remodel in Progress” marketing for a residence that does not Planning Commission approval and believe it is misleading. Commissioner Paterson also noted concern with the recommended replacement of four trees and suggested two lower canopy trees. Commissioner LePage stated the Commission should uphold the City Forester’s recommendation.

**Vice Chair LePage moved to accept application DS 15-322 as presented with the added condition the applicant shall use blue slate roof tiles with non-chipped edges and to include trees as recommended by City Forester, Mike Branson. Motion seconded by Vice Chair LePage and carried by the following vote 3-2-0-0:**

AYES: COMMISSIONERS: MARTIN, LEPAGE & GOODHUE  
NOES: COMMISSIONERS: REIMERS & PATERSON  
ABSENT: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE

7. DS 15-328 (Master Work Builders)  
Master Work Builders  
Monte Verde, 2 NE of 12<sup>th</sup>  
Blk: HH, Lot: 2 & 4  
APN: 010-264-002

Consideration of a combined Concept and Final Design Study (DS 15-328) and associated Coastal Development Permit for alterations to an existing residence located in the Single-Family Residential (R-1) Zoning District

Matthew Sundt, Contract Planner presented staff report.

Speaker #1: Applicant, Thomas Hood summarized the design concept and answered questions from the Commission.

Seeing no speakers, Chair Goodhue closed the public hearing.

The Commission held brief discussion. The Commission commended Mr. Hood on his design.

**Commissioner Paterson moved to accept Design Study DS 15-328 (Master Work Builders) with the removal of special condition #22 and the added condition to shield light source. Motion seconded by Commissioner LePage and carried on a 5-0-0-0 vote as follows:**

AYES:	COMMISSIONERS: MARTIN, LEPAGE, REIMERS, PATERSON & GOODHUE
NOES:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: NONE
ABSTAIN:	COMMISSIONERS: NONE

8. City Wide  
City of Carmel-by-the-Sea

Consideration of advisory recommendations to the City Council on (1) the Draft 2015-2023 Housing element, and (2) associated Municipal Code amendments.

Marc Wiener provided brief overview on the Housing Element recommendations.

Speaker #1, John Douglass provided more detail and noted the purpose of the Housing Workshops was to reflect the City's priorities and comply with state laws. Mr. Douglas recapped the zoning code changes as follows: density bonus standards, redefine the definition and regulation for "Transitional and Support Housing", Residential Care Facilities, and add "Group Residential" as a conditional use in the (R-4) zone.

Chair Goodhue opened the public hearing, seeing no speakers the public hearing was closed.

The Commission held discussion.

**Commissioner Reimers moved to approve the 2015-2023 Housing Element November 2015 draft as written and recommend it be accepted by the City Council. Motion seconded by Commissioner Paterson and carried on a 5-0-0-0 vote as follows:**

AYES: COMMISSIONERS: MARTIN, LEPAGE, REIMERS,  
PATERSON & GOODHUE  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE

**Commissioner LePage moved to accept resolution #2015-01, recommending City Council adoption of amendments to the Zoning Code relating to density bonus, Transitional/Support Housing and Group Residential in accordance to State law and the Housing Element of the general plan. Motion seconded by Commissioner Paterson and carried on a 5-0-0-0 vote as follows:**

AYES: COMMISSIONERS: MARTIN, LEPAGE, REIMERS,  
PATERSON & GOODHUE  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE

9. City Wide  
City of Carmel-by-the-Sea
- A resolution recommending that the City Council adopt an Ordinance amending chapter 17.14.040 of the Municipal Code defining and prohibiting medical marijuana dispensaries, cultivation of marijuana and all commercial medical marijuana uses in the City.

Marc Wiener presented a resolution recommending the City Council to adopt an Ordinance amending chapter 17.14.040 of the Municipal Code, due to the recent passage of the Medical Marijuana Regulations and Safety Act: AB 266, AB 243 and SB 643.

The Commission held discussion.

**Commissioner LePage moved to accept the resolution with the condition the City does not outlaw medical marijuana use by individuals as defined under State law. Motion seconded by Commissioner Martin and carried on a 5-0-0-0 vote as follows:**

AYES: COMMISSIONERS: MARTIN, LEPAGE, REIMERS,  
PATERSON & GOODHUE  
NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE

**I. DIRECTOR'S REPORT**

1. Update from the Director

Marc Wiener provided the Commission an update on City Council items and the Community Planning and Building staff recruitments.

**J. SUB-COMMITTEE REPORTS**

1. Discussion on Roofing Subcommittee

Chair Goodhue informed the Commission the Roofing subcommittee will have location to provide for site visits for the December Planning Commission meeting.

**K. ADJOURNMENT**

There being no further business, Chair Goodhue adjourned the meeting at 8:27 p.m.

The next meeting of the Planning Commission is tentatively scheduled:

Wednesday December 16, 2015, at 4:00 p.m. – Regular Meeting

SIGNED:

\_\_\_\_\_  
Donald Goodhue, Planning Commission Chair

ATTEST:

\_\_\_\_\_  
Cortina Whitmore, Planning Commission Secretary



CITY OF CARMEL-BY-THE-SEA

Planning Commission Report

December 16, 2015

**To:** Chair Goodhue and Planning Commissioners  
**From:** Marc Wiener, Acting Community Planning and Building Director  
**Submitted by:** Christy Sabdo, Contract Planner  
**Subject:** Consideration of a Design Study (DS 15-359) for the replacement of a wood-shake roof with composition shingles on a residence located in the Single-Family Residential (R-1) District

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**Recommendation:**

Deny the Design Study (DS 15-359) for the replacement of a wood-shake roof with composition shingles

<b>Application:</b>	DS 15-359	<b>Applicant:</b>	David K. Costa Jr.
<b>Location:</b>	26109 Ladera Dr.	<b>Owner:</b>	Jack and Elizabeth Lawson/Lawson Trust
<b>Block:</b>	MA	<b>Lot:</b>	10
<b>APN:</b>	009-331-002		

**Background and Project Description:**

The project site is located at 26109 Ladera Drive and is developed with a one-story residence that is clad with brick and has a wood-shake roof.

The applicant is requesting to replace the existing wood-shake roof with composition shingles. On January 25, 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. Staff notes that the City has not required Design Study review for proposals to replace existing composition shingle roofs in-kind for residential structures.

**Staff analysis:**

**Roofing Material:** Section 9.8 of the City’s Residential Design Guidelines states the following:

***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 deteriorated and in need of replacement. The applicant is proposing to replace the wood shakes with Malarkey, Highlander style composition shingles in a natural wood color. Staff has included a photograph of the proposed roofing as Attachment B. The subject residence is clad with brick, has a moderately-pitched hipped roof design, and is prominent from the street.

When making a decision on the use of composition-shingle roofing, the Planning Commission should consider neighborhood context, the architectural style of the building, and the characteristics of the proposed composition shingle. Staff notes that in certain instances, the Planning Commission has approved the replacement of wood roofing material with composition shingles in cases when the composition shingles are compatible with other homes in the neighborhood and/or when the roof is not highly visible from the street (for example, for flat or low-pitched roofs).

Staff recommends that the Planning Commission deny the proposal for composition shingle roofing, as it would be inconsistent with Design Guideline 9.8. This recommendation is based on the incompatibility of the proposed composition shingles with the other homes in the neighborhood that primarily have “natural” materials, such as wood shake, slate tile, or clay tile. In addition, the proposed composition shingle style does not convey a texture similar to that of wood shingles as recommended in the Design Guidelines. The applicant has indicated a willingness to install a synthetic-wood composite shingle. The Commission may consider approving a synthetic-wood shingle or similar product that is consistent with the Design Guidelines.

**Environmental Review:** The proposed project is categorically exempt from CEQA requirements, pursuant to Section 15303 (Class 1) – Additions to Existing Facilities.

**ATTACHMENTS:**

- Attachment A – Site Photographs
- Attachment B – Roofing Product
- Attachment C – Letter from Applicant

**Attachment A – Site Photographs**

Project Site – Facing east on Ladera Drive



Roof material – wood shake roof



Attachment B – Proposed composition shingles (Malarkey, natural wood color)



## Owner's Statement Regarding the Re-roofing of 26109 Ladera Drive

Good afternoon, my name is Jack Lawson, and my family has owned the home at 26109 Ladera Drive since 1951. We respectfully ask you to approve our request for a permit to replace the deteriorated wood roof on our home with a composition shingle roof.

The City's Residential Design Guidelines state that:

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

Let me share some information about the context of the neighborhood. The home was built in 1947, in what was then unincorporated Monterey County. The street was not annexed by the city until 30-35 years later. The home was never considered part of the historic village of Carmel by the Sea.

The homes currently on the street were built over a period of 3 to 4 decades after 1947, and reflect widely divergent styles of architecture. Some homes have been enlarged and extensively re-modeled in modern styles and with changes in roofing materials.

No one "look" prevails on Ladera Drive.

Several different roofing materials are currently used on homes on Ladera Drive. These include: slate, composition, wood, traditional tile, and synthetic tile with simulated wood grain. (Please refer to illustrations 1-6 that I have provided.)

In choosing a material to replace our existing roof, we want to avoid using cedar shake because of concerns about susceptibility to dry rot and termite damage. Even more important, we have doubts about the long-term efficacy of "fire-treated" cedar. The treatment may degrade over time, leaving the roof more susceptible to fire. This is an especially significant concern because our home on Ladera Drive has already undergone fire, two-thirds of it having burned to the ground, in 1966.

The City's Residential Design Guidelines allow for the consideration of "composition shingles that convey a color and texture similar to that of wood shingles."

We would like to replace our current roof with Malarkey, Highlander style composition shingles in the "Natural Wood" color. This material is specifically designed to mimic the color of a wood roof, and the shingles are thick enough to create an appearance similar to that of wood. (Please refer to picture # 7 that I have provided. It gives you more of a sense of what the material looks like on an entire roof.)

The staff report on our request states that "the Planning Commission has approved the replacement of wood roofing material with composition shingles in cases when the composition shingles are compatible with other homes in the neighborhood and/or when the roof is not highly visible from the street..."

I believe I have demonstrated that composition roofing we propose to use is not incompatible with the other homes on Ladera Drive which reflect a great diversity of styles. I would also like to note regarding visibility that the home is on a lightly travelled dead-end street, most frequently visited only by the UPS truck.

I thank you for the consideration of our request.

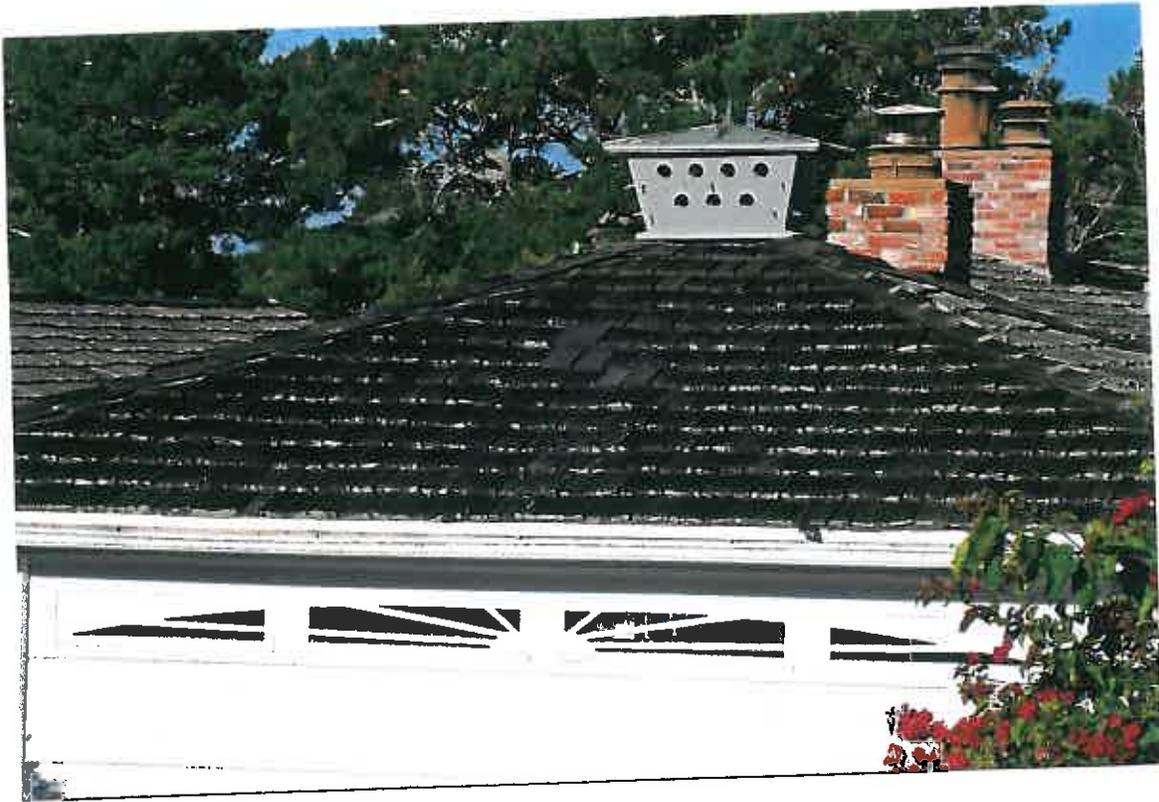
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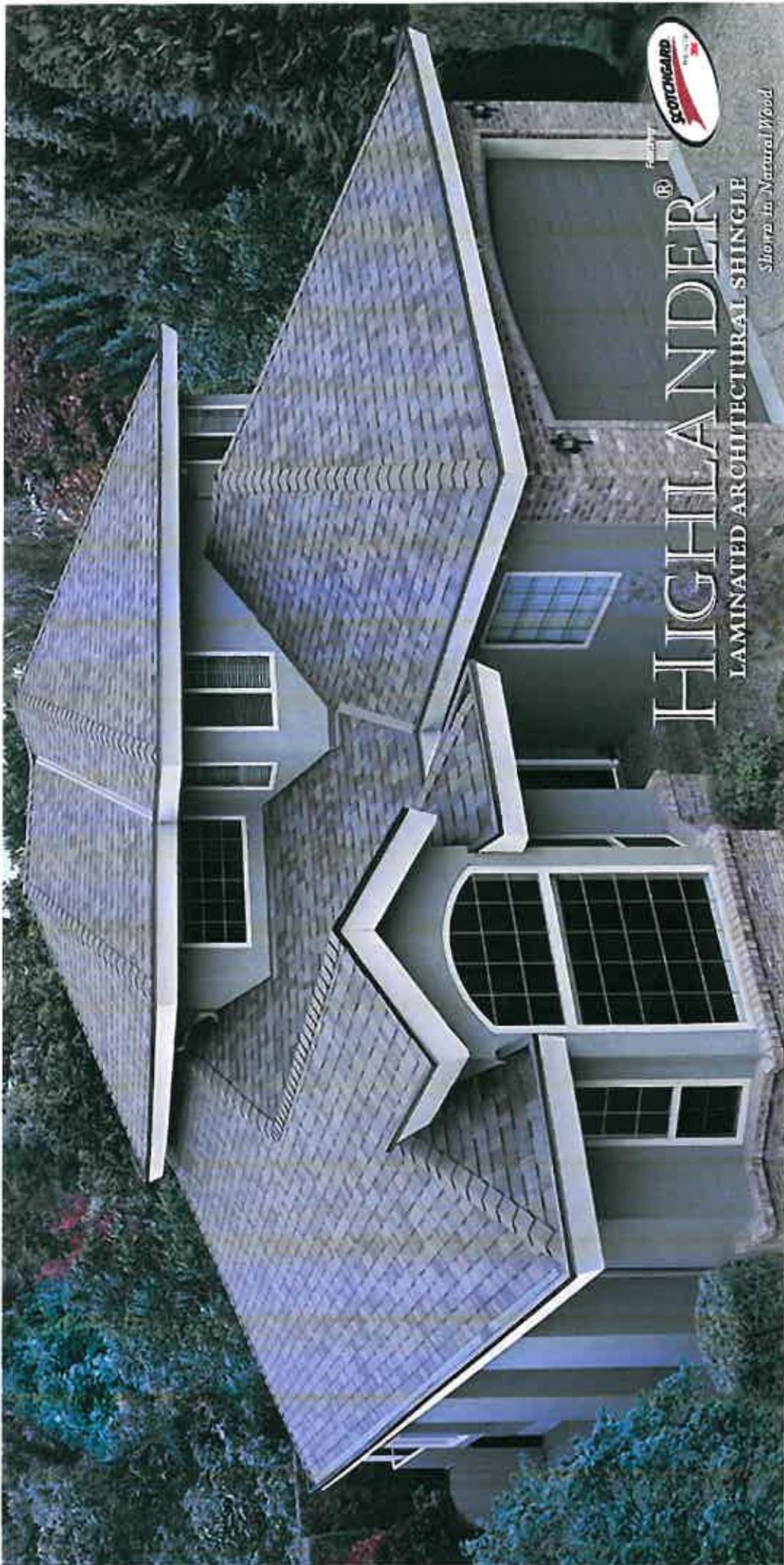


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6





FACTORY  
**HIGHLANDER<sup>®</sup>**  
LAMINATED ARCHITECTURAL SHINGLE

Shorn in Natural Wood

7



The Plan also proposes the installation of signage to inform the public of the restoration project and prevent disturbance of the restoration. Signage would include three 18-inch by 24-inch (3 square feet) aluminum signs installed on 4 x 4 wood-posts. The signs would be located at the west, south, and east boundaries of the site, and secured in the sand with a maximum height of five feet. The Dune Restoration Plan is included as Attachment E.

**Staff Analysis:**

**CDP Requirement:** Under Section 17.20.150 of the City’s Municipal Code, the proposed dune restoration requires a Coastal Development Permit. In addition, the project is located within the Beach and Riparian Overlay District; therefore this CDP is appealable to the Coastal Commission after final local action by the City. The City’s Municipal Code (CMC) 17.20.140 states, *“The beach and riparian overlay district shall be coterminous with the California Coastal Commission’s coastal development permit appeal jurisdiction and shall include all public and private property, wholly or in part, within the boundaries of the appeal jurisdiction described in CMC 17.54.020.”* Through the review of the CDP, there is a public hearing to provide an opportunity for public comment, and the Commission may include special conditions of approval.

**Compliance with Beach Overlay Requirements:** The City’s Municipal Code Section 17.20.160 A and B sets forth standards (See Attachment D) that shall be used by decision-making bodies in approving or denying a coastal development permit for all properties in the beach and riparian overlay district. The regulations applicable to the project per CMC 17.20.160A includes *View Protection* and *Location*, described in the analysis below. Regulations that are not applicable to the dune restoration project, as they apply to residential development projects, include *Design Compatibility*, *Utilities*, *Sewer Services*, and *Projects on Irregularly Shaped Lots or Lots Larger Than 8,000 Square Feet*.

1. *View protection:* CMC 17.20.160 A1 states, *“Permitted development shall be sited and designed to protect public views to and along the ocean and scenic coastal areas, to minimize the alternation of natural landforms, to be visually compatible with the character of the surrounding areas, and where feasible to restore and enhance the visual quality in visually degraded areas, while ensuring the private property owner reasonable development of the land.”*

**Staff Analysis:** The intent of the proposed dune restoration project is to restore a disturbed, remnant sand dune with local, native Carmel Dune Complex habitat on Carmel Beach. The dune restoration would help minimize further degradation of the sand dune, and would enhance the visual quality of this area.

2. Location: CMC 17.20.160A2, states *“All development shall be located and designed to avoid conflict with recreational use of any adjacent public property or conflict with coastal resources.”*

**Staff Analysis:** The General Plan, Coastal Access and Recreation Element (p. 4-2) states, *“The entire beach and bluff is dedicated as a City park and is kept as natural appearing as possible consistent with public access, habitat protection, safety and provision of limited recreational support facilities.”* The proposed dune restoration project would restore and enhance remnant dune habitat, a coastal resource, on Carmel Beach, and would not conflict with the recreational use of Carmel Beach.

For properties in the BR Overlay District located west of Carmelo Street or North San Antonio Avenue, standards CMC 17.20.160.B 1-10 apply. Access and Tree Removal are the only standards that apply this project (i.e. a non-residential development, habitat restoration project).

1. Access. *“The Development shall not interfere with the public’s right of access to the sea. Potential public right of access shall be reviewed on the property, and where appropriate, made a condition of the permit.”*

**Staff Analysis:** Under CMC Section 17.20.180.A. *Protection of Existing Coastal Access:* *“Public access rights may include but are not limited to the use of dry sand and rocky beaches to the first line of terrestrial vegetation.”* The proposed dune restoration project would not interfere with the public’s right of access to the sea. Public access to Carmel Beach is available from the Beach Bluff Pathway on a vertical stairway, south of the project site. Temporary signage would be placed along the perimeter of the restoration area to allow for the successful establishment of the dune habitat. The signage would be removed after the three year implementation and monitoring period and therefore would not interfere with public access to the sea.

However, in review of the Dune Restoration Plan, City Forester, Mike Branson, notified planning staff that they will need access to the CDS unit located at the eastern end of the project area. The CDS Unit collects stormwater runoff from Eighth Avenue where it filters debris before moving south to Carmel Beach. The driveway can be used to access the CDS unit; however the applicant may want to limit plantings around the unit. In addition, during “dry weather diversion” in the summer months, Public Work’s staff routinely opens the valves in the storm drain unit located west of the CDS unit, in order to divert stormwater to a percolation pit northwest of the project area. The project area is typically used to access the manholes, however Mike Branson indicated these storm drains can be accessed using the public stairway just south of the project site.

2. Tree Removal. *“No tree shall be removed within the beach and riparian overlay district without written approval from the City Forester regardless of whether the removal is associated with construction activities...”*

**Staff Analysis:** The project does not include tree removal.

**Alternatives:** Staff recommends approval of CDP 15-244. Draft findings of approval and draft conditions of approval are included as Attachments B and C, respectively. As noted above, the Commission may include any appropriate additional conditions of approval. Should the Commission object to the proposal, the Commission may also deny the application.

**Environmental Review:** The proposed event is categorically exempt from CEQA requirements, pursuant to Section 15333 (Class 33) – Small Habitat Restoration Projects. Item (d)(1) in this categorical exemption is for small restoration projects including revegetation of disturbed areas with native plant species. The proposed dune restoration project consists of 2,178 square feet, less than five acres, and is intended to assure the maintenance, restoration, and enhancement, or protection of habitat. It does not present any unusual circumstances that would result in a potentially significant environmental impact.

#### **ATTACHMENTS:**

- Attachment A – Site Photographs
- Attachment B – Findings for Approval
- Attachment C – Conditions of Approval
- Attachment D – CMC Sections 17.20.160, pertinent excerpts
- Attachment E – Dune Restoration Plan

**Attachment A – Site Photographs**

View of project site from the vertical stairway that provides beach access



View of project site from Scenic and 8<sup>th</sup> and Beach Bluff Pathway



View of the project area from the top of the private driveway



Project site





**FINDINGS FOR APPROVAL:**

<b>FINDINGS REQUIRED FOR BEACH AND RIPARIAN OVERLAY DISTRICT (CMC 17.20.160 B.10)</b> For each of the required Beach and Riparian Overlay District 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.		
<b>Planning Commission findings</b>	YES	NO
1. The project as conditioned is consistent with the General Plan of the City of Carmel-by-the-Sea, including the Local Coastal Program and Title 17 (Zoning) of the City Municipal Code. In compliance with the City's requirements, a Coastal Development Permit has been requested and is approved.	✓	
2. The proposed project is consistent with the land use designation of the site.	✓	
3. The proposed project, as conditioned, will not generate adverse impacts to Carmel Beach or surrounding properties.	✓	
4. The proposed project, as conditioned, will not be injurious to public health, safety or welfare.	✓	
5. The Planning Commission has considered the CEQA Categorical Exemption and determines that the Categorical Exemption has been prepared in compliance with CEQA and is adequate for this project.	✓	
6. The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Community Planning and Building Department of the City of Carmel-by-the-Sea located at Monte Verde Street between Ocean and 7 <sup>th</sup> Avenues, Carmel-by-the-Sea, California, 93921.	✓	
<b>Beach and Overlay District Findings</b>	YES	NO
1. The combined area contained within all setbacks is at least equal to the area of the lot that would be included within setbacks if the special beach setback established in subsection (B)(9) of this section were applied (i.e., achieving no net loss of setback area.	N/A	
2. A minimum width of at least three feet will be maintained for the full length of all setbacks.	N/A	
3. By reducing any setbacks the proposed structure will not interfere with safe access to other properties in the neighborhood or otherwise result in damage or injury to the use of other adjoining properties.	N/A	
4. Structures proposed for construction within reduced setback areas will be compatible with the residential character of the neighborhood and will exhibit a	N/A	

human scale without excessive building bulk or visual mass.		
5. The proposed setbacks afford maximum protection for the adjoining parklands for the benefit of the public while still accommodating reasonable development of the property.	N/A	
6. The proposed setbacks are designated on an approved plan attached to the permit or on a scenic easement for purposes of documentation and recordation.	N/A	
<b>Park Overlay District Findings</b>	YES	NO
1. The proposed setbacks afford maximum protection for the adjoining parklands for the benefit of the public while still accommodating reasonable development of the property.	N/A	
2. That the proposed setbacks are designated on an approved plan attached to the permit or on a scenic easement for purposes of documentation and recordation.	N/A	



#### Article IV. Beach and Riparian Overlay District

##### 17.20.120 Purpose.

The purpose of the beach and riparian overlay district is to provide review standards applicable to public and private property development located near public beach lands to ensure that proposed development is compatible with the public enjoyment of the City's coastal resources and with the California Coastal Act. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

##### 17.20.130 Applicability.

The regulations of this article shall apply in the beach and riparian overlay district. The beach overlay district is an overlay district, which may be combined with any of the other districts specified in the municipal code. The provisions of the beach and riparian overlay district shall be coordinated with the ESHA overlay district whenever a property is located within both overlay districts. The regulations of this article shall apply in addition to the regulations of any district with which the beach and riparian overlay district is combined. In the event of any perceived conflict between the provisions of this article and any other provision of these regulations, this article shall control. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

##### 17.20.140 Boundaries of the Beach and Riparian Overlay District.

The beach and riparian overlay district shall be coterminous with the California Coastal Commission's coastal development permit appeal jurisdiction and shall include all public and private property, wholly or in part, within the boundaries of the appeal jurisdiction described in CMC [17.54.020](#). The boundaries of the beach and riparian overlay district are shown schematically on the official zoning map maintained by the Planning Director. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

##### 17.20.150 Coastal Development Permit Required.

Unless exempted by CMC [17.52.100](#), Development Excluded from Coastal Permit Requirements, all new development, as defined by Chapter [17.70](#) CMC, shall require a coastal development permit, in addition to any other permit(s) required by law. Development undertaken pursuant to such a permit shall conform to the plans, specifications, terms and conditions approved in granting the permit. Notice, hearing and appeal procedures shall be established in Chapter [17.52](#) CMC, Permit Procedures, and Chapter [17.54](#) CMC, Appeals.

#### Figure III-11 Carmel Beach and Riparian Overlay District

(Figure to be provided by the California Coastal Commission)

**Figure III-12 Carmel Beach and Riparian Overlay District**

**(Figure to be provided by the California Coastal Commission)**

(Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

**17.20.160 Permit Standards.** 

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The following standards shall be used by decision-making bodies in approving or denying a coastal development permit in the beach and riparian overlay district. The regulations in subsection (A) of this section apply to all properties in the overlay district. The regulations in subsection (B) of this section apply to only those properties in the overlay district located west of Carmelo or North San Antonio Avenue. No building permit for any development, as defined in Chapter [17.70](#) CMC, including but not limited to new construction, additions, exterior alterations or change in land use shall be approved unless a coastal development permit is approved taking into consideration all of the following as may be appropriate to the scope of the project.

**A. Regulations Applicable to All Properties in the Overlay District.**

1. **View Protection.** Permitted development shall be sited and designed to protect public views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of the surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas, while ensuring the private property owner reasonable development of the land.
2. **Location.** All development shall be located and designed to avoid conflict with recreational use of any adjacent public property or conflict with coastal resources.
3. **Design Compatibility.** All development shall be compatible in design with existing buildings in the area for the purpose of protecting the neighborhood character and consistent with the R-1 design guidelines established in CMC [17.10.010](#).
4. **Review of City Needs.** The property has been reviewed for potential acquisition and the review indicated the City has no need to acquire the property.
5. **Utilities.** All utilities connecting the development to the source in the public rights-of-way shall be placed underground.

## Attachment D. Pertinent excerpts of the Municipal Code

6. Sewer Services. The property shall be connected to the sanitary sewer system upon issuance of the permit. Alternatively, the Planning Commission may authorize an area-wide agreement among several adjacent properties (executed through no-protest agreements) for future connection to the sanitary sewer if the infrastructure for a single connection would place an undue burden on a single property owner.

7. Drainage. A drainage system shall be provided for all new development to minimize erosion, minimize runoff, and to infiltrate and filter stormwater prior to conveyance off-site.

8. Projects on Irregularly Shaped Lots or Lots Larger Than 8,000 Square Feet. On those lots that are irregular in shape or that exceed 8,000 square feet in area, the Planning Commission shall establish setbacks that are appropriate for the property and that are consistent with the purposes of the beach and riparian overlay district. Where a large lot size creates an opportunity to establish significantly increased setbacks from adjoining beach lands, and the topography or shape of the site allow sufficient area to build away from the beach, the Planning Commission may designate larger setbacks for the property that preserve an open space buffer adjacent to the beach while providing a reasonable area to build elsewhere on the property.

### B. Regulations Applicable to Properties in the Overlay District Located West of Carmelo Street or North San Antonio Avenue.

1. Access. Development shall not interfere with the public's right of access to the sea. Potential public right of access shall be reviewed on the property and, where appropriate, made a condition in the permit.

2. Subdivision Limitations. No further subdivision shall be approved within the beach and riparian overlay district. No lot line adjustments shall be approved that would result in a net increase in potential building sites.

3. Height. All proposed construction shall be limited to a height of 18 feet above the existing grade or finished grade whichever results in a lower height.

4. Open Space. On sites adjacent to the beach all buildings shall be located to preserve maximum open space on the site as viewed from the beach. Generally, a setback of at least 15 feet shall be maintained along any property line facing the beach. The Planning Commission

## Attachment D. Pertinent excerpts of the Municipal Code

may at its discretion reduce any required rear, side or front yard to not less than three feet so as to preserve maximum open space on the site adjacent to the beach for public benefit.

5. Tree Removal. No tree shall be removed within the beach and riparian overlay district without written approval from the City Forester regardless of whether the removal is associated with construction activities. Trees on City property shall be trimmed and/or removed only by City tree crews or under the supervision of the City Forester. Removal of dead cypress trees on City property in this district shall require approval by the Forest and Beach Commission. When any construction activity is proposed on a site in the beach and riparian overlay district, the site design shall include a landscaping plan consistent with the provisions of Chapter [17.34](#) CMC, Landscaping.

6. Prohibition on Private Development Needing Protection. Except as provided in CMC [17.20.190\(C\)](#), new development shall not be approved where geologic evidence concludes that shoreline protective structures will be necessary to protect the new development at the time of construction, or within 100 years of development.

7. Public Structures. Stairs, retaining walls, fences, pipelines, and similar public or quasi-public facilities located on coastal bluffs shall require a coastal development permit.

8. Parking. On sites of 6,000 square feet or greater, two on-site parking spaces per primary dwelling unit shall be provided for all new residential development in the beach and riparian overlay district. One of these spaces may be established as an uncovered tandem space within the front or side yard setback located on the driveway in front of a garage or carport or elsewhere on the property where parking is allowed by the underlying zoning district.

9. Setbacks. Private development proposed on ocean-fronting parcels shall comply with the setback requirements of the applicable primary zoning district, except where a lot line is adjacent to a coastal bluff or sand dunes, or where public access and/or recreational areas are required in compliance with these regulations. Proposed private developments shall be set back from the top of the bluff or adjacent sand dunes as provided by this subsection.

a. Bluff Retreat Setback Requirements. New structures shall be set back a sufficient distance from any bluff top to be safe from bluff erosion for a minimum of 100 years as determined by a site-specific geology report, prepared in compliance with CMC

Attachment D. Pertinent excerpts of the Municipal Code

[17.20.170\(B\)](#), Geology Report; provided, that in no case shall the minimum setback be less than 25 feet.

b. Use of Bluff Retreat Setbacks. No development except public access pathways, public restrooms, stairways and associated public recreational or infrastructure facilities shall be permitted within the bluff retreat setbacks identified in site-specific geologic reports.

c. Dune, Access and Recreational Area Setbacks. Additional bluff top and/or dune setbacks may be required in compliance with Local Coastal Plan policies to establish a buffer from natural sand dune areas, to reduce visual intrusion on adjacent recreational areas or to accommodate public access and enjoyment of adjacent recreational areas. (See also CMC [17.20.180](#), Public Access).



CITY OF CARMEL-BY-THE-SEA

Planning Commission Report

December 16, 2015

**To:** Chair Goodhue and Planning Commissioners

**From:** Marc Wiener, Acting Community Planning and Building Director

**Submitted by:** Christy Sabdo, Contract Planner

**Subject:** Consideration of the reissuance of a Final Design Study (DS 15-418) and Coastal Development Permit application for the remodel and addition to an existing residence located in the Single-Family Residential (R-1) Zoning District (previous planning case number DS 12 – 68)

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**Recommendation:**

Approve the reissuance of a Design Study (DS 15-418) and associated Coastal Development Permit for the remodel and addition to an existing residence located in the Single-Family Residential (R-1) Zoning District

**Application:** DS 15-418                      **APNs:** 010-277-007  
**Location:** NE corner of San Antonio and 10<sup>th</sup> Ave.  
**Block:** V                                      **Lots:** 18 and 20  
**Applicant:** Jun Sillano, IDG              **Property Owner:** Michelle Ghazal

**Background and Project Description:**

The project is located at the northeast corner of San Antonio and Tenth Avenues, and consists of two legal lots of record. The property is developed with a two-level Mediterranean-style residence that was constructed in 1926. The existing residence is 2,429 square feet in size and includes a partially sub-grade garage on the lower-level and the living area on the main-level (second-level). The residence has a flat-roofed design with stucco siding and wood windows and doors. A Determination of Historic Ineligibility was issued on April 1, 2005, based on a review by the City's Historic Preservation Consultant: Kent Seavey.

The applicant is requesting a re-issuance of the Design Study and Coastal Development permit applications (originally submitted as DS 12-68) for alterations to the existing residence. The original project, was reviewed by the Planning Commission at four meetings; and ultimately the

Planning Commission unanimously approved (4-0) the project on August 14, 2013. Subsequently, the Planning Commission's decision to approve the design study was appealed (APP 13-05) to the City Council by the neighboring property owners to the east, Steve and Peter Boutin. On November 5, 2013, the City Council denied the appeal and upheld the Planning Commission's approval of the project. The City Council staff reports, dated October 8, 2013 and November 5, 2013 provide a complete summary of the appeal and of all Planning Commission hearings (See Attachments E and F).

The approved Design Study (DS 12-68) consisted of the following:

- A 475-square foot second-story (third-level) bedroom addition;
- A 471-square foot main-level (second-level) addition;
- A pitched roof over a portion of the existing flat roof;
- Exterior materials to include stucco, clay-tile roof, wood windows and doors and some stone;
- Removal of 31 square feet of floor-area from the main-level and 98 square feet of floor-area from the basement; and
- Reduction of 686 square feet of site coverage.

**Staff analysis:**

**Permit Re-Issuance:** The applicant is requesting a re-issuance of the Design Study and Coastal Development permits, originally approved by the Planning Commission and upheld by the City Council. These permits approvals were valid for one year and have since expired. The applicant has applied for a re-issuance of the project permits to keep the permits active. For a re-issuance of the permits, the property owner is required to mail and hand-deliver a public notice to neighboring properties. The applicant has met these noticing requirements and has re-staked the property with story poles.

Staff notes that because this would be a re-issuance of the permits, as opposed to a time extension, the Planning Commission is not bound by previous decisions on this project. However, for re-issued permits staff typically relies on the previous analysis in making recommendations. Staff supports the request to re-issue the Design Study and associated Coastal Development Permit, as the conditions surrounding the original approval have not changed. Staff notes that the applicant is proposing minor changes to the originally project as reflect in the plan set included as Attachment H. The original approved elevations are included as Attach G for comparison.

The Design Study application (DS 15-418) submitted for the reissuance includes minor changes to the approved project (DS 12-68), including:

- The flat roof elements on the north and south wings of the residence were replaced with hip roof elements (roof pitch, 4:12) (See Elevations, Sheet A6.0 and A6.1)
- A second story balcony on the second-level was removed (see note on Site Plan, Sheet A1.0). Staff notes that the southern neighbor has raised concerns with this balcony when the project was originally reviewed.
- The existing stone walls and steps to be removed (See North Elevation, Sheet A6.0)
- Minor revisions to doors and windows (e.g., windows removed, windows replaced with doors, and change in size of some windows and doors)

Staff has included updated findings and conditions of approval, and these are provided as Attachments B and C, respectively. Staff has also included the staff report, minutes, and project plans for the original approval of the project in 2013.

**Environmental Review:** The proposed project is categorically exempt from CEQA requirements, pursuant to Section 15303 (Class 3) – Construction or modification of a limited number of new or existing small structures. The proposed new residence does not present any unusual circumstances that would result in a potentially significant environmental impact.

**ATTACHMENTS:**

- Attachment A – Site Photographs
- Attachment B – Findings for Approval
- Attachment C – Conditions of Approval
- Attachment D – Planning Commission staff report (8/14/13)
- Attachment E – City Council staff report (11/5/13)
- Attachment F – City Council staff report (10/8/13)
- Attachment G – Original Approved Elevations (DS 12-68)
- Attachment H – Project Plans for reissuance (DS 15-418)

Attachment A - Site Photographs

**Attachment B – Site Photographs**

Project Site - Front of residence facing east



Project Site – Side of residence facing northeast



## Attachment B – Findings for Approval

DS 15-418 (Ghazal)  
 December 16, 2015  
 Findings for Approval  
 Page 1

<b><u>FINDINGS REQUIRED FOR FINAL DESIGN STUDY APPROVAL (CMC 17.64.8 and LUP Policy P1-45)</u></b>		
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.		
<b>Municipal Code Finding</b>	YES	NO
1. The project conforms with all zoning standards applicable to the site, or has received appropriate use permits and/or variances consistent with the zoning ordinance.	X	
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.	X	
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.	X	
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.	X	
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.	X	
6. The design concept is consistent with the goals, objectives and policies related to residential design in the general plan.	X	
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.	X	
8. The proposed architectural style and detailing are simple and restrained in character, consistent and well integrated throughout the building and	X	

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.	X	
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.	X	
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.	X	
12. Any deviations from the Design Guidelines are considered minor and reasonably relate to good design principles and specific site conditions.	X	

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

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

## Attachment C – Conditions of Approval

DS 15-418 (Ghazal)  
 December 16, 2015  
 Conditions of Approval  
 Page 1

<b>Approval Conditions</b>		
<b>No.</b>	<b>Standard Conditions</b>	
1.	This approval constitutes Design Study and Coastal Development permits authorizing reissuance of permits for alterations to an existing residence. All work shall conform to the approved plans of December 16, 2015, 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 may require additional environmental review and subsequent 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 City Forester or Forest and Beach Commission as appropriate; 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 an 8,000-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 to the Community Planning and Building staff any proposed changes to the project plans as approved by the City Council on November 5, 2013, prior to incorporating changes on the site. If the applicant changes the project without first obtaining City 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.	✓
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 his or her 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 a Variance.	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.	An archaeological reconnaissance report shall be prepared by a qualified archaeologist or other person(s) meeting the standards of the State Office of Historic Preservation prior to approval of a final building permit. The applicant shall adhere to any recommendations set forth in the archaeological report. All new construction involving excavation shall immediately cease if materials of archaeological significance are discovered on the site and shall not be permitted to recommence until a mitigation and monitoring plan is approved by the Planning Commission.	N/A
20.	Prior to the roof sheathing inspection, the applicant shall obtain a building height certification from a California licensed surveyor.	✓

	<b>Special Conditions</b>	
21.	The applicant shall remove the stone wall encroachment and brick walkway from the right-of-way as indicated on the plans, and shall apply for any remaining encroachments in the City's right-of-way prior to the issuance of the Building Permit.	✓
22.	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 along the south property line as previously accepted by the City Council.	✓
23.	A lot merger form shall be recorded with the County Recorder prior to the issuance of a building permit.	✓
24.	The second-story windows on the front elevation shall be revised to include mullions to be consistent with the design of the other windows throughout the residence.	✓

\*Acknowledgement and acceptance of conditions of approval.

\_\_\_\_\_  
 Property Owner Signature

\_\_\_\_\_  
 Printed Name

\_\_\_\_\_  
 Date

**Attachment D**

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

MEETING DATE: 14 August 2013

BLOCK: V LOT: 18 & 20

FIRST HEARING: 9/12/12

CONTINUED FROM: 2/13/13

ITEM NO: DS 12-68

OWNER: Malcolm Ghazal

STREAMLINING DEADLINE: 7/21/13

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SUBJECT:

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

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ENVIRONMENTAL REVIEW:

Exempt (Class 3- New Construction)

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LOCATION:

NE Cor. San Antonio & 10<sup>th</sup>

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ZONING:

R-1

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ISSUES:

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

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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.

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RECOMMENDATION:

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

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ATTACHMENTS:

1. Staff Report dated 14 August 2013.
2. Application Materials/Plans.
3. Correspondence.

STAFF CONTACT: Marc Wiener, Senior Planner

**CITY OF CARMEL-BY-THE-SEA**  
**COMMUNITY PLANNING AND BUILDING**  
**STAFF REPORT Amended & Approved 8/14/13**

**APPLICATION:** DS 12-68

**APPLICANT:** Malcolm Ghazal

**BLOCK:** V

**LOT:** 18 & 20

**LOCATION:** NE Cor. San Antonio & 10<sup>th</sup>

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**REQUEST:**

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

**EXISTING NONCONFORMITIES:**

1. Plate height (exceeds 12'/18')
2. Garden wall height (exceeds 4')

**BACKGROUND/PROJECT DESCRIPTION:**

This project site consists of two legal lots of record and is developed with a two-story Mediterranean style residence that was constructed in approximately 1926. The residence is 2,429 square feet in size and consists of a garage on the lower level and the living area on the main level. The residence has a flat-roofed design with stucco siding and wood windows and doors. A Determination of Historic Ineligibility was issued in April 2005 based on review by a professional historian.

The applicant is proposing a substantial alteration of the residence that includes the following:

- A 475 square foot upper-story addition;
- A 471 square foot lower-level addition;
- A pitched roof over a portion of the existing flat roof;
- Exterior materials to include stucco, clay-tile roof, wood windows and doors and some stone; and
- Reduction of 686 square feet of site coverage.

This project was reviewed by the Planning Commission on three separate occasions between September 2012 and July 2013. The primary issue with the design was the view impact to the eastern neighbor created by the proposed second-story addition. After several meetings the applicant identified a location for the second-story that would reduce the view impact. The design concept was accepted by the Planning Commission on 10 July 2013. The primary basis for acceptance was that the view impact had been substantially mitigated and the proposed design allowed for an equitable sharing of views between property owners.

<b>PROJECT DATA FOR A 8,000 SQUARE FOOT SITE:</b>			
<b>Site Considerations</b>	<b>Allowed</b>	<b>Existing</b>	<b>Proposed</b>
Floor Area	3,300 sf (41.3%)*	2,429 sf (30%)	3,300 (41.3%)
Site Coverage	995 sf (12%)**	1,554 sf (19%)	868 sf (11%)
Trees (upper/lower)	5/4 trees	3/2 Trees	4/3 trees
Ridge Height (1 <sup>st</sup> /2 <sup>nd</sup> )	18 ft./24 ft.	17 ft./21 ft.	17 ft./22 ft. 7 in.***
Plate Height (1 <sup>st</sup> /2 <sup>nd</sup> )	12 ft./18 ft.	16 ft./19 ft.	16 ft./19 ft.***
<b>Setbacks</b>	<b>Minimum Required</b>	<b>Existing</b>	<b>Proposed</b>
Front (San Antonio)	15 ft.	16 ft. 8 in.	16 ft. 8 in.
Composite Side Yard	20 ft. (25%)	24 ft. (30%)	24 ft. (30%)
Side Street (10 <sup>th</sup> )	5 ft.	6 ft. 5 in.	6 ft. 5 in.
Minimum Side Yard	3 ft.	15 ft. 3 in.	15 ft. 3 in.
Rear	3/15 ft.	5 ft.	5/32 ft.
*Includes 3% lot merger bonus per CMC 17.10.040 and a 100 sq ft basement bonus. **Includes a 4% bonus if 50% of all coverage is permeable or semipermeable and an additional 2.5% bonus for lot merger. ***New additions comply with zoning requirements.			

**EVALUATION:**

**Previous Hearings:** In addition to revising the design of the second-story the applicant also reduced the second-story terrace from 225 square feet to 80 square feet. The primary concern with the terrace was the privacy impact that it could create for surrounding properties. Staff is in support of the terrace at the proposed size, but the Commission should discuss whether it is appropriate to have an outdoor spa on the terrace. This issue was raised in previous staff reports, but the focus of past hearings was typically on the view impact created by the second-story and not the spa.

At the July hearing when the Commission accepted the design it also requested that the applicant eliminate the retaining wall encroachment from the right-of-way and reduce the width of the 27 foot wide driveway. The applicant has complied with these recommendations by showing that the walls will be eliminated on the plans and reducing the width of the driveway to 10 feet. A condition has been added requiring that the encroachment be removed as a condition of approval.

**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 second-story addition has substantial setbacks from all property lines and only accounts for approximately 15% of the total floor area on the site. The applicant is also using a relatively low second-story plate height (8') and ridge height (22'). One issue that has been raised throughout the hearing process is that the plans make it appear as though the residence has a three-story appearance. It has been identified by staff and the Planning Commission through site visits that the actual street view does not present a three-story appearance because the second-story is set back on the lot and is partially screen by the front building elements.

**Building & Roof Form:** Design Guidelines 8.1 - 8.3 encourage "*simple roof forms*" and state that "*basic gable and hip roofs are traditional and their use is encouraged.*" The Guidelines also discourage "*a sloping roof 'skirt' that conceals a flat roof.*"

For the most part, the project utilizes simple roof forms with moderate to low pitches. The applicant is proposing to replace a portion of the existing flat roofed structure with a hipped roof that slopes back towards the new second-story addition. This would help reduce some of the mass of the existing structure.

The second-story originally had a skirt to conceal a flat roof as discouraged by the guidelines. At the Commission's request the applicant revised the second-story to give it a hipped design.

**Exterior Materials:** Design Guideline 9.5 encourages the use of "natural" materials, particularly wood for exterior siding. The Guidelines indicate that "*if stucco is proposed, it should be used in conjunction with other natural materials and not be used to excess along a block.*" Finally, the Guidelines encourage stonework to appear structural and authentic.

The proposed finish materials are consistent with the existing materials and are compatible with the architectural style of the residence. The materials also meet the Guideline recommendations for the use of stucco in conjunction with natural materials such as wood, stone and clay tile roofing. In the original proposal staff had some concerns with the proposed use of the stone. However, the applicant has significantly reduced the amount of stone from what was originally proposed and all new stone will match existing.

**Landscape Plan:** The applicant has provided a detailed landscape plan showing new plants throughout the property. The applicant is proposing one upper and one lower canopy tree as recommended by the City Forester. The proposed trees are located along the north side of the property and appear to be out of the eastern neighbor's view shed. A condition has been added that the applicant work with City staff so that the trees be located with consideration for the eastern neighbor's view. The City Forester has reviewed the site and determined that the trees could be planted on the north side of the property as proposed.

**Lot Merger:** CMC Section 17.10.040 allows for a three percent bonus in base floor area and 2.5 percent bonus in site coverage for lots that are formally merged. The applicant is proposing to formally merge the two existing legal lots of record lots and therefore qualifies for these bonuses. As a condition of approval the applicant must record a lot merger document prior to the issuance of a building permit.

**RECOMMENDATION:**

Approve the application with the following special conditions.

**SPECIAL CONDITION:**

1. The applicant shall remove the stone wall encroachment from the right-of-way as indicated on the plans. The area shall be replaced with a natural surface and not paving materials.
2. The applicant shall submit a detailed landscape plan with the construction drawings.
3. 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. The applicant shall work with staff to locate the trees with consideration for neighboring view impacts.
4. A lot merger form shall be recorded with the County Recorder prior to the issuance of a building permit.
5. The applicant shall work with staff and the southern neighbor to determine if the height of the railing needs to be increased to mitigate the privacy impact of the spa.



CITY OF CARMEL-BY-THE-SEA

Council Report

November 5, 2013

**To:** Honorable Mayor and Members of the City Council

**From:** Jason Stilwell, City Administrator

**Submitted by:** Rob Mullane, AICP, Community Planning and Building Director  
Marc Wiener, Senior Planner

**Subject:** Consideration of findings for approval of Design Study (DS 12-68) and the associated Coastal Development Permit for the alteration of an existing residence located at the northeast corner of San Antonio and Tenth Avenues, in the Single-Family Residential (R-1) Zoning District.

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**Recommendation:** Adopt the attached findings and special conditions for the denial of the appeal and approval of a Design Study (DS 12-68) and the associated Coastal Development Permit.

**Executive Summary:** On August 14, 2013, the Planning Commission unanimously (4-0) approved DS 12-68 and the associated Coastal Development Permit for the remodel of an existing residence (the Ghazal residence). The project included the addition of a new second story element.

The approval was appealed by owners of a property two parcels to the east of the Ghazal residence. The appellants: Steve and Peter Boutin, were primarily concerned with the potential view impact resulting from the new second-story addition. The appeal was considered by the City Council on October 8, 2013, and was unanimously denied on a 4-0 vote. The City Council directed staff to return with findings and conditions for the denial of the appeal and approval of DS 12-68.

**Analysis/Discussion:**

*City Council Findings*

At the City Council's hearing of October 8, 2013, the Council reviewed the Boutin appeal of Design Study DS 12-68. The Council determined that the proposed project is consistent with the zoning requirements, achieves an

equitable balance of views between parcels involved, and does not present a three-story appearance to the street, and hence, denied the appeal. Staff has prepared findings for the Council's consideration that reflect the discussion that took place on October 8, 2013.

#### *City Council Special Conditions*

At the City Council's October 8, 2013 meeting, the Council reviewed and made revisions to the special conditions identified for the project approval. One of the amended special conditions directed staff to work with the City Forester and the project applicant on the location of three trees to minimize the view impact to the eastern neighbor. Two of these trees were the proposed new upper-canopy and lower-canopy trees, which were originally proposed along the northern property line. The third tree was an existing young cypress tree located in the rear portion of the subject property.

Staff met with the City Forester, the project applicant, and the appellant to evaluate potential locations for the three trees. An agreement was reached to plant the two new trees along the south property line. The young cypress tree will remain at its existing location. The applicant has revised the site plan to show the new location of the upper-canopy and lower-canopy trees. The appellant has expressed support for the proposed new tree locations. The special condition has been revised to require the new upper-canopy and lower-canopy trees, at the locations shown on the revised site plan submitted by the applicant on October 22, 2013.

In addition to revising the special condition for the trees, the City Council also added a special condition requiring the design of the second-story windows on the front elevation be revised to include mullions. The intent was to make the window design consistent throughout the residence. The applicant has submitted a revised front elevation drawing to reflect this requirement.

#### **Previous Council**

##### **Action/Decision History:**

Design Study (DS 12-68) was unanimously approved by the Planning Commission (4-0 vote) on August 14, 2013. The City Council denied an appeal of the Planning Commission's approval on October 8, 2013.

**Attachments:**

- Attachment A – Project Findings
- Attachment B – Conditions of Approval
- Attachment C – Revised Project Plan Sheets (Site Plan, Front and Rear Elevations)

**Reviewed by:**

City Administrator	<input type="checkbox"/>	City Attorney	<input type="checkbox"/>	Administrative Services	<input type="checkbox"/>
Asst. City Admin.	<input type="checkbox"/>	Dir of CPB	<input type="checkbox"/>	Dir of Public Svcs	<input type="checkbox"/>
Public Safety Dir	<input type="checkbox"/>	Library Dir	<input type="checkbox"/>	Other _____	<input type="checkbox"/>



CITY OF CARMEL-BY-THE-SEA

Council Report

October 8, 2013

**To:** Honorable Mayor and Members of the City Council

**From:** Jason Stilwell, City Administrator

**Submitted by:** Rob Mullane, AICP, Community Planning and Building Director  
Marc Wiener, Senior Planner

**Subject:** Consideration of an appeal of the Planning Commission's decision to approve Design Study (DS 12-68) and Coastal Development Permit applications for the alteration of an existing residence located at the northeast corner of San Antonio and Tenth Avenues, in the Single-Family Residential (R-1) Zoning District. The application is being appealed by the eastern property owners: Steve and Peter Boutin.

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**Recommendation:** Deny the appeal, and uphold the Planning Commission's decision to approve DS 12-68.

**Executive Summary:** The project site is located at the northeast corner of San Antonio and Tenth Avenues, and consists of two legal lots of record. The property is developed with a two-level Mediterranean-style residence that was constructed in 1926. The existing residence is 2,429 square feet in size and includes a partially sub-grade garage on the lower-level and the living area on the main-level (second-level). The residence has a flat-roofed design with stucco siding and wood windows and doors. A Determination of Historic Ineligibility was issued on April 1, 2005, based on a review by the City's Historic Preservation Consultant: Kent Seavey.

The applicant/property owner, Malcom Ghazal, is proposing a substantial alteration of the residence that includes the following:

- A 475-square foot second-story (third-level) bedroom addition;
- A 471-square foot main-level (second-level) addition;
- A pitched roof over a portion of the existing flat roof;
- Exterior materials to include stucco, clay-tile roof, wood windows and doors and some stone;

- Removal of 31 square feet of floor-area from the main-level and 98 square feet of floor-area from the basement; and
- Reduction of 686 square feet of site coverage.

As previously noted, the existing residence currently has two levels referred to as the lower-level and second-level (main-level). The west elevation of the residence, facing San Antonio Avenue, presents a two-story appearance caused by the partially sub-grade garage and basement. The residence presents a single-story appearance from other elevations, including the south elevation facing Tenth Avenue.

The applicant is proposing to add a third-level to the residence. The proposed third-level qualifies as a second-story, due its location on the residence, and does not violate any zoning requirements. For the remainder of this report staff will refer to the proposed third-level addition as a second-story.

This project was reviewed by the Planning Commission on four separate occasions between September 12, 2012 and August 14, 2013. The primary issue with the design was the view impact to the eastern neighbor that was created by the proposed second-story addition. After several hearings, the project applicant identified a location for the second-story addition designed to mitigate the view impact to the eastern neighbor. On August 14, 2013, the Planning Commission unanimously approved the Design Study (DS 12-68) application by a vote of 4-0.

The Design Study approval is being appealed by the eastern property owners: Steve and Peter Boutin. The Boutin residence is located on the northwest corner of Carmelo Street and Tenth Avenue, two parcels directly behind the project site. There is an intervening parcel that is developed with a one-story residence, between the project site and the Boutin property. The owners of this intervening property did appear at the Planning Commission hearing on February 13, 2013, to express some concerns with the mass and bulk created by the project. However, the Planning Commission determined that the impact to this neighbor was minor. The owners of the intervening property are not appealing the project.

## Analysis/Discussion:

### *Planning Commission Review and Staff Analysis*

This project was reviewed by the Planning Commission on four separate occasions between September 12, 2012 and August 14, 2013, and the project was revised and scaled-back based on input from the Planning Commission. The following is a summary of the four Planning Commission hearings.

Planning Commission Hearing (9/12/12) – The applicant had proposed a 503-square foot second-story addition. Staff noted that the second-story of the Boutin residence had filtered ocean views that overlook the subject property and concluded that the proposed second-story would eliminate the majority of this view. It was identified at the meeting that shifting the proposed second-story addition farther south would potentially mitigate the view impact.

Staff noted that the structure did not violate the zoning requirements for the number of stories, but due to the slope of the site, three different levels are visible from San Antonio Avenue. Staff noted potential difficulties with a second-story addition on this site due to the view impacts as well as effects on overall mass and bulk. For this reason staff recommended a continuance of the project.

The Commission was generally supportive of the design and style of the proposed residence and did not have any significant concerns with the building mass. However, the Commission was concerned with the view impact to the Boutin residence. The Planning Commission voted to continue the application, with a recommendation that the applicant work with the Boutins on view impacts. The minutes of the September 12, 2012 meeting are included as Attachment M.

Planning Commission Hearing (2/13/13) – In response to the view concerns that were raised at the first meeting, the applicant reduced the width of the second-story from 26 to 20 feet. The square footage of the second-story was also reduced from 503 to 447 square feet. The majority of the reduction came from the north side of the structure.

In the staff report and presentation, staff noted that the revised second-story design was an improvement over the original proposal, but still impaired views from the Boutin residence to some extent. Staff noted

that were several ocean view corridors from the Boutin residence that would not be impacted by the proposed second-story addition. Staff did not provide a recommendation as to whether the design should be accepted.

At the Planning Commission hearing on February 13, 2013, the applicant had indicated that the primary purpose of the second-story addition was to gain an ocean view. The Planning Commission visited the inside of applicant's residence on the Tour of Inspection, and determined that the ocean view from the main-level was limited.

The Planning Commission noted that the design was an improvement over the previous one, but continued the application with a request for further changes to mitigate the view impact, and requested that the applicant work closely with the Boutins on the revised design and location of the second-story. Minutes from that meeting have been included as Attachment K.

Planning Commission Hearing (7/10/13) – At the third hearing, the applicant presented an option that located the second-story four feet farther south than the previous proposal, and a total of nine feet farther south from the original proposal.

Staff supported the proposed design and recommended that the applicant return with plans prepared for final approval. The Planning Commission accepted the design concept with conditions, as reflected in the minutes included as Attachment I.

Planning Commission Hearing (8/14/13) – The applicant returned with a revised design that was consistent with that introduced as an option at the July 2013 Planning Commission meeting. The Planning Commission approved the project with findings and conditions, as reflected in the minutes included as Attachment G. The Planning Commission determined that the proposed design did not create a significant impact to the Boutin residence, and achieved an equitable balance of views.

#### *Basis for Appeal*

Below is a summary of the concerns raised by the appellant, along with staff responses.

**1. The Planning Commission's failure to adhere to the mandatory ("shall" is defined by section 1.04.010G as "mandatory") language in Municipal Code section 17.10.010.B, C, D, and E and 17.10.060, and its failure to follow the express directives in section 17.10.010.K.**

Response: The appellant is primarily referring to sections of the City Municipal Code that establish design objectives that encourage good site design and minimizing mass and bulk. The most relevant code section cited by the appellant is CMC Section 17.10.010.K, which addresses the issue of private views.

CMC Section 17.10.010.K states the following: *"Designs should respect view enjoyed by neighboring parcels. This objective is intended to balance the private rights to views from all parcels that will be affected by a proposed building or addition. No single parcel should enjoy a greater right than other parcels except the natural advantages of each site's topography. Buildings which substantially eliminate an existing significant view enjoyed on another parcel should be avoided."*

Throughout the design study process, the decisions made by the Planning Commission included careful consideration of the design objectives cited in CMC Section 17.10.010. The Planning Commission continued the Design Study application (DS 12-68) three times, and directed the applicant to redesign the project to mitigate potential view impacts to the Boutin residence. On August 14, 2013, the Planning Commission determined that the view impact had been adequately mitigated, and that the proposed design would maintain a balance of view rights to all parties involved consistent with CMC Section 17.10.010.K.

**2. In spite of the Commission's February 13, 2013 direction to "substantially" revise the proposed plan and to meaningfully negotiate (and compromise) with Appellant, Dr. Ghazal failed to do so. He refused to reduce the roof ridge or height of the floor plates by even an inch; he reduced the bulk by only 5%, and he refused to further narrow or minimize the bulk of the third floor.**

Response: The appellant is correct that the size of the second-story was only reduced by 5%, from 503 to 475 square feet and the height was not reduced when comparing the original design to what was finally approved. However, the applicant did reduce the width of the second-story addition from 26 to 20 feet, and located the addition 9 feet farther south, which substantially reduced the impact to the view corridor from

the Boutin residence. The applicant also revised the roof from a flat-roof design to a hipped-roof design, which reduced the building mass.

**3. The Commission presumably relied on the Staff Summary that the “applicant (Ghazal) is proposing a substantial alteration of the residence that includes a 432 sq. ft. second floor,” when in fact Ghazal was proposal a 474 sq. ft. third floor.**

Response: At the third Planning Commission hearing on July 10, 2013, the Commission considered two options for the location of the second-story. One option placed the second-story on the north side of the residence and was 432 square feet in size. The second option placed the second-story further south on the residence (9 feet further south than what was originally proposed) and was 475 square feet in size. The second option, which placed the second-story on the south end, was ultimately approved by the Planning Commission.

At the Planning Commission hearing on July 10, 2013, a question was raised about the floor area of each of the two-story proposals. However, the issue was clarified by staff and the Planning Commission was given the correct floor area for each two-story proposal. The staff report for the final Design Study (DS 12-68) approval considered by the Planning Commission on August 14, 2013, identifies the floor area of the second-story as 475 square feet, which is correct.

**4. The Commission’s failure to consider the September 12, 2012 Staff Report which stated, “there is adequate space on the site to achieve the maximum allowable floor area without adding the upper-story addition.”**

Response: While the staff report noted that there was adequate space to achieve maximum floor area without adding the second-story (third-level), the Planning Commission did not outright deny the proposal, and rather directed the applicant to revise the design of the second-story to mitigate the view impact to the Boutin residence.

The Planning Commission visited the inside of applicant’s residence on the Tour of Inspection on February 13, 2013. The Commission determined that the ocean view from the main-level (second-level) was limited from the applicant’s residence, which factored into the Commission’s decision to approve the final design.

**5. The Commission failed to consider the unique (See section 17.010.10B), historic architectural integrity of this home built in 1926, and thus compliance with State and federal regulations. The proposed third floor has a pitched roof which is contrary to the integrity of the flat roof Spanish Revival design, and otherwise destroys forever the historic architectural integrity of the home.**

Response: The Community Planning and Building Department issued a Determination of Ineligibility on April 1, 2005. The determination was based on a professional report submitted by the City's Historic Preservation Consultant, Kent Seavey. It was determined that the residence was not a candidate to be placed the City's Historic Inventory because of alterations that were made to the structure over time.

Pursuant to CMC Section 17.32.060.D, the Determination of Historic Ineligibility expires every five years. Staff re-issued the determination on February 21, 2013, based on the original report prepared by Kent Seavey. It was noted that a Determination of Ineligibility had been issued for the property in the staff report prepared for the August 14, 2013, Planning Commission hearing.

**6. The Commission's approval of a "Landscape Plan" which approved the inclusion of two new trees, based on a finding that the trees, especially the more westerly one, would substantially impair, especially in the future, our view corridor to the Ocean.**

Response: Design Guideline 1.4 states an objective to "maintain a forested image on the site where it is consistent with the neighborhood context" and "plant new trees to reinforce the existing urban forest character on site in each neighborhood where this character exists."

Design Study approvals for substantial remodels and additions are often conditioned with a requirement to plant new upper and lower-canopy trees per the recommendations of the City Forester. Construction projects are one of the City's only opportunities to require trees to be planted on private property, which is essential to maintaining the forest character of the City.

It should be noted that the property currently contains 3 upper-canopy trees and 2 lower-canopy trees. The City's recommended number and ratio of trees for an 8,000-square foot property is 5 upper-canopy trees and 4 lower-canopy trees. Staff recommends upholding the special

condition requiring one new lower-canopy and one new-upper canopy tree, which brings the property close to the recommended number and ratio of trees.

The applicant is proposing two new trees on the north side of the property. The City Forester has determined that the proposed locations for both trees are appropriate to ensure the future health of the trees. However, staff notes that there is an inconsistency between the site plan and the landscape plan. The site plan notes one upper-canopy tree and one lower-canopy tree, while the landscape plan notes two upper-canopy cypress trees. A special condition has been drafted that the landscape plan be revised to include one new upper-canopy tree and one new lower-canopy tree, and that the trees be located on the north side of the property as specified on the plan.

#### *Summary of Staff Analysis of Appeal*

With regards to protecting private views, Residential Design Guidelines Sections 5.1 through 5.3 encourage: *“maintaining views through a property to natural features when feasible”* and recommend *“locating buildings so they will not substantially blocks views enjoyed by others.”* General Plan Policy P1-65 recommends achieving *“an equitable balance of these design amenities among all properties affected by design review decisions.”*

After analyzing the issues presented by the appellant, staff concludes that the proposed design is consistent with the above objectives, and concurs with the Planning Commission’s decision to approve DS 12-68. Staff notes that the primary basis for approval was that the Planning Commission determined that the view impact had been substantially mitigated, and the proposed design allowed for an equitable sharing of views between the applicant and the appellant.

This hearing is a *de novo* hearing, meaning that the City Council is responsible for reviewing the entire project and is not bound by the decision of the Planning Commission. Planning Commission staff report, findings and conditions for the approval of DS 12-68, dated August 12, 2013, are included as Attachment F, for the City Council’s consideration. Staff has provided project findings and conditions of approval, as Attachments C and D respectively, for the City Council’s consideration.

**Previous Council**

**Action/Decision History:**

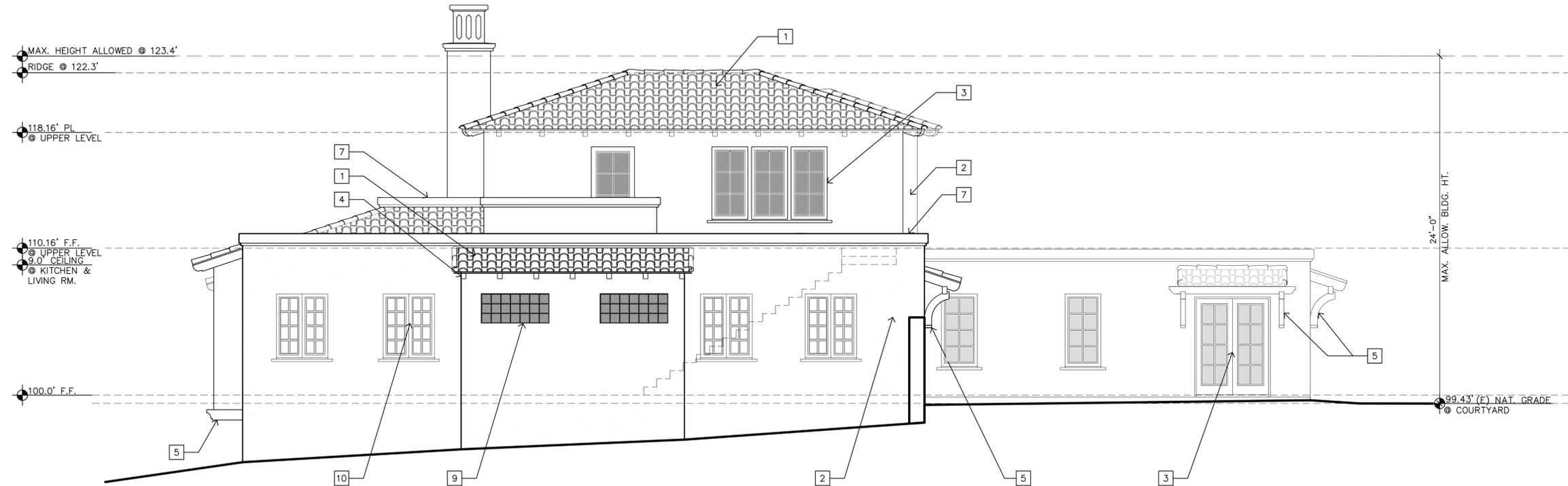
This Design Study (DS 12-68) application was considered by the Planning Commission on September 12, 2012; February 13, 2013; July 10, 2013; and was unanimously approved by the Planning Commission (4-0 vote) on August 14, 2013.

**Attachments:**

- Attachment A – Project Plans
- Attachment B – Site Photographs and Aerial Photograph
- Attachment C – Project Findings dated 10/8/13
- Attachment D – Conditions of Approval dated 10/8/13
- Attachment E – Appeal Application
- Attachment F – PC Staff Report, Findings and Conditions date 8/14/13
- Attachment G – PC Minutes dated 8/14/13
- Attachment H – PC Staff Report dated 7/10/13
- Attachment I – PC Minutes dated 7/10/13
- Attachment J - PC Staff Report dated 2/13/13
- Attachment K - PC Minutes dated 2/13/13
- Attachment L - PC Staff Report dated 9/12/12
- Attachment M - PC Minutes dated 9/12/12
- Attachment N – Historic Report and Determination

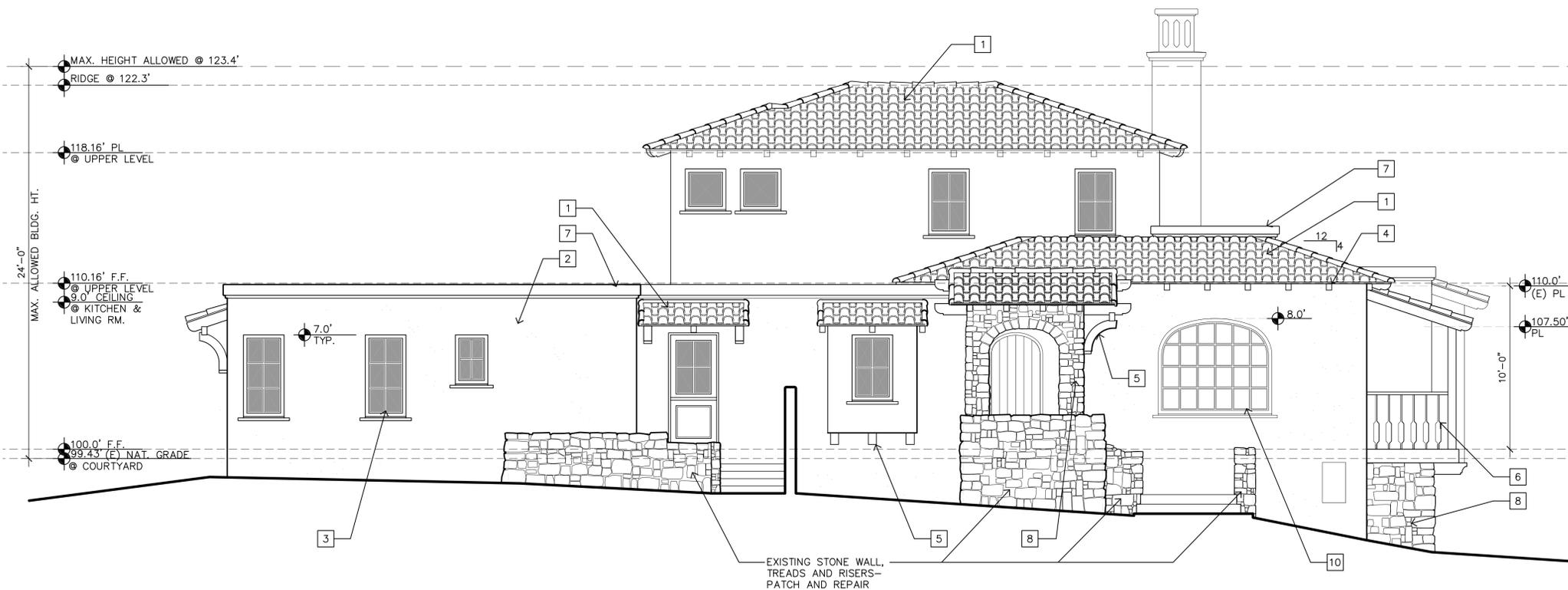
**Reviewed by:**

City Administrator	<input type="checkbox"/>	City Attorney	<input type="checkbox"/>	Administrative Services	<input type="checkbox"/>
Asst. City Admin.	<input type="checkbox"/>	Dir of CPB	<input type="checkbox"/>	Dir of Public Svcs	<input type="checkbox"/>
Public Safety Dir	<input type="checkbox"/>	Library Dir	<input type="checkbox"/>	Other _____	<input type="checkbox"/>



**SOUTH ELEVATION**

1/4"=1'-0"



**NORTH ELEVATION**

1/4"=1'-0"

EXTERIOR FINISH LEGEND	
1	CAP & PAN CLAY TILE ROOF - MATCH EXISTING
2	EXTERIOR STUCCO- MATCH EXISTING
3	PAINTED WOOD EXTERIOR DOORS AND WINDOWS- MATCH EXISTING
4	4X4 CEDAR RAFTER TAILS - PAINTED
5	4X, 6X, OR 8X CEDAR BEAMS, CORBELS AND POST
6	PAINTED IPE GUARDRAIL AND CAP
7	SHAPED STUCCO PARAPET CAP
8	RANDOM STONE- MATCH EXISTING
9	GLASS BLOCK WINDOWS
10	(E) DOORS AND WINDOWS TO REMAIN



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STAMPS:

PROJECT/CLIENT:

**MALCOLM GHAZAL  
RESIDENCE**

PROJECT ADDRESS:

NE CORNER  
SAN ANTONIO AVE.,  
10TH STREET,  
CARMEL, CA 93921

APN: 010-277-007

DATE: JULY 17, 2012

DESIGN APPROVAL

REVISIONS:

- △ 07-23-12 CITY'S REVIEW LETTER
- △ 08-17-12 CITY'S COMMENTS
- △ 01-15-13 RE-SUBMITTAL PACKAGE
- △ 05-21-13 REVISIONS
- △ 07-25-13 FINAL DESIGN APPROVAL

**ELEVATIONS**

SHEET NO.

**A6.0**

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10TH STREET,  
CARMEL, CA 93921

APN: 010-277-007

DATE: JULY 17, 2012

DESIGN APPROVAL

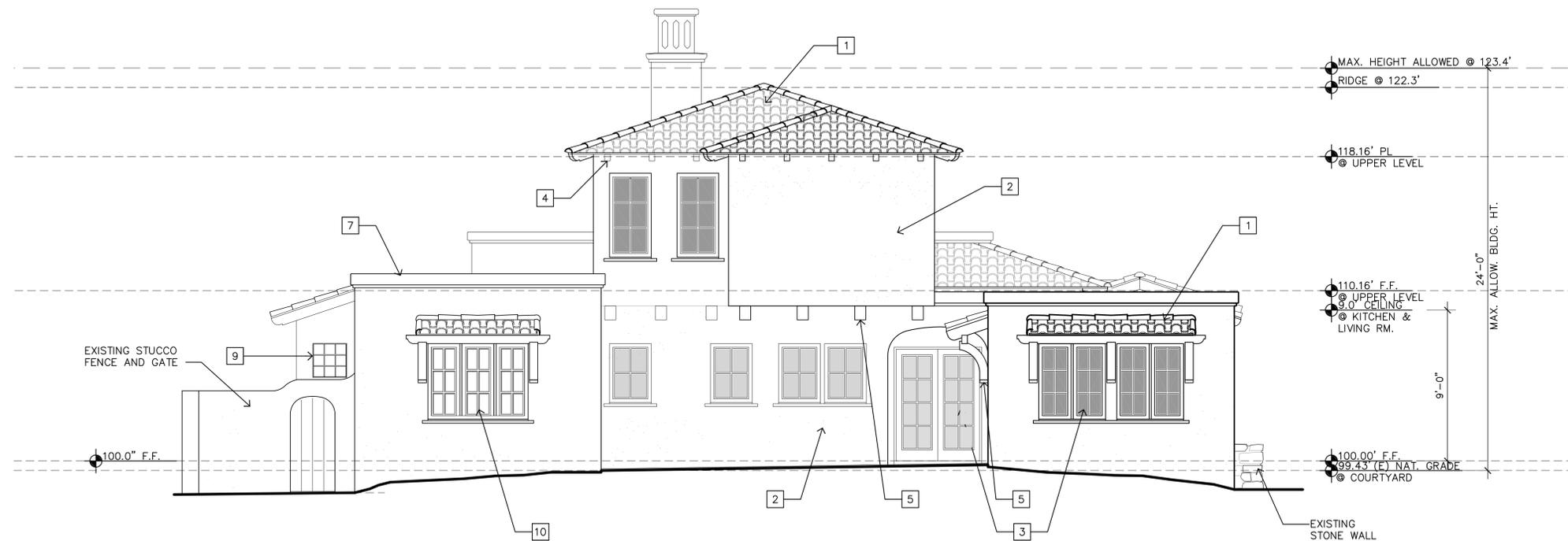
REVISIONS:

- 07-23-12 CITY'S REVIEW LETTER
- 08-17-12 CITY'S COMMENTS
- 01-15-13 RE-SUBMITTAL PACKAGE
- 05-21-13 REVISIONS
- 07-25-13 FINAL DESIGN APPROVAL

ELEVATIONS

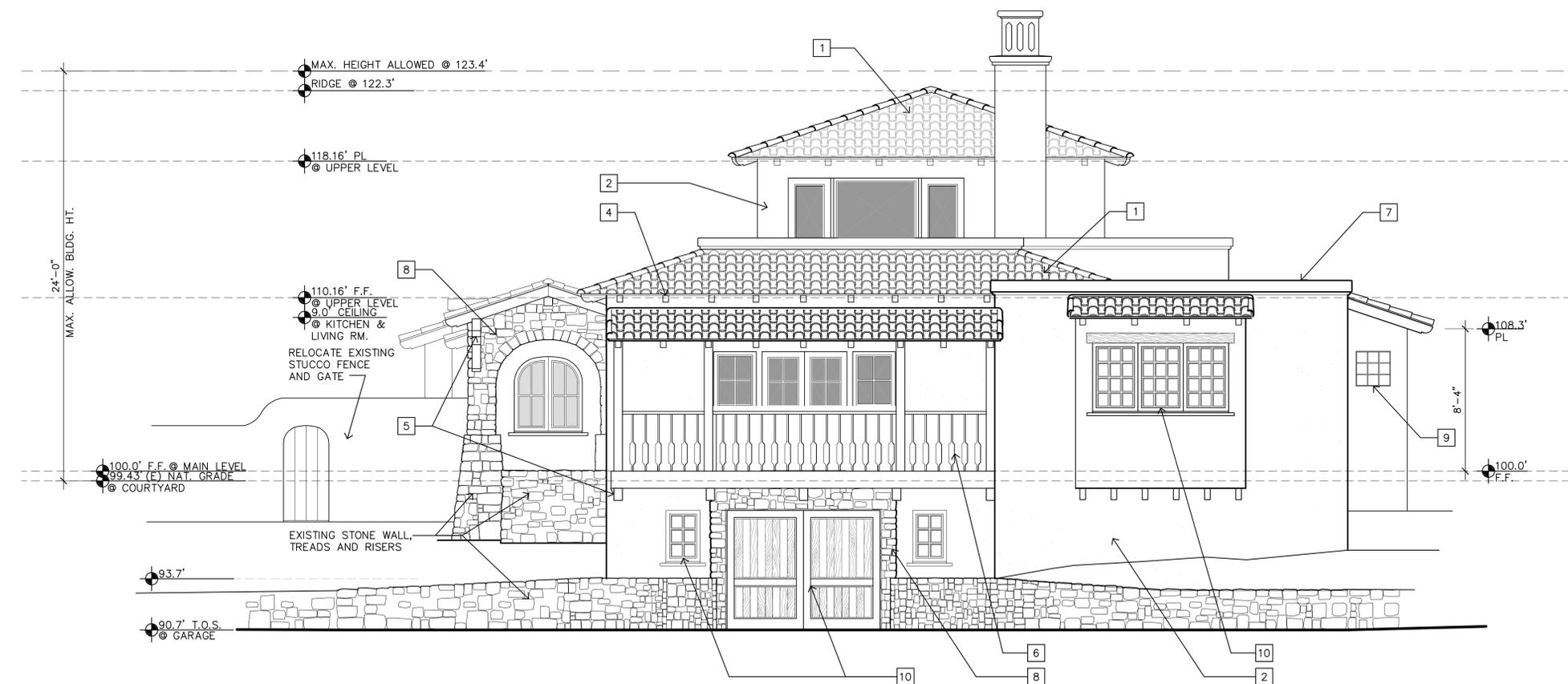
SHEET NO.

**A6.1**



**EAST ELEVATION**

1/4"=1'-0"



**WEST ELEVATION**

1/4"=1'-0"

**EXTERIOR FINISH LEGEND**

- 1 CAP & PAN CLAY TILE ROOF - MATCH EXISTING
- 2 EXTERIOR STUCCO- MATCH EXISTING
- 3 PAINTED WOOD EXTERIOR DOORS AND WINDOWS- MATCH EXISTING
- 4 4X4 CEDAR RAFTER TAILS - PAINTED
- 5 4X, 6X, OR 8X CEDAR BEAMS, CORBELS AND POST
- 6 PAINTED IPE GUARDRAIL AND CAP
- 7 SHAPED STUCCO PARAPET CAP
- 8 RANDOM STONE- MATCH EXISTING
- 9 GLASS BLOCK WINDOWS
- 10 (E) DOORS AND WINDOWS TO REMAIN



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STAMPS:

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RESIDENCE

PROJECT ADDRESS:

NE CORNER  
SAN ANTONIO AVE.,  
10TH STREET,  
CARMEL, CA 93921

APN: 010-277-007

DATE: NOV. 4, 2015

RE-SUBMITTAL

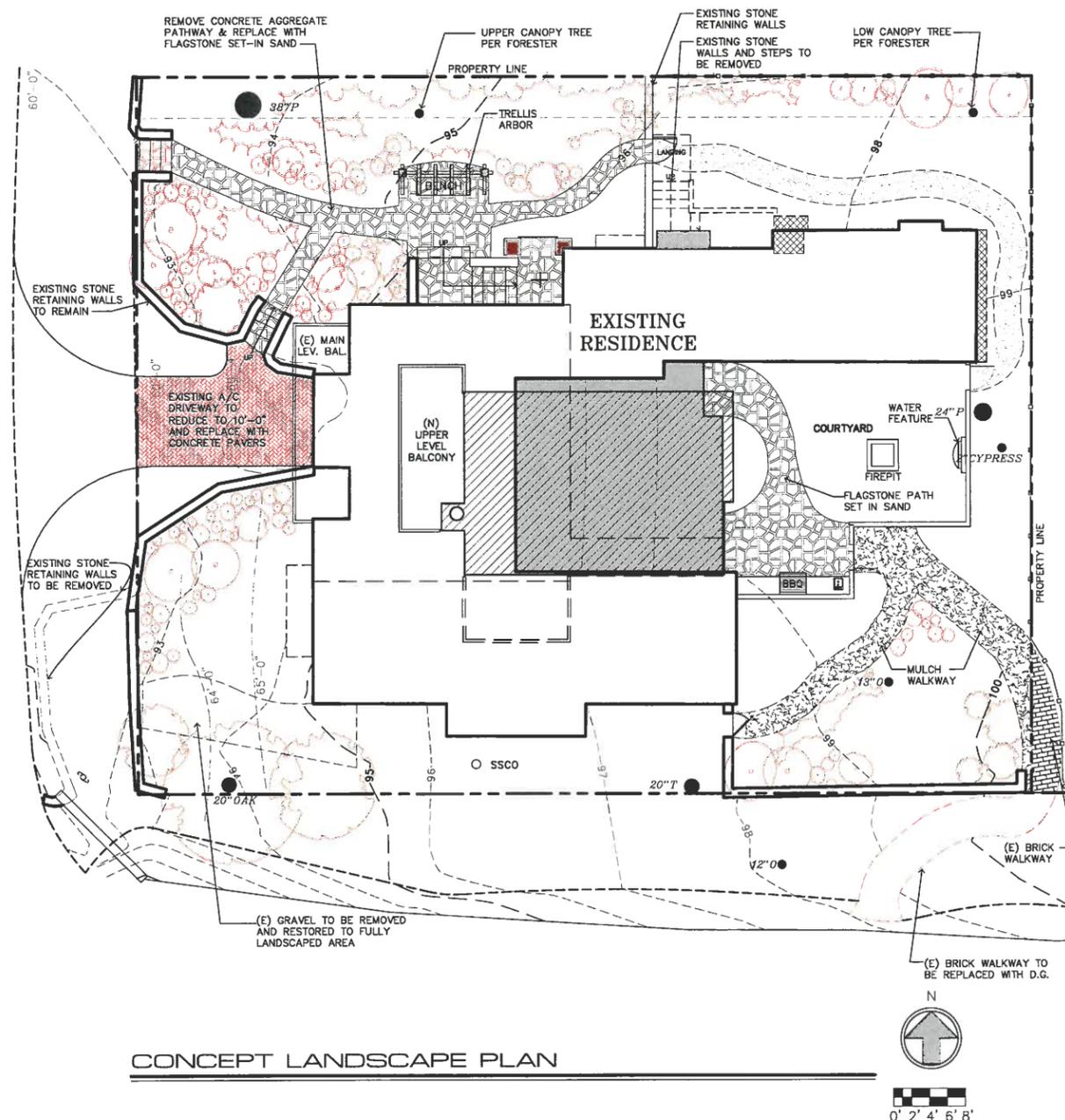
REVISIONS:


CONCEPT  
LANDSCAPE PLAN

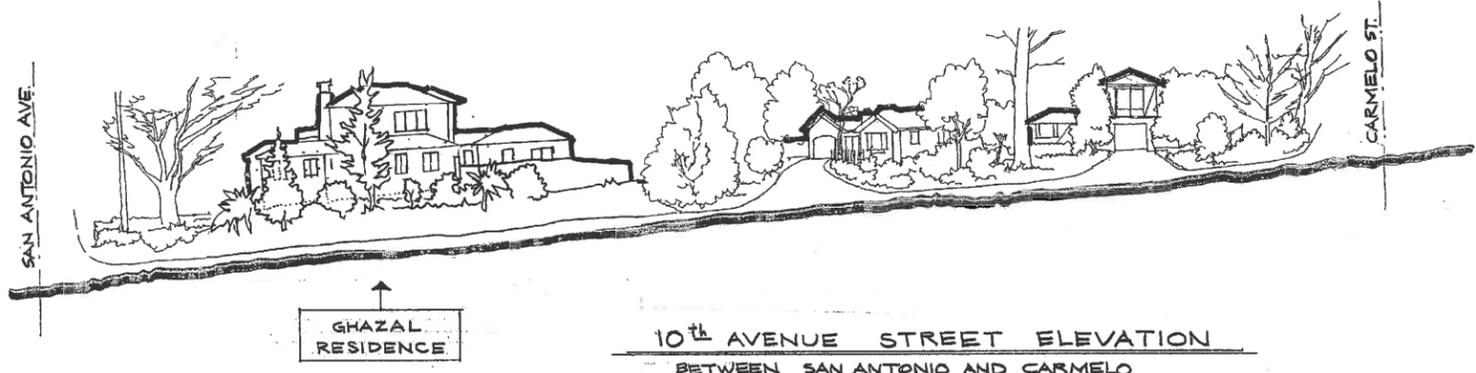
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A1.1

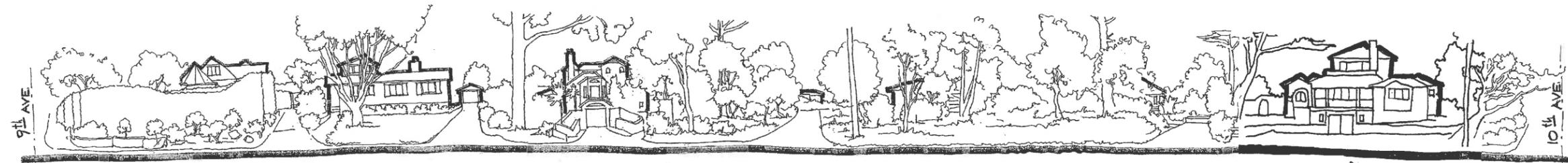
71



CONCEPT LANDSCAPE PLAN



10<sup>th</sup> AVENUE STREET ELEVATION  
BETWEEN SAN ANTONIO AND CARMELO



SAN ANTONIO STREET ELEVATION  
BETWEEN 9<sup>th</sup> AND 10<sup>th</sup> AVE.



SAN ANTONIO STREET ELEVATION  
BETWEEN 10<sup>th</sup> AND 11<sup>th</sup> AVE.

JUN A. SILLANO, AIA



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**MALCOLM GHAZAL RESIDENCE**

PROJECT ADDRESS:  
NE CORNER  
SAN ANTONIO AVE.,  
10TH STREET,  
CARMEL, CA 93921  
APN: 010-272-007

DATE: NOV. 4, 2015  
RE-SUBMITTAL

REVISIONS:


STREET ELEVATIONS

SHEET NO.  
**A1.2** 72



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STAMPS:

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RESIDENCE**

PROJECT ADDRESS:

NE CORNER  
SAN ANTONIO AVE.,  
10TH STREET,  
CARMEL, CA 93921

APN: 010-277-007



DATE: NOV. 4, 2015

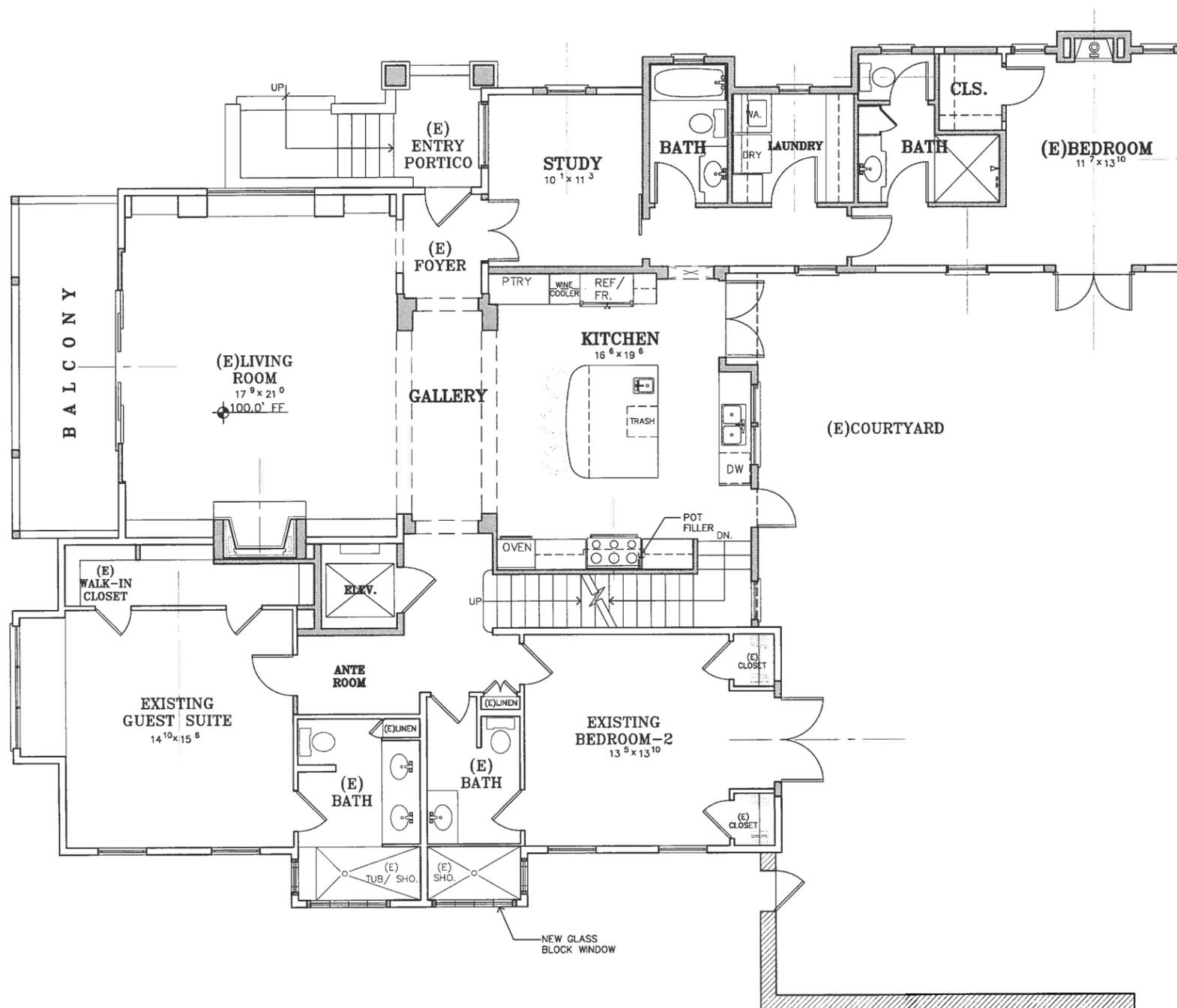
RE-SUBMITTAL

REVISIONS:


**MAIN LEVEL  
PLAN**

SHEET NO.

**A2.0**



MAIN LEVEL PLAN

1/4" = 1'-0"



**WALL LEGEND**

- 2X EXISTING WALL TO REMAIN
- 2X6 EXTERIOR STUD FRAMED WALL
- 2X4 INTERIOR STUD FRAMED WALL, U.O.N.

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APN: 010-277-007

DATE: NOV. 4, 2015

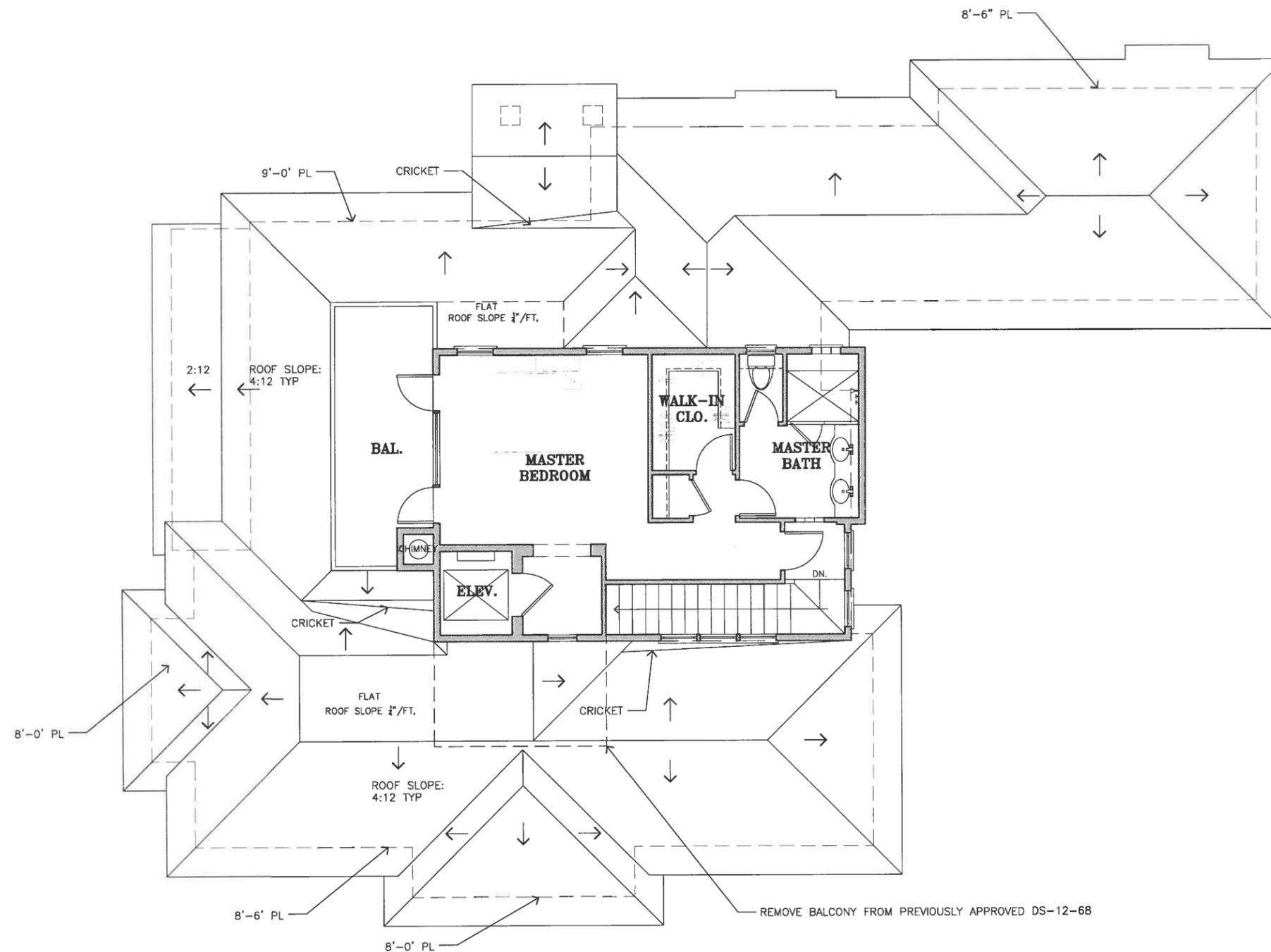
RE-SUBMITTAL

REVISIONS:


**UPPER LEVEL  
PLAN**

SHEET NO.

**A3.0**



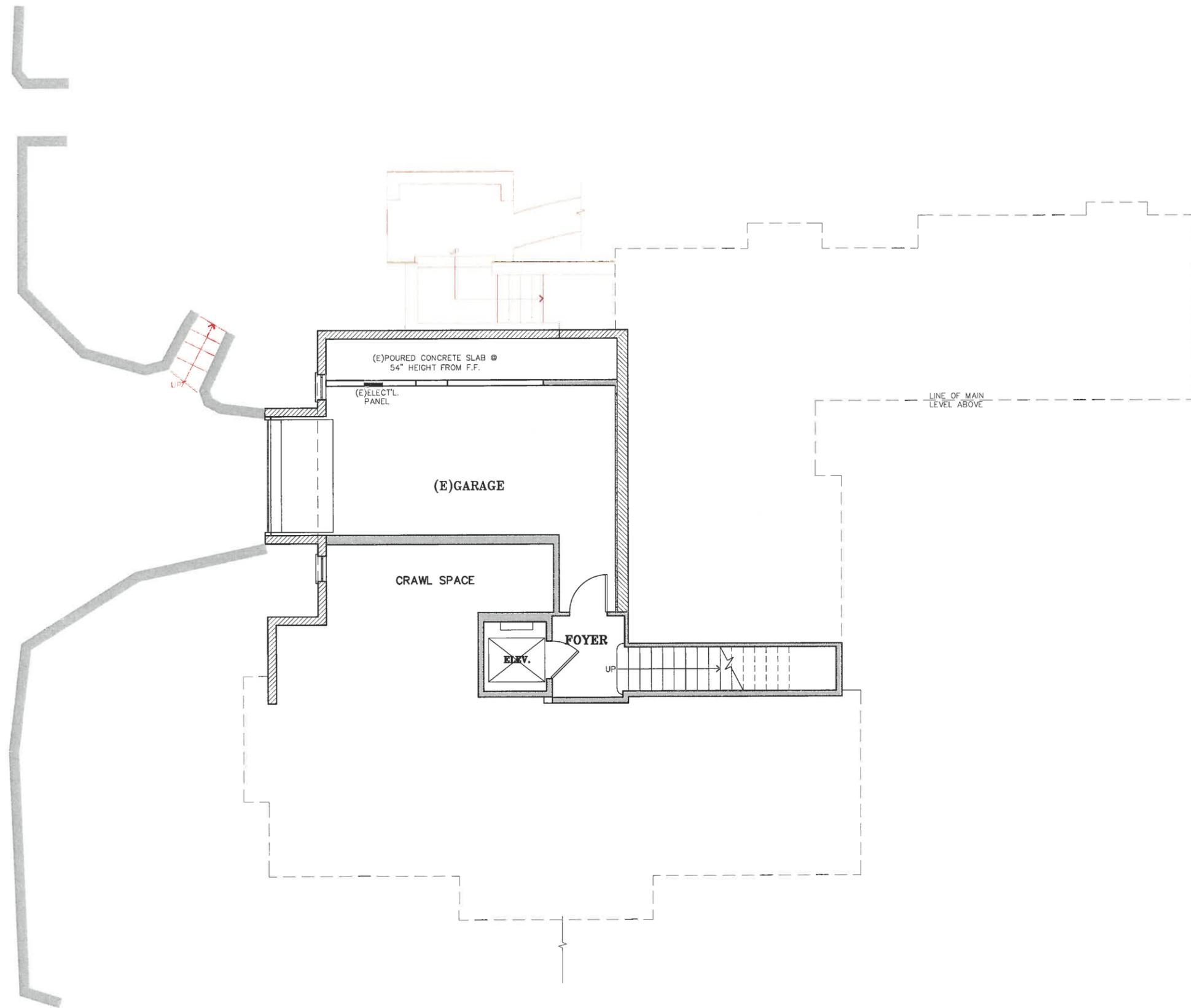
UPPER LEVEL PLAN

1/4"=1'-0"



**WALL LEGEND**

- 2X EXISTING WALL TO REMAIN
- 2X6 EXTERIOR STUD FRAMED WALL
- 2X4 INTERIOR STUD FRAMED WALL, U.O.N.



LOWER LEVEL PLAN

1/4"=1'-0"



**WALL LEGEND**

- 2X EXISTING WALL TO REMAIN
- 2X6 EXTERIOR STUD FRAMED WALL
- 2X4 INTERIOR STUD FRAMED WALL, U.O.N.

JUN A. SILLANO, AIA



JOHN E. MATTHAMS

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10TH STREET,  
CARMEL, CA 93921  
APN: 010-277-007

DATE: NOV. 4, 2015

RE-SUBMITTAL

REVISIONS:


**LOWER LEVEL  
PLAN**

SHEET NO.

**A4.0**

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SAN ANTONIO AVE.,  
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CARMEL, CA 93921

APN: 010-277-007

DATE: NOV. 4, 2015

RE-SUBMITTAL

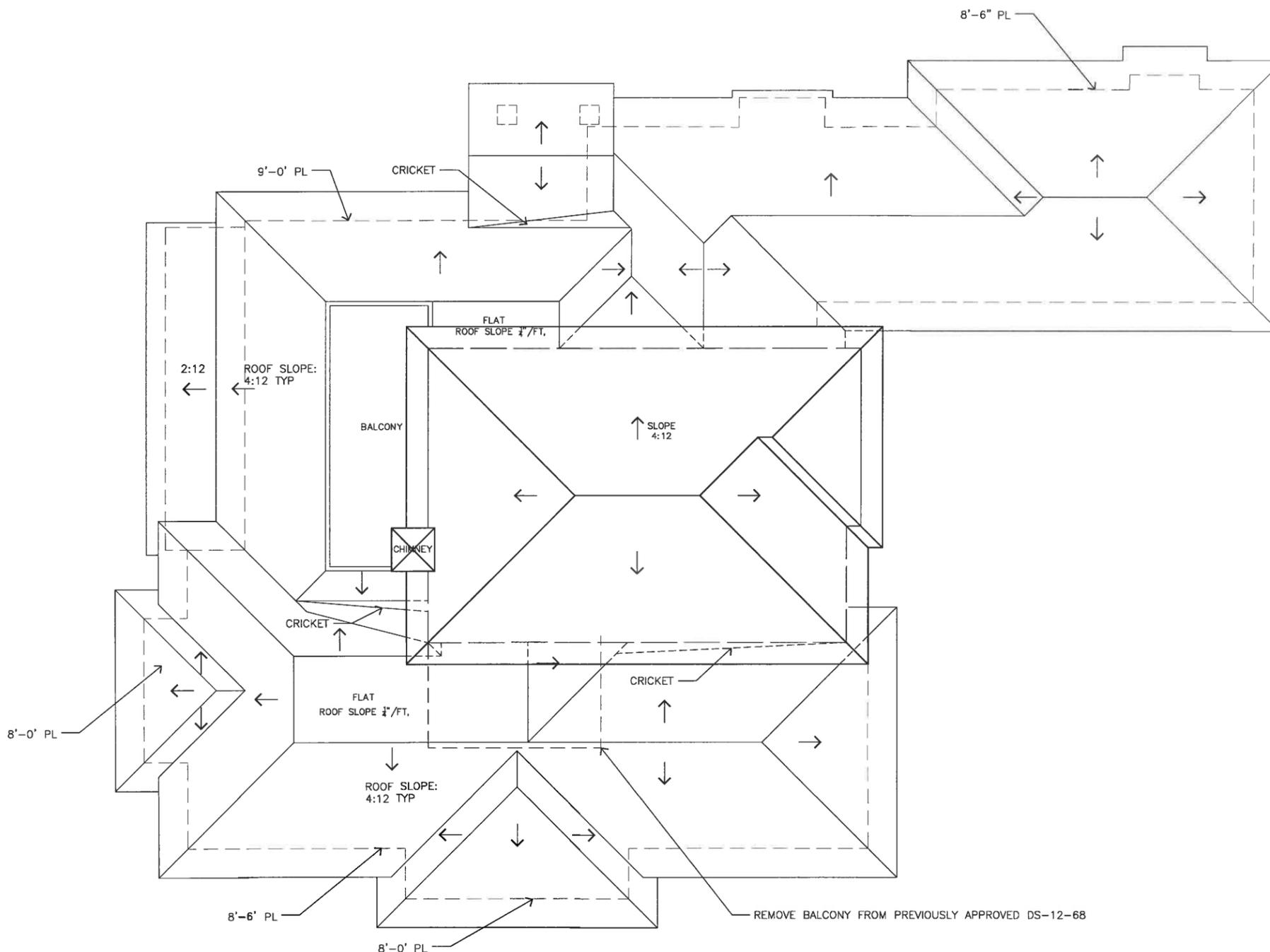
REVISIONS:


**ROOF  
PLAN**

SHEET NO.

**A5.0**

76



**ROOF PLAN**

1/4"=1'-0"



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APN: 010-277-007

DATE: NOV. 4, 2015

RE-SUBMITTAL

REVISIONS:


**ELEVATIONS**

SHEET NO.

**A6.0**

77

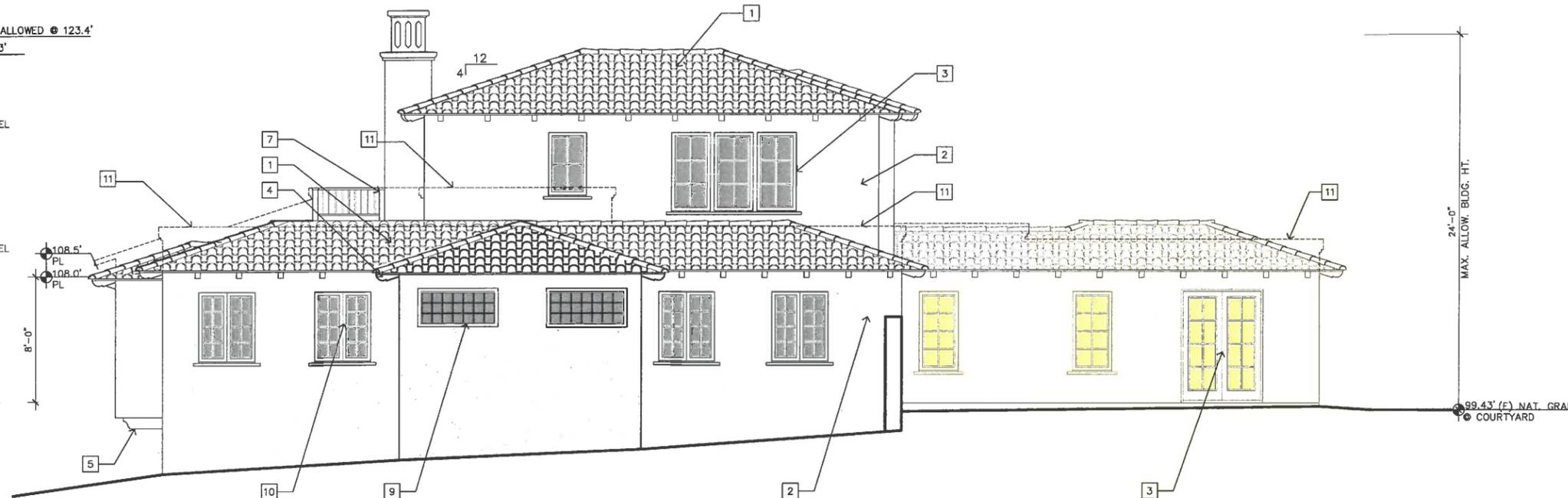
MAX. HEIGHT ALLOWED @ 123.4'  
RIDGE @ 122.3'

118.16' PL  
UPPER LEVEL

110.16' F.F.  
UPPER LEVEL  
9.0' CEILING  
KITCHEN &  
LIVING RM.

108.5' PL  
108.0' PL

100.0' F.F.



**SOUTH ELEVATION**

1/4"=1'-0"

**EXTERIOR FINISH LEGEND**

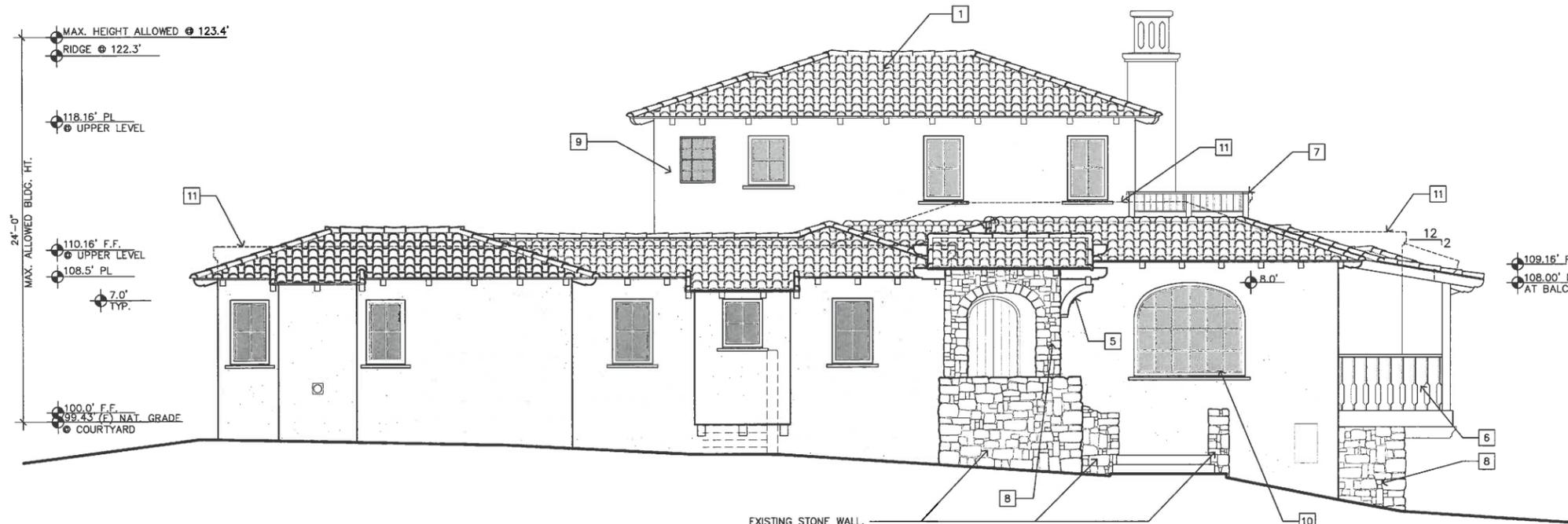
- 1 CAP & PAN CLAY TILE ROOF - MATCH EXISTING
- 2 EXTERIOR STUCCO- MATCH EXISTING
- 3 PAINTED WOOD EXTERIOR DOORS AND WINDOWS- MATCH EXISTING
- 4 4X4 CEDAR RAFTER TAILS - PAINTED
- 5 4X, 6X, OR 8X CEDAR BEAMS, CORBELS AND POST
- 6 PAINTED IPE GUARDRAIL AND CAP
- 7 4X4 CEDAR POST AND BRONZE RAILING
- 8 RANDOM STONE- MATCH EXISTING
- 9 GLASS BLOCK WINDOWS
- 10 (E) DOORS AND WINDOWS TO REMAIN
- 11 OUTLINE OF PREVIOUSLY APPROVED PROJECT DS 12-68

MAX. HEIGHT ALLOWED @ 123.4'  
RIDGE @ 122.3'

118.16' PL  
UPPER LEVEL

110.16' F.F.  
UPPER LEVEL  
108.5' PL  
7.0' TYP.

100.0' F.F.  
99.43' (F) NAT. GRADE  
COURTYARD

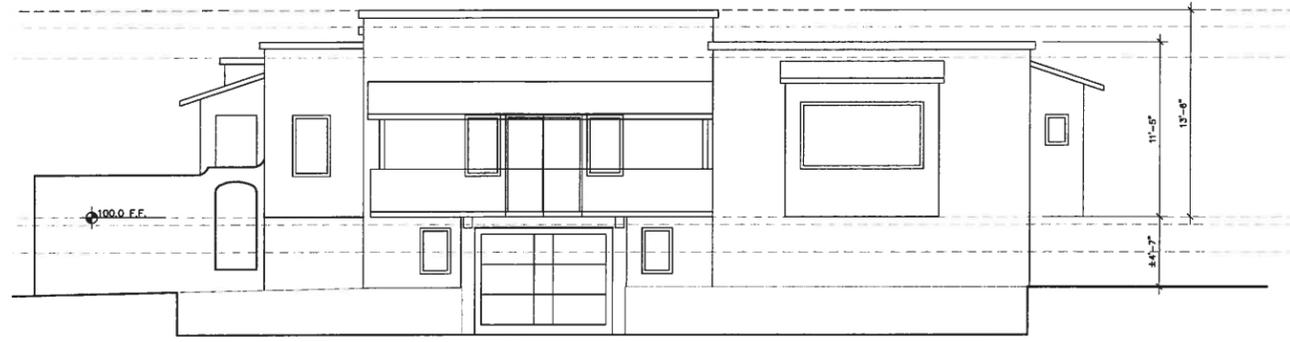


**NORTH ELEVATION**

1/4"=1'-0"

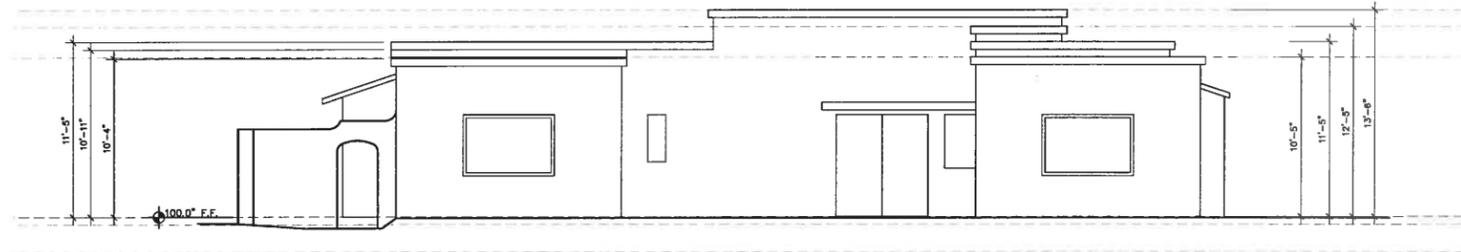
EXISTING STONE WALL,  
TREADS AND RISERS-  
PATCH AND REPAIR





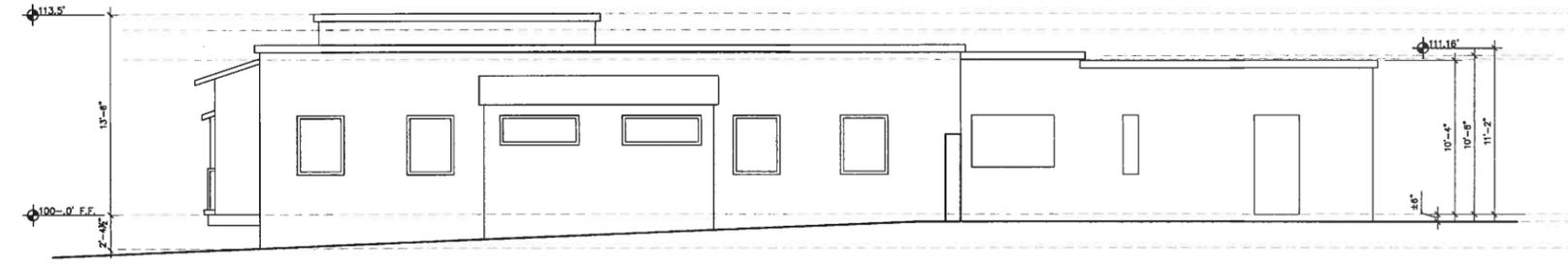
**EXISTING WEST ELEVATION**

3/16"=1'-0"



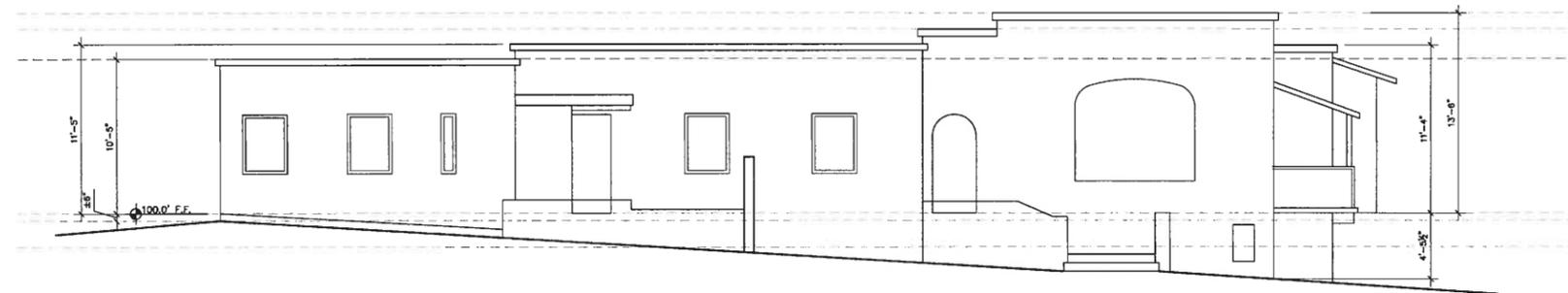
**EXISTING EAST ELEVATION**

3/16"=1'-0"



**EXISTING SOUTH ELEVATION**

3/16"=1'-0"



**EXISTING NORTH ELEVATION**

3/16"=1'-0"

**JUN A. SILLANO, AIA**  
**IDG**  
 ARCHITECTURE • PLANNING • INTERIOR DESIGN  
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PROJECT/CLIENT:  
**MALCOLM GHAZAL RESIDENCE**  
 PROJECT ADDRESS:  
 NE CORNER  
 SAN ANTONIO AVE.,  
 10TH STREET,  
 CARMEL, CA 93921  
 APN: 010-277-007

DATE: NOV. 4, 2015  
 RE-SUBMITTAL

REVISIONS:


**ELEVATIONS**  
 SHEET NO.  
**A6.3**  
 79

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STAMPS:

PROJECT/CLIENT:

**MALCOLM GHAZAL  
RESIDENCE**

PROJECT ADDRESS:

NE CORNER  
SAN ANTONIO AVE.,  
10TH STREET,  
CARMEL, CA 93921

APN: 010-277-007

DATE: NOV. 4, 2015

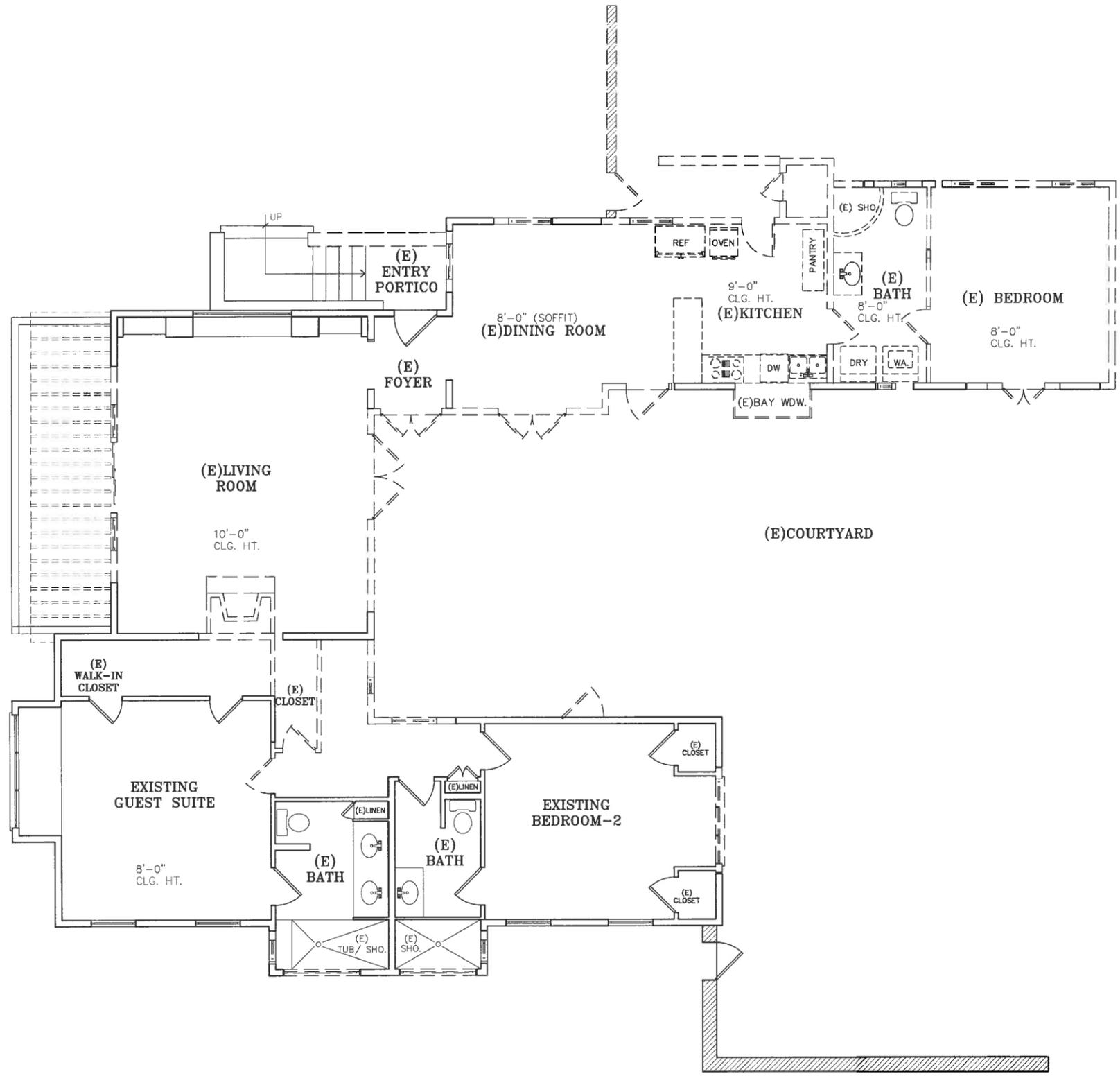
RE-SUBMITTAL

REVISIONS:


**MAIN LEVEL  
EXIST / DEMO**

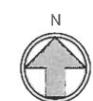
SHEET NO.

**D1.0**



MAIN LEVEL EXISTING-DEMOLITION PLAN

1/4" = 1'-0"



**WALL LEGEND**

- 2X EXISTING WALL TO REMAIN
- (E) DOOR OR WINDOW TO BE REMOVED
- 2X EXISTING WALL TO BE REMOVED



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STAMPS:

PROJECT/CLIENT:

**MALCOLM GHAZAL  
RESIDENCE**

PROJECT ADDRESS:

NE CORNER  
SAN ANTONIO AVE.,  
10TH STREET,  
CARMEL, CA 93921

APN: 010-277-007

DATE: NOV. 4, 2015

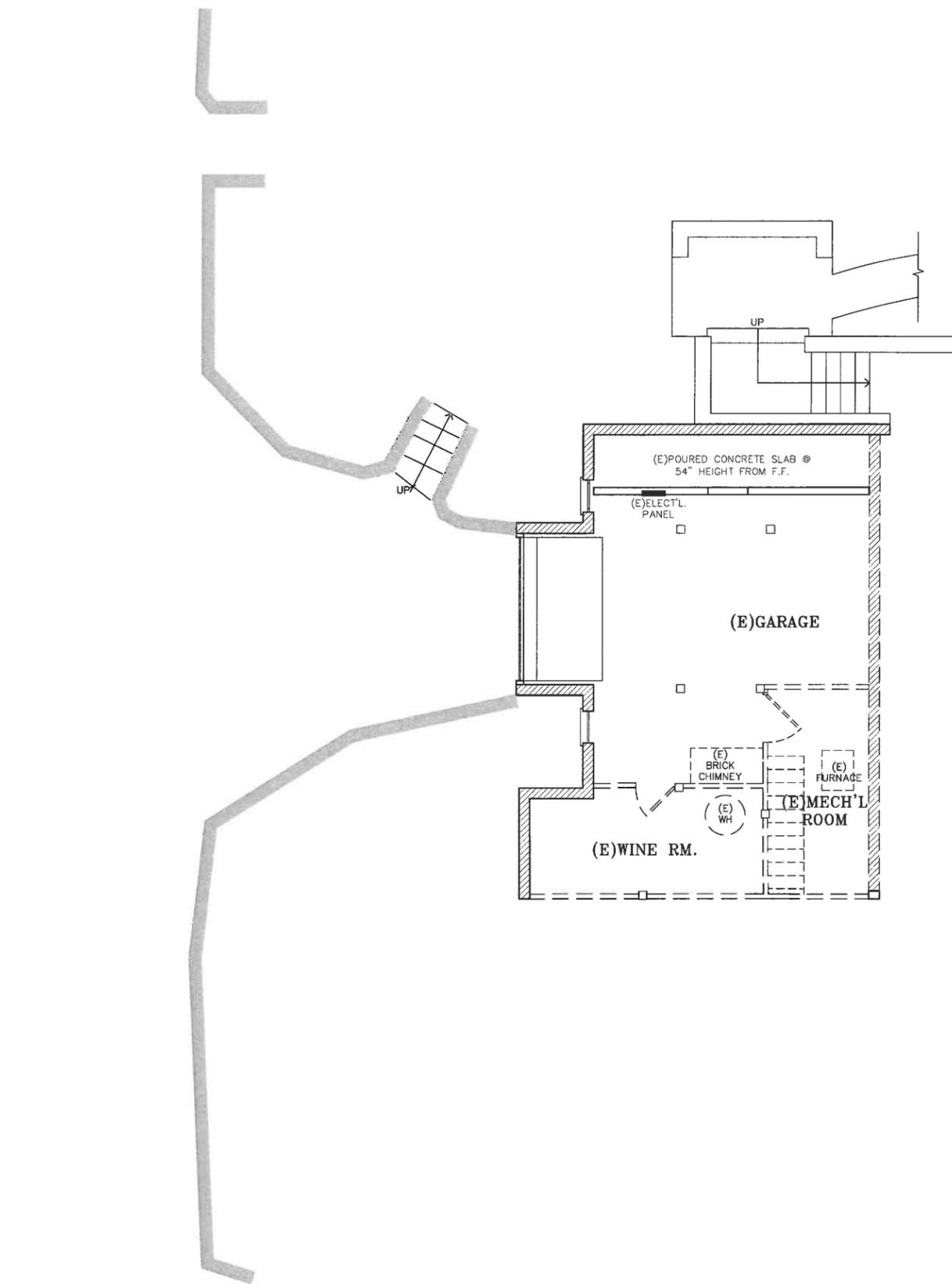
RE-SUBMITTAL

REVISIONS:


UPPER LEVEL  
EXIST / DEMO

SHEET NO.

**D2.0**



LOWER LEVEL EXISTING-DEMOLITION PLAN

1/4"=1'-0"



**WALL LEGEND**

- 2X EXISTING WALL TO REMAIN
- (E) DOOR OR WINDOW TO BE REMOVED
- 2X EXISTING WALL TO BE REMOVED



CITY OF CARMEL-BY-THE-SEA

Planning Commission Report

December 16, 2015

**To:** Chair Goodhue and Planning Commissioners

**From:** Marc Wiener, Community Planning and Building Director

**Submitted by:** Catherine Tarone, Assistant Planner

**Subject:** Consideration of a Design Study (DS 15-411) and Coastal Development Permit application for a remodel and addition to an existing single-family residence located in the Single-Family Residential (R-1) Zoning District

---

**Recommendation:**

Accept the Concept Design Study (DS 15-411) subject to the attached findings and recommendations/draft conditions.

**Application:** DS 15-411                      **APN:** 010-183-001  
**Block:** 133                                      **Lot:** 1  
**Location:** Southwest Corner of Lincoln Street and 11th Avenue  
**Applicant:** Erik Dyar                      **Property Owner:** Kevin and Dyanne Howley

The project site is a 4,000-square foot property located at the southwest Corner of Lincoln Street and 11th Avenue and is developed with a 1,415-square foot, two-story single-family residence. The grade of the property drops approximately 8 feet from the east property boundary to the west property boundary. A Determination of Historic Ineligibility was issued on November, 2014.

On November 6, 2015, the applicant submitted an application proposing additions and alterations to the property including a 380-square foot, single-story, addition to the west elevation, the removal of the existing brick patio, balcony and stairs and the installation of a new 236-square foot redwood spaced-board deck surrounded by a stone wall on the main floor and a new 49 square-foot second-story deck. A new skylight is also proposed on the addition, on the south elevation of the property. Finish materials include off-white wainscot shiplap at the property's base and off-white board and batten siding on the upper portion with new stucco on the existing chimney. On the north elevation of the property, the applicant is also proposing a new stone chimney, a sand-set concrete paver driveway and concrete retaining

wall, a new wood gate and stone posts, a decomposed granite walkway in the right-of-way and a stone cooking station with grill on the west elevation and an outdoor shower on the property's south elevation. Finally, a tree in the public right-of-way that is encroaching on the proposed driveway is proposed for removal on the north elevation.

Staff has scheduled this application for conceptual review. The primary purpose of this meeting is to review and consider the site planning, privacy and views, and mass and scale related to the project. However, the Commission may provide input on other aspects of the design.

PROJECT DATA FOR THE 4,000-SQUARE FOOT SITE:			
Site Considerations	Allowed	Existing	Proposed
Floor Area	1,800 sf.	1,415 sf.*	1,795 sf.*
Site Coverage	556 sf. (13.9%)	804 sf. (20.1%)	437 sf. (10.9%)
Trees (upper/lower)	3/1 trees	7/2 trees	7/2 trees
Ridge Height (1 <sup>st</sup> /2 <sup>nd</sup> )	18 ft./24 ft.	8 ft. /21 ft. 9 ½" in.	14 ft. 8 in. /21 ft. 9 ½" in.
Plate Height (1 <sup>st</sup> /2 <sup>nd</sup> )	12 ft. /18 ft.	8 ft./ 15 ft. 4 in.	9 ft. 3 in. /15 ft. 4 in.
Setbacks	Minimum Required	Existing	Proposed
Front	15 ft.	14 ft., 4 in.	14 ft., 4 in.
Composite Side Yard	10 ft. (25%)	10 ft.	10 ft.
Minimum Side Yard (exterior, street-facing side/interior side)	5 ft. / 3 ft.	4 ft., 3 in./ 6 ft. 4 in.	4 ft., 3 in./ 3 ft., 9 in.
Rear	15 ft.	53 ft., 6 in.	28 ft., 3 in.
*Includes 200 square feet for parking			

**Staff analysis:**

**Forest Character:** Residential Design Guidelines 1.1 through 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 nine trees, five of which are classified as significant. Significant trees include four Coast live oaks and one Monterey pine. There are also three moderately significant trees which include two Coast live oaks and one Monterey pine. No trees would be removed as a

result of construction; however, a portion of the new addition is proposed to be located approximately two and one-half feet from the 21-inch significant Coast live oak on the north portion of the property. A condition has been drafted requiring the applicant to work with staff and the City Forester on this issue prior to Final Planning Commission review. The applicant may either be required to hand excavate this area or to use a bridged footing.

Additionally, the project proposes the removal of a 20-inch Acacia tree in the public right-of-way on the property's north which is not included in the property's listed trees. The tree proposed for removal is located one foot from the driveway which is proposed to be replaced with new materials in the same footprint. The tree is also located one-half foot from an existing low concrete retaining wall that extends along the driveway and juts into the public right-of-way. The applicant has included a note stating that the reason for the proposed removal is in order to create a safer, more workable driveway. A condition has been drafted requiring the applicant to apply for a tree removal permit.

***Privacy and Views:*** Residential Design Guideline 9.12 advises locating and sizing *“windows and doors to achieve a human scale while avoiding mass and privacy impacts.”* Residential Design Guideline 5.1 advises locating *“windows and balconies such that they avoid overlooking active indoor and outdoor use areas of adjacent properties.”*

Staff has not identified any view impacts since the roofline will maintain its existing height. In regard to privacy impacts, staff notes that a proposed 8-foot wide oriel window on the south elevation of the home will face a neighboring, single-story property to the south and this window may overlap with one of two of the neighboring property's windows. Staff notes that there is an existing bush on the property that mostly conceals one of the windows of concern. The applicant has indicated to staff that the southern neighbor supports the project.

***Mass and Scale:*** Design guidelines 7.1 advises *“minimizing the mass of a building as seen from the public right-of-way, avoiding long, uninterrupted wall planes.”* Design Guideline 7.6 encourages *“relating a building's basic forms to a human scale and avoiding design treatments that produce a top-heavy appearance such as roof forms that dominate the body of the building and wide chimney structures.”*

The subject residence adheres to the allowed height limits. The proposed roof height will remain unchanged at 21 feet and 9 ½ inches with a maximum allowable height of 24 feet. The proposed addition will be single-story with a roof height of 15 feet and 4 inches while the

maximum height allowed is 18 feet. The proposed windows and existing chimney add detail to the home and help to break up the wall planes. In staff's opinion, the proposed residence is consistent with the recommendations of the Design Guidelines that pertain to mass and bulk. In addition, the Design Guidelines recommend "*changing roof heights to help break up the mass, while keeping the overall roof forms simple in character.*" Staff feels that this property does adhere to this guideline as evidenced by the variation in the proposed roof heights.

***Building and Roof Form:*** Residential Design Guideline 8.3 recommends the use of "*simple roof forms. Limit the number of subordinate attachments, such as dormers, to avoid a cluttered design and avoid complex roof forms that call attention to the design or add unnecessary detail.*"

The overall residence presents a simple design that is not overly busy. However, the subject property is at the corner of Lincoln and Eleventh Avenue, and includes two clerestory elements that face both streets. One is a 16-foot and 3 inch wide clerestory dormer composed of four windows on the roof portion of the north elevation of the property facing 11<sup>th</sup> Avenue. A second 9-foot wide dormer composed of three windows is also proposed on the roof portion facing Lincoln. Since there are two proposed and since both face the streets, staff feels that this could add to the complexity and the commission should consider whether this complies with the intent of the Design Guidelines for simple roof forms.

***Environmental Review:*** The proposed project is categorically exempt from CEQA requirements, pursuant to Section 15301 (Class 1) – Existing Facilities. The project includes a 380-square foot addition to an existing 1,415-square foot residence, and therefore qualifies for a Class 1 exemption. The proposed alterations to the residence do not present any unusual circumstances that would result in a potentially significant environmental impact.

**ATTACHMENTS:**

- Attachment A – Site Photographs
- Attachment B – Findings for Concept Acceptance
- Attachment C – Draft Conditions/Recommendations
- Attachment D – Project Plans

**Attachment A – Site Photographs**

North Elevation Facing Eleventh Ave.



East Elevation Facing Lincoln St.



**Attachment A – Site Photographs**

View toward the south



View toward the west



**Attachment A – Site Photographs**

West elevation proposed for addition



## Attachment B – Findings for Concept Acceptance

DS 15-411 (Howley)  
 December 16, 2015  
 Concept Findings  
 Page 1

<b>FINDINGS REQUIRED FOR CONCEPT DESIGN STUDY ACCEPTANCE (CMC 17.64.8 and LUP Policy P1-45)</b>		
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.		
<b>Municipal Code Finding</b>	<b>YES</b>	<b>NO</b>
1. The project conforms with all zoning standards applicable to the site, or has received appropriate use permits and/or 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.	TBD	
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	TBD	

in context with designs on nearby sites.		
9. The proposed exterior materials and their application rely on natural materials and the overall design will add 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.	✓	

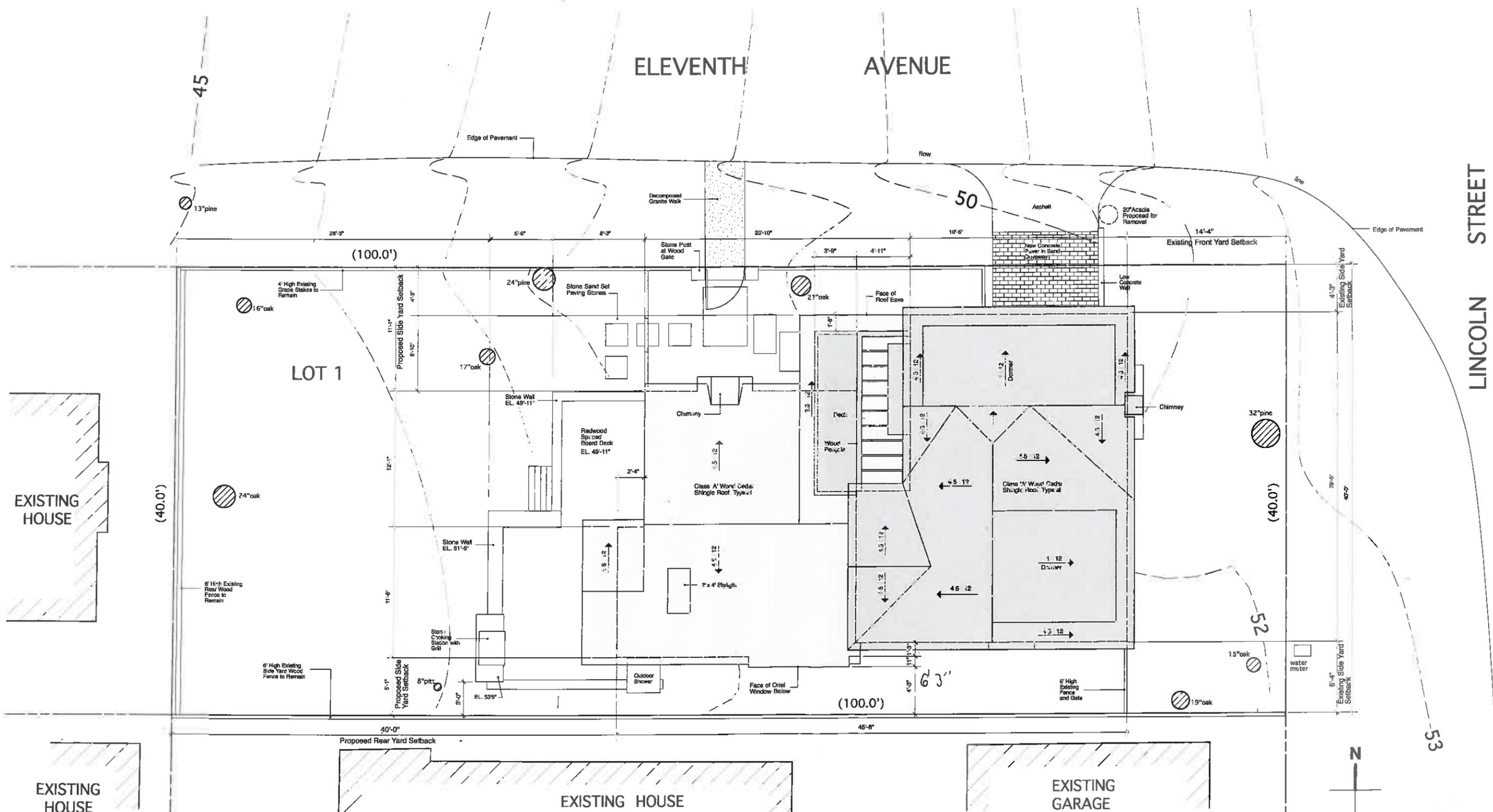
**COASTAL DEVELOPMENT FINDINGS (CMC 17.64.B.1):**

1. Local Coastal Program Consistency: The project conforms with the certified Local Coastal Program of the City of Carmel-by-the Sea.	✓	
2. Public access policy consistency: The project is not located between the first public road and the sea, and therefore, no review is required for potential public access.	✓	

**Attachment C – Recommendations/Draft Conditions**

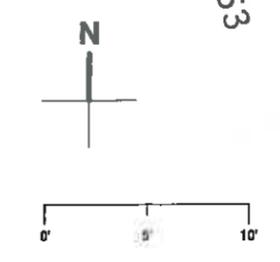
DS 15-411 (Howley)  
December 16, 2015  
Recommendations/Draft Conditions  
Page 1

<b>Recommendations/Draft Conditions</b>		
<b>No.</b>		
1.	The applicant shall submit a tree removal permit for the removal of the 20-inch Acacia tree in the public right-of-way on the north portion of the property.	
2.	The applicant shall work with staff and the City Forester on addressing the portion of the new addition that encroaches into the 6-foot setback of the oak tree.	



Floor Area		Existing Site Coverage		Proposed Site Coverage	
Existing House	= 1,415 sq. ft.	Existing Lot Area	= 4,000 sq. ft.	Spec'd Board Deck	= 238 sq. ft.
Proposed Main Level Area	= 1,208 sq. ft.	Existing Coverage Including Stairs and Upper Balcony	= 804 sq. ft. or	Stone Pavers in Sand Grde	= 53 sq. ft.
Proposed Upper Level Area	= 587 sq. ft.			Stone Deck Surround, Grill and Shower Pad	= 73 sq. ft.
Total Proposed Floor Area	= 1,795 sq. ft.			Entry	= 23 sq. ft.
Total Added Floor Area	= 380 sq. ft.			Driveway with Sand Set Pavers	= 43 sq. ft.
Total Allowable Floor Area	= 1,800 sq. ft.				
				Total Proposed Site Coverage	= 437 sq. ft. with 332 sq. ft. (or 75%) as Permeable/Semi-Permeable
				Allowable Site Coverage	= 439 sq. ft. (396 sf + 43 sf for Driveway)

No Trees are Proposed to be Removed on the Property.  
 (1) Acacia Tree encroaching on the driveway is proposed for Removal.



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 DEC 02 2015  
 City of Carmel-by-the-Sea  
 Planning & Building Dept.

November 8, 2015  
 Revised:  
 December 1, 2015

**DYAR ARCHITECTURE**  
 2015 S. Highway 1, Suite 101, Carmel, CA 95008  
 Phone: 831.923.1111 Fax: 831.923.1112

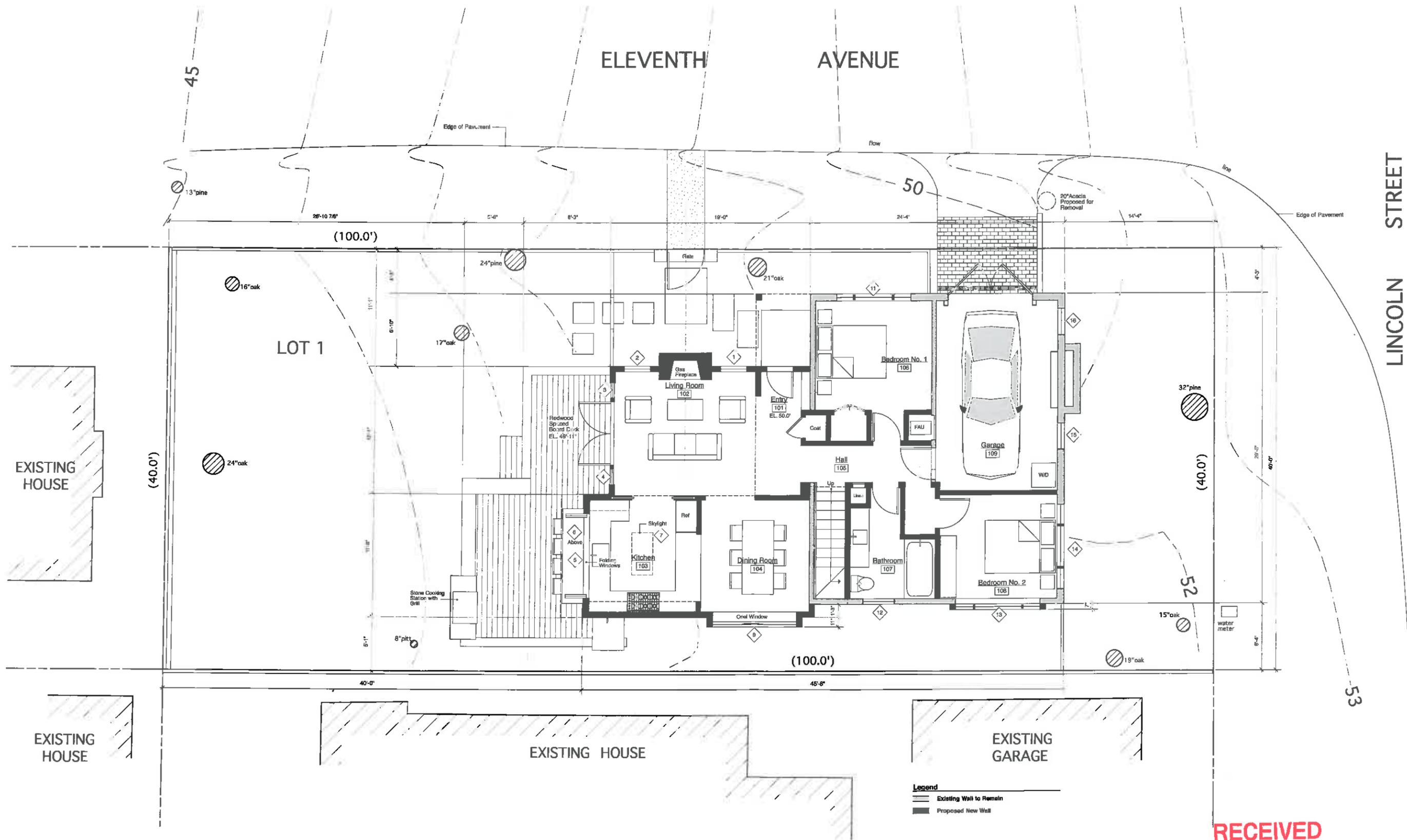
**D A**  
 Owners: Kevin and Dymna Howley

**Howley Residence Addition and Remodel**  
 Southwest Corner of Lincoln and Eleventh  
 Carmel-by-the-Sea, California  
 APN: 101-183-001

Proposed Site and Roof Plan  
 SCALE: 1/8"=1'-0"

**1**  
 92





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City of Carmel-by-the-Sea  
Planning & Building Dept.

November 9, 2015  
Revised: \_\_\_\_\_  
December 1, 2015

**D A**  
**DYAR ARCHITECTURE**  
PROJECT: 38 C.J.A.E., CALIFORNIA: BC3817, BE1518262, F. 8912007000  
1148 Westwood Park Ave. San

Owners: Kevin and Dyanne Howley

**Howley Residence Addition and Remodel**  
Southwest Corner of Lincoln and Eleventh  
Carmel-by-the-Sea, California  
APN: 101-183-001

Proposed Main Floor Plan  
SCALE: 1/8"=1'-0"

**3**  
94

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LINCOLN STREET

ELEVENTH AVENUE

LOT 1

EXISTING HOUSE

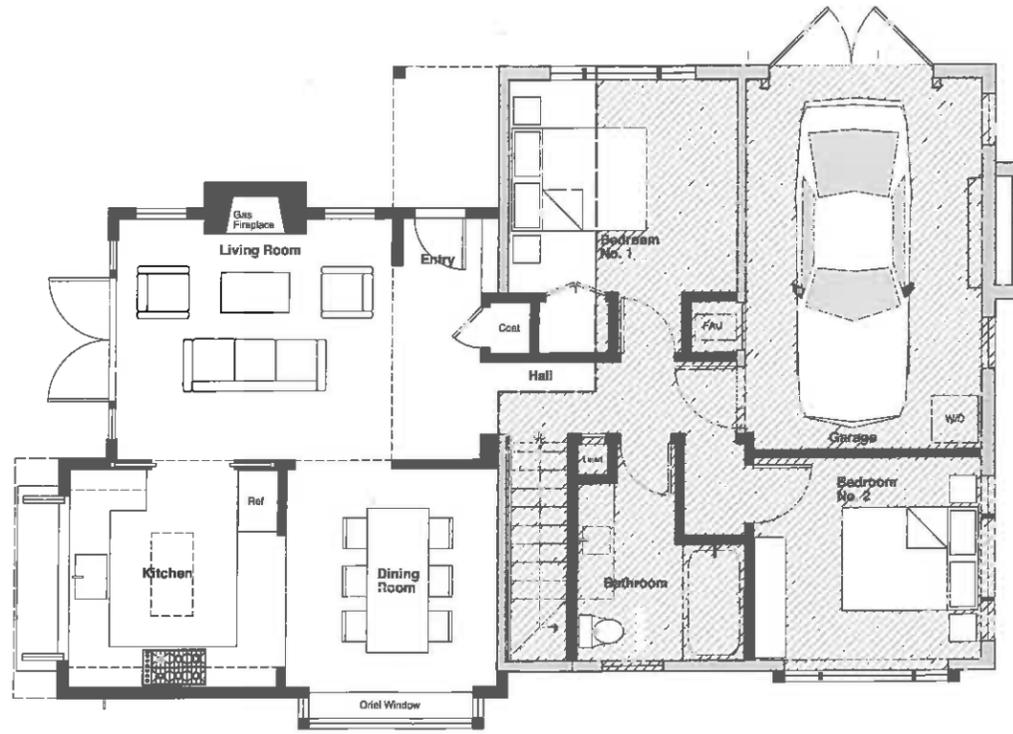
EXISTING HOUSE

EXISTING HOUSE

EXISTING GARAGE

Legend

- Existing Wall to Remain
- Proposed New Wall

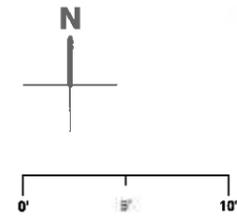


**Legend**

- Existing Wall to Remain
- Proposed New Wall
- Area of Upper Level Overlap

**Floor Area Breakdown**

- One-Story Floor Area     573 sq. ft.
- Two-Story Floor Area     636 sq. ft.



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**Howley Residence Addition and Remodel**  
 Southwest Corner of Lincoln and Eleventh  
 Carmel-by-the-Sea, California  
 APN: 101-183-001

**Floor Level Map**  
 SCALE: 1/8"=1'-0"

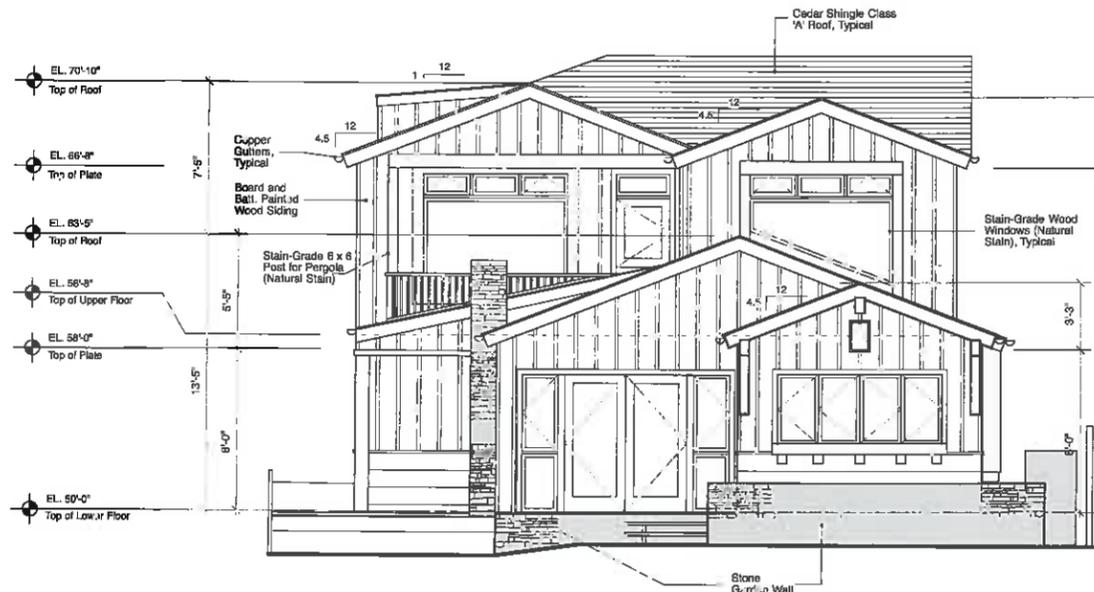
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**D**  
**A**

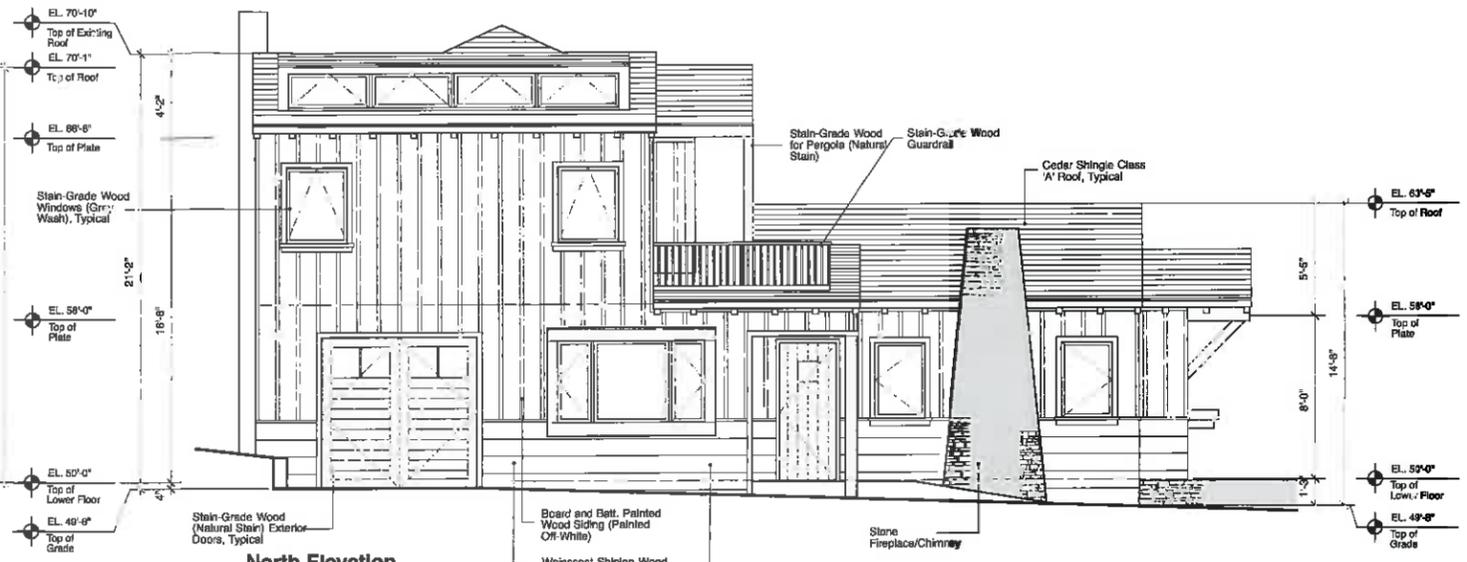
Owner: Kevin and Dyanne Howley

**DYAR ARCHITECTURE**  
 1000 S. GARDEN STREET, SUITE 100  
 CARMEL, CALIFORNIA 95008  
 TEL: 831.426.1111  
 WWW.DYARARCHITECT.COM

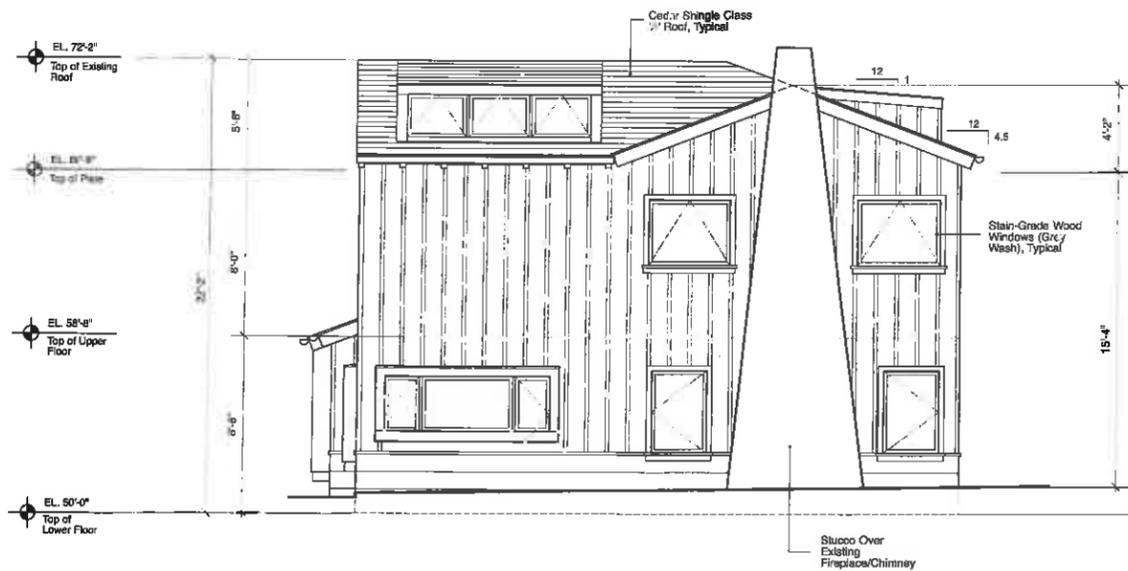
November 4, 2016



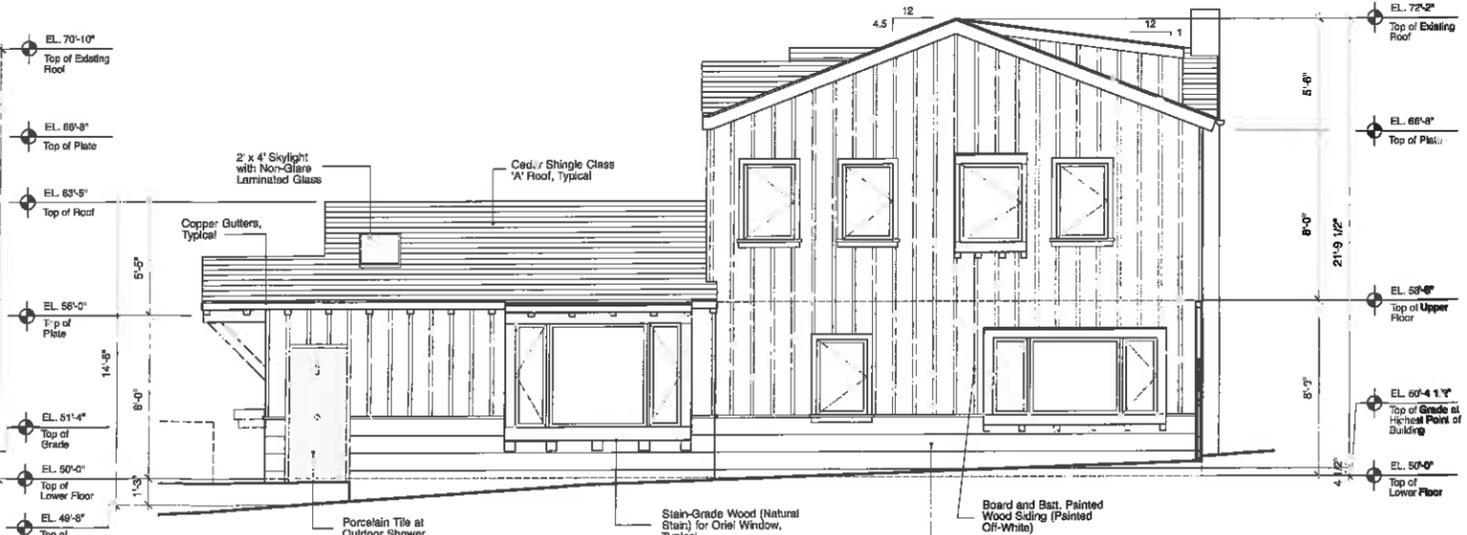
**West Elevation**



**North Elevation**



**East Elevation**

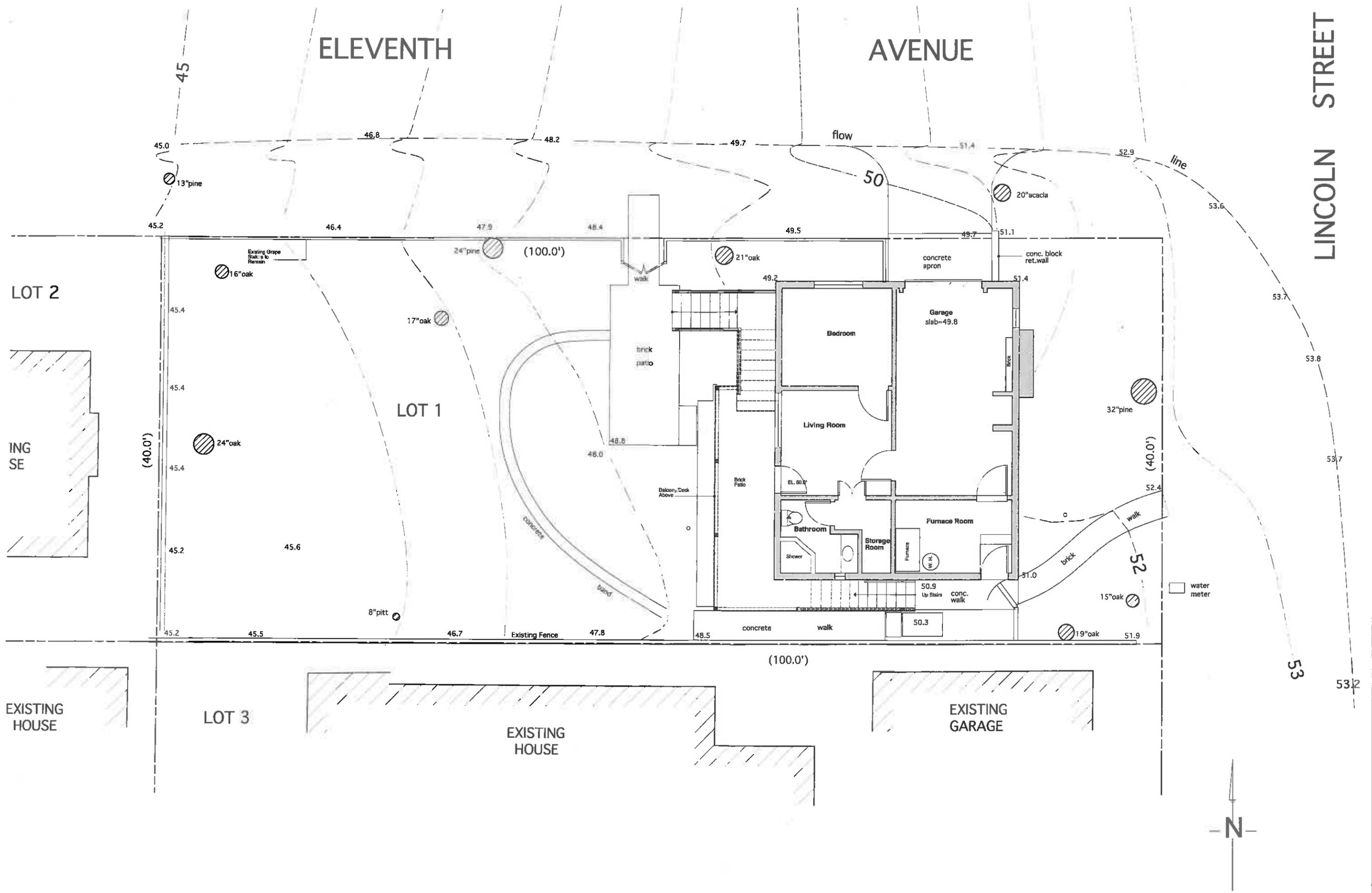


**South Elevation**

**RECEIVED**

**DEC 02 2015**

**City of Carmel-by-the-Sea  
Planning & Building Dept.**



**DA**  
**DYAR ARCHITECTURE**  
 1000 S. GARDEN ST. #101 CARMEL-BY-the-SEA, CALIFORNIA 95008  
 TEL: 831.927.1888 FAX: 831.927.1888  
 WWW.DYARARCHITECTURE.COM

---

Owners: Levi and Dyanne Howley  
 Project: Howley Residence Addition and Remodel  
 Southwest Corner of Lincoln and Eleventh  
 Carmel-by-the-Sea, California  
 APN: 101-188-001

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Existing Main Level Plan  
 SCALE: 1/4"=1'-0"

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**7**  
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The property file does not indicate when subsequent changes to the building exterior occurred. However, the existing copper sheet metal and brick façade that was installed to the north face was likely installed at the same time as that copper sheet metal and brick installed on the Zantman Gallery (S/S 6th Street, between Mission and San Carlos) – i.e., circa 1972. It is relevant to note that both these commercial properties were until earlier this year owned by the Silvey family.

A Notice of Historic Ineligibility was issued for this property on November 2, 2015, primarily due to loss of integrity of the building. Staff notes that the City's Historic Preservation Consultant reviewed the property and advised City on this matter.

The applicant is proposing alterations to the exterior of the building that will change the architectural style from 1960's/70's modern to Spanish Revival. The applicant is proposing the following alterations:

- (1) Exterior remodel of north face of building that includes:
  - a. Removing existing copper façade,
  - b. Install projected roof element with tile roofing supported by rafters, and a beam supported by knee braces (depth is 1'-8"; height is 3'),
  - c. Change existing brick veneer to Carmel stone veneer and stucco,
  - d. Replace existing second floor windows and doors with wood clad at south and east elevations, and
  - e. Install two 5' x 4' windows to second floor north elevation facing Sixth Avenue. Each window has splayed recess, sloped sills and exposed wood header.
- (2) Remodel the two second story apartments, and
- (3) Re-roof, as depicted on the plan set.

Staff has referred this matter to the Planning Commission to determine if the proposed change in architectural style is consistent with the Commercial Guidelines and appropriate for this building and the commercial district.

**Staff analysis:** The existing building includes a copper awning that is estimated to have been installed in 1972. The combination of copper, large sheets of glass to showcase retail items, red brick veneer, and the bright red door represents 1960's/1970's modern commercial facades. The proposed project would replace the existing architectural style with a Spanish Revival style, of which there are several other examples in Carmel.

With regard to commercial building remodels, the Commercial Design Guidelines Section A states that: *“Modification to buildings should respect the history and traditions of the architecture of the commercial districts. Basic elements of design integrity and consistency throughout each building should be preserved or restored.”* This guideline also states that *“new buildings should not imitate styles of the past but strive to achieve compatibility with the old”*.

Based on the above guidelines, the Commission should consider whether the proposed storefront remodel should maintain consistency with the existing style of the building. Staff notes that there may be justification for the removal of the copper awning, as it would permit the installation of new upper windows needed to allow natural light for the second story apartment.

**Alternatives:** The following alternative actions are presented for Commission consideration:

1. Approve the request as submitted subject to the attached conditions.
2. Approve the request with revisions. If the required revisions are substantial, the Commission may wish to continue this item to allow the applicant to respond to Commission direction.
3. Deny the application request and direct the applicant to propose a new reasonable accommodation request that is more consistent with City design standards.

**Environmental Review:** The proposed project is categorically exempt from CEQA requirements, pursuant to Section 15303 (Class 1) – Additions to Existing Facilities. The proposed changes do not present any unusual circumstances that would result in a potentially significant environmental impact.

**ATTACHMENTS:**

- Attachment A – Site Photographs
- Attachment B – Conditions of Approval
- Attachment C – Project Plans

**Attachment A – Site Photographs**

Project site – Facing south on 6<sup>th</sup> Ave



Project site - facing southeast on 6<sup>th</sup> Ave



Project Site – facing southwest on 6<sup>th</sup> Ave



**Attachment B – Conditions of Approval**

**AUTHORIZATION:**

1. This approval of Design Review (DR 15-381) authorizes tenant improvements to a commercial building to include: (1) exterior remodel of north face of building that includes removing existing copper façade, installation of new roof element to replace existing copper façade, change existing brick veneer to Carmel stone veneer and stucco, replacement of existing second floor windows and doors with wood clad, installation of two new windows to second floor north elevation facing Sixth Avenue, (2) remodel the two second story apartments, and (3) re-roof, as shown on the approved plan dated December 16, 2015.

**SPECIAL CONDITIONS:**

1. The applicant shall apply for and obtain a building permit prior to commencing work.
2. This Design Review approval is valid for a period of eighteen months from date of approval, and hence, expires on June 16, 2017.
3. The applicant agrees, at the applicant’s 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.

\*Acknowledgement and acceptance of conditions of approval.

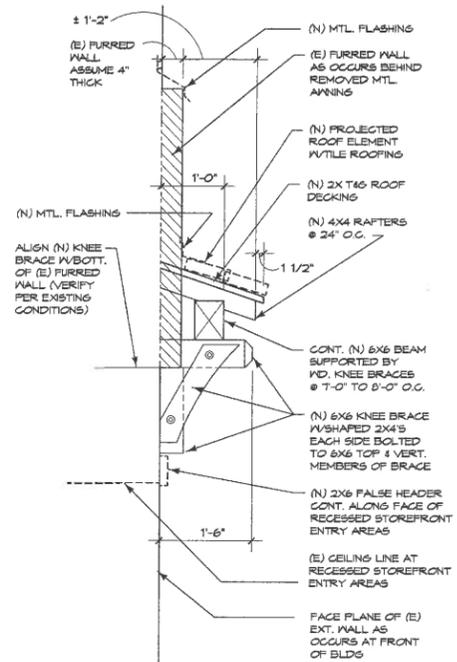
\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

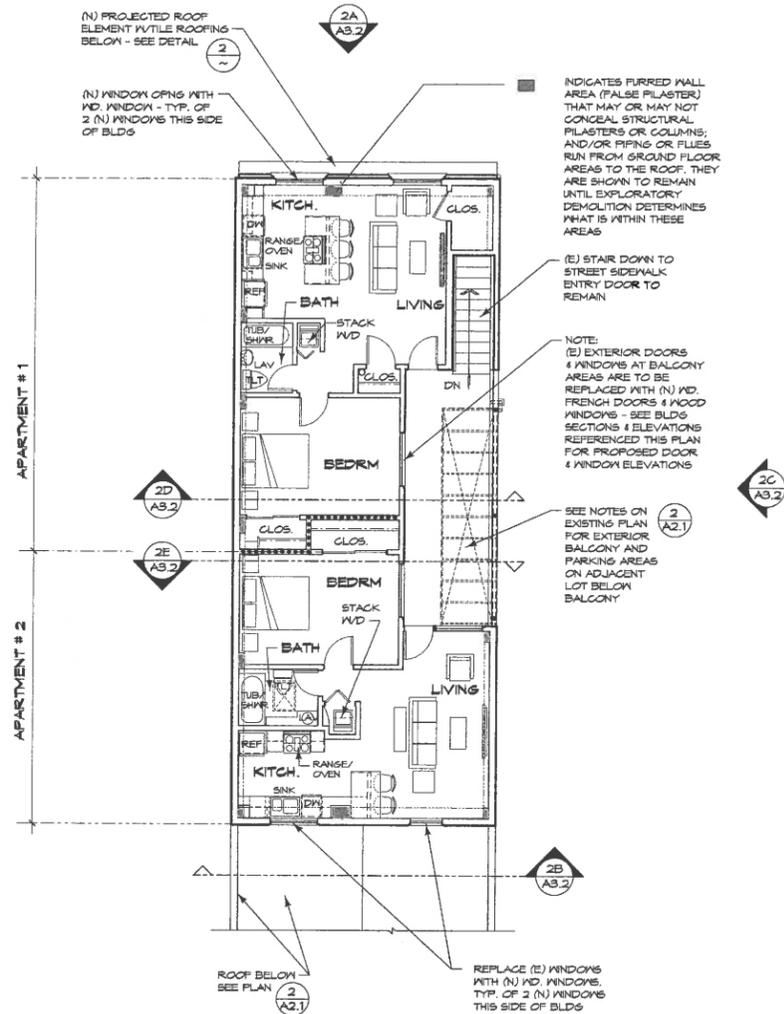
***Once signed, please return to the Community Planning and Building Department.***





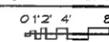
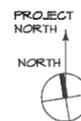
**PROJECTED ROOF DETAIL**

SCALE: 3/4" = 1'-0"



**UPPER FLOOR PROPOSED PLAN**

SCALE: 1/8" = 1'-0" [ APARTMENT REMODEL ]



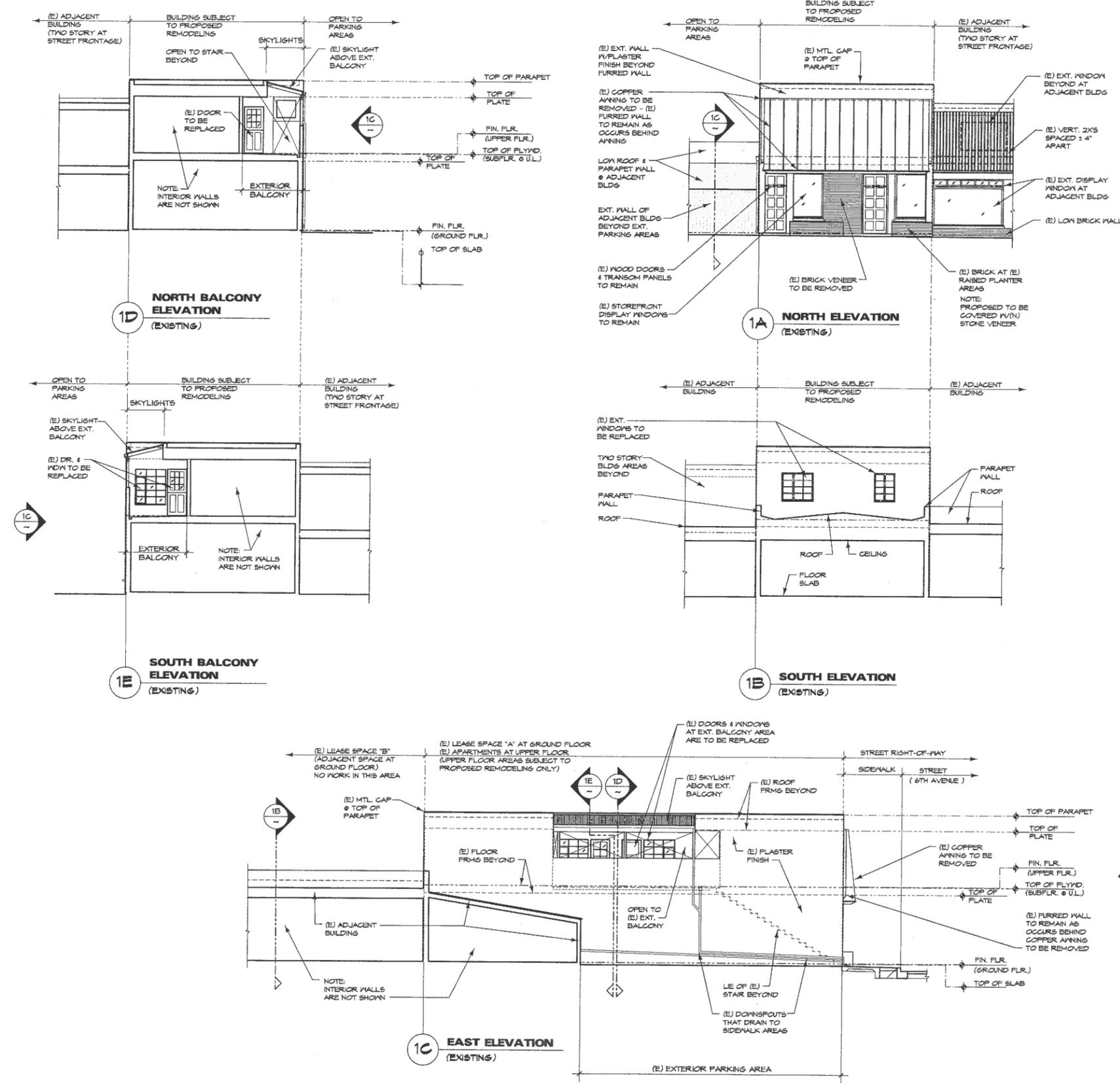
JEFFREY W. KILPATRICK - ARCHITECT  
 POST OFFICE BOX 51044  
 PACIFIC GROVE, CALIFORNIA 93950  
 PHONE (831) 786-8639  
 CELL (831) 901-7831

**Commercial Building Remodel**  
 Lot 5, Block 71, Ocean Avenue  
 Carmel-by-the-Sea, California 93923  
 APN 010-134-005

DATE	10-08-2015
REVISIONS	
DRAWN BY	
JOB NO.	1555

SHEET TITLE  
**Proposed Upper Floor Plan**

106 SHEET NO. **A2.2**



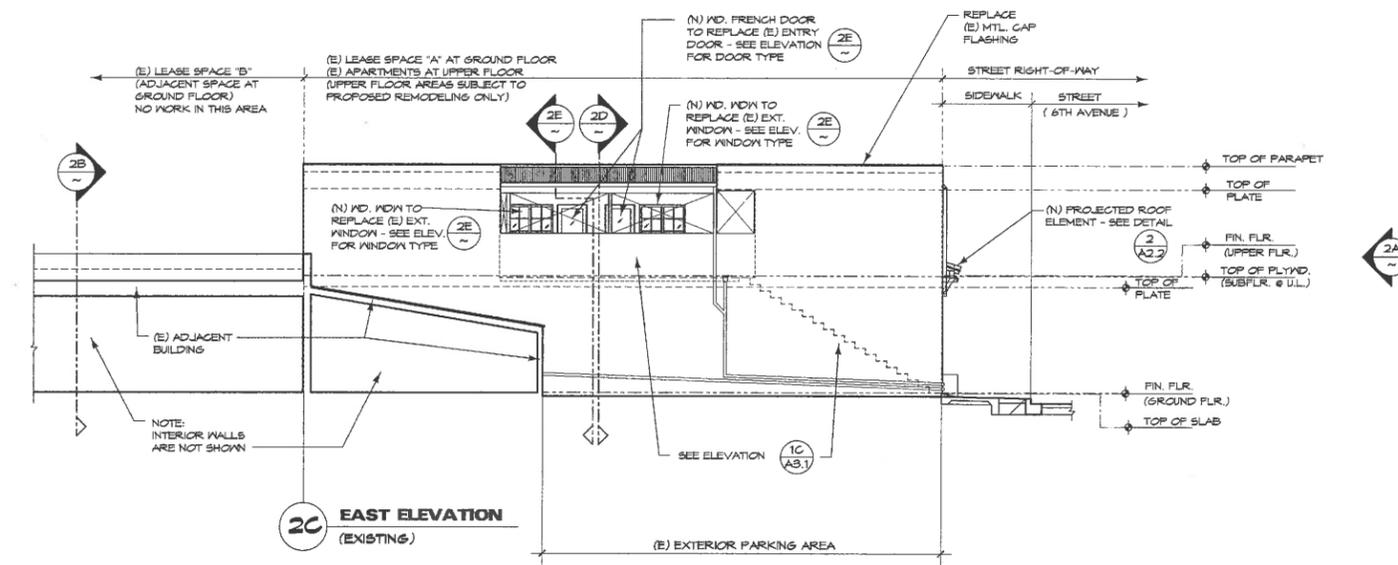
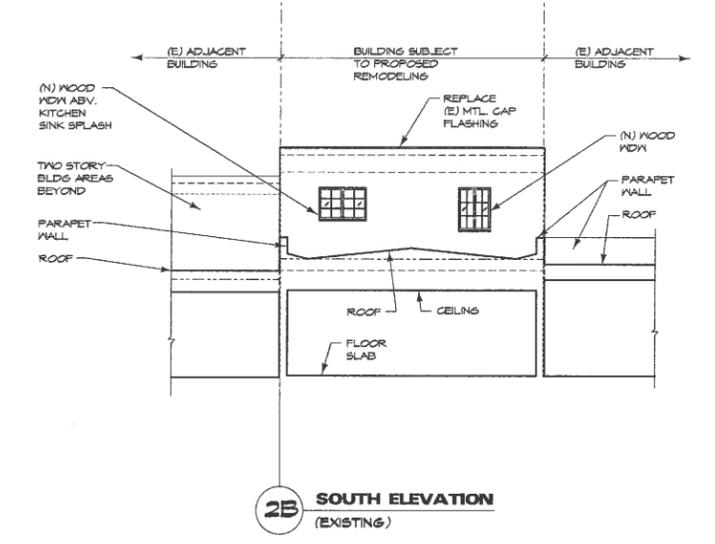
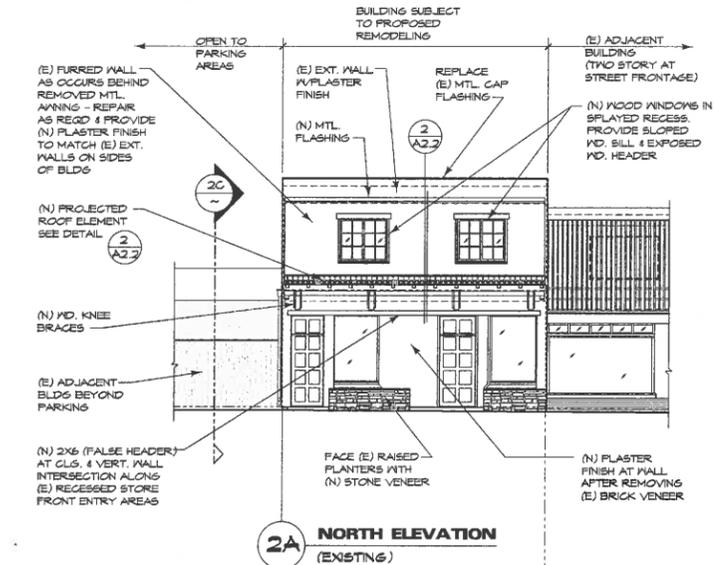
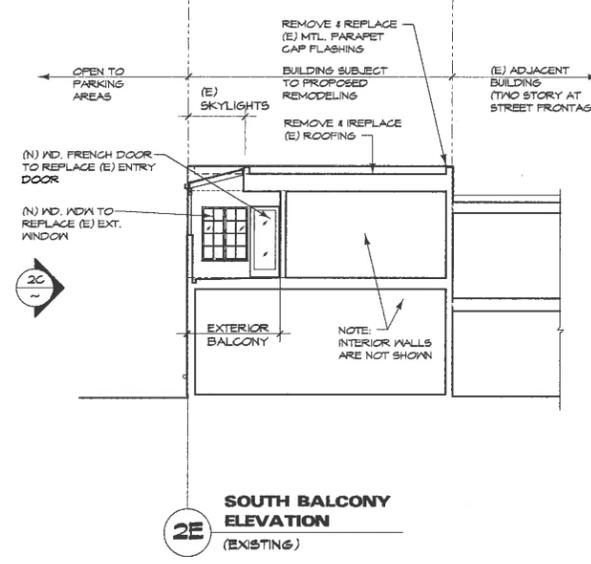
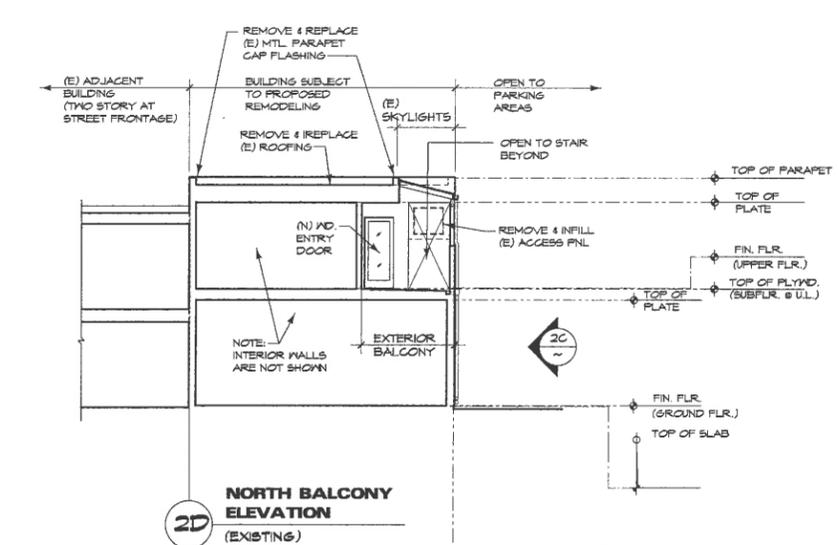
**1 EXISTING ELEVATIONS**  
 SCALE: 1/8" = 1'-0"  
 0' 1/2" 4" 8"

**JEFFREY W. KILPATRICK - ARCHITECT**  
 POST OFFICE BOX 51044  
 PACIFIC GROVE, CALIFORNIA 93950  
 PHONE (831) 786-8639  
 CELL (831) 601-7831

**Commercial Building Remodel**  
 Lot 5, Block 71, Ocean Avenue  
 Carmel-by-the-Sea, California 93923  
 APN 010-134-005

DATE	10-08-2015
REVISIONS	
DRAWN BY	
JOB NO.	1555

SHEET TITLE  
**Existing Exterior Elevations**



**2 PROPOSED ELEVATIONS**  
 SCALE: 1/8" = 1'-0"

JEFFREY W. KILPATRICK - ARCHITECT  
 POST OFFICE BOX 51044  
 PACIFIC GROVE, CALIFORNIA 93950  
 PHONE (831) 766-8639  
 CELL (831) 681-7831

**Commercial Building Remodel**  
 Lot 5, Block 71, Ocean Avenue  
 Carmel-by-the-Sea, California 93923  
 APN 010-134-005

DATE 10-08-2015

REVISIONS

DRAWN BY

JOB NO. 1555

SHEET TITLE  
**Proposed Exterior Elevations**

SHEET 100 **A3.2**



CITY OF CARMEL-BY-THE-SEA

Planning Commission Report

December 16, 2015

**To:** Chair Goodhue and Planning Commissioners

**From:** Marc Wiener, Acting Community Planning and Building Director

**Submitted by:** Matthew Sundt, Contract Planner

**Subject:** Consideration of a Concept Design Study (DS 15-217) and associated Coastal Development Permit application for the demolition of an existing residence and construction of a new residence located in the Single-Family Residential (R-1), Beach and Riparian (BR) and Archaeological Significance (AS) Overlay Zoning Districts.

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**Recommendation:**

Continue the Conceptual Design Study (DS 15-217) with a request for changes.

<b>Application:</b>	DS 15-217 (Chadwick)	<b>APN:</b>	010-312-026
<b>Block:</b>	C2	<b>Lot(s):</b>	10 & 11
<b>Location:</b>	Scenic Road, 2 NW of 8th		
<b>Applicant:</b>	Eric Miller Architects, AIA	<b>Property Owner:</b>	Chadwick Living Trust

**Background and Project Description:**

The project site is a 4,006.8-sf interior parcel located on Scenic Road two parcels northwest of 8th Avenue. The subject property is currently developed with a 2,089-sf two-story single-family residence. A Determination of Historic Ineligibility for the residence was issued by the Planning Department on February 28, 2015, herein included by reference. The property file indicates that the original residence was a post/adobe built in 1949. The residence has undergone several modifications over the years, including substantial additions in 1956 and 1981.

The project site is located within the Beach and Riparian (BR) and Archaeological Significance (AS) Overlay Districts, which restricts height to 18-ft, and requires the preparation of an

archaeological report. An archaeological report has not yet been prepared for the proposed project but will be submitted prior to final consideration of the Final Design Study application.

The applicant has submitted plans to demolish the existing residence and remove all hardscape and construct a new 2,057-sf, two-story single-family residence consisting of a 412-sq-ft basement/garage at sub-grade, 971-sf on the ground level, 530-sf on the second-story, and a 144-sf footprint for the elevator and stairwell. The basement includes a crawl space, a two-car garage space (include a car lift), a mechanical room, and two bedrooms with full bathrooms. The proposed project qualifies for 434-sf of bonus floor area. The sub grade living area consists of two bedrooms, each with its own bathroom and exterior door to a below grade patio on the north side of the property. The proposed basement is accessible via an interior stairwell and elevator. The basement includes a sub-grade patio on the north side of the property that will require 15-foot tall retaining wall on its north and east sides. This sub-grade patio provides emergency egress to the basement bedrooms, and also provides ingress/egress to the west side beach access easement via a tunnel under the proposed main level outdoor patio.

The applicant is proposing to backfill and raise the grade at the rear (west side) of the property in order to have a rear yard/patio at the same level as the main floor of the residence. The existing grade elevation at the rear of the property is as low as 52 feet and would be raised to 58.5 feet. The soil in the rear yard would be contained by an approximately 7-foot high retaining wall that includes a 4-ft. high masonry railing on top.

The proposed project includes the other following components:

1. Demolish the existing residence and attached garage (20 truck trips);
2. site clearance, excavation and grading (78 truck trips);
3. import engineered soils and materials (15 truck trips);
4. new fencing on north, east and south sides;
5. two wood-burning fireplaces with chimneys; one serves the backyard outdoor area and the other serves the interior of the residence; and
6. steel windows with stone trim and sill.

<b>PROJECT DATA FOR A 4,008.6 SQUARE FOOT SITE:</b>			
<b>Site Considerations</b>	<b>Allowed</b>	<b>Existing</b>	<b>Proposed</b>
Floor Area	1802.5 sf (45.0%)	Total 2,089 sf (52.1%) Main level 1,411 sf Second floor 678 sf	Total 2,057 sf (51.3%) Main level 971 sf Second floor 530 sf Basement 412 sf Elevator and stairwell 144 sf Bonus Basement Incentive 100 sf
Site Coverage	556.8 sf (13.9%)*	1,458.6 sf (37%) 86.5% impermeable	556 sf (13.9%) 50% impermeable
Trees (upper/lower)	3 Upper /1 Lower (recommended)	None (one dead tree trunk on north side)	0
Ridge Height (main level)**	≤ 18 ft	18 ft	18 ft
Plate Height (ground level/second level) **	≤ 18 ft**	~9 ft/16 ft	8 ft 9 in/17.25 ft
<b>Setbacks</b>	<b>Minimum Required</b>	<b>Existing</b>	<b>Proposed</b>
Front	15 ft	15 ft	15 ft 10 in
Composite Side Yard	13.25 ft (25%) (53-ft-wide lot)	3 ft (north) 6 ft (south)	10 ft (north) 3 ft (south)
Minimum Side Yard	3 ft	3 ft	0 ft (below-grade patio–north side) 1.5 ft (window projection; south)
Rear	3 ft/15ft**	20 – 25 ft	24 – 26 ft (first floor) 21 – 26 ft (second floor)

\* Allowable site coverage with bonus, if 50% of more of the site coverage is permeable.

\*\* Beach and Riparian Overlay District. The maximum permitted height for structures located within the required 15-ft rear yard setback is less than 15-ft.

The primary purpose of this meeting is to review the concept plans for the Chadwick Residence project, which includes review and consideration of the site planning, privacy and views, mass and scale of the project. However, the Commission may provide input on other aspects of the design such as architectural detailing and finish materials.

**Staff Analysis:**

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

The City Forester reviewed the vegetation on the site and in the adjoining ROW during a site visit conducted as part of the required Preliminary Assessment and concluded that a number of overgrown hedge plants and other shrubs are present on the site; there are no live trees on the site (there is one dead/rotten tree trunk on the north property boundary). The applicant proposes to remove all vegetation on the site including the trees located in the ROW between the site and edge of pavement along Scenic Drive. The City Forester has noted that these trees are likely remnant individuals of an overgrown hedge; an approved tree permit is required to remove this hedge.

City code (CMC Section 17.34.070 - *Landscaping Standards for Residential Districts*) requires that upper and lower canopy trees be planted as a component of development projects. The plans indicate no trees will be planted. However, the City Forester recommends that one upper canopy and one lower canopy tree be planted on the site, with the size, species and location indicated on the required landscape plan for this project. A condition has been drafted that requires two new trees be planted.

**Topography/Cut and Fill:** The applicant is proposing substantial excavation of the site in order to construct a basement and associated sub-grade patio. In addition, the applicant is proposing to back-fill the rear of the property to bring it to the same level as the main floor. The City's Residential Design Guidelines (Section 3.0, Topography) encourage site plan designs that relate to and take advantage of the site's topography and slope and includes guidelines that address the manner in which natural grades are addressed and how a site is excavated for a building foundation. A key principle is to maintain the sense of natural topography, balanced with the objective of minimizing the mass and scale of a building.

Residential Design Guideline 3.2 states: “*Minimize the extent of excavation and fill on a site. The site design should follow the natural contours of the site. Where construction is necessary on a steep slope, step the foundation and building forms to follow the contours, or locate the long axis of a building to lie parallel with natural contours.*” In addition, Residential Design Guidelines 3.3 – 3.4 address the effects of the proposed excavation and fill on the project site

by encourage designs that *“Minimize the visual impacts of retaining walls, garden walls and other foundation structures as seen from the public way or neighboring sites”*, and recommend avoidance of *“abrupt changes in grade on the site and between adjoining properties”*, and that a *“design that incorporates sloped, planted areas to create a smooth grade transition is preferred.”*

Rear-yard Backfill: The applicant is proposing to back-fill the rear of the property to bring it to the same level as the main floor of the new residence. This will require substantial alteration to the topography. The proposed excavation includes approximately 732.40 cubic yards (cy) of cut and about 108.30 cy of fill, thereby 624 cy of soil must be exported; the number of truck trips are addressed previously in this report.

Staff’s primary concern with the design is the appearance of a retaining wall at the rear of the property that will be presented to neighboring properties. The retaining wall and associated railing (wall) on the west side of the property will present a height of approximately 11.4-ft to the western property. Similarly, the retaining wall on the south side boundary line will range in height from 11.4-ft at the west end to 5.5-ft on the east end. The north side retaining wall height as seen from the neighbor to the north ranges from 8.4-ft at the northwest corner to approximately 1-foot at its east terminus.

Staff has determined that alternative design opportunities are available that would reduce the height of the proposed retaining wall consistent with the Residential Design Guidelines. These include reducing the amount of backfill at the rear of the property, and/or including a greater number of landscaped terraces. Staff has drafted a condition requiring the applicant to address the back-fill at the rear of the property.

Sub-grade Patio: The applicant is proposing an approximately 230-sf sub-grade patio in association with the basement space. Within this area there are steps leading up to the rear yard patio at the west side of the residence. The California Building Code requires an external egress for bedrooms located in basements; however, the proposed sub-grade patio is larger than the minimum required for egress. In addition to the sub-grade patio, an underground egress tunnel is proposed that will connect the patio to the rear of the property, whereby a person could exit during an emergency or egress to the existing beach access easement.

In staff’s opinion, the proposed sub-grade patio may not be consistent with the recommendations of the Residential Design Guidelines for minimizing excavation and

presenting retaining walls. The Commission should discuss whether the proposed patio is appropriate for this site and consistent with the Design Guidelines.

**Privacy & Views:** Residential Design Guidelines 5.1 through 5.3 address the maintenance of “view opportunities”, “privacy of indoor and outdoor spaces in a neighborhood”, and encourages site planning to “organize functions on a site to preserve reasonable privacy for adjacent properties”. In addition, “Position a building to screen active areas of adjacent properties when feasible” and “locate windows and balconies such that they avoid overlooking active indoor and outdoor use area of adjacent properties”.

As shown in the above project data table and project plans, the proposed project would reduce the existing residence’s first floor footprint from 1,411-sf to 971-sf, and the second floor would shrink from 678-sf to 530-sf. In addition, the height of the building would be reduced at least 4-ft. In staff’s opinion, the view from Scenic Road and the properties to the east will be improved with the reduced building envelope.

As seen in the proposed project’s various elevations, there is substantial window area. This is especially important to the adjacent property owners to north and south. The proposed windows on the south elevation include one 9-ft by 6-ft window on the main floor and one 9-ft by 5-ft window on the second floor. There is one south-facing window seat that could also create privacy issues. Albeit the main floor window would be partially obscured by a proposed wood fence, the second floor window and two other smaller second floor windows would allow views overlooking the neighbor to the south and thereby potentially create the greatest privacy issues for residents to the south.

The proposed first-story windows along the north side of the residence would be largely screened by a proposed wood fence, but the second-story windows on the north side may affect privacy relative to the residents to the north. The proposed main floor patio and second floor deck also creates a potential privacy issue as it will result in “overlooking” of the adjacent private space to the south. A condition has been drafted requiring the applicant to revise the window design to address privacy impacts to neighboring properties.

**Mass & Bulk:** Residential Design Guidelines 7.1 through 7.5 encourage a building’s mass to relate “to the context of other homes nearby”, “Avoid long, uninterrupted wall planes”, “minimize the mass of a building as seen from the public way or adjacent properties”, minimize the use of exposed retaining walls “when developing a below-grade space” and for relatively

*flat building spaces, "a lower plate height is appropriate. Interior wall heights should generally not exceed 8 feet."*

Much of the mass of the proposed residence will be minimized by re-contouring the site and locating the basement living area approximately 10-ft below existing grade. However, the proposed elevation change and introduction of tall solid masonry retaining walls at the south, west and north boundary will create an appearance of mass. As previously noted, staff recommends that the amount of back-fill be reduced in order to minimize the appearance of the retaining walls.

Although the architectural style of the proposed residence appears compatible with other surrounding residences on Scenic Road, for the reasons described within this report, staff has determined that the mass and bulk of certain design features could be modified to be more consistent with the Residential Design Guidelines.

**Building & Roof Form:** Residential Design Guidelines 8.1 through 8.3 states that *"Shallow to moderately pitched roofs are appropriate on one-story buildings. More steeply pitched roofs with low plate lines can be used on two-story buildings,"* and *"in general, moderately pitched roofs (4:12 to 6:12) are preferred."* The Guidelines emphasize using *"restraint"* and *"simplicity"* in building forms, which should not be complicated, and roof lines, which should *"avoid complex forms."*

The proposed residence is generally consistent with this guideline. The proposed roof shapes include hipped-roof forms and an open gable over the main entry, all with a 4:12 roof pitch. The proposed ridge height of the main roof is 18-ft when measured from existing grade. The overall roof design appears visually interesting and does not utilize overly complex forms.

**Front Entry:** Design Guideline 9.12 states that *"the use of a grand entryway, oversized entry door or large picture window facing the street is discouraged. These convey a scale inappropriate to Carmel."*

In staff's opinion, the proposed entry door, associated stonework, and size and quantity of proposed windows on the east elevation, may appear grand in scale and is inconsistent with the above guideline. The Commission should consider whether the applicant should revise the entry to be more consistent with the Design Guidelines.

**Deed Restriction:** The Chadwick property may be subject to a deed restriction (circa 1947) that reads: *“That no building or buildings shall be erected on the hereinabove described property that exceeds one story in height.”* The existing residence is two stories and is proposed by the applicant to be demolished and replaced with a new two-story residence. The applicant’s attorney has submitted correspondence to the City asserting that the deed restriction is not enforceable.

The City Attorney has reviewed the matter and advised that it is not the responsibility of the City to enforce this deed and that the City may proceed with processing the application subject to the requirements of the Municipal Code. However, the City has obtained an Indemnification and Hold Harmless Agreement from the Chadwick Trust that protects the City from potential lawsuits and makes the applicant responsible for any litigation.

**Correspondence from Attorneys:** An attorney, Ms. Pamela Silkwood, representing a neighbor submitted correspondence with attachments (copy included in Attachment D) dated November 24 and December 9, 2015.

The following issues were raised by the attorney. Staff response immediately follows each issue:

1. *Deed restriction:* this matter is addressed above;
2. *City files do not show Design Study approval for the existing second story:* The property file includes a building permit for the 1981 second-story addition, but there is no record of a Design Study approval. Staff notes that the property files do not always contain a complete record of all permits issued for a site. Staff would have to review the Planning Commission archives in order to make a determination. Nevertheless, the applicant is proposing to demolish the existing residence in order to construct a new residence that meets the Municipal Code requirements. In staff’s opinion, the history of the permits for this property is not pertinent to the current proposal.
3. *The proposed project impacts views and privacy of neighbors:* Staff has adequately addressed the view and privacy issue relative to the City’s Residential Design Guidelines in the staff report, and requires that the plans be revised as reflected in Attachment B - Draft Recommendations/Conditions.
4. *Building Height is inconsistent with the Carmel Municipal Code:* The height measurement for the proposed residence is measured from the finished grade, which in this case is the most restrictive. Staff has met with the applicant numerous times on

this issue and determined that the proposed residence would meet the 18-foot height limit.

5. *The property is located within the Archaeologically Significant Area:* Staff concurs and stipulates in Attachment B - Draft Recommendations/Conditions, that an Archaeological report must be submitted to the City prior to final consideration of the Final Design Study application. In the context of CEQA requirements relative to protection of historical and archaeological resources, the applicant shall adhere to any recommendations set forth in the archaeological report. All new construction involving excavation shall immediately cease if materials of archaeological significance are discovered on the site and shall not be permitted to recommence until a mitigation and monitoring plan is approved by the Planning Commission based on recommendations of a qualified archaeological consultant. No additional environmental review is anticipated at this time.

***Environmental Review:*** The proposed project is categorically exempt from CEQA requirements, pursuant to Section 15302 (Class 2) – Replacement or Reconstruction. An existing, 2,089-sf, non-historically significant single-family residence with an attached garage would be demolished and replaced by a new 2,057-sf residence. The proposed alterations to the residence do not present any unusual circumstances that would result in a potentially significant environmental impact.

**ATTACHMENTS:**

- Attachment A – Site Photographs
- Attachment B – Draft Recommendations/Conditions
- Attachment C – Project Plans
- Attachment D - Correspondence



Existing Residence - viewed from Scenic Road, looking west



Scenic ROW, looking north



Scenic Road - looking south



Scenic Road Frontage - boulders and nonconforming fence

**Attachment A – Photographs**



**North Neighbor**



**South Neighbor**

**Attachment A – Photographs**



**West Neighbor**



**West Neighbor**

**Attachment A – Photographs**



**Rear Deck and Yard**

## Attachment B – Recommendations/Draft Conditions

DS 15-217 (Chadwick)

December 16, 2015

Recommendations/Draft Conditions

Page 1

<b>Recommendations/Draft Conditions</b>		
<b>No.</b>		
1.	The applicant shall install one lower-canopy tree and one upper canopy tree from the City's recommended tree list, and shall indicate the size species and locations on the required landscape plan prior to Final Design Study approval.	
2.	An archaeological reconnaissance report shall be prepared by a qualified archaeologist or other person(s) meeting the standards of the State Office of Historic Preservation prior to final consideration of the Final Design Study application. The applicant shall adhere to any recommendations set forth in the archaeological report. All new construction involving excavation shall immediately cease if materials of archaeological significance are discovered on the site and shall not be permitted to recommence until a mitigation and monitoring plan is approved by the Planning Commission based on recommendations of a qualified archaeological consultant.	
3.	Prior to Planning Commission consideration of the Final Design Study the applicant shall revise the plans to minimize the appearance of mass and bulk of the retaining walls at the rear of the property consistent with the Residential Design Guidelines.	
4.	Prior to the Planning Commission consideration of Final Design Study the applicant shall consider design alternatives including reducing the size and/or number of windows on the side building elevations to minimize potential privacy impacts to neighboring properties, consistent with the Residential Design Guidelines.	

# CHADWICK RESIDENCE

SCENIC 2 NW OF 8th AVENUE  
CARMEL-BY-THE-SEA, CA 93923

REVISION	No.

**OWNERSHIP NOTES**

OWNERSHIP AND USE OF THESE DRAWINGS AND SPECIFICATIONS:

- TITLE AND ALL "COPYRIGHT" PRIVILEGES TO THESE DRAWINGS AND SPECIFICATIONS IS CLAIMED BY THE ARCHITECT, ERIC MILLER HEREINAFTER REFERRED TO AS "THE ARCHITECT" WITHOUT PREJUDICE. VISUAL CONTACT WITH THESE SUBJECT DRAWINGS AND SPECIFICATIONS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THESE OWNERSHIP RIGHTS AND THE FOLLOWINGS RELATED.
- THE USE OF THESE DRAWINGS AND SPECIFICATIONS SHALL BE SOLELY RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND THE ARCHITECT HEREBY STATES THAT THEY ARE NOT INTENDED FOR NOR SUITABLY ENGINEERED FOR ANY OTHER SITE. REPRODUCTION OF THESE DOCUMENTS IS THEREFORE EXPRESSLY LIMITED TO THIS INTENDED USE.
- THE ARCHITECT DISCLAIMS ALL RESPONSIBILITY IF THESE DRAWINGS AND SPECIFICATIONS ARE USED, IN WHOLE OR IN PART, WITHOUT PRIOR WRITTEN PERMISSION, WHETHER OR NOT MODIFIED BY OTHERS FOR ANOTHER SITE.
- IN THE EVENT OF UNAUTHORIZED USE BY ANY THIRD PARTY OF THESE DRAWINGS AND SPECIFICATIONS THE CLIENT FOR WHICH THIS WORK WAS ORIGINALLY PREPARED HEREBY AGREES TO HOLD HARMLESS, INDemnIFY AND DEFEND THE ARCHITECT, ERIC MILLER, HIS STAFF/EMPLOYEES FROM ANY CLAIMS ARISING FROM SUCH UNAUTHORIZED USE.

**TREE REMOVAL**

FIFTEEN TREES/SHRUBS ARE PROPOSED FOR REMOVAL, INCLUDING (1) 2" TREE, (1) 4" TREE, (2) 6" TREES, (3) 8" TREES, (3) 10" TREES, (4) 12" TREE, AND (1) 14" TREE. ONE 36" DEAD TRUNK WILL BE REMOVED.

**PROJECT INFORMATION**

OWNER: ART AND FARAH CHADWICK  
THE CHADWICK LIVING TRUST  
P.O. BOX 5410  
SARATOGA, CA 95070

ADDRESS: SCENIC 2 NW OF 8TH AVENUE  
BLOCK G2, LOTS 10 & 11

ARCHITECT: ERIC MILLER ARCHITECTS, INC.  
211 HOFFMAN AVENUE  
MONTEREY, CA 93940

**PROJECT DATA**

**PROJECT DESCRIPTION:**  
DEMOLITION OF EXISTING HOUSE, DECKS AND PAVING. PROPOSED CONSTRUCTION OF NEW TWO-STORY RESIDENCE WITH BASEMENT, 3 BEDROOMS, 3-1/2 BATHS, 1-CAR GARAGE WITH SUBTERRANEAN LIFT IN THE BASEMENT, AND RETAINING WALLS.

ADDRESS: SCENIC 2 NW OF 8TH AVENUE  
CARMEL-BY-THE-SEA, CA 93923

LOT SIZE: 4,008.8 S.F.  
ZONING: R-1, BR. DISTRICT  
BLOCK: C-2  
LOTS: 10 & 11  
A.P.N.: 010-812-026-000  
OCCUPANCY GROUP: (R) FOR HOUSE AND (U) FOR GARAGE  
TYPE OF CONSTRUCTION: (V-6)

**SITE & BUILDING STANDARDS**

	ALLOWED	PROPOSED
FRONT SETBACK	15.0' MIN.	15.0'
SIDE SETBACKS	25% OF SITE WIDTH (MIN. 5 FT.)	5.0' MIN, 13.25' TOTAL
NORTH SIDE	10.25' MIN.	10.25'
SOUTH SIDE	5.0' MIN.	5.0'
REAR SETBACK	5.0'	21.4'
MAX. BUILDING HEIGHT	18'-0"	18'-0"
MAX. ALLOWED F.A.R.	1,202 S.F. ABOVE GRADE	2,051 S.F. W/ BASEMENT
MAX. ALLOWED SITE COVERAGE	345.0 S.F./556.0 S.F.	556.0 S.F. W/ 50% PERVIOUS
AVERAGE GRADE	54.5'	

**EXISTING FLOOR AREA**

FIRST FLOOR	1,411.0 S.F.
SECOND FLOOR	678.0 S.F.
TOTAL EXISTING FLOOR AREA :	2,089.0 S.F.

**PROPOSED FLOOR AREA**

FIRST FLOOR	971.0 S.F.
SECOND FLOOR	530.0 S.F.
STAIR & ELEVATOR	144.0 S.F.
BASEMENT	412.0 S.F.
TOTAL PROPOSED FLOOR AREA =	2,057.0 S.F.

BASEMENT - STAIRWELL ..... 198.0 S.F.  
BASEMENT - GARLIFT & ELEVATOR ..... 236.0 S.F.  
TOTAL EXCLUDED AREA = 434.0 S.F.

**EXISTING SITE COVERAGE**

DRIVENWAY	267.0 S.F.
CONCRETE WALKS / PATIOS	866.0 S.F.
SITE WALLS / CURBS	34.0 S.F.
WOOD SHED / UTILITIES	36.0 S.F.
WOOD STEPS	57.0 S.F.
TOTAL EXISTING SITE COVERAGE :	1,260.0 S.F.
ELEVATED WOOD DECK :	178.6 S.F.

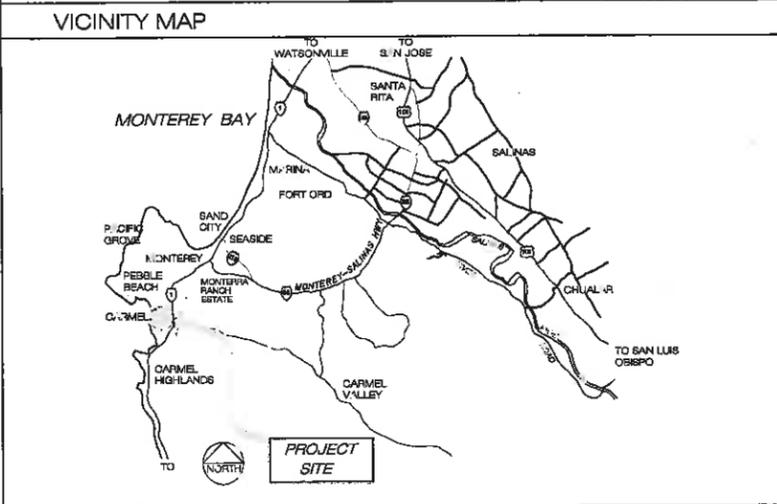
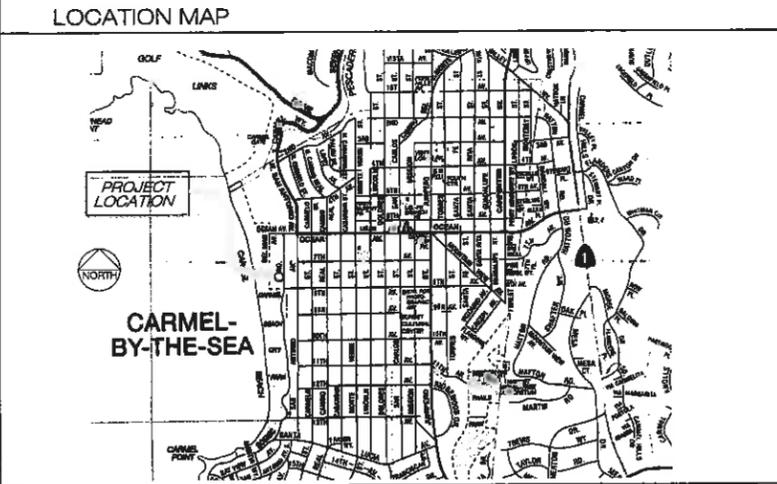
**PROPOSED SITE COVERAGE**

PERVIOUS COVERAGE:		
DRIVENWAY	152.0 S.F.	
DECK	76.0 S.F.	
PATHWAYS/ PAVING	33.0 S.F.	
BAY WINDOWS	16.0 S.F.	
WOOD FENCE	22.0 S.F.	
TOTAL PERVIOUS COVERAGE :	299.0 S.F.	59.8%
IMPERVIOUS COVERAGE:		
DECK	11.0 S.F.	
STAIRS/LANDINGS	88.0 S.F.	
SITE WALLS	147.0 S.F.	
FIRE TABLE	15.0 S.F.	
TOTAL IMPERVIOUS COVERAGE :	261.0 S.F.	46.2%
TOTAL PROPOSED SITE COVERAGE :	560.0 S.F.	

**SHEET INDEX**

ARCHITECTURAL	CIVIL
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A-1.2 PROPOSED SITE PLAN	
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**RECEIVED**  
DEC 09 2015  
City of Carmel-by-the-Sea  
Planning & Building Dept.



CONSULTANT:

ARCHITECT

**ERIC MILLER ARCHITECTS, INC.**  
157 GRAND AVENUE SUITE 106  
PACIFIC GROVE, CA 93950  
PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com

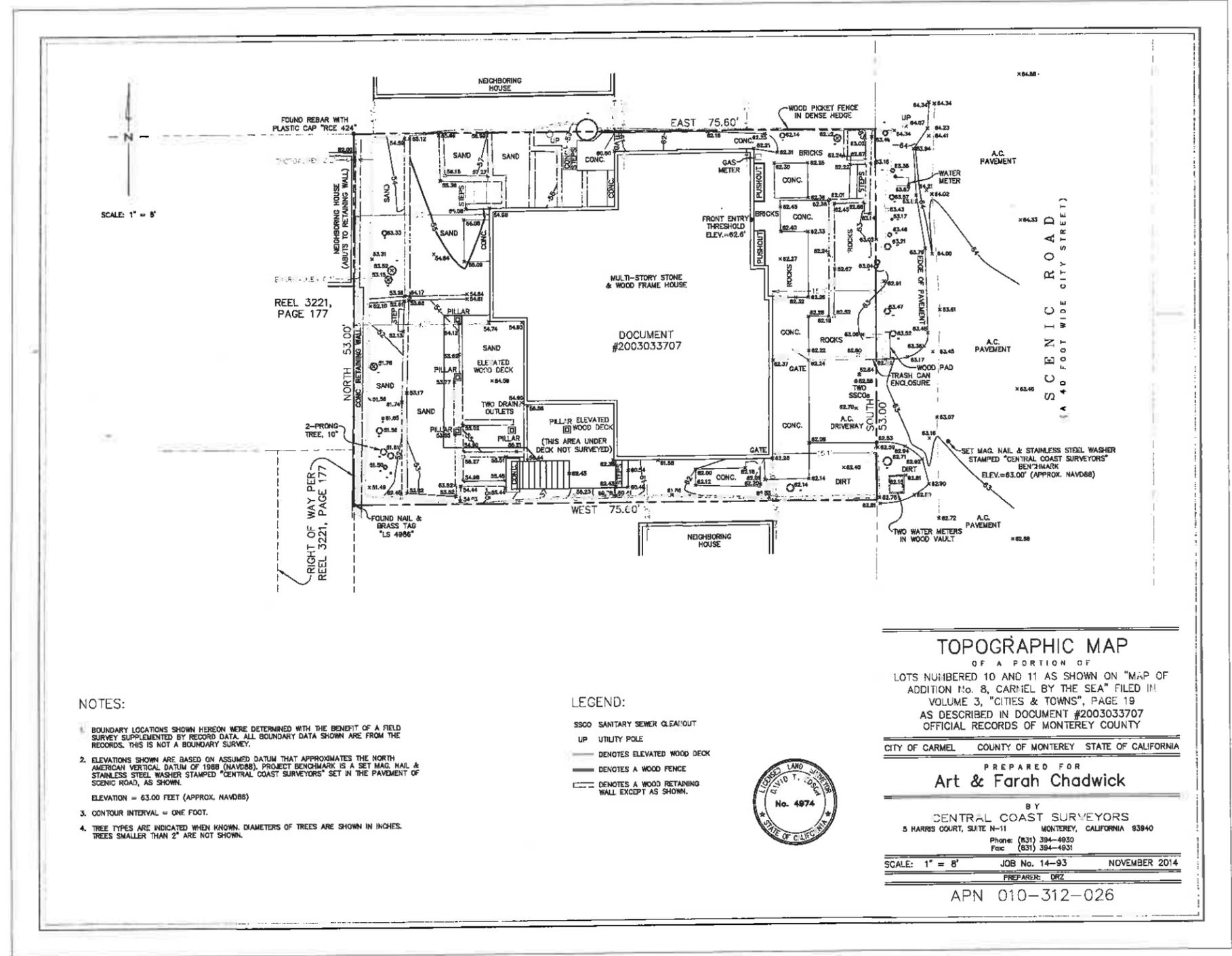
COVER SHEET

JOB NAME: Chadwick Residence  
Scenic 2 NW of 8th Avenue  
Carmel, CA 93923  
A.P.N. 010-812-026-000

DATE: 12/04/15  
SCALE: N.T.S.  
DRAWN: C.J.H. BRW  
JOB NUMBER: 1434

**A-0.1**  
SHEET 125

Vellum Original



SCALE: 1" = 8'

REEL 3221, PAGE 177

DOCUMENT #2003033707

RIGHT OF WAY PER REEL 3221, PAGE 177

**NOTES:**

- BOUNDARY LOCATIONS SHOWN HEREON WERE DETERMINED WITH THE BENEFIT OF A FIELD SURVEY SUPPLEMENTED BY RECORD DATA. ALL BOUNDARY DATA SHOWN ARE FROM THE RECORDS. THIS IS NOT A BOUNDARY SURVEY.
- ELEVATIONS SHOWN ARE BASED ON ASSUMED DATUM THAT APPROXIMATES THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). PROJECT BENCHMARK IS A SET MAG. NAIL & STAINLESS STEEL WASHER STAMPED "CENTRAL COAST SURVEYORS" SET IN THE PAVEMENT OF SCENIC ROAD, AS SHOWN.  
ELEVATION = 63.00 FEET (APPROX. NAVD88)
- CONTOUR INTERVAL = ONE FOOT.
- TREE TYPES ARE INDICATED WHEN KNOWN. DIAMETERS OF TREES ARE SHOWN IN INCHES. TREES SMALLER THAN 2" ARE NOT SHOWN.

**LEGEND:**

- SSCO SANITARY SEWER CLEANOUT
- UP UTILITY POLE
- DENOTES ELEVATED WOOD DECK
- DENOTES A WOOD FENCE
- - - DENOTES A WOOD RETAINING WALL EXCEPT AS SHOWN.



**TOPOGRAPHIC MAP**  
OF A PORTION OF  
LOTS NUMBERED 10 AND 11 AS SHOWN ON "MAP OF  
ADDITION No. 8, CARMEL BY THE SEA" FILED IN  
VOLUME 3, "CITIES & TOWNS", PAGE 19  
AS DESCRIBED IN DOCUMENT #2003033707  
OFFICIAL RECORDS OF MONTEREY COUNTY

CITY OF CARMEL COUNTY OF MONTEREY STATE OF CALIFORNIA

PREPARED FOR  
**Art & Farah Chadwick**

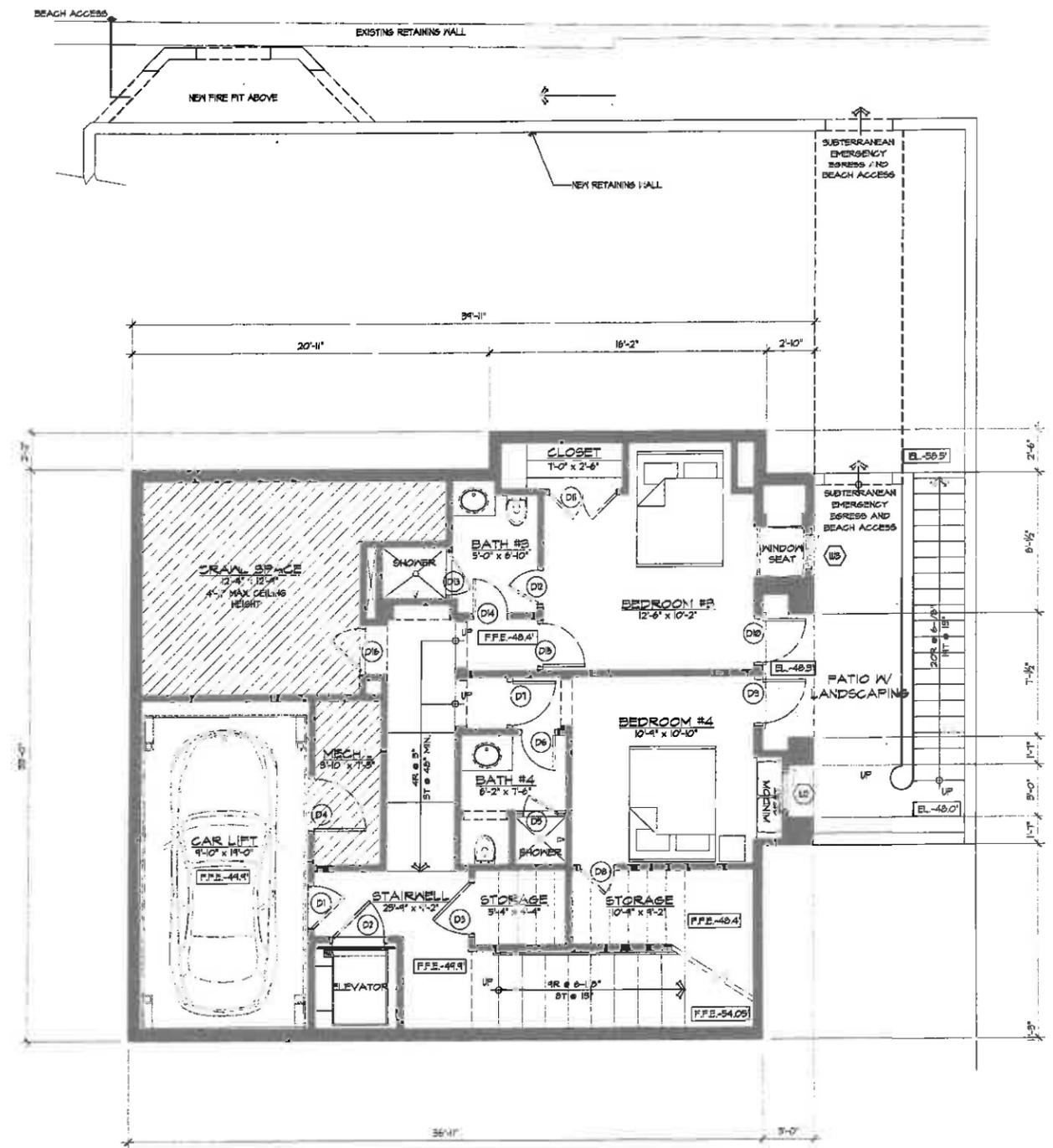
BY  
**CENTRAL COAST SURVEYORS**  
5 HARRIS COURT, SUITE N-11 MONTEREY, CALIFORNIA 93940  
Phone: (831) 394-4930  
Fax: (831) 394-4931

SCALE: 1" = 8' JOB No. 14-93 NOVEMBER 2014  
PREPARED BY: DRZ

APN 010-312-026







**BASEMENT FLOOR PLAN**

SCALE: 1/4" = 1'-0"



REVISION!	No.

CONSULTANT:

ARCHITECT

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**BASEMENT FLOOR PLAN**

JOB NAME: Chadwick Residence  
 Scenic 2 NW of 8th Avenue  
 Carmel, CA 93928  
 A.P.N. 010-312-026-000

DATE: 12/09/15

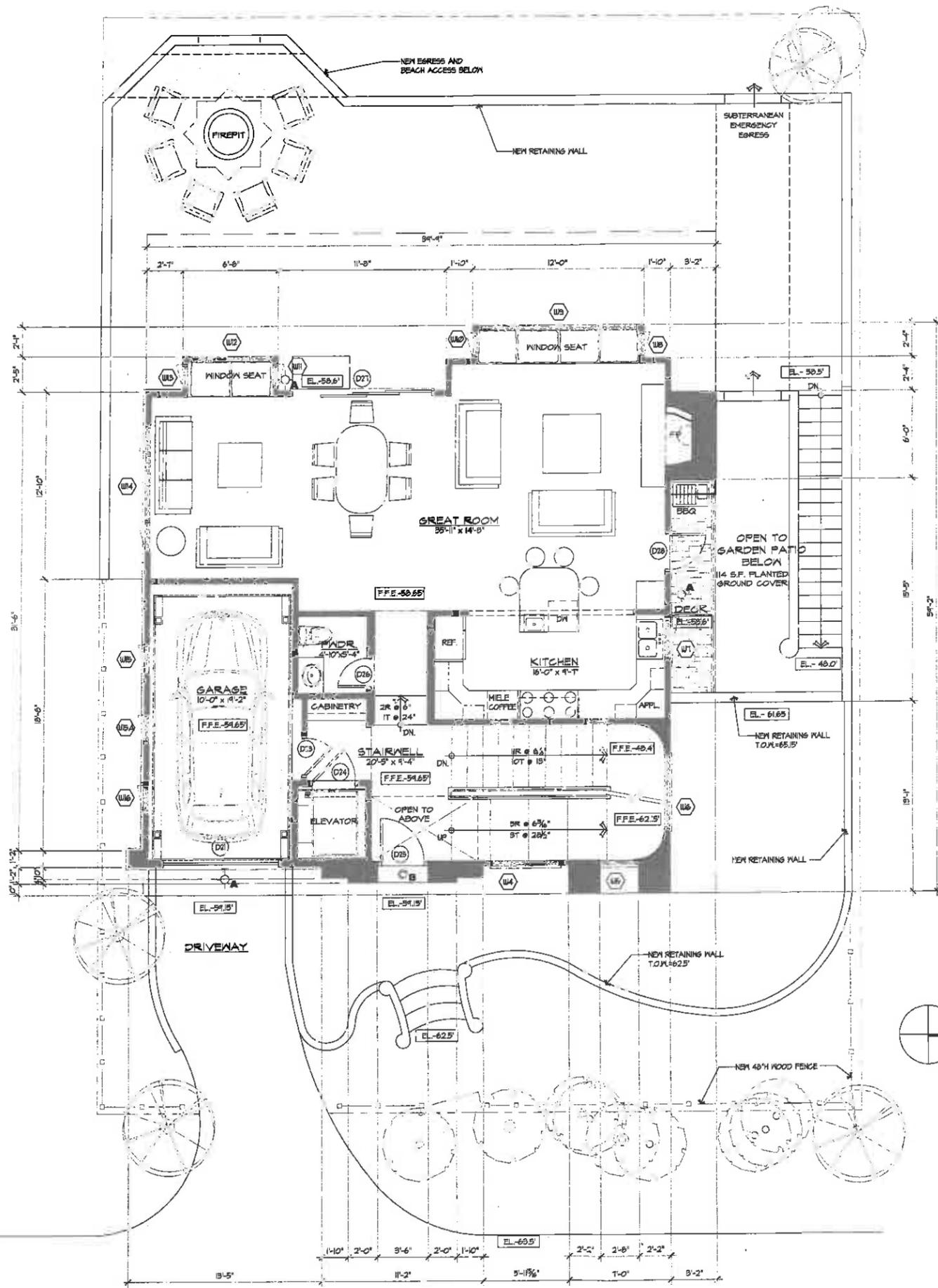
SCALE: 1/4" = 1'-0"

DRAWN: C.J.H. BRW

JOB NUMBER: 1434

**A-2.0**

SHEET 127



**GROSS FLOOR AREA:**

MAIN FLOOR LIVING AREA	766 SF.
MAIN FLOOR GARAGE	205 SF.
MAIN FLOOR STAIRS & ELEVATOR	256 SF.
<hr/>	
	1227 SF.
UPPER FLOOR LIVING AREA	530 SF.
UPPER FLOOR STAIRS & ELEVATOR	144 SF.
<hr/>	
	674 SF.
LOWER FLOOR LIVING AREA	412 SF.
LOWER FLOOR CAR LIFT & MECH.	251 SF.
LOWER FLOOR STAIRS & ELEVATOR	310 SF.
<hr/>	
	953 SF.
<hr/>	
TOTAL FLOOR AREA	2,854 SF.

**CITY ZONING FLOOR AREA:**

FIRST FLOOR LIVING AREA	971 SF.
SECOND FLOOR LIVING AREA	530 SF.
SECOND FLOOR STAIRS & ELEVATOR	144 SF.
BASEMENT FLOOR LIVING AREA	412 SF.
<hr/>	
CITY OF CARMEL FLOOR AREA	2,057 SF.

**MAIN FLOOR PLAN**

SCALE: 1/4" = 1'-0"



**EXTERIOR LIGHTING SYMBOLS**

- ⊙ A 25 WATT MAX. WALL MOUNT
- ⊙ B 25 WATT MAX. RECESSED CAN LIGHT

REVISION	No.

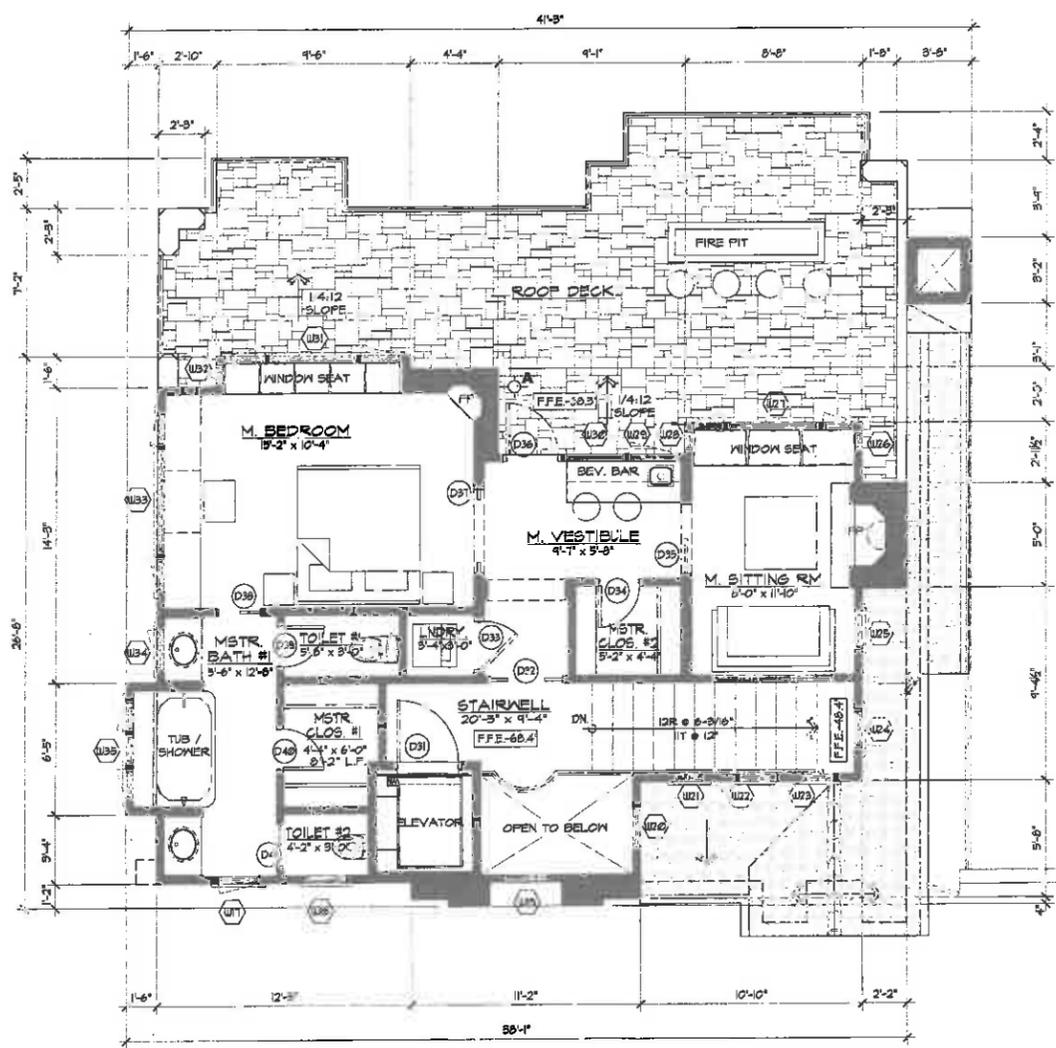
CONSULTANT:

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ARCHITECT

**FIRST FLOOR PLAN**  
 JOB NAME: Chadwick Residence  
 Scenic 2 NW of 8th Avenue  
 Carmel, CA 93923  
 A.P.N. 010-312-026-000

DATE:	12/09/15
SCALE:	1/4" = 1'-0"
DRAWN:	C.J.H. BRN
JOB NUMBER:	1434



**SECOND FLOOR PLAN**

SCALE: 1/4" = 1'-0"



EXTERIOR LIGHTING SYMBOLS	
	25 WATT MAX. WALL MOUNT
	25 WATT MAX. RECESSED CAN LIGHT

REVISION	No.

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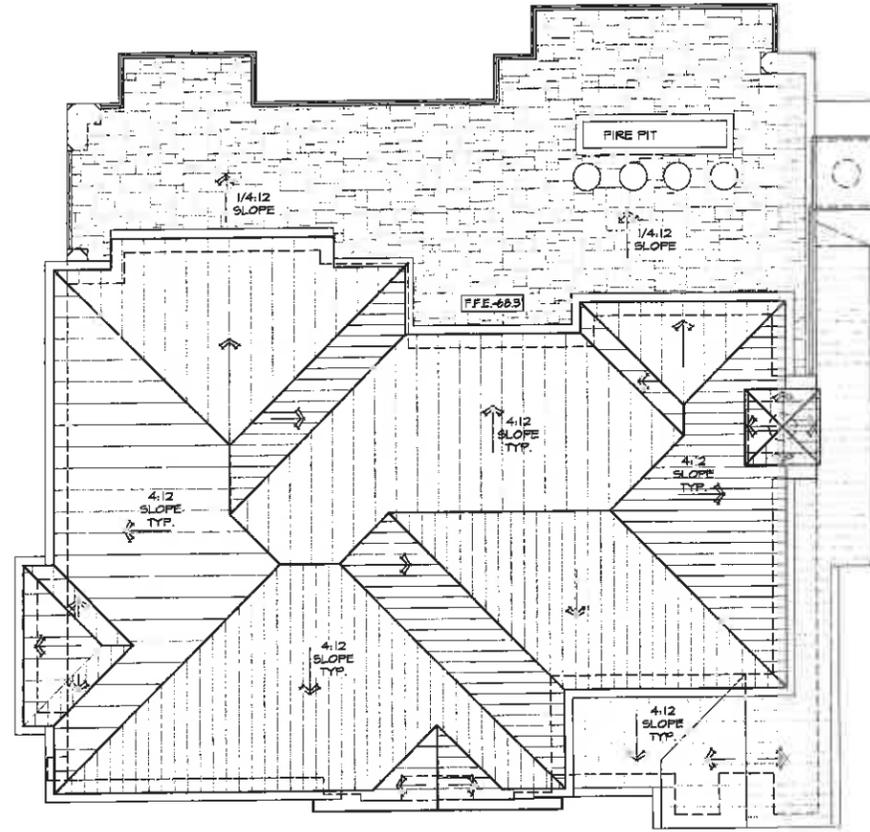
ARCHITECT

**SECOND FLOOR PLAN**

JOB NAME: **Chadwick Residence**  
 Scenic 2 NW of 8th Avenue  
 Carmel, CA 93923  
 A.P.N. 010-312-026-000

DATE:	12/09/15
SCALE:	1/4" = 1'-0"
DRAWN:	C.J.H. BRM
JOB NUMBER:	1434

**A-2.2**  
 SHEET 129



**ROOF PLAN**

SCALE: 1/4" = 1'-0"



REVISION	No.

CONSULTANT:

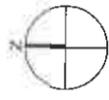
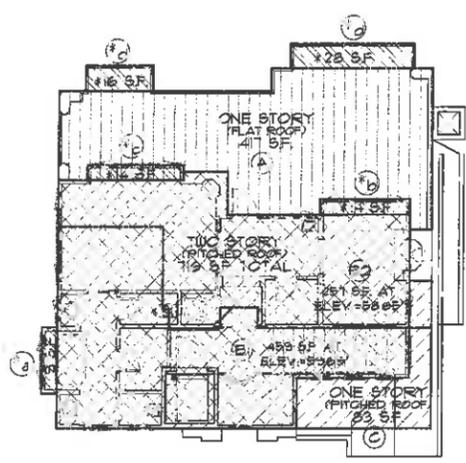
ARCHITECT  
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 157 GRAND SUITE 106 PACIFIC GROVE, CA 93950  
 PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com

**ROOF PLAN**  
 JOB NAME: Chadwick Residence  
 Scenic 2 NW of 8th Avenue  
 Carmel, CA 93923  
 A.P.N. 010-912-026-000

DATE: 12/09/15  
 SCALE: 1/4" = 1'-0"  
 DRAWN: C.J.H. BRW  
 JOB NUMBER: 1434

**A-2.3**  
 SHEET 130

REVISION	No.



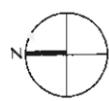
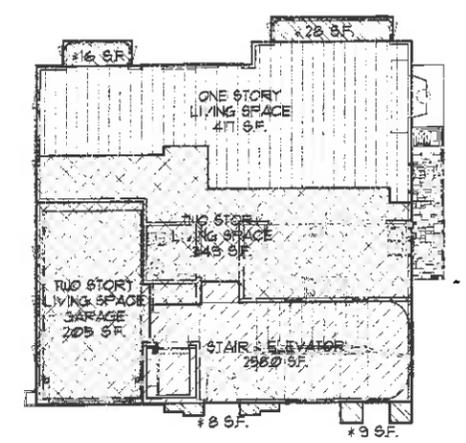
**FLOOR LEVEL MAP**

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



**FLOOR LEVEL - AREA KEY**

	ONE STORY - FLAT ROOF FIRST FLOOR (LIVING SPACE) TOTAL FLOOR AREA = 411 S.F.
	TWO STORY - PITCHED ROOF SECOND FLOOR (LIVING SPACE) TOTAL FLOOR AREA = 718 S.F.
	ONE STORY - PITCHED ROOF FIRST FLOOR (OPEN SPACE) TOTAL FLOOR AREA = 83 S.F.
	FIRST FLOOR (# EXEMPT AREA) BUILDING PROJECTIONS 4'-6" ABOVE FINISH FLOOR & FINISH GRADE 4'-11" MAXIMUM CEILING HEIGHT FROM FINISH FLOOR TO FINISH CEILING. TOTAL EXEMPT AREA = 61 S.F.



**FIRST FLOOR AREA PLAN**

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



**FIRST FLOOR - AREA KEY**

	ONE STORY - FLAT ROOF FIRST FLOOR (LIVING SPACE) TOTAL FLOOR AREA = 411 S.F.
	TWO STORY - PITCHED ROOF FIRST FLOOR (LIVING SPACE) TOTAL FLOOR AREA = 554 S.F.
	FIRST FLOOR (OPEN SPACE) TOTAL FLOOR AREA = 258 S.F.
	FIRST FLOOR (# EXEMPT AREA) BUILDING PROJECTIONS 4'-6" ABOVE FINISH FLOOR & FINISH GRADE 4'-11" MAXIMUM CEILING HEIGHT FROM FINISH FLOOR TO FINISH CEILING. TOTAL EXEMPT AREA = 61 S.F.

**VOLUME AREA**

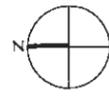
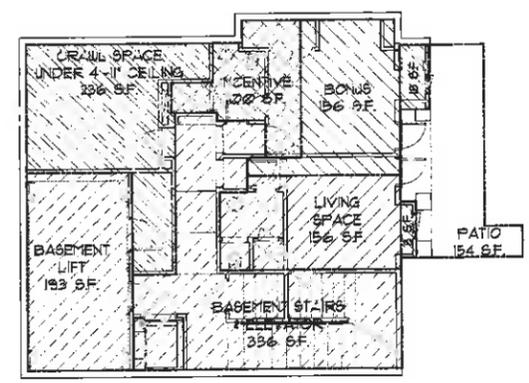
UNIT	AREA	F.F.E.	PLATE / EAVE		ROOF / RIDGE	
			ELEV.	HEIGHT	ELEV.	HEIGHT
A	411 S.F.	58.65'	67.15'	8'-6"	68.4'	9'-9"
B-1	453 S.F.	58.65'	75.3'	16'-3"	77.65'	18'-0"
B-2	251 S.F.	58.65'	75.3'	17'-3"	78.65'	21'-0"
C	83 S.F.	58.65'	69.65'	10'-0"	72.0'	12'-4"
*a	9 S.F.	70.4'	75.3'	5'-6"	77.65'	7'-3"
*b	14 S.F.	70.3'	75.3'	5'-0"	78.05'	7'-2"
*c	14 S.F.	70.3'	75.2'	4'-3"	76.25'	5'-4"
*d	44 S.F.	67.15'	67.15'	6'-0"	68.4'	7'-3"

**FLOOR AREA**

FLOOR AREA: (LIVING SPACE)	
FIRST FLOOR	766 S.F.
GARAGE	205 S.F.
SECOND FLOOR	530 S.F.
STAIR & ELEVATOR	144 S.F.
BASEMENT FLOOR	156 S.F.
BASEMENT FLOOR BONUS	156 S.F.
BASEMENT FLOOR INCENTIVE	100 S.F.
TOTAL =	2,057 S.F.

FLOOR AREA: (OPEN SPACE)	
BASEMENT - STAIRS & ELEVATOR	336 S.F.
BASEMENT - CARLIFT	193 S.F.
FIRST FLOOR	258 S.F.
TOTAL =	787 S.F.



**BASEMENT FLOOR AREA PLAN**

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



**BASEMENT AREA KEY**

	BASEMENT (LIVING SPACE) TOTAL FLOOR AREA = 155 S.F.
	BASEMENT (LIVING SPACE-BONUS) TOTAL FLOOR AREA = 155 S.F.
	BASEMENT (LIVING SPACE-INCENTIVE) TOTAL FLOOR AREA = 100 S.F.
	BASEMENT (OPEN SPACE) TOTAL FLOOR AREA = 531 S.F.
	BASEMENT (EXEMPT AREA) BUILDING PROJECTIONS 4'-6" ABOVE FINISH FLOOR & FINISH GRADE 4'-11" MAXIMUM CEILING HEIGHT FROM FINISH FLOOR TO FINISH CEILING. TOTAL EXEMPT AREA = 262 S.F.

CONSULTANT:

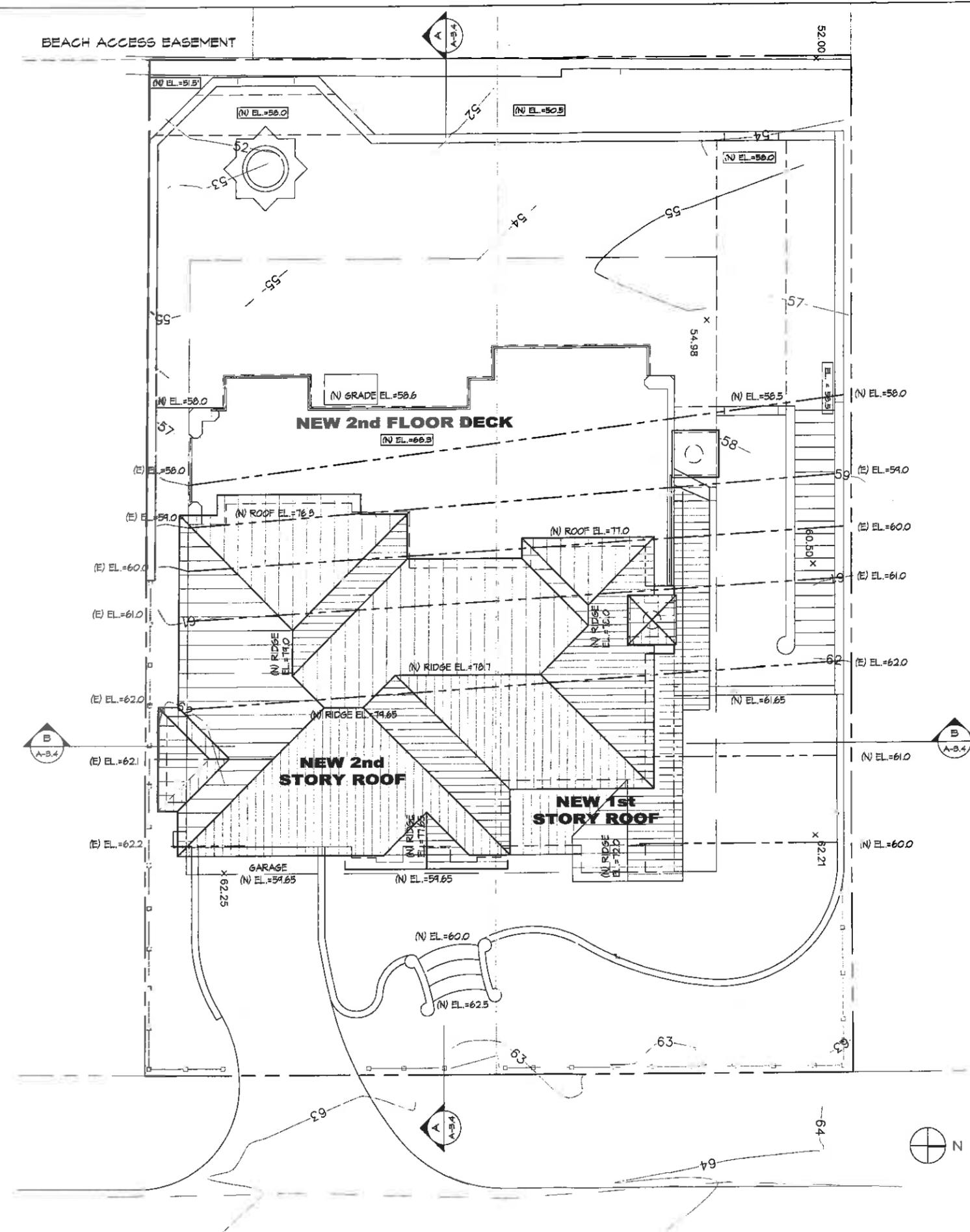
**ERIC MILLER ARCHITECTS, INC.**  
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ARCHITECT

FLOOR AREA & LEVEL PLANS

JOB NAME: **Chadwick Residence**  
 Scenic 2 N/A of 8th Avenue  
 Carmel, CA 93923  
 A.P.N. 010-012-026-000

DATE: 12/09/15  
 SCALE: 1/8" = 1'-0"  
 DRAWN: C.J.H. BRN  
 JOB NUMBER: 1434



**PROPOSED ROOF HEIGHTS**  
 SCALE: 1/4" = 1'-0"

REVISION	No.

CONSULTANT

ARCHITECT  
**ERIC MILLER ARCHITECTS, INC.**  
 157 GRAND suite 106 PACIFIC GROVE, CA 93950  
 PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com

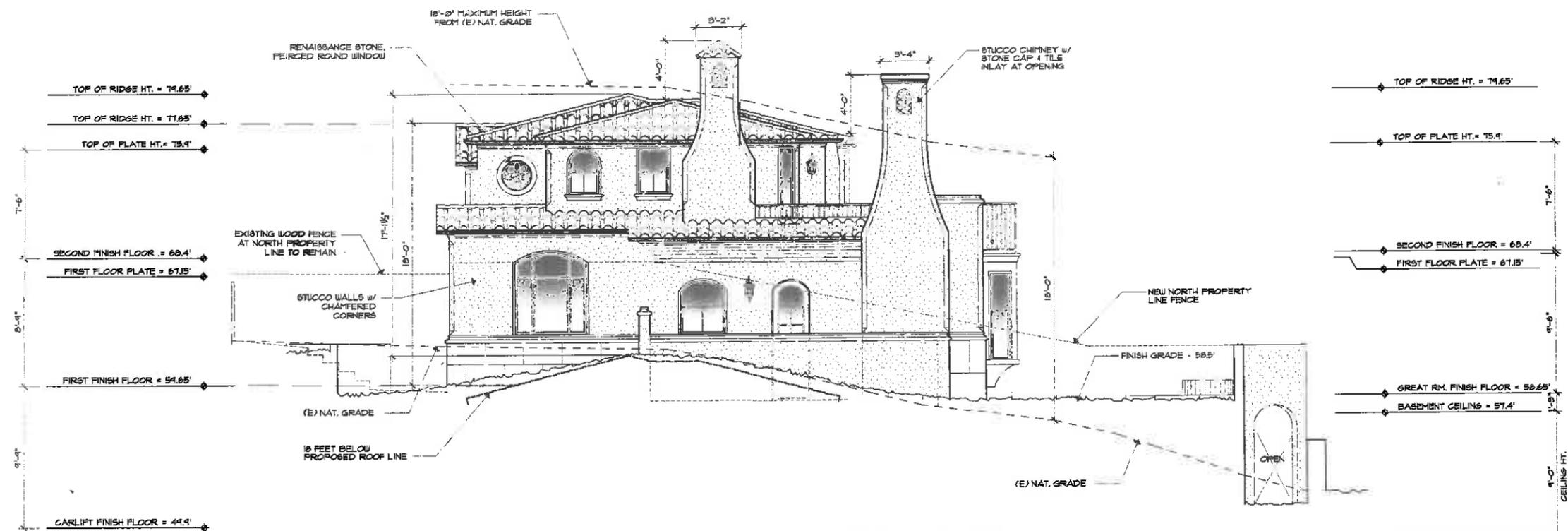
PROPOSED ROOF HEIGHTS  
 JOB NAME: Chadwick Residence  
 Scenic 2 NW of 8th Avenue  
 Carmel, CA 93923  
 A.P.N. 010-512-026-000

DATE: 12/09/15  
 SCALE: 1/4" = 1'-0"  
 DRAWN: C.H. BRYN  
 JOB NUMBER: 1434



**EXTERIOR EAST ELEVATION - FRONT**

SCALE: 1/4" = 1'-0"

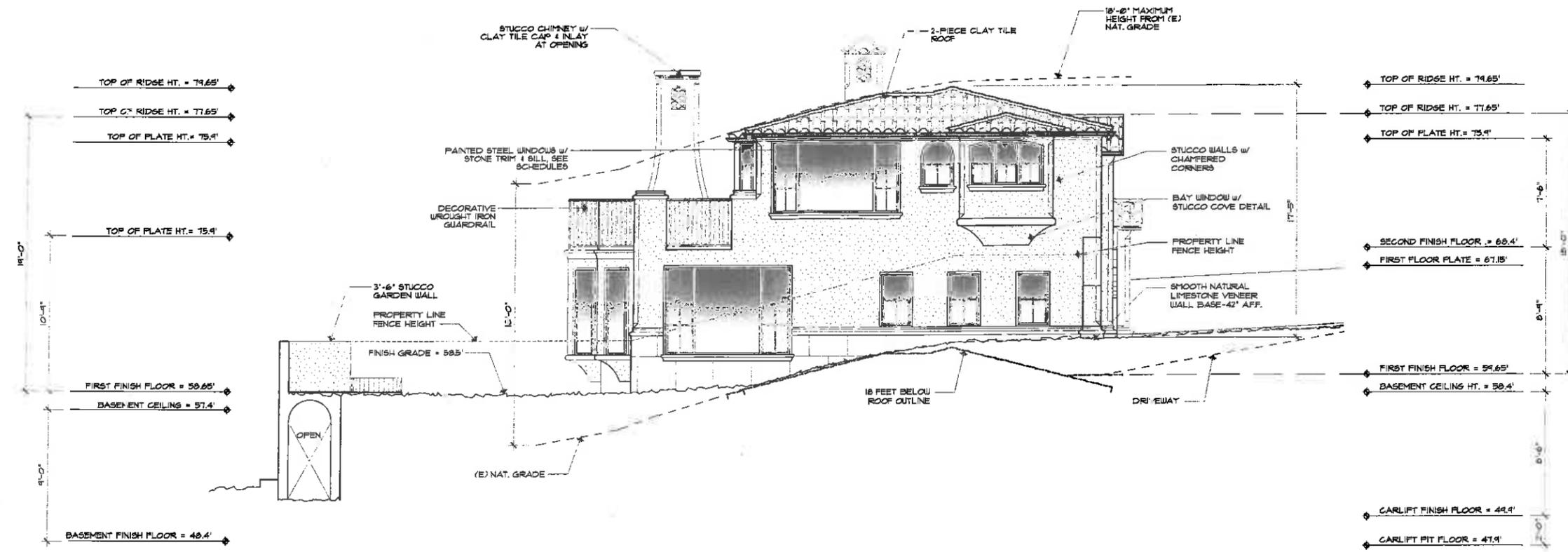


**EXTERIOR NORTH ELEVATION - SIDE**

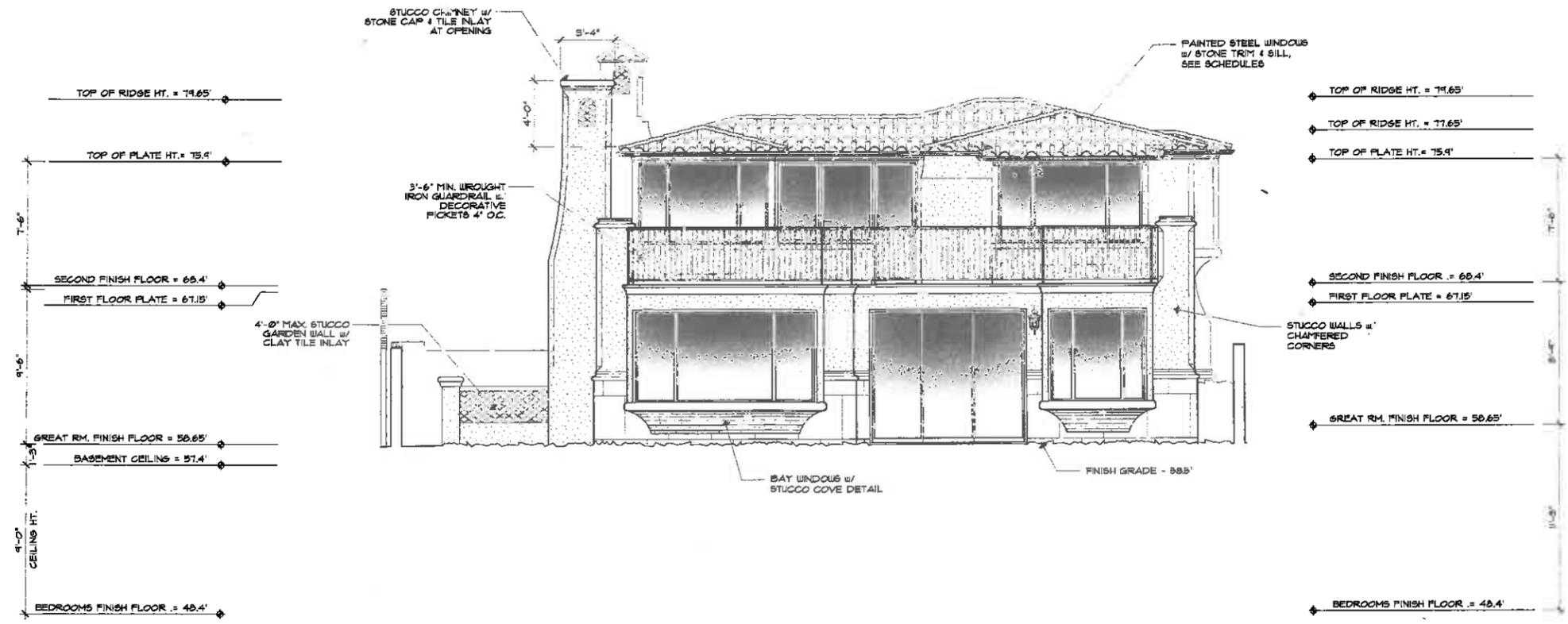
SCALE: 1/4" = 1'-0"

REVISION	No.
CONSULTANT:	
 <b>ERIC MILLER ARCHITECTS, INC.</b> 157 GRAND AVENUE SUITE 106 PACIFIC GROVE, CA 93950 PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com	
ARCHITECT	
<b>EXTERIOR ELEVATIONS</b> JOB NAME: <b>Chadwick Residence</b> Scenic 2 NW of 8th Avenue Carmel, CA 93923 A.P.N. 010-312-026-000	
DATE:	12/09/15
SCALE:	1/4" = 1'-0"
DRAWN:	C.J.H. BRM
JOB NUMBER:	14.94
<b>A-3.1</b> SHEET 133	

REVISION	No.



**EXTERIOR SOUTH ELEVATION - SIDE**  
SCALE: 1/4" = 1'-0"



**EXTERIOR WEST ELEVATION - BACK**  
SCALE: 1/4" = 1'-0"

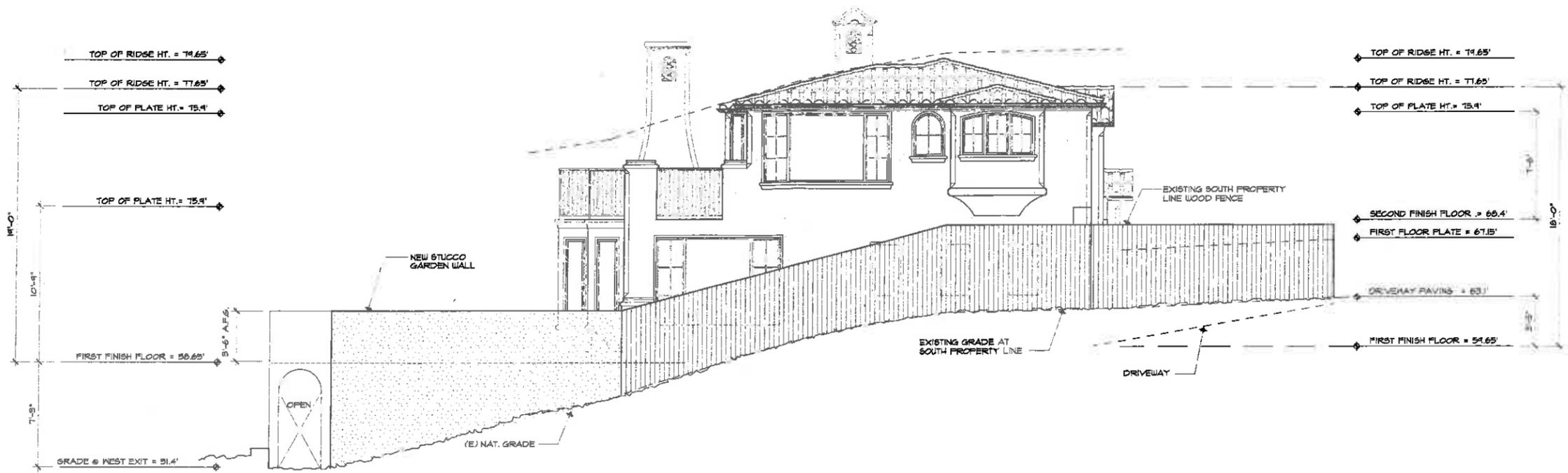
CONSULTANT:

**ERIC MILLER ARCHITECTS, INC.**  
157 GRAND suite 106 PACIFIC GROVE, CA 93950  
PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com

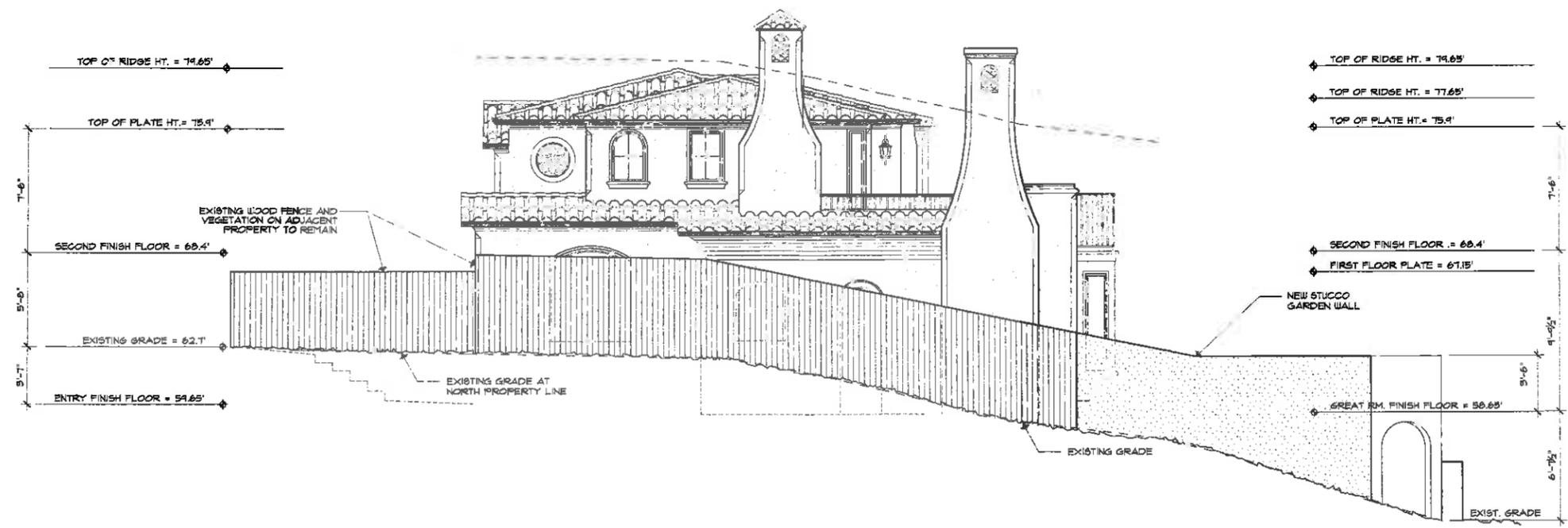
ARCHITECT

**EXTERIOR ELEVATIONS**  
JOB NAME: **Chadwick Residence**  
Scenic 2 NW of 5th Avenue  
Carmel, CA 93928  
A.P.N. 010-012-026-000

DATE: 12/09/15  
SCALE: 1/4" = 1'-0"  
DRAWN: C.J.H., B.R.M.  
JOB NUMBER: 1424



**SOUTH SIDE FENCE ELEVATION**  
SCALE: 1/4" = 1'-0"



**NORTH SIDE FENCE ELEVATION**  
SCALE: 1/4" = 1'-0"



REVISION	No.

CONSULTANT:

ARCHITECT

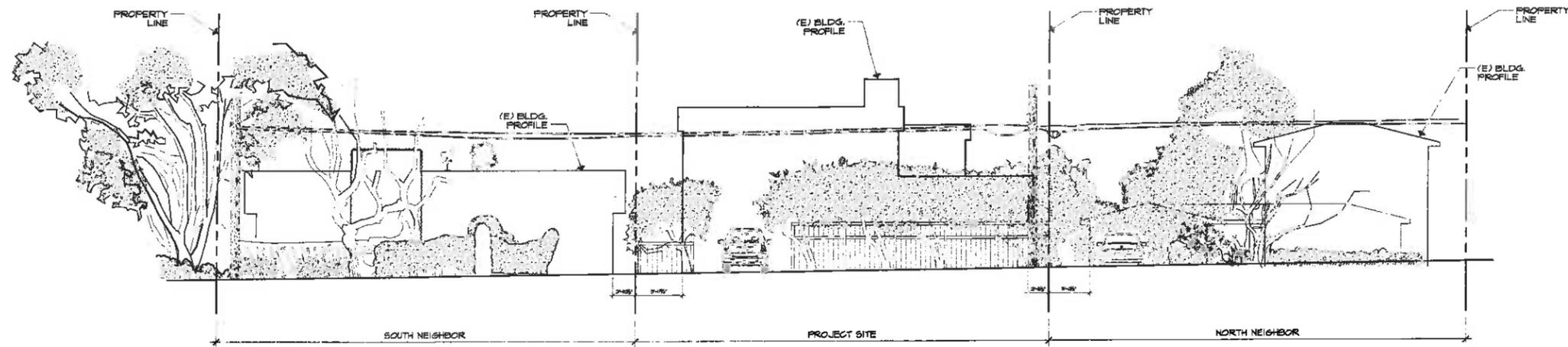
**ERIC MILLER ARCHITECTS, INC.**

157 GRAND SUITE 106 PACIFIC GROVE, CA 93950  
PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com

FENCE ELEVATIONS

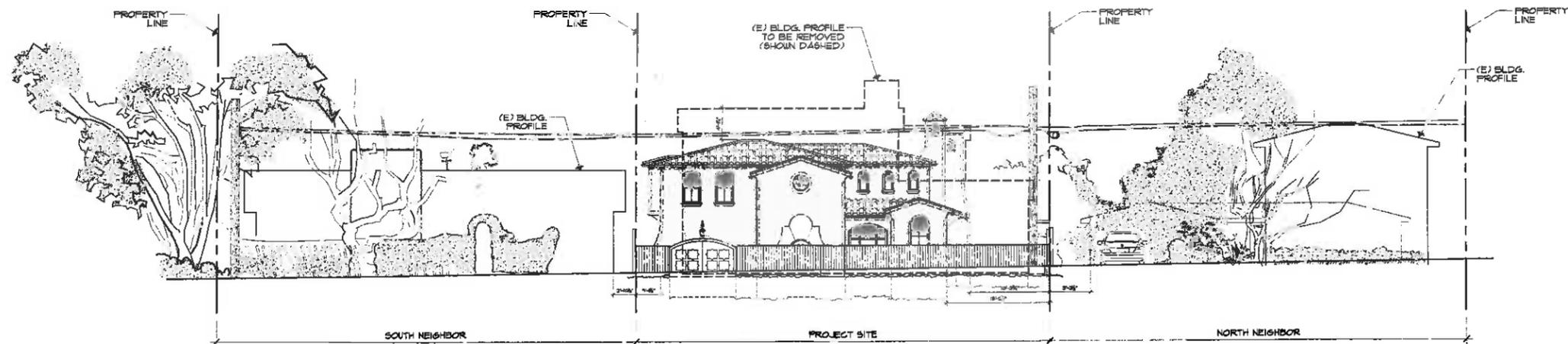
JOB NAME: **Chadwick Residence**  
Scenic 2 NW of 8th Avenue  
Carmel, CA 93923  
A.P.N. 010-312-026-000

DATE: 12/09/15  
SCALE: 1/4" = 1'-0"  
DRAWN: CH  
JOB NUMBER: 1434



**EXISTING SCENIC ROAD ELEVATION**

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



**PROPOSED SCENIC ROAD ELEVATION**

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



REVISION	No.

CONSULTANT:

  
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 157 GRAND AVENUE SUITE 106 PACIFIC GROVE, CA 93950  
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ARCHITECT

**STREET ELEVATION**  
 JOB NAME: **Chadwick Residence**  
 Scenic 2 NW of 8th Avenue  
 Carmel, CA 93928  
 A.P.N. 010-812-026-000

DATE: 12/09/15  
 SCALE: 1/8" = 1'-0"  
 DRAWN: C.J.H., BRN  
 JOB NUMBER: 1434

**A-3.3**  
 SHEET 136

REVISION	No.

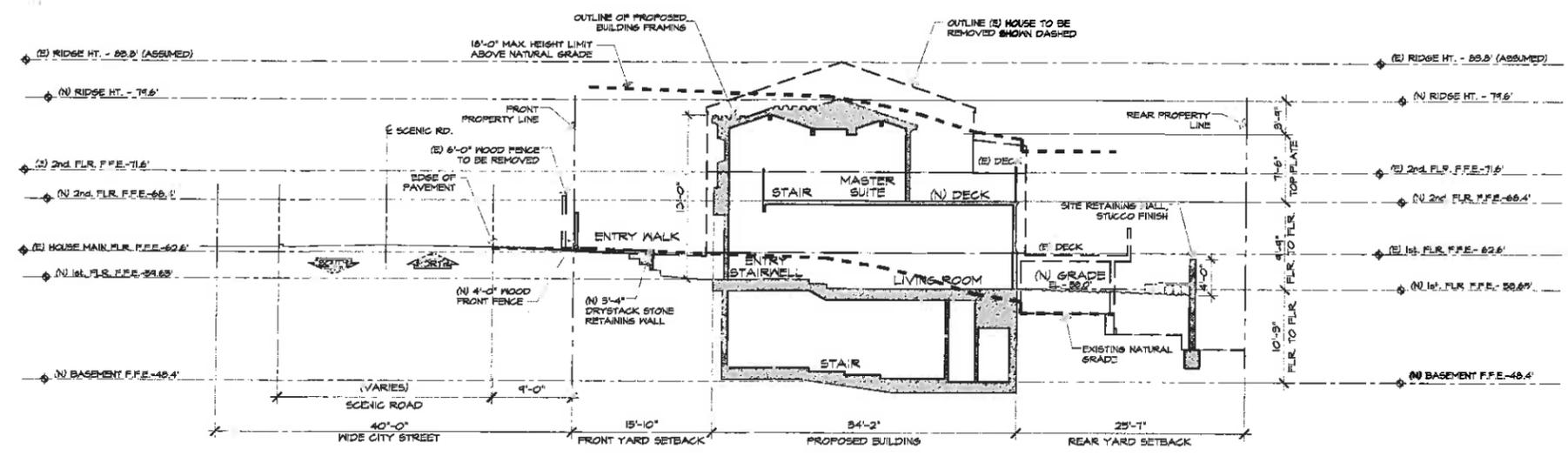
CONSULTANT:

ARCHITECT  
**ERIC MILLER ARCHITECTS, INC.**  
 157 GRAND SUITE 106 PACIFIC GROVE, CA 93950  
 PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com

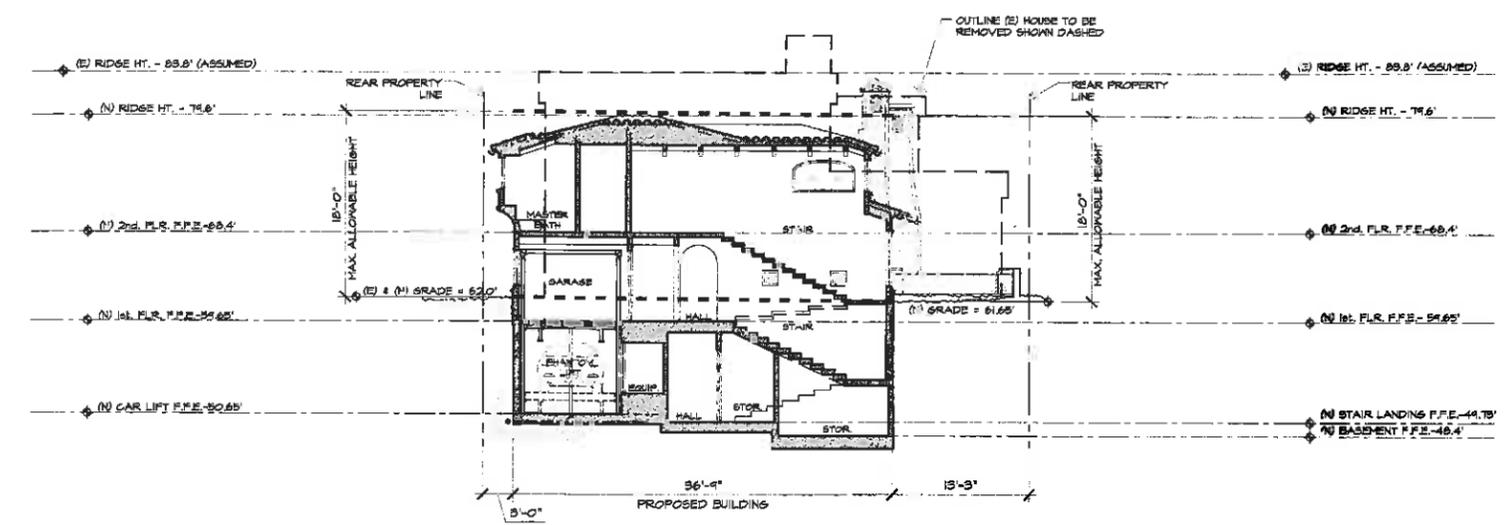
BUILDING SITE SECTIONS  
 JOB NAME: **Chadwick Residence**  
 Scenic 2 NW of 8th Avenue  
 Carmel, CA 93925  
 A.P.N. 010-312-026-000

DATE: 12/09/15  
 SCALE: 1/4" = 1'-0"  
 DRAWN: C.J.H. BRM  
 JOB NUMBER: 14.94

**A-3.4**  
 SHEET 197



**SITE SECTION A**  
 SCALE: 1/8" = 1'-0"



**SITE SECTION B**  
 SCALE: 1/8" = 1'-0"



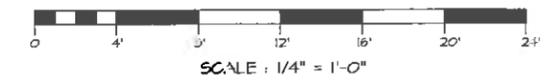
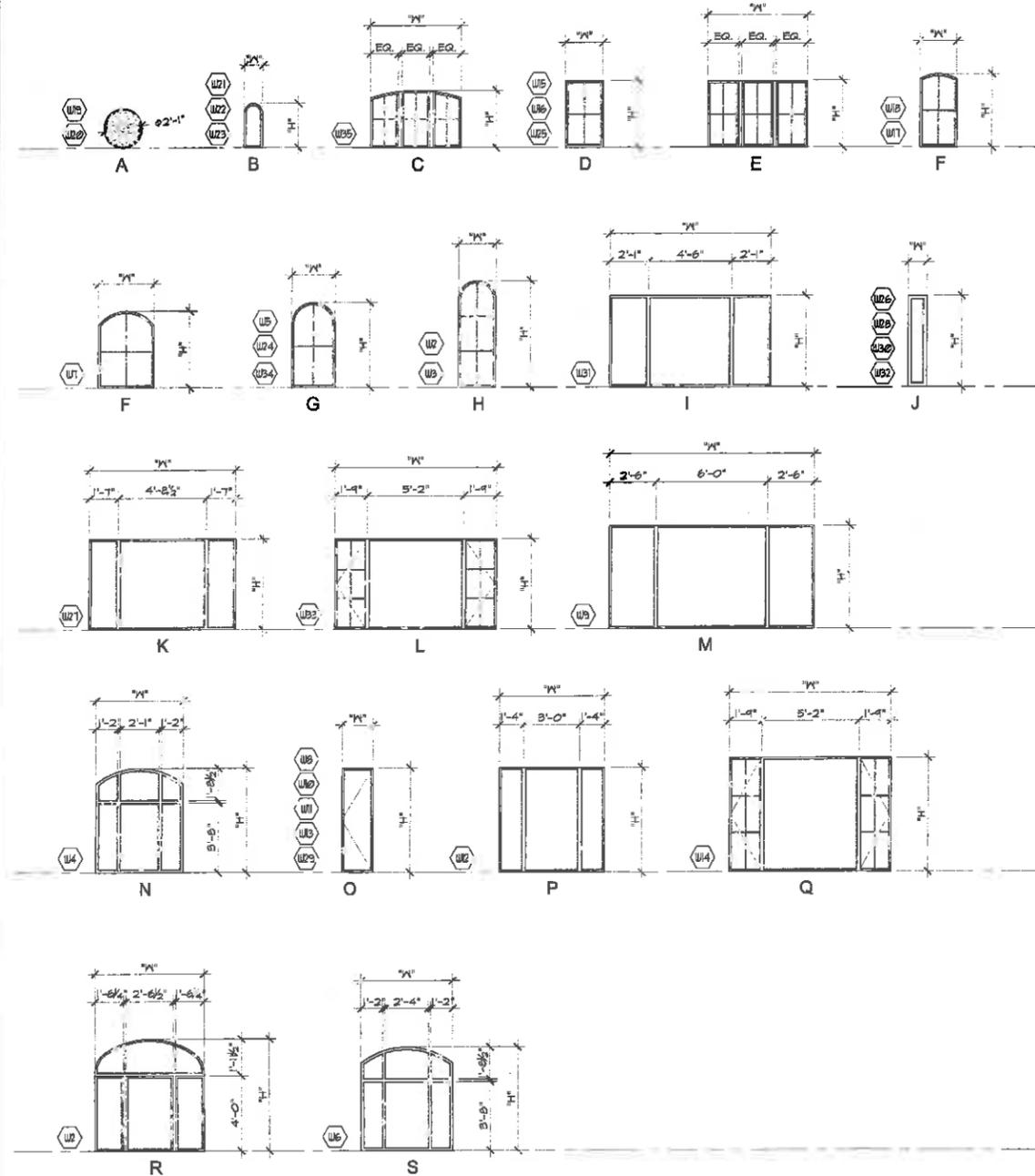
### WINDOW SCHEDULE

WIN. NO.	TYPE	SIZE		LOCATION		GLAZING	FRAME MAT.	STYLE	WINDOW DETAILS			HEAD HEIGHT ABOVE F.F.	SILL HEIGHT ABOVE F.F.	REMARKS
		WIDTH	HEIGHT	ROOM NUMBER	ROOM NAME				HEAD	JAMB	SILL			
U1		-	-		NOT USED									
U2	H	2'-6"	5'-0"		BEDROOM #4	DOUBLE	STEEL	CASEMENT	-	-	-	0'-0"	2'-0"	
U3	H	2'-0"	5'-8"		BEDROOM #3	DOUBLE	STEEL	CASEMENT	-	-	-	0'-0"	2'-0"	
U4	N	4'-8"	5'-6"		STAIRWELL	DOUBLE	STEEL	FIXED	-	-	-	-	-	TEMPERED GLASS
U5	G	2'-4"	5'-10"		STAIRWELL	DOUBLE	STEEL	FIXED	-	-	-	-	-	TEMPERED GLASS
U6	S	4'-10"	5'-6"		STAIRWELL	DOUBLE	STEEL	FIXED	-	-	-	-	-	TEMPERED GLASS
U7	F	3'-0"	3'-7"		KITCHEN	DOUBLE	STEEL	CASEMENT	-	-	-	0'-0"	4'-5"	
U8	O	1'-5"	5'-6"		GREAT ROOM	DOUBLE	STEEL	CASEMENT	-	-	-	3'-0"	2'-6"	
U9	H	11'-0"	5'-6"		GREAT ROOM	DOUBLE	STEEL	FIXED	-	-	-	0'-0"	2'-6"	
U10	O	1'-8"	5'-0"		GREAT ROOM	DOUBLE	STEEL	CASEMENT	-	-	-	3'-0"	2'-6"	
U11	O	1'-8"	5'-6"		GREAT ROOM	DOUBLE	STEEL	CASEMENT	-	-	-	0'-0"	2'-6"	TEMPERED GLASS
U12	P	5'-8"	5'-6"		GREAT ROOM	DOUBLE	STEEL	FIXED	-	-	-	0'-0"	2'-6"	
U13	O	1'-8"	5'-6"		GREAT ROOM	DOUBLE	STEEL	CASEMENT	-	-	-	0'-0"	2'-6"	
U14	O	8'-8"	6'-0"		GREAT ROOM	DOUBLE	STEEL	CASEMENT	-	-	-	0'-0"	2'-6"	
U15	D	2'-0"	3'-6"		GARAGE	DOUBLE	STEEL	CASEMENT	-	-	-	7'-0"	3'-6"	
U16	D	2'-0"	3'-6"		GARAGE	DOUBLE	STEEL	CASEMENT	-	-	-	7'-0"	3'-6"	
U17	F	2'-0"	3'-10"		MASTER BATHROOM	DOUBLE	STEEL	CASEMENT	-	-	-	7'-0"	3'-2"	
U18	F	2'-0"	3'-10"		MASTER TOILET #2	DOUBLE	STEEL	CASEMENT	-	-	-	7'-0"	3'-2"	
U19	A	2'-4" DIAMETER			STAIRWELL	DOUBLE	STONE	FIXED	-	-	-	15'-5"	13'-4"	
U20	A	2'-4" DIAMETER			STAIRWELL	DOUBLE	STONE	FIXED	-	-	-	15'-5"	13'-4"	
U21	B	1'-3"	2'-4"		STAIRWELL	DOUBLE	STEEL	FIXED	-	-	-	-	-	
U22	B	1'-0"	2'-4"		STAIRWELL	DOUBLE	STEEL	FIXED	-	-	-	-	-	
U23	B	1'-0"	2'-4"		STAIRWELL	DOUBLE	STEEL	FIXED	-	-	-	-	-	
U24	G	2'-0"	3'-0"		STAIRWELL	DOUBLE	STEEL	FIXED	-	-	-	-	-	
U25	D	2'-0"	3'-0"		SITTING ROOM	DOUBLE	STEEL	CASEMENT	-	-	-	7'-4"	4'-4"	
U26	J	1'-0"	3'-10"		SITTING ROOM	DOUBLE	STEEL	FIXED	-	-	-	7'-4"	2'-6"	
U27	K	7'-0"	2'-10"		SITTING ROOM	DOUBLE	STEEL	CASEMENT	-	-	-	7'-4"	2'-6"	
U28	J	1'-0"	4'-10"		SITTING ROOM	DOUBLE	STEEL	FIXED	-	-	-	7'-4"	2'-6"	
U29	O	2'-6"	4'-10"		MASTER VESTIBULE	DOUBLE	STEEL	CASEMENT	-	-	-	7'-4"	2'-6"	
U30	J	3'-2"	4'-10"		MASTER VESTIBULE	DOUBLE	STEEL	FIXED	-	-	-	7'-4"	2'-6"	TEMPERED GLASS
U31	I	1'-0"	4'-10"		MASTER BEDROOM	DOUBLE	STEEL	FIXED	-	-	-	7'-4"	2'-6"	
U32	J	8'-8"	4'-10"		MASTER BEDROOM	DOUBLE	STEEL	CASEMENT	-	-	-	7'-4"	2'-6"	
U33	L	1'-0"	4'-10"		MASTER BEDROOM	DOUBLE	STEEL	FIXED	-	-	-	7'-4"	2'-6"	
U34	G	2'-0"	3'-0"		MASTER BATHROOM	DOUBLE	STEEL	CASEMENT	-	-	-	7'-4"	4'-4"	
U35	C	4'-10"	3'-0"		MASTER BATHROOM	DOUBLE	STEEL	FIXED	-	-	-	7'-4"	4'-4"	TEMPERED GLASS

### WINDOW NOTES

- ALL WINDOWS SHALL COMPLY WITH THE FOLLOWING, UNLESS OTHERWISE NOTED, U.O.N.
1. EGRESS WINDOWS SHALL HAVE A MAXIMUM SILL HEIGHT OF 34" A.F.F.
  2. PAINTED STEEL WINDOWS WITH STONE TRIM AND SILLS, U.O.N.
  3. ALL GLAZING SUBJECT TO HUMAN IMPACT SHALL COMPLY WITH CRC, SECTION F300.3. ALL INDIVIDUAL GLAZED AREAS IN HAZARDOUS LOCATIONS SHALL PASS THE REQUIREMENTS OF CPSC 16 CFR 1201 OR ANSI Z97.1.
  4. SEE WINDOW TYPES ON THIS PAGE FOR OPERABLE PORTIONS OF WINDOWS AND TO VERIFY NATURAL VENTILATION PER CRC R303 AND EGRESS PER CRC R310.
  5. ALL WINDOW GLAZING SHALL BE LOW-E.
  6. CONTACT ARCHITECT, OWNER & INTERIOR DESIGNER FOR SPECIFICATION & APPLICATION, PRIOR TO MANUFACTURING.

### WINDOW TYPE



SCALE: 1/4" = 1'-0"

REVISION	No.

CONSULTANT

ARCHITECT

**ERIC MILLER ARCHITECTS, INC.**  
 157 GRAND PACIFIC GROVE, CA 93950  
 SUITE 106 PHONE (831) 372-0410 • FAX (831) 372-7940 • WEB: www.ericmillerarchitects.com

WINDOW SCHEDULE

JOB NAME: **Chadwick Residence**  
 2 NW of 8th Avenue  
 Carmel, CA 93915  
 A.P.N. 010-012-026-000

DATE:	12/09/15
SCALE:	AS NOTED
DRAWN:	CJH, BRM
JOB NUMBER:	14.34



**CHADWICK RESIDENCE**  
 Scenic 2 NW of 8th, Carmel-by-the-Sea

REVISION	No.

CONSULTANT:

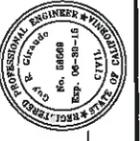
ARCHITECT  
**ERIC MILLER ARCHITECTS, INC.**  
 157 GRAND AVE. SUITE 106 PACIFIC GROVE, CA 93950  
 PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com

ARCHITECT

**RENDERING**  
 JOB NAME: Chadwick Residence  
 Scenic 2 NW of 8th Avenue  
 Carmel, CA 93923  
 A.P.N. 010-512-026-000

DATE: 12/09/15  
 SCALE: N.T.S.  
 DRAWN: CJH  
 JOB NUMBER: 1434

**A-7.1**  
 139  
 SHEET OF



APPROVED BY:

GUY R. CIRIAUDO



"COVER SHEET"

CONCEPTUAL GRADING & DRAINAGE PLAN

CHADWICK RESIDENCE  
 A.P.N.: 010-312-026  
 CARMEL, MONTEREY COUNTY, CALIFORNIA  
 MR. & MRS. ARTHUR & FARAH CHADWICK

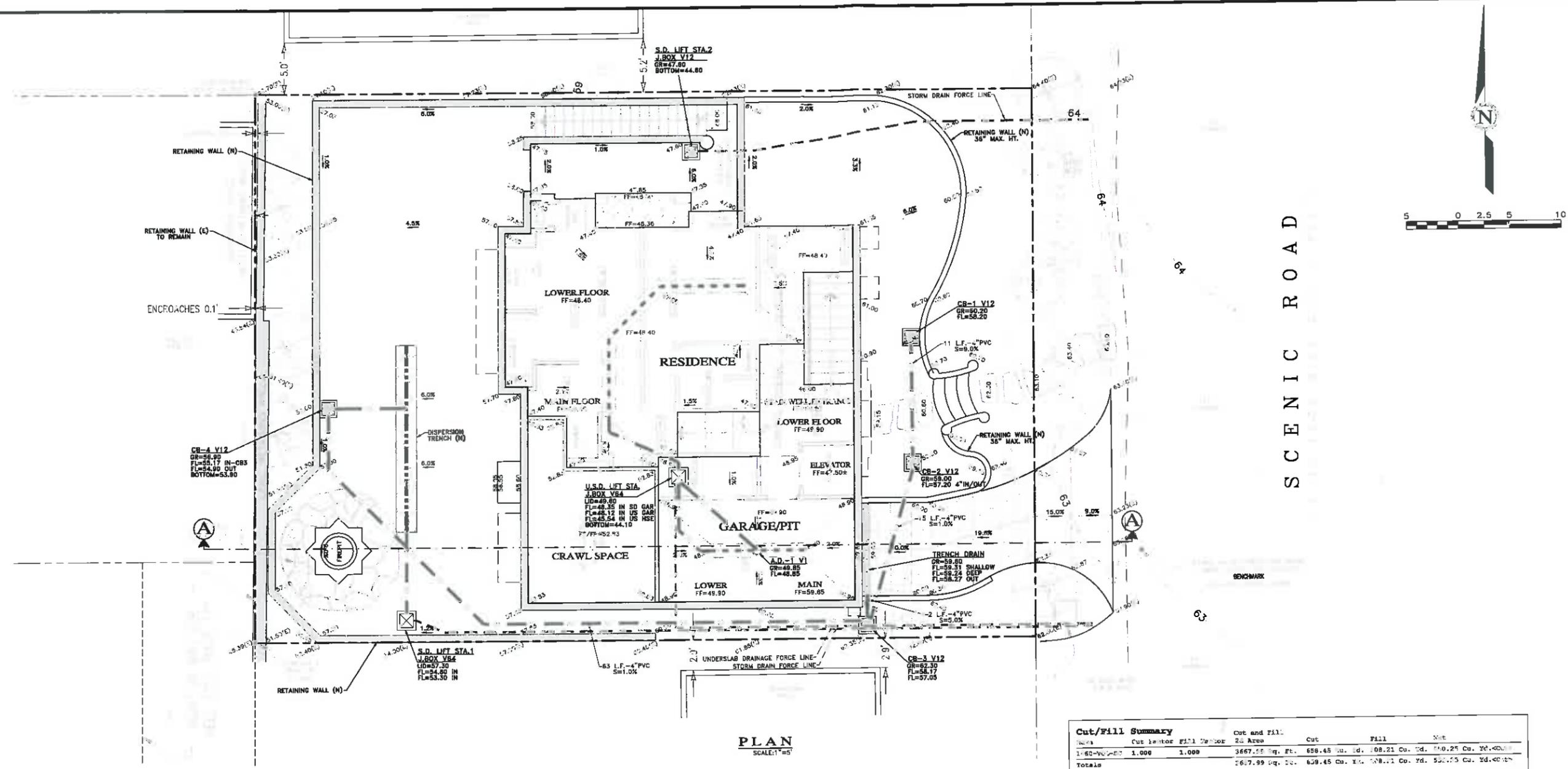
**CONTACT INFORMATION:**  
 PRIMARY: OWNER  
 MR. & MRS. ARTHUR & FARAH CHADWICK  
 P.O. BOX 3410  
 SARATOGA, CA 95070  
 SECONDARY: ARCHITECT  
 ERIC MILLER ARCHITECTS, INC.  
 ATTN: MS. CARLA HASHIMOTO  
 211 HOFFMAN AVE.  
 MONTEREY, CA 93940  
 PH (831)372-0410 (7840)

**SITE LOCATION:**  
 SCENIC ROAD, 7' NW OF 8TH AVE.  
 CARMEL BY THE SEA, CA

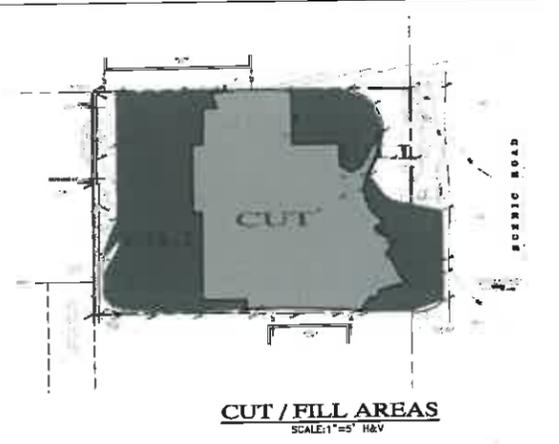
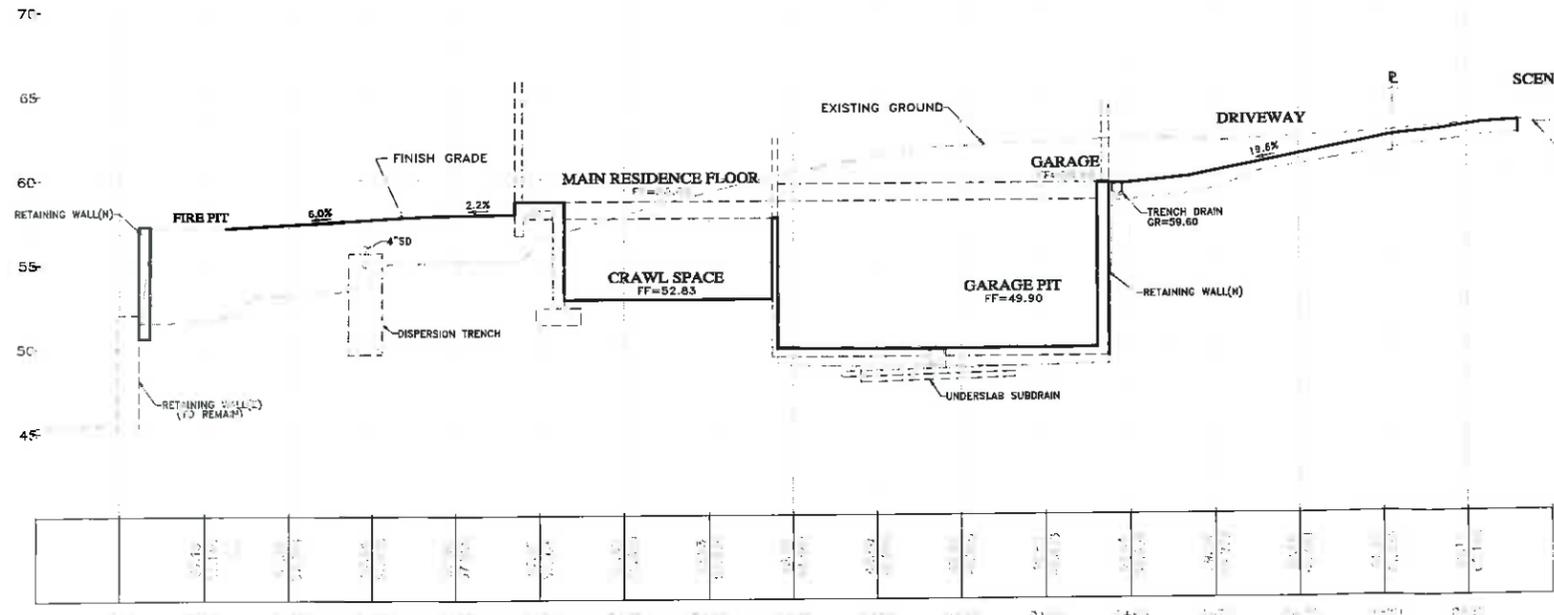
SCALE: 1"=5'  
 DATE: MAY 2015  
 JOB NO. 1460-01

No.	DATE	BY	REVISION
12/03/15	AMS		LOWER PATIO, RET. WALL RELOCATION
07/20/15	AMS		CITY OF CARMEL - CUT/FILL
05/25/15	AMS		RELEASED TO CLIENT

SHEET **C1**  
 OF 140 SHEETS



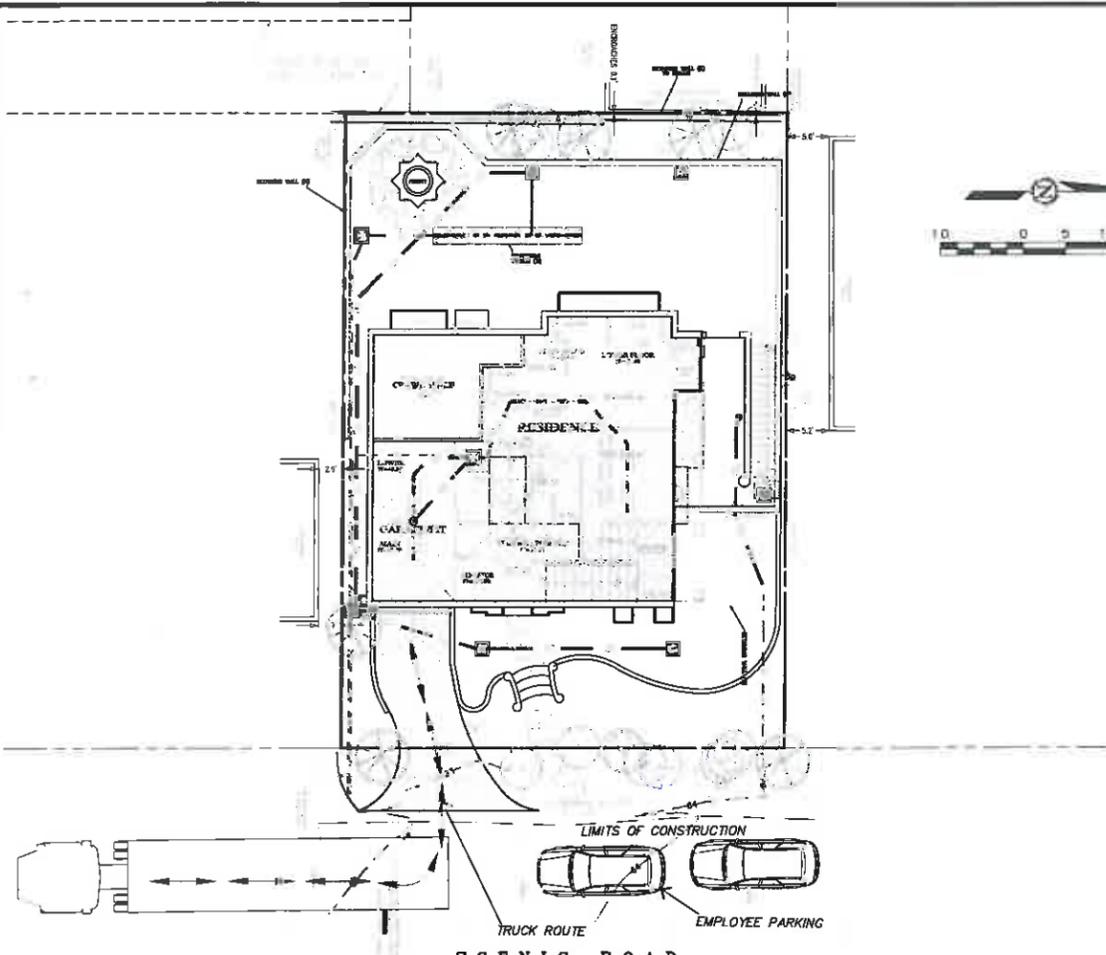
Cut/Fill Summary		Cut and Fill		Totals	
Area	Volume	Area	Volume	Area	Volume
1.60 ACRES	1,000	1.000	3667.55 Cu. Yd.	658.45 Cu. Yd.	108.23 Cu. Yd.
			658.45 Cu. Yd.	108.23 Cu. Yd.	550.25 Cu. Yd.
<b>Totals</b>			<b>267.99</b>		<b>628.48</b>



SECTION A-A  
 SCALE: 1"=5' H&V

CUT / FILL AREAS  
 SCALE: 1"=5' H&V

PLAN  
 SCALE: 1"=5'



**NOTES:**

EARTHWORK QUANTITIES PER CIVIL ENGINEERING PLANS BY LANDSET ENGINEERS, INC.:  
 732 CY CUT  
 108 CY FILL

**CONSTRUCTION STAGING:**  
 PERFORM LOWER LEVEL EXCAVATION AND OFFHAUL EXCESS SPOILS: EXISTING DRIVEWAY AREA TO BE USED FOR HAUL TRUCK STAGING.

DEMOLISH EXISTING HARDSCAPE AND OFFHAUL DEBRIS: EXISTING DRIVEWAY TO BE USED FOR EQUIPMENT STAGING AND TEMPORARY STOCKPILE AREA.

PERFORM MINOR GRADING, CONSTRUCT STRUCTURE ADDITIONS, AND INSTALL UNDERGROUND UTILITIES: EXISTING DRIVEWAY AREA TO BE USED FOR MATERIAL AND EQUIPMENT STAGING.

EXISTING DRIVEWAY AREA TO BE USED FOR MATERIAL AND EQUIPMENT STAGING.

SEE ARCHITECTURAL AND CIVIL PLANS FOR EROSION CONTROL AND DEMOLITION NOTES.

**HAUL ROUTES:**  
 THE HAUL ROUTE TO THE SITE IS FROM RIO ROAD TO JUNIPERO AVENUE TO OCEAN AVENUE TO SCENIC ROAD. (HAUL TRUCKS EXIT IN THE SAME FASHION.) VEHICLES SHALL NOT BE LEFT UNATTENDED WHILE IN QUEUE (IF NECESSARY) ON RIO ROAD. CONTRACTOR TO ENSURE THAT HEIGHT RESTRICTIONS WITHIN THE DRIVEWAY AREA SHALL BE ADDRESSED BEFORE CONSTRUCTION VEHICLES ENTER THE SITE. SEE DETAILS B AND D, TRUCK ROUTING PLANS.

**MATERIAL DELIVERIES:**  
 IN THE EVENT THAT MATERIAL DELIVERIES CAUSE ANY STREETS ALONG THE HAUL ROUTE TO BE PARTIALLY BLOCKED BY DELIVERY TRUCKS OR LOADING/UNLOADING OPERATIONS, A FLAGMAN SHALL BE PRESENT TO DIRECT TRAFFIC AROUND THE LANE OBSTRUCTION. THE FLAGMAN SHALL BE PRESENT AT ALL TIMES DURING WHICH DELIVERY/CONSTRUCTION OPERATIONS MAY IMPACT TRAFFIC ON THE HAUL ROUTE AND SURROUNDING STREETS.

**EMPLOYEE PARKING:**  
 EXTREMELY LIMITED EMPLOYEE PARKING ON-SITE. EMPLOYEES SHALL USE PUBLIC PARKING LOTS AND CARPOOL TO JOBSITE IF POSSIBLE. ON-SITE PARKING SHALL BE IN LEGAL SPACES ALONG SCENIC ROAD AND 8TH AVENUE, OBEYING ALL PARKING LAWS. SEE DETAIL C. PARKING IS PROHIBITED IN ALL NATURAL AREAS WHICH ARE NOT CURRENTLY PAVED OR GRAVEL.

**LIMITS OF CONSTRUCTION:** ALL CONSTRUCTION SHALL TAKE PLACE WITHIN THE BORDER AS SHOWN. EXISTING CYPRESS, PINE, AND OAK TREES LOCATED WITHIN THE LIMITS SHOWN SHALL BE SURROUNDED BY ORANGE PROTECTIVE FENCING (SEE DETAIL).

**TRUCK TRIP GENERATION CHART:**

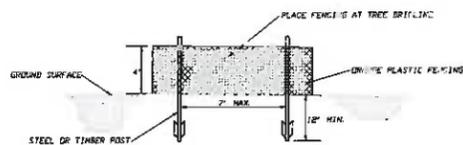
CATEGORY	NO. OF TRUCK TRIPS	TOTAL DAYS
DEMOLITION	20	5
GRADING & SOIL REMOVAL (EXPORT)	78	16
ENGINEERING MATERIALS (IMPORT)	15	5
TOTALS	113	26

**TRUCK TRIP GENERATION NOTES:**

- TRUCK TRIPS FOR THE GRADING/SOIL REMOVAL IS BASED UPON 8 CUBIC YARDS PER TRUCKLOAD WITH AN AVERAGE OF 5 TRUCK LOADS PER DAY.
- THERE ARE APPROXIMATELY 824 CUBIC YARDS OF SURPLUS SOIL MATERIAL THAT WILL BE EXPORTED FROM THE SITE.
- GRADING OPERATIONS SHALL TAKE APPROXIMATELY 20 WORKING DAYS TO COMPLETE.
- THE AMOUNT OF GRADING PER DAY WILL VARY, THE AVERAGE BETWEEN 40 & 50 CUBIC YARDS.

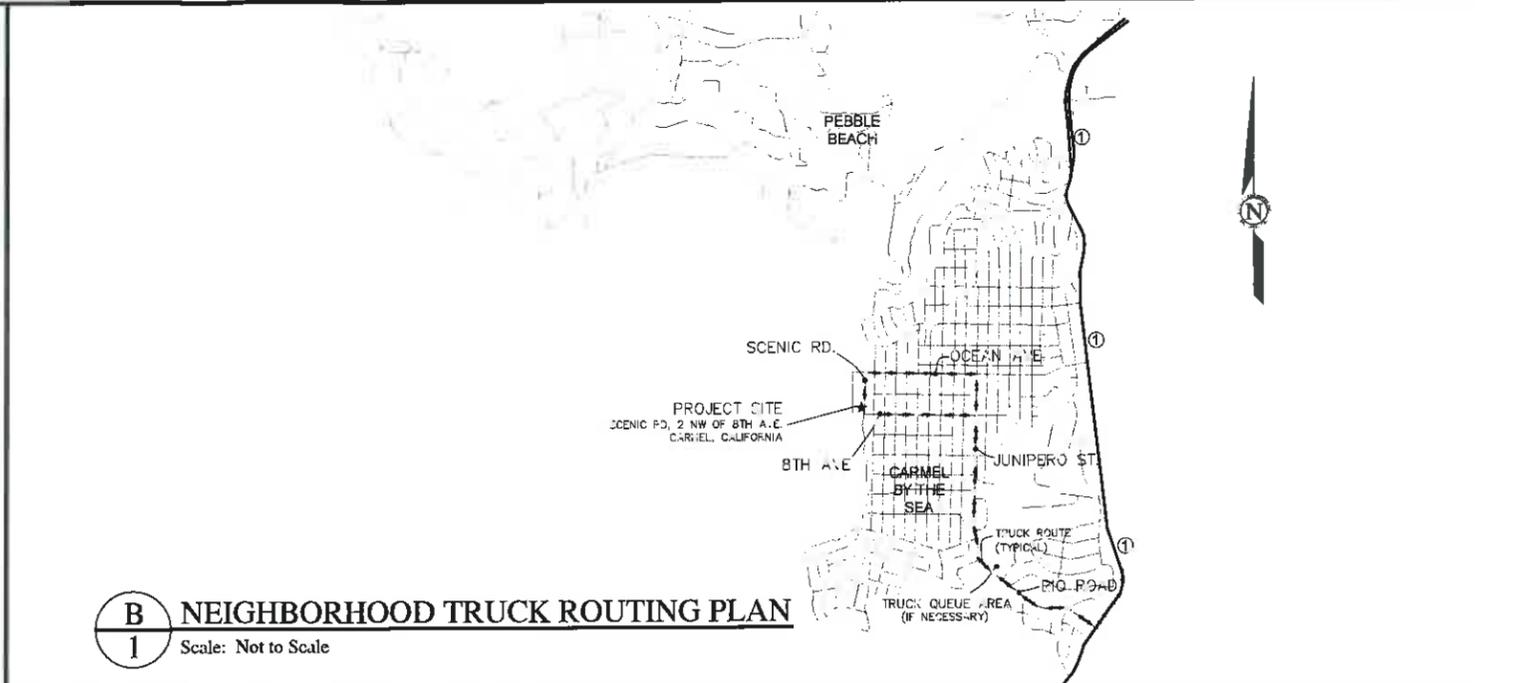
**HOURS OF OPERATION/DAY:** 8  
**DAYS OF OPERATION:** MONDAY THRU FRIDAY  
**TIME OF OPERATION:** 8:00 A.M. - 4:30 P.M.

**PROJECT SCHEDULING:** PROJECTED START DATE IS 1 JUNE 2016. TOTAL PROJECT DURATION IS APPROXIMATELY 12 MONTHS.



**FENCING (ESA) DETAIL**  
 Scale: NTS

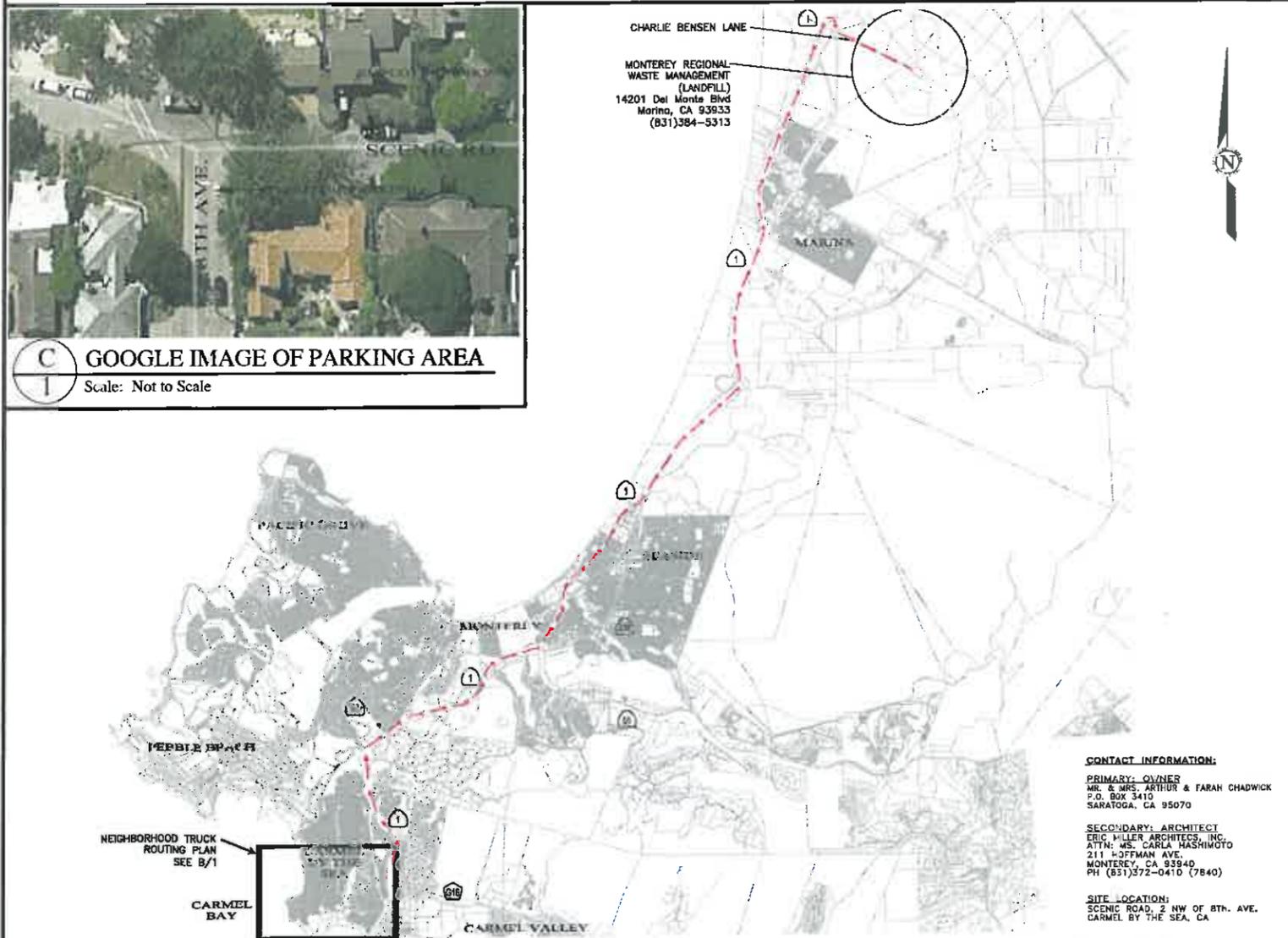
**A CONSTRUCTION STAGING PLAN**  
 1 Scale: 1"=10'



**B NEIGHBORHOOD TRUCK ROUTING PLAN**  
 1 Scale: Not to Scale



**C GOOGLE IMAGE OF PARKING AREA**  
 1 Scale: Not to Scale



**D OVERALL TRUCK ROUTING PLAN**  
 1 Scale: Not to Scale

**CONTACT INFORMATION:**  
**PRIMARY: OWNER**  
 MR. & MRS. ARTHUR & FARAH CHADWICK  
 P.O. BOX 3410  
 SARATOGA, CA 95070  
**SECONDARY: ARCHITECT**  
 ERIC MILLER ARCHITECTS, INC.  
 ATTN: MS. CARLA HASHIMOTO  
 2111 JOFFMAN AVE.  
 MONTEREY, CA 93940  
 PH (831)372-0410 (7840)

**SITE LOCATION:**  
 SCENIC ROAD, 2 NW OF 8TH AVE.  
 CARMEL BY THE SEA, CA

No.	DATE	BY	REVISION
12/2/15	GRG	CITY OF CARMEL PLAN CHECK	
7/27/14	FR	RELEASED TO CLIENT	



APPROVED BY:  
 GUY R. GIRARDO  
 R.C.E. No. 50589



**CONSTRUCTION MANAGEMENT PLAN**  
 CHADWICK OF RESIDENCE  
 APN: 010-312-026  
 CARMEL BY THE SEA, MONTEREY COUNTY, CALIFORNIA  
 FOR ARTHUR & FARAH CHADWICK

SCALE: AS SHOWN  
 DATE: JULY 2015  
 JOB NO. 1460-01  
 SHEET **1**  
 OF 1 SHEETS

## HORAN | LLOYD

ANTHONY T. KARACHALE  
STEPHEN W. DYER  
MARK A. BLUM  
JAMES J. COOK  
ELIZABETH C. GIANOLA  
JEROME F. POLITZER  
PAMELA H. SILKWOOD  
JACQUELINE M. PIERCE  
BIANCA KARIM  
JENNIFER M. PAVLET  
GREGORY J. CARPER

*Of Counsel*  
FRANCIS P. LLOYD  
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(1929-2012)

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Pamela H. Silkwood

[psilkwood@horanlegal.com](mailto:psilkwood@horanlegal.com)

File No.

November 24, 2015

**Via Electronic Mail (Attn: Marc Wiener)**

Planning Commission  
City of Carmel-By-The-Sea Hall  
P.O. Box CC  
Carmel-by-the-Sea, CA 93921

**Re: Chadwick Residence (APN 010-312-026)**

Honorable Commissioners:

This firm represents Simon Yencken and George Fugelsang, neighbors of the above-referenced property ("Neighbors"), and this letter is to comment on the residential project ("Project") proposed at the above-referenced property ("Property"). As discussed in detail below, the Project violates the covenant that runs with the Property and is in conflict with the City General Plan, Municipal Code and Residential Design Guidelines. The Neighbors are willing to work with the Applicant to fully utilize the lot coverage to meet the needs of the Applicant if the Applicant is willing to construct a one-story residential structure consistent with the covenant. The Applicant has yet to respond to this request to collaborate.

**A. The Covenant Must be Enforced to Preserve the Characteristics, i.e., Scale and Size, of the Project Area.**

The Property and other surrounding properties are subject to a covenant requiring a one-story structure. The proposed three-story structure<sup>1</sup> violates the covenant. The covenant was created in 1947 to mutually benefit Lots 10 and 11. Prior to the creation of this covenant, the parcel with APN 010-312-018 was created and separately conveyed and thus, is not subject to the covenant. The covenant states as follows:

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<sup>1</sup>The "basement," with two bedrooms and two bathrooms and a direct opening to the outside, could be considered a separate story.

November 24, 2015  
Page 2

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That no building or buildings shall be erected on the hereinabove described property that exceed one story in height.

At the time of the covenant, City Ordinance 11 provided an incentive for greater lot coverage if a one-story structure was proposed as follows:

In District R-1 the Building Coverage shall not exceed thirty-five per cent (35%) of the area of any Building Site; provided, however, that on any Building Site on which no building exceeding one (1) story in height is erected or maintained, the permitted Building Coverage shall be forty percent (40%). (Emphasis added.)

Ordinance 11 is included as Exhibit "A". At the time the covenant was created, the parcels subject to the covenant benefited from an increased lot coverage. Moreover, these parcels mutually benefited from privacy and private views. The covenant imposed upon these parcels is for the mutual benefit of Lots 10 and 11 and is binding upon and enforceable by each lot owner as against all other lot owners. (Civil Code §1462; See also, e.g., *Mock v. Shulman* (1964) 226 Cal.App.2d 263, 266.)

Consistent with the covenant, it is clear that a one-story structure is appropriate on these smaller lots (about 4,000 sq. ft.) created from the subdivision of former Lots 10 and 11. The adjacent smaller (4,000 sq. ft.) parcels subject to the covenant comprise the following improvements:

- 1) For APN 010-321-014, one-story 1,486 sq. ft. residence
- 2) For APN 010-312-027, one-story 1,384 sq. ft. residence.
- 3) For APN 010-312-017, one-story 1,359 sq. ft. residence.
- 4) For APN 010-312-016, one-story 1,686 sq. ft. residence.

Compared to the above improvements, the Project proposes a massive three-story 2,491 sq. ft. residence, which is about 50% to 80% larger than the above improvements on similar lot sizes.

The Project clearly violates the City General Plan Policy P1-40, which states as follows:

Residential designs shall maintain Carmel's enduring principles of modesty and simplicity and preserve the City's tradition of simple homes set amidst a forest landscape. Buildings shall not present excess visual mass or bulk to public view or to adjoining properties. Buildings shall relate to a human scale in their forms, elements and in the detailing of doors, windows, roofs, and walkways. Oversized design elements make structures appear dominating and monumental. This out-of-scale character represents a poor fit to the human form, vitiates the more intimate, rural charm and village character of Carmel-by-the-Sea and should be avoided.

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Page 3

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Similarly, General Plan Objective O1-8 states, in relevant part, the following: “Preserve the traditional characteristics of scale, good site design and sensitivity to neighboring sites in the single-family residential district...”

The Project also violates City Code §17.10.010.D, which includes mandatory language, i.e., “shall”, as follows:

Residential designs *shall* maintain Carmel’s enduring principles of modesty and simplicity and preserve the City’s tradition of simple homes set amidst a forest landscape. Buildings *shall* not present excess visual mass or bulk to public view or to adjoining properties.

As stated earlier, the character of the immediate neighborhood, as set forth in the covenant, includes a modest one-story residential dwelling unit. A three-story residence that proposes 50% to 80% greater square footage on a 4,000-square foot parcel violates Policies P1-40 and O1-8 of the General Plan.

Based on the foregoing, it is clear that your Commission will not be able to make the findings required under section 17.58.080<sup>2</sup> of the City Code to approve this Project design, because the Project is massive and bulky when compared to the adjoining properties, which comprise structures that are consistent with the covenant. The Project inequitably benefits the Property to the harm of the adjoining property owners who have acted consistent with the covenant. Accordingly, the Project must be denied.

**B. The City Records for the Property Do Not Show Planning Approval for the Existing Second Story.**

Although a two-story residential dwelling unit is currently situated on the Property, the City records for the Property does not include City Planning approval for the second story of this unit. Based on the City records, an application for a building permit for a one story residential dwelling unit was submitted by the then owner of the Property in May 1949. In 1981, an application for an addition and remodel to the single family residential dwelling unit was submitted. The City records only include a building permit, but no planning approval for the

---

<sup>2</sup> Under City Code § 17.64.080.A, the Commission is required to make the following findings as part of its design approval, which the Commission cannot make based on the proposed design:

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.

6. The design concept is consistent with the goals, objectives and policies related to residential design in the general plan.

November 24, 2015  
Page 4

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1981 application. Prior to processing this Project application, the City should ensure that the second story was legally constructed consistent with all City requirements.

**C. The Proposed Project Impacts Views and Privacies Which Are Protected by the Covenant, General Plan, Municipal Code and Residential Design Guidelines.**

Consistent with the covenant, a one-story structure would protect private views of the neighbors and respect their privacy. As currently designed, the Project proposes a massive structure located about eight (8) feet from the residential unit to the north of the Property and closer (although the distance is not provided on the plans) from the residential unit located to the west of the Property. The looming third story will impact privacy, solar and private views of neighboring properties in violation of the covenant, General Plan policies and the City Code. Additionally, the proposed chimneys, which conflict with Residential Design Guideline 7.6 due to their massive structures, would block the private views of uphill neighbors.

General Plan Policy P1-51 requires the following (in relevant part):

Consider the effect of proposed residential construction on the privacy, solar access and private views of neighbors when evaluating design review applications. Avoid designs that are insensitive to the designs of neighboring buildings. Attempt to achieve an equitable balance of these design amenities among all properties affected by design review decisions. (LUP)

Municipal Code 17.10.010.G also requires the designs to “respect the privacy of neighbors.” Again, this three-story Project is insensitive to the adjoining one-story units located on these smaller lots. Allowing a three-story unit that is 50%-80% larger than those on adjacent parcels with similar lot sizes is inequitable to those adjoining lots and would impact the neighbors’ views and privacy.

It is clear that your Commission will not be able to make the findings required under 17.64.080.A and 17.64.080.B<sup>3</sup> to approve this Project because the Project is massive and

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<sup>3</sup> Under City Code § 17.64.080.A, the Commission is required to make the following finding as part of its conceptual design approval, which the Commission cannot make based on the proposed design:

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.

Under City Code 17.64.080.B , the Commission is required to make the following finding as part of its final details phase approval, which the Commission cannot make based on the proposed design:

3. 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.

November 24, 2015  
Page 5

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insensitive to the neighbors' views and privacy and inequitably benefits the Property to the harm of the adjoining property owners who have acted consistent with the covenant.

**D. The Building Height Calculation is Inconsistent with the Municipal Code.**

The Applicant proposes the residential height at the maximum allowable height based on the natural grade and not the finished grade, which is inconsistent with Section 17.06.020.L.1 of the Municipal Code. Under section 17.06.020.L.1, the building height must be measured from existing or finished grade, whichever is more restrictive, to the highest point on the roof. The Applicant must correct the design to remedy this conflict with the City Code.

**E. The Property Is Located Within An Area Identified As Archeologically Significant and Cannot Be Exempt from CEQA.**

The Project proposes cut-fill of 3,945 sq. ft. on a property located in an area of archaeological significance. (See the archaeological significance overlay district map included in Chapter 17.20 and Figure 1.4 – Areas of Potential Archaeological Significance included in the General Plan.) CEQA has extensive requirements for properties identified as archaeological significant:

As part of the determination made pursuant to Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources. If the lead agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources. An environmental impact report, if otherwise necessary, shall not address the issue of nonunique archaeological resources. A negative declaration shall be issued with respect to a project if, but for the issue of nonunique archaeological resources, the negative declaration would be otherwise issued. (Cal Pub Resources Code § 21083.2.)

As recognized in the City General Plan, simply because the Property is already developed does not mean that the Project would not have the potential to significantly impact archeological resources:

It should be kept in mind that archaeological resources pertaining to the Native American, Spanish and Mexican eras also could be buried in the previously built out areas of the City. Early buildings tended to have a smaller impact on the landscape than modern buildings. Consequently, there is a potential for archaeological resources to have survived intact under buildings, roads, and other features of the landscape. (General Plan, p. 1-25.)

November 24, 2015  
Page 6

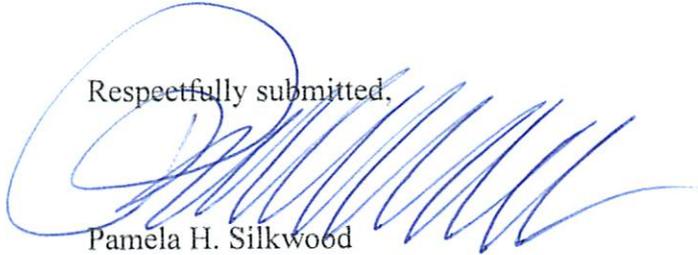
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CEQA and the CEQA Guidelines specifically describe how archaeological impacts should be analyzed in CEQA documents, and place strict limits on mitigation measures. Moreover, local agencies are required to cooperate with the state Native American Heritage Commission and must furnish appropriate sections of their EIRs to the Commission. (Pub Res C §5097.95.) If a project is located on a site containing a Native American archaeological site, the Native American Heritage Commission is a trustee agency that must be consulted by the lead agency in connection with preparation of an EIR or a negative declaration. [*Environmental Protection Info. Ctr. v Johnson* (1985) 170 CA3d 604, 626 (California Department of Forestry must consult with Native American Heritage Commission before approval of timber harvesting plan on project site containing archaeological site); CEQA Guidelines Appendix B (listing Commission as having authority over places of special religious or social significance to Native Americans, including archeological sites)].

Since the City has already clearly delineated the Areas of Potential Archaeological Significance in Figure 1.4 of the General Plan, the City cannot rely on a categorical exemption and must prepare an Initial Study or an EIR to evaluate the Project's potential to impact these resources.

In closing, the Project as currently designed cannot be approved because it violates the covenant that runs with the Property and is in conflict with the City General Plan, Municipal Code and Residential Design Guidelines. Your Commission would not be able to make the findings required under Sections 17.64.080.A and 17.64.080.B of the City Code to approve the design due to the insensitive massive design that impacts views and privacy of the one-story units on adjoining parcels that are also subject to and consistent with the covenant. The Neighbors are willing to work collaboratively with the Applicant to design a residence that meets the Applicant's needs while being consistent with the covenant. The Neighbors welcome a constructive dialogue with the Applicant.

Respectfully submitted,



Pamela H. Silkwood

Cc: Clients

4829-3218-1547, v. 1

# Exhibit A

ORDINANCE NO. 11 N. S.]

AN ORDINANCE AMENDING DIVISION I, PART X, OF THE ORDINANCE CODE OF THE CITY OF CARMEL-BY-THE-SEA BY AMENDING SECTION 988, SECTION 989, SECTION 990, SECTION 991, SECTION 992, SECTION 996, SECTION 1001, SECTION 1012, SECTION 1030, SECTION 1041, SECTION 1045, SECTION 1054, AND SECTION 1062 THEREOF; BY ADDING THERETO SECTION 1036a, SECTION 1043a, SECTION 1044a, SECTION 1052a, AND SECTION 1057a; AND BY REPEALING SECTION 1055 THEREOF AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES ORDAIN AS FOLLOWS:

Section 1. That Section 988, Section 989, Section 990, Section 991, Section 992, Section 996, Section 1001, Section 1012, Section 1030, Section 1041, Section 1045, Section 1054 and Section 1062 of the Ordinance Code of the City of Carmel-by-the-Sea adopted by the City Council said City on the 15th day of April, 1940, be and they hereby be amended to read as follows:

Section 988. Use. The following uses only are permitted on each Building Site in District R-1: One Single-Family Dwelling; not to exceed two (2) Accessory Buildings; Home Occupations; public parks; public schools; churches and private kindergartens or private nursery schools provided that the City Council has issued a Special Permit in the manner provided by Article 8 of this Division authorizing such use; horticulture and the rearing or pasturing of animals; fowls as otherwise permitted by law; pergolas, fences and walls, no part of which are in excess of eight feet in height and which are not otherwise prohibited by law; one 'For Sale' sign having an area of not to exceed two (2) square feet; one 'Name Plate' and one 'For Rent' or 'Rooms for Rent' sign, having an area of not to exceed one (1) square foot. All Name Plates in use on the 7th day of May, 1941, in District R-1, the surfaces of which exceed the foregoing area, shall be treated as Non-Conforming Structures.

In addition to a Single-Family Dwelling one (1) Guest House having a ground floor area of not to exceed four hundred (400) square feet, and containing no Kitchen, may be constructed on any Building Site in District R1 which has an area of not less than six thousand (6000) square feet, provided that the dwelling to which such Guest House is accessory has a total floor area of not less than twelve hundred (1200) square feet. All Guest Houses on Building Sites in District R-1 which have an area of less than six thousand (6000) square feet shall, from and after the 7th day of May, 1941, be considered as Non-Conforming Buildings.

Paying guests, not to exceed three, may be lodged and/or furnished meals in or on any Building Site in District R-1; provided, however, that the owner or owners of any Building Site in District R-1 who, for a period of more than six months prior to the 6th day of March, 1940, furnished board or lodging for more than three, but not more than five, paying, guests, and who, prior to the 1st day of May, 1940, furnished the Building Inspector with satisfactory proof of such fact and obtained a certificate from him so providing, may continue to board or lodge more than three, but not more than five, paying guests as a non-conforming use. The transient use of two or

ed or maintained in District R-1 with a Building Height in excess of two (2) stories or thirty (30) feet."

"Section 990. Site Regulations. Every Single-Family Dwelling, together with its permitted Accessory Buildings, hereafter erected, shall be provided with a Building Site consisting of one of the following:

- a. A Lot of Record.
- b. A lot in the form of a rectangle, having an area of not less than four thousand (4000) square feet and a frontage of not less than fifty (50) feet.
- c. A parcel of land having an area of not less than four thousand (4000) square feet, not in the form of a rectangle, provided that the City Council has issued a Special Permit authorizing the use of such parcel as a Building Site in the manner provided by Article 8 of this Division."

"Section 991. Building Coverage Limitation. In District R-1 the Building Coverage shall not exceed thirty-five per cent (35%) of the area of any Building Site; provided, however, that on any Building Site on which no building exceeding one (1) story in height is erected or maintained, the permitted Building Coverage shall be forty per cent (40%)."

Section 992. Front Yard. Except as hereinafter provided, a Front Yard of not less than fifteen (15) feet shall be provided for every Building Site in District R-1.

In the case of lots of record fronting on two (2) parallel streets no building shall be erected or maintained nearer than fifteen (15) feet to either of said parallel streets; provided, however, that this regulation shall not be deemed to apply to lots having an area of less than four thousand (4000) square feet and which may be built upon under other provisions of this Division."

"Section 996. Height Limitation. No building shall be erected or maintained in District C-1 with a Building Height in excess of two (2) stories or thirty-five (35) feet."

"Section 1001. Height Limitation. No building shall be erected or maintained in District C-2 with a Building Height in excess of two (2) stories or thirty-five (35) feet."

"Section 1012. The City Council shall have the power:

(a) To allow gables, spires, towers, flagpoles, chimneys and tanks to be erected to any height on particular building sites and, where the topography of the ground presents unusual problems and the strict enforcement of the provisions of this Division would work unnecessary hardship, to permit the height of a building to exceed, by not more than ten per centum (10%) the height permitted by other provisions of this Division;

(b) To allow the extension of a use into a more restricted district where the district boundary divides premises in one ownership upon the 6th day of March, 1940;

(c) To allow the construction of a private garage nearer to the front line of the building site than fifteen (15) feet, but not less than eight (8) feet, in cases where a dwelling constructed prior to the 5th day of June, 1929, is so situated on a Building Site that a Private Garage has not been, and cannot be, constructed on said Building Site in compliance with the Front Yard requirements of this Division without great cost and impracticability;

(d) To allow a building or structure to be erected less than fifteen (15) feet, but not less than eight (8) feet, from the front line of any Building Site

ained a certificate from him so providing, may continue to board or lodge more than three, but not more than five, paying guests as a non-conforming use.

The transient use of two or more dwellings in the same ownership or under the same management and situated on adjacent lots, shall not be considered a valid use in District R-1.

The use of more than one (1) room on any Building Site as a kitchen is hereby expressly declared to be a violation of this code.

All uses not expressly permitted, including all signs not specifically mentioned in this section, are expressly prohibited. Section 989, Height Limitation. No building shall be erect-

**Impracticability:**

(d) To allow a building or structure to be erected less than fifteen (15) feet, but not less than eight (8) feet, from the front line of any Building Site having a slope greater than a one (1) foot rise in seven (7) feet of run or the topography of which presents other unusual or exceptional difficulties.

(e) To allow buildings or Building Sites to be temporarily put to a use not authorized by the regulations applying to the District within which such buildings or Building Sites are located; provided, however, that such unauthorized use shall not be permitted in the first instance for more than ninety (90) days, nor extended for more than an

additional sixty (60) days;

(f) To allow the erection of a private garage on a Building Site, near, but not adjoining, the Building Site on which is situated the dwelling for the convenience of the occupants of which the garage is desired;

(g) To allow the construction and use of Accessory Buildings for purposes not specified by the provisions of Section 988 of this Division.

(h) To allow the construction and use of more than two (2) Accessory Buildings on the same Building Site;

(i) To allow the erection of a building or structure less than fifteen (15) feet but not less than eight (8) feet, from the front line of any triangular building site having an area of less than four thousand (4000) square feet.

(j) To decrease Yard, Building Site or open space requirements for particular Building Sites by not to exceed ten (10) per centum.

(k) To extend the period during which a Non-Conforming Use in District C-1 or District C-2 may be discontinued without the property owner's losing his right to re-establish such Non-Conforming Use; provided, however, that the total period for which such extensions are granted shall not exceed six (6) months.

(l) To permit private kindergartens or private nursery schools with not over ten (10) pupils, none of whom is over six (6) years old, in District R-1.

(m) To permit the use of a parcel of land having an area of not less than four thousand (4000) square feet, but which is not a Lot of Record, or in the form of a rectangle, to be used as a Building Site.

(n) To permit churches to be erected on Building Sites in District R-1."

"Section 1030. 'Accessory Building': A detached subordinate building, or a subordinate portion of the main building not under the roof of the main building or any continuation thereof, used as a playhouse, woodshed, storeroom, laundry, private garage, or workshop."

"Section 1041. 'Dwelling, Single-Family': A building constructed entirely of wood or more lasting material, designed for and occupied exclusively by one family, including guests and all necessary domestic servants, and having but one room used as a kitchen or equipped with kitchen or cooking facilities."

"Section 1045. 'Guest House': A building without kitchen or cooking facilities, designed and used solely by members of the family occupying the dwelling to which it is accessory and their guests, or servants employed on the premises. A garage containing one or more rooms used or adopted for use as a human habitation shall be considered a guest house."

"Section 1054. 'Non-Conforming Building or Structure': A building or structure which exceeds the permitted building height, size or surface area, or encroaches upon the required Yard or open space, of the district in which the building or structure is located."

"Section 1062. 'Yard': An unoccupied space on a Building Site, which space (except as hereinafter provided) shall be open and unobstructed from the ground upward. Required yard dimensions shall be measured between the exterior line of the Building Site and that part of the building or structure nearest to said line. The following structural features may occupy required yard spaces and will not be deemed encroachments thereon; eaves and/or one outside chimney projecting not over eighteen (18) inches; unenclosed porches or stoops at an elevation

1052a, and Section 1057a respectively which shall read as follows:

"Section 1036a. 'Building Coverage': The gross area of a Building Site contained within the exterior walls of all buildings or structures located thereon."

"Section 1043a. 'Finished Grade': The average level of the finished surface of the ground adjacent to the exterior walls of a building."

"Section 1044a. 'Garage, Private': A detached building, or a portion of a dwelling house, in which motor vehicles used by the occupants of the premises are kept, and with space for not more than two (2) automobiles."

"Section 1052a. 'Name Plate': A sign indicating the name of the owner or occupant of the premises, the name by which the residence or premises are known, or the profession or occupation of the owner or occupant of the premises, provided such profession or occupation is permitted in the District in which such premises are located by Section 1046 of this Division."

"Section 1057a. 'Story': That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than five feet (5') above the surface of the ground adjacent to the exterior walls of such basement or cellar at any point, such basement or cellar shall be considered a story."

Section 3. That Section 1055 of the Ordinance Code of the City of Carmel-by-the-Sea adopted by the City Council of said City on the 15th day of April, 1940, be and the same is hereby repealed.

Section 4. The City Clerk of said city is hereby instructed to cause this ordinance to be published once in the Carmel Pine Cone, the official newspaper of said city, within fifteen (15) days after its final passage and approval.

Section 5. This ordinance is hereby declared to be urgent and necessary for the immediate preservation of the public peace, health and safety and shall take effect and be in full force from and after its final passage and approval. The following is a statement of such urgency: The City Council of the City of Carmel-by-the-Sea is of the opinion that the continued construction of what are in effect two dwellings on single lots within the residential area of said city will depreciate real estate values throughout the city and nullify the objectives of the Carmel Zoning Ordinance.

Section 6. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA the 7th day of May, 1941, by the following vote:

AYES: COUNCILMEN: Evans, Godwin, Rowntree, McCreery.

NOES: COUNCILMEN: None.

ABSENT: COUNCILMEN: Heron.

APPROVED: May 7, 1941

K. B. EVANS,

Mayor of said City.

ATTEST:

SAIDEE VAN BROWER,  
City Clerk thereof.

(SEAL)

I, the undersigned Clerk of the City of Carmel-by-the-Sea and Ex-Officio Clerk of the Council of said City:

Do hereby certify:

That the foregoing Ordinance is a true and correct copy of Ordinance No. 11 N. S. which was introduced at an adjourned regular meeting of said Council held on the 23rd day of April, 1941:

# HORAN | LLOYD

ANTHONY T. KARACHALE  
STEPHEN W. DYER  
MARK A. BLUM  
JAMES J. COOK  
ELIZABETH C. GIANOLA  
JEROME F. POLITZER  
PAMELA H. SILKWOOD  
JACQUELINE M. PIERCE  
BIANCA KARIM  
JENNIFER M. PAVLET  
GREGORY J. CARPER

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(1929-2012)

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File No.

December 9, 2015

## Via Electronic and Regular Mail

Marc Wiener  
City of Carmel-By-the-Sea City Hall  
Community Planning & Building  
P.O. Box CC  
Carmel-By-the-Sea, CA 93921

**Re: Chadwick (DS 15-217) – Scenic Road, 2 NW 8<sup>th</sup> Avenue**

Dear Mr. Wiener,

This letter is to report a code violation against the above-referenced property ("Property"). The City records indicate that a second story addition to the residential structure at the Property was constructed in 1981, without a design review approval which was required at that time. Accordingly, the City must investigate the violation and proceed with a revocation proceeding as set forth in Municipal Code §17.66.050 to revoke the building permit issued for the second story addition, prior to processing this new coastal development permit application (DS-217).

## History of the Structure

An application for a building permit for a one story residential dwelling unit was submitted by the then owner of the Property in May 1949 (See Exhibit "A"). At that time, the dwelling unit complied with the following covenant created in 1947 to mutually benefit Lots 10 and 11<sup>1</sup>:

<sup>1</sup> The following four other parcels subject to the covenant have not violated the covenant. Also, the Property was consistent with the covenant from 1949 to at least 1976.

APN	Structure	Date of Construction
010-321-014	one-story 1,486 sq. ft. residence	1944
010-312-027	one-story 1,384 sq. ft. residence	1950
010-312-017	one-story 1,359 sq. ft. residence.	1953
010-312-016	one-story 1,686 sq. ft. residence.	1958

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That no building or buildings shall be erected on the hereinabove described property that exceed one story in height.

A Residential Zoning and Building Report, dated October 12, 1976, showed the Property's "occupancy or use as indicated and established by permits of record" to be "one story single family residence." (See Exhibit "B").

According to the City records, a building permit application for an expansion, which is presumed to be for the second story addition, was submitted to the City on June 2, 1981<sup>2</sup>, and a building permit was issued by the City on the same day (See Exhibit "C"); however, there is no record of a design review approval, which was required at that time.

Specifically, City Ordinance No. 81-9, which was adopted on May 4, 1981, required that any buildings exceeding one story in height shall be studied by the Design Review Board and a report issued prior to any Building Permit being issued for "any construction, additions, or exterior remodeling." The purpose of the study was to limit the size and bulk of the structure or its visual mass as would be seen from the public way. (Ordinance No. 81-94 §1310.20; See Exhibit "D".)

No Design Review Board report or approval is included in the City records. On November 30, 2015, I asked the City planner if he located the planning approval for the 1981 second story addition application, and he told me that he was not able to locate any planning approval for this second story.

It is clear that the Design Review Board did not review the application because the structure is not in conformance with the building coverage and side setback requirements of the Code in effect at the time of the application. Specifically, the allowable building coverage for a two story building was 30% (Ordinance No. 81-94 §1310.16), and the building exceeded this 30% building coverage requirement. Additionally, the structure did not meet the following setback requirement under section 1310.18 of Ordinance No. 81-94:

Side yards shall be provided for every building site in District R-1. Each side yard shall be determined by the length of the front property line. Side yards shall be equal to ten percent (10%) of the length of the front property line.

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<sup>2</sup> My clients have seen photographs of the property and told me that the 1949 structure was demolished and a new two-story structure erected. The City's record is absent any permit or approval of the demolition and new structure.

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The length of the front property line is 53 feet, and thus, the side setback required is 5.3 feet. The existing structure has side setbacks of 2.7 to 2.9 feet, clearly in violation of the then setback requirement.

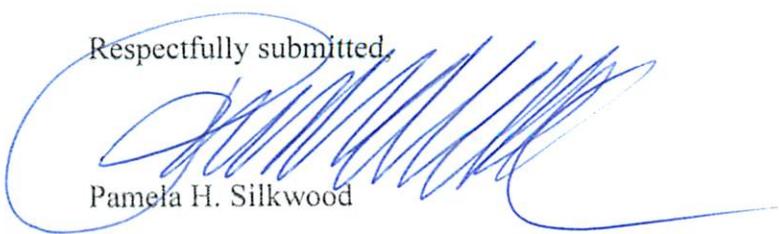
The second story addition may also be in violation of other provisions of Ordinance No. 81-94, which would need to be further reviewed with better plans of the existing structure in order to understand the full extent of the code violation.

Had the Design Review Board been rightfully afforded an opportunity to review the application, the Board would have either required that the structure be brought into conformance prior to approving the second story application, or denied the 50% expansion of the nonconforming structure. Moreover, the Design Review Board would have had an opportunity to consider the 1947 covenant against the application in its decision-making process.

### Conclusion

Based on the foregoing, the second story may have been illegally constructed, and it is clearly in violation of the 1947 covenant. We ask that you open a code enforcement case against the Property and proceed with a revocation proceeding as set forth in Municipal Code §17.66.050 to revoke the building permit issued for the illegal second story addition. Until such time that the code violation is remedied, the City must halt its processing of the current coastal development permit application.

Respectfully submitted,



Pamela H. Silkwood

Cc: Don Goodhue  
Matthew Sundt

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