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

Regular Meeting
City Hall
East side of Monte Verde Street
Between Ocean & Seventh Avenues

September 12, 2012
Wednesday
Tour – 2:15 p.m.
Meeting – 4:00 p.m.

I. CALL TO ORDER AND ROLL CALL

Commissioners: Don Goodhue
Michael LePage
Keith Paterson
Steve Dallas, Vice-chair
Janet Reimers, Chair

II. TOUR OF INSPECTION

Shortly after 2:15 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.

III. ROLL CALL

IV. PLEDGE OF ALLEGIANCE

V. ANNONCEMENTS/EXTRAORDINARY BUSINESS

VI. 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. 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.

VII. 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/or 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.

5 1. Consideration of minutes from August 8, 2012, Regular Meeting.

11 2. UP 12-10
Richard Clark (Blair Vineyards)
W/s San Carlos bt. Ocean & 7th
Block 76, Lot(s) 13 & 15

Consideration of a Use Permit for a combined retail wine/wine tasting store located in the Central Commercial (CC) District.

29 3. UP 12-11
Richard Clark (Shale Canyon)
W/s San Carlos bt. Ocean & 7th
Block 76, Lot(s) 13 & 15

Consideration of a Use Permit for a combined retail wine/wine tasting store located in the Central Commercial (CC) District.

37 4. DR 12-21
Gunnar Reimers
W/s San Carlos 2 S 7th
Block 91, Lot(s) 3,5,7

Consideration of a Design Review application for the exterior changes to an existing mixed use building located in the Service Commercial (SC) District.

47 5. DS 12-55
Harry & Jane Herbst
E/s Santa Fe 2 E 5th
Block 61, Lot(s) 4

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

VIII. CONSENT AGENDA (PULLED ITEMS)

IX. 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 12-36
   Dale & Margaret Byrne
67 26040 Ridgewood Drive
   Block 2W, Lot(s) 18

   Consideration of Design Study (Concept) and Coastal Development Permit applications for the substantial alteration of an existing residence located in the Single Family Residential (R-1) and Archaeological Significance Overlay (AS) Districts.

2. DS 12-58
   4th & Santa Rita LLC
87 SW Santa Rita & 4th
   Block 46, Lot(s) 1,3,5

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

3. DS 12-68
   Malcolm Ghazal
109 NE San Antonio & 10th
   Block V, Lot(s) 18 & 20

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

4. DS 12-69
   Chris Tescher
129 NW San Carlos & 2nd
   Block 10, Lot(s) 17 & 19

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

5. DS 12-64
   Richard & Nancy Aaron
147 NW Santa Fe & Ocean
   Block 67, Lot(s) 2,3,4,5

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

6. DS 12-79
   Peter Realmuto
169 NW Torres & 2nd
   Block 13, Lot(s) 23

   Consideration of Design Study (Track 1 Referral) application for the installation of new vinyl-clad windows on an existing residence in the Single Family Residential (R-1) District.

7. DR 12-18
   B&G Jewelers
175 E/s Dolores bt. Ocean & 7th
   Block 76, Lot(s) 12

   Consideration of a Design Review application for the installation of an awning at a storefront located in the Central Commercial (CC) District.

X. ADJOURNMENT

The next meeting of the Planning Commission will be:

▶ Regular Meeting – Wednesday, October 10, 2012 at 4:00 p.m.

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 Leslie Fenton 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 AS 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, E/s Monte Verde between Ocean & 7th Avenues, during normal business hours.

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION – MINUTES
AUGUST 8, 2012

I. CALL TO ORDER AND ROLL CALL

PRESENT: Commission Members: Goodhue, LePage, Paterson, Dallas, Reimers

STAFF PRESENT: Sean Conroy, Planning & Building Services Manager
Marc Wiener, Associate Planner
Leslie Fenton, Administrative Coordinator

II. TOUR OF INSPECTION

The Planning Commission toured the following sites: 9/11 Memorial, Pepe, 4th & Santa Rita LLC, Salmon, Herbst, Momboisse, Carmel Presbyterian Church and Schicketanz.

III. ROLL CALL

IV. PLEDGE OF ALLEGIANCE

Members of the audience joined Commission members in the pledge of allegiance.

V. ANNOUNCEMENTS/EXTRAORDINARY BUSINESS

Sean Conroy, Planning & Building Services Manager, announced the following:

1. Brown Act Training will be held Tuesday, August 21, 2012, 1:30-3:00. Session scheduled for Thursday August, 23, has been canceled.
2. The joint Planning Commission/Forest & Beach Commission meeting will be held Wednesday, August 29, 2012, time to be determined.

Commissioner Dallas announced that a second meeting in September could be an option to handle the extra applications and Planning Commission business.

VI APPEARANCES

Glen Mozinga appeared before the Commission.

VII. CONSENT AGENDA

1. Consideration of minutes from July 11, 2012, Regular Meeting.
2. Consideration of minutes from July 12, 2012, Special Meeting.

3. UP 12-6 Nancy Moresco W/s Dolores bt. 5th & 6th Block 55, Lot(s) 16	Consideration of the reissuance of a Use Permit to allow live music in an existing restaurant located in the Central Commercial (CC) District. (Jack London's)
4. UP 12-7 OWRF – Carmel Plaza Junipero/Mission bt. Ocean & 7th Block 78, Lot(s) All	Consideration of the reissuance of a Use Permit to allow live music at the Carmel Plaza located in the Central Commercial (CC) District.
6. SI 12-31 Carmel Presbyterian Church SE Junipero & Mt. View Block 88, Lot(s) 1-5,7	Consideration of a Sign Application to allow temporary signage for three temporary events per year at a site located in the Single Family Residential (R-1) District.

Commissioner PATERSON moved **to approve the Consent Agenda**, seconded by GOODHUE and **carried** by the following roll call vote:

AYES:	Goodhue, LePage, Paterson, Dallas, Reimers
NOES:	None
ABSENT:	None
ABSTAIN:	None

VIII. CONSENT AGENDA (PULLED ITEMS)

5. DS 12-54 Mike & Lynn Momboisse SW Santa Fe & 6th Block 67, Lot(s) 2-5	Consideration of a Design Study (Track 1 Referral) application for a new fence for a residence located in the Single Family Residential (R-1) District.

Sean Conroy, Planning & Building Services Manager, presented the staff report. Chair Reimers opened the public hearing at 4:10 p.m. Al Saroyan appeared before the Commission. There being no other appearances, the public hearing was closed at 4:14 p.m.

Commissioner PATERSON moved **to approve the application with staff's Special Conditions**, seconded by LEPAGE and **carried** by the following roll call vote:

AYES:	Goodhue, LePage, Paterson, Dallas, Reimers
NOES:	None
ABSENT:	None
ABSTAIN:	None

IX. PUBLIC HEARINGS

1. DR 12-14 9/11 Memorial NW Ocean & Junipero	Consideration of recommendations to the City Council regarding the placement of a 9/11 memorial at Devendorf Park.

Marc Wiener, Associate Planner, presented the staff report. Chair Reimers opened the public hearing at 4:20 p.m. CarrieAnn, Monte Miller, John Mandurrago and Robin Faulkenberg appeared before the Commission. There being no other appearances, the public hearing was closed at 4:30 p.m.

Commissioner LEPAGE moved **to approve the application as submitted with the following recommendations to the City Council**:

1. Authenticity letter to be provided prior to Council approval.
2. Submit engraving font to staff for approval.
3. Use smaller stone.
4. Use location #3 – near fish pond.
5. Engrave back of plaque with information stating where the steel piece is originally from.

Seconded by DALLAS and **carried** by the following roll call vote:

AYES:	Goodhue, LePage, Paterson, Dallas, Reimers
NOES:	None
ABSENT:	None
ABSTAIN:	None

2. DS 12-55 Harry & Jane Herbst E/s Santa Fe 2 S 5th Block 61, Lot(s) 4	Consideration of Design Study (Concept) and Coastal Development Permit applications for the substantial alteration of an existing residence located in the Single Family (R-1) District.

Marc Wiener, Associate Planner, presented the staff report. Chair Reimer opened the public hearing at 4:52 p.m. Darren Davis, Don McBride and Philip Sosna appeared before the Commission. There being no other appearances, the public hearing was closed at 5:02 p.m.

Commissioner DALLAS moved **to continue the application to the September meeting with staff's Special Conditions and directions from Commission – review encroachment area, lower plate height of garage, landscape plan, move garage so as not to interfere with stairway entrance, seconded by LEPAGE and carried by the following roll call vote**:

AYES: Goodhue, LePage, Paterson, Dallas, Reimers
NOES: None
ABSENT: None
ABSTAIN: None

3. DS 12-61
   Mary Ann Schicketanz
   Torres 2 NE 10th
   Block 107, Lot(s) 9 & 10

   Consideration of a Design Study application (Track 1 Referral) for exterior alterations to an existing residence located in the Single Family Residential (R-1) District.

Sean Conroy, Planning & Building Services Manager, presented the staff report. Chair Reimers opened the public hearing at 5:24 p.m. Mary Ann Schicketanz appeared before the Commission. There being no other appearances, the public hearing was closed at 5:35 p.m.

No motion needed, provided guidance to applicant.

4. DS 12-58
   4th & Santa Rita LLC
   SW Santa Rita & 4th
   Block 46, Lot(s) 1,2,5

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

Commissioners Dallas and Paterson re-cused themselves from the discussion.

Marc Wiener, Associate Planner, presented the staff report. Chair Reimers opened the public hearing at 5:55 p.m. Dana Annereau, Frankie Laney and Linda Anderson appeared before the Commission. There being no other appearances, the public hearing was closed at 6:10 p.m.

After further discussion, Chair Reimers re-opened the public hearing at 6:11 p.m. Nick Batridus appeared before the Commission. There being no other appearances, the public hearing was closed at 6:13 p.m.

Commissioner LEPAGE moved **to continue the application with the following guidelines – mass needs to be lowered, plate height 1st floor; simple roof, eliminate flat elements; authentic fireplace; traditional window style on the south side; simplify east elevation**, seconded by GOODHUE and **carried** by the following roll call vote:

AYES: Goodhue, LePage, Reimers
NOES: None
ABSENT: Paterson, Dallas
ABSTAIN: None

5. DS 12-31
Adam & Janet Salmon
W/s Santa Fe 5 S 5th
Block 60, Lot(s) 9

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

Commissioner Paterson re-cused himself from the discussion.

Marc Wiener, Associate Planner, presented the staff report. Chair Reimers opened the public hearing at 6:26 p.m. Darren Davis, Shelly Frisbee, Adam Salmon, Helen West and Philip Sosna appeared before the Commission. There being no other appearances, the public hearing was closed at 6:47 p.m.

Commissioner LEPAGE moved **to continue the application with directions/guidance from Planning Commission, recommend a one-story design**, seconded by DALLAS and **carried** by the following roll call vote:

AYES:	Goodhue, LePage, Dallas, Reimers
NOES:	None
ABSENT:	Paterson
ABSTAIN:	None

6. DR 12-17
Richard Pepe (Vesuvio)
NW Junipero & 6th
Block 58, Lot(s) 25

Consideration of a preliminary concept review for alterations to an existing outdoor area associated with a restaurant in the Service Commercial (SC) District.

Sean Conroy, Planning & Building Services Manager, presented the staff report. Chair Reimers opened the public hearing at 7:03 p.m. Richard Pepe and Bradon Sterling appeared before the Commission. There being no other appearances, the public hearing was closed at 7:20 p.m.

No motion needed. Commission provided direction to the applicant.

X. ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 7:40 p.m.

_____
Leslie Fenton, Administrative Coordinator

ATTEST:

_____

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

MEETING DATE: 12 September 2012 BLOCK: 76 LOTS: 13 & 15

FIRST HEARING: X CONTINUED FROM: N/A

ITEM NO: UP 12-10 OWNER: FAIRLEY MARGARET H TR
APPLICANT: Blair Vineyards, LLC
STREAMLINING DEADLINE: 10/8/12

SUBJECT:

Consideration of a Use Permit application for a retail wine store with wine tasting as an ancillary use in an existing commercial space located in the Central Commercial (CC) District.

ENVIRONMENTAL REVIEW:

Exempt (Class 5 – Minor Alterations in Land Use)

LOCATION: ZONING:

W/s San Carlos bet. Ocean & 7th CC

ISSUES:

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

OPTIONS:

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

RECOMMENDATION:

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

ATTACHMENTS:

1. Staff Report dated 12 September 2012.
2. Findings for Decision.
3. Application materials.

STAFF CONTACT: Sean Conroy, Planning & Building Services Manager

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

APPLICATION: UP 12-10 **APPLICANT:** Blair Vineyards, LLC
BLOCK: 76 **LOT:** 13 & 15
LOCATION: W/s San Carlos bet. Ocean & 7th

REQUEST:
Consideration of a Use Permit application for a retail wine store with wine tasting as an ancillary use in an existing commercial space located in the Central Commercial (CC) District.

BACKGROUND/PROJECT DESCRIPTION:
This commercial space is located on the west side of San Carlos Street between Ocean and Seventh avenues in Paseo San Carlos. The property is in the Central Commercial (CC) District. The subject space is approximately 412 square feet in size with two separate entrances from the courtyard.

Two wineries, Blair Vineyards, LLC and Shale Canyon Winery, LLC are proposing to share the space. Each winery will have a separate store entrance and display areas but will share a common tasting area. The eastern space will have the Shale Canyon sign and most of its retail items and the western space will have the Blair Vineyards sign and most of its retail items. There may be some intermingling of items. A description of the business plan is attached. Since there are two wineries involved and the proposal includes two separate business entrances, there are two separate use permit applications on this agenda. However, this report addresses both applications together.

EVALUATION:
Use Permit: CMC 17.14.040.B requires a Use Permit for an ancillary use of 10% or more of the floor area of the primary use. In this case, the primary use is the retail sale of wine and the ancillary use is wine tasting. The criterion for allowing an ancillary use is that it is compatible with the primary use. The proposed use includes approximately 288 square feet of retail area with approximately 124 square feet of wine tasting area. The Commission has determined in the past that wine tasting is an acceptable ancillary use to the retail sales of wine. Staff supports the proposed use.

Wine Tasting Policy: Below is a summary of the adopted wine tasting policy followed by a response on how the applicant may or may not comply.

- *The primary purpose of wine tasting should be to encourage patrons to purchase wine for consumption off-site. Establishments should not operate as a wine bar where the primary purpose would be for patrons to drink wine.*

- *In order to avoid the appearance of a bar, the wine tasting service and seating area should generally be limited to no more than 30% of the floor area of the retail space.*
- *Tasting should only involve traditional wine based products such as still wines, sparkling wines or Port, no other alcoholic beverages should be permitted to be tasted or purchased.*
- *Tasting should involve wine only, no other alcoholic beverages should be permitted to be tasted or purchased.*
- *The maximum serving size should be 2 ounces per serving. Customers should not be permitted to drink bottles of purchased wine in the store and no wine tasting should take place on public property.*
- *Light snacks may be allowed, however, appetizers and/or meals should not be permitted.*

Response: The tasting area is approximately 30% of the retail space as encouraged by the policy. Only wine is proposed to be served and the samples will be provided in two ounce pours. Both wineries would be operating under their duplicate 02 (ABC) tasting licenses and appear to be consistent with the above mentioned criteria.

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

Response: This is the one guideline that the application does not comply with. While the proposed use permits would not result in more than five wine tasting shops on San Carlos street, the adjacent space to the east is occupied by the Manzoni Cellars wine shop (formerly Cima Colina). However, in staff's opinion, this arrangement would not detract from the desired balanced mix of uses in this area. All three spaces are very small in size, located towards the back of the courtyard, and do not front on the street. Staff can support this deviation from the policy.

- *Night time hours should be limited to no later than 10:00 p.m.*

Response: The applicants are proposing to be open between roughly 11:00 a.m. and 8:00 p.m. daily. Staff has allowed for extended hours in the conditions of the permit to allow for flexibility for the applicants.

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

Response: Both applicants are Monterey County wineries and are using this space as their off-site tasting room as encouraged by the policy.

RECOMMENDATION:
Approve the Use Permit with the attached findings and conditions (a separate item on this agenda contains the findings and conditions for the Shale Canyon Winery).

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR DECISION

UP 12-10
FAIRLEY MARGARET H TR
Blair Vineyards, LLC
W/s San Carlos bet. Ocean & 7th
Block 76, Lots 13 & 15

CONSIDERATION:
Consideration of a Use Permit application for a retail wine store with wine tasting as an ancillary use in an existing commercial space located in the Central Commercial (CC) District.

FINDINGS OF FACT:

1. The retail space is located on the west side of San Carlos Street between Ocean and Seventh avenues and is approximately 412 square feet in size.

2. The applicant applied for a Use Permit on 17 August 2012 to allow for retail wine sales with wine tasting as an ancillary use.

3. The applicant will share a common wine service and tasting area with another applicant.

4. CMC Section 17.14.040 requires Planning Commission review for all Use Permits involving ancillary uses of 10% or more.

5. The application is exempt from the requirements of the California Environmental Quality Act (class 5).

6. The proposed uses are classified as follows according to the North American Industrial Classification System (NAICS):

   Primary Use
   Retail Sales –70% (wine, wine related merchandise)

   Ancillary Use
   Wine Tasting – 30%

FINDINGS FOR DECISION:

1. The proposed use is not in conflict with the General Plan.

2. The proposed use, as conditioned, will comply with all zoning standards applicable to the use and zoning district.

3. The granting of the Use Permit will not set a precedent for the approval of similar uses whose incremental effect will be detrimental to the City, or will be in conflict with the General Plan.

4. The proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, street capacity and fire protection.

5. The proposed use will not be injurious to public health, safety or welfare and provides adequate ingress and egress.

6. The proposed use will be compatible with surrounding land uses and will not conflict with the purpose established for the district within which it will be located.

7. The proposed use will not generate adverse impacts affecting health, safety, or welfare of neighboring properties or uses.

8. The proposed use is consistent with the adopted Wine Tasting Policy.

REQUIRED FINDINGS (CMC 17.64.060 – Ancillary Uses):

1. The ancillary use of wine tasting is compatible with the primary use of retail wine sales.

2. The proposed uses will not exhibit a character of multiple, unrelated activities combined into one business.

3. The store will continue to contribute to the character and diversity of the commercial district.

SPECIAL CONDITIONS:

1. This permit authorizes the retail sale of wine with an ancillary use of wine tasting based on the percentages identified above.

2. All wines available for purchase and/or tasting shall be produced by either Blair Vineyards, LLC or Shale Canyon Winery, LLC. If Shale Canyon Winery vacates the space, Blair Vineyards may occupy the full space, but will only be allowed one exterior business sign. If Shale Canyon Winery is proposed to be replaced by another winery in the future, a Use Permit revision must be approved by the Planning Commission.

3. The store is permitted to operate between the hours of 8:00 a.m. and 10:00 p.m. daily.

4. Tasting shall involve traditional wine based products such as still wines, sparkling wines or Port. No other alcoholic beverages are permitted to be tasted or sold.

5. The maximum serving size shall be 2 ounces per serving. Customers are not permitted to drink bottles of purchased wine in the store and no wine tasting shall take place on public property or in the courtyard.

6. The applicant shall obtain any applicable licenses with the ABC prior to operation.

7. All exterior alterations and/or sign changes, and interior renovations that may require a building permit, shall require approval from the Department of Community Planning and Building prior to performing the work.

8. The use shall be conducted in a manner consistent with the presentations and statements submitted in the application and at the public hearing, and any change in the use which would alter the findings or conditions adopted as part of this permit shall require approval of a new use permit by the Planning Commission.

9. This use permit shall become void and of no further force or effect if the use is not initiated within six months and/or upon termination or discontinuance of the use for any period of time exceeding six months.

10. Violations of the terms of this use permit or other ordinances of the City may constitute grounds for revocation of this use permit and the associated business license by the Planning Commission.

11. Upon termination or revocation of this use permit and/or business license for any reason, the use shall immediately cease and shall not be re-established without issuance of a new use permit.

12. Approval of this application does not permit an increase in water use on the project site. Should the Monterey Peninsula Water Management District determine that the use would result in an increase in water use as compared to the previous use, this Use Permit will be scheduled for reconsideration.

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

DECISION:
This use permit is approved with the findings and conditions stated above.

Sean Conroy, AICP
Community Planning & Building
E/s Monte Verde St. between
Ocean and Seventh Aves.
Carmel-by-the-Sea, CA 93921

8/15/2012

Mr. Conroy:

On behalf of Blair Vineyards, LLC and Shale Canyon Winery, LLC, two small ultra premium Artisan wineries located in the Arroyo Seco AVA of Monterey County, we are submitting applications for a use permit, and signage for each of the above named companies. It is our intent to operate two adjoined spaces, 420 sq ft in size, as wine tasting establishments with associated gift shops. The two spaces are located in the Paseo San Carlos Courtyard, W/s San Carlos between Ocean and 7th Avenues in Carmel-by-the-Sea, APN: 010-146-003.

Our business model is slightly different than the normal tasting room approach. Due to limitations of size of the two wineries, 260 cases and 1100 cases respectively, it is necessary to share start-up costs and employee expenses in the operation of our tasting rooms. To accomplish this we propose to share a common wine tasting service and seating area within the two spaces where we will pour 2 ounce servings of the limited super premium artisan wines of Blair Estate and Shale Canyon Wines. At this time it is not financially feasible for either winery to operate an individual tasting room and by working together we will be a great addition to the tasting rooms of the larger sized wineries already situated in Carmel.

We believe this concept is good for Carmel as it allows its visitors the opportunity not only to experience the passion we put into making our wines from the cooler "Burgundian" climate of the lower Arroyo Seco AVA (Blair Estate)

and the warmer "Rhone" climate of the upper Arroyo Seco AVA (Shale Canyon Wines) but they will also have the opportunity to get to know our families, true Monterey County wine growers. Through the establishment of our off-site tasting rooms in Carmel we will have an opportunity to showcase the nuances of these different sub-climates as well as the uniqueness of our approach in crafting our wines. Locating in Carmel will enable us to grow our brands by increasing sales to guests who would otherwise never find our wines, it will also allow us to show case the fact that Carmel-by-the-Sea is truly Monterey County's wine destination.

We have included supplements to this use permit application that give more details about each of our families and our wineries.

If approved we will be requesting NO exterior changes to the building with the exception of installing 2 signs, one for each brand, over the doors entering each space off of the courtyard.

Internally we wish to remove a non-bearing wall that separates the two spaces. This wall is already partially open with an arch that adjoins the two spaces. , we would be requesting to widen the opening and square the top of the opening with decorative corner trim. The removal of the wall would create a space that is more visually friendly. We have marked the portion to be removed on the supplied diagram with an orange text box connected by red arrows to the orange colored sections of wall to be removed. We have also included a picture of the wall with a rough estimate of the removal line marked with blue painters tape.

We will be installing a pouring station with seating & standing space. Our preliminary drawing with dimensions shows a bar approximately 14' long. The design of the bar area is an approximation as we do not yet have estimates from the designer as to the cost of different dimensions. We will also add associated shelving and wine racks within the space and improve an existing storage closet within one of the spaces.

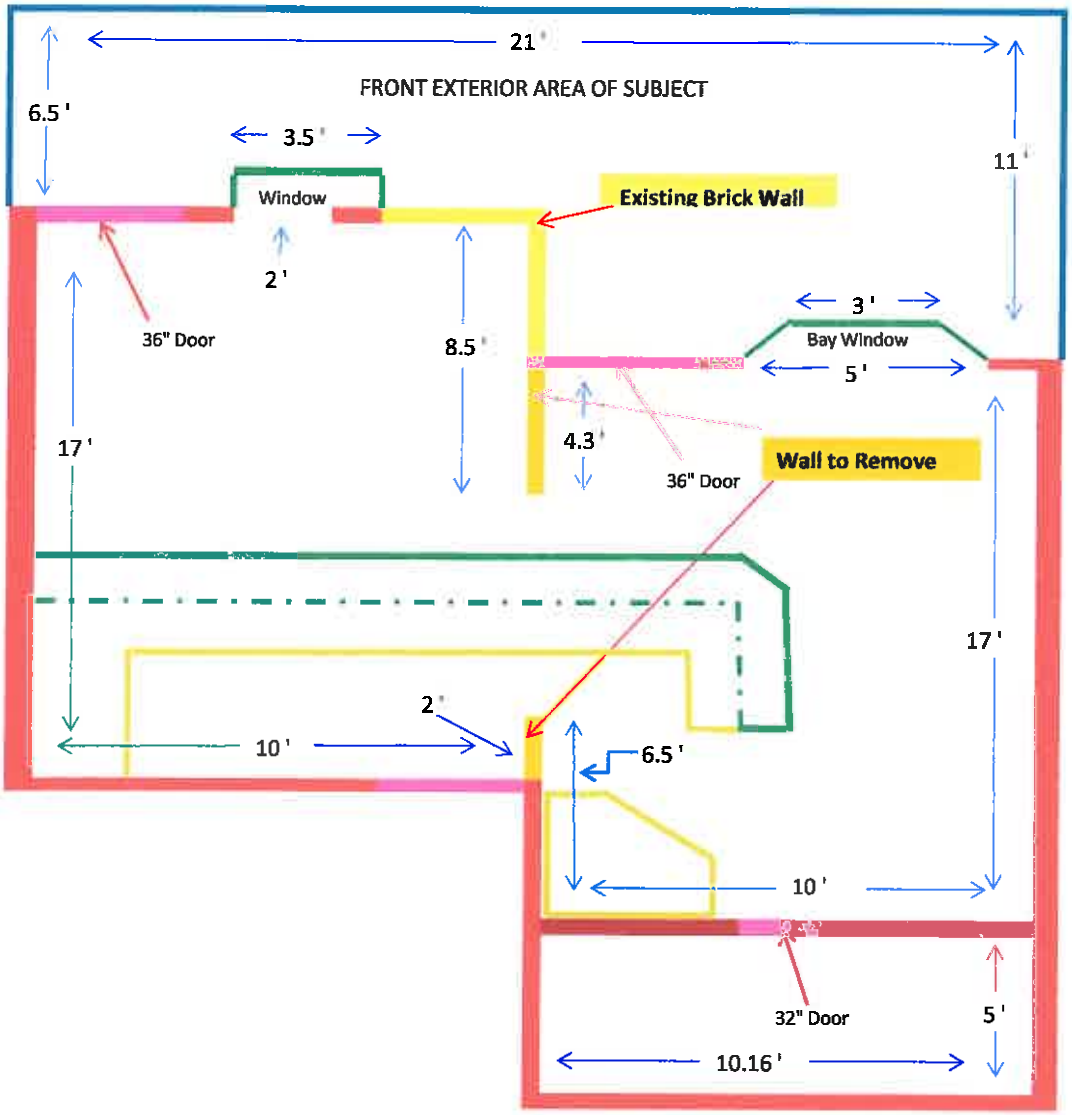
In closing we would like to Thank You for your time in considering these applications and feel that we are exactly what your "Wine Tasting Policy" is referring to when it speaks of " Wines originating from Monterey County Vineyards and Wineries and locating their off-site tasting rooms in Carmel are desired and strongly encouraged". This is who we are, small Monterey County Vintners and Wine Growers with 5 generations of our families deeply imbedded within the soils of this beautiful county.

Thank You for your time

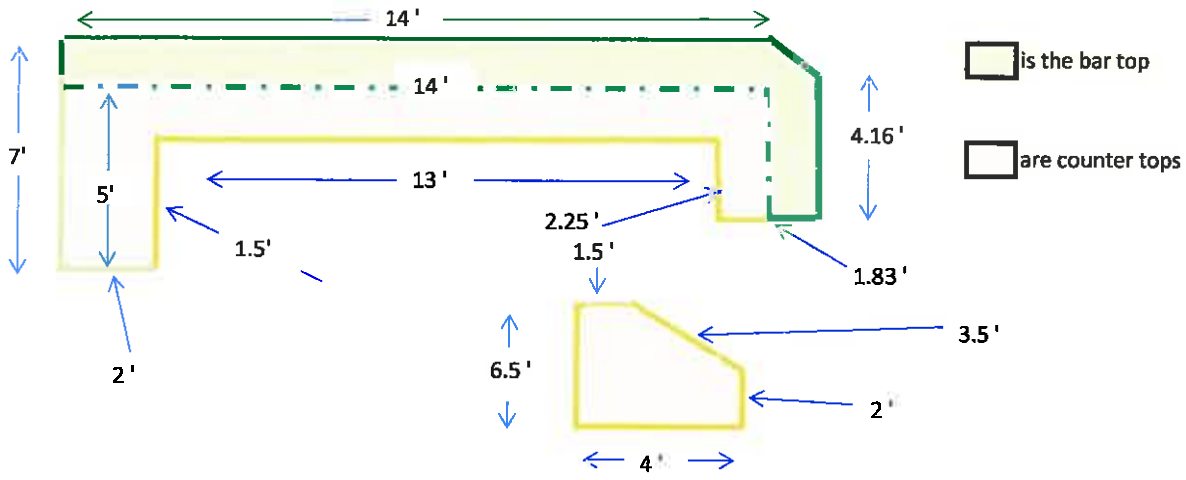
Jeffrey A Blair
Blair Vineyards, LLC

John Prader
Shale Canyon Wines, LLC

Paseo San Carlos
W/s San Carlos between Ocean 7th Aves.
Carmel-by-the-Sea, CA 93921



Tasting Bar



Supplement to Use Permit Application

Blair Vineyards, LLC is an Artisan wine brand located in southern Monterey County between the towns of Soledad and Greenfield. We are located within the Arroyo Seco AVA on a small family owned farm which was first purchased by our Grandparents, Iginio and Delfina Sciaroni back at the turn of the century. When our Grandparents settled this farm, which is now home to our small family owned vineyard and winery; they saw its potential as a dairy even though it was nothing more than sand dunes and brush. Five generations now call this small vineyard in the heart of the Salinas Valley, affectionately named "Delfina's Vineyard", theirs'.

Blair Vineyards, LLC is a private family owned business launched in 2008 to pay tribute to our Grandmother Delfina, who inspired us daily to race toward our dreams. It also created a business model which will allow future generations to maintain a connection to the land that she and her husband Iginio called "their American dream". Our small winery is located in what is known as the "milk tank room" situated in the barn that once housed our Grandparents dairy.

With the 2010 harvest my family realized the first leg of our transition from vegetable growers to wine growers. We are committed to making high quality wines from fruit grown in our small vineyards as well as fruit sourced from two small vineyards owned by friends, also located in the Arroyo Seco AVA. Our feelings about this special place called the Arroyo Seco are so strong that we do not source fruit from other AVA's. In 2010 we produced 253 cases of Estate grown Pinot Noir. In 2011 we have in barrel approximately 264 cases of Estate grown Pinot Noir. Our 2012 vintage, with Mother Nature's cooperation, should produce 325 cases of Estate grown Pinot Noir and 195 cases each of Pinot Gris and Chardonnay from purchased grapes from our friends vineyards. We are the definition of a small Boutique Winery and believe that therein lays our strength. Every bottle of wine we produce has the passion of our family in it.

Blair Vineyards, LLC is owned by 5 members, all siblings and the children of Eddie and Elva (Sciaroni) Blair, who along with their children and grandchildren have, for 5 generations, been tied to the soils below these vineyards, caring for all that it

holds. David Blair, Nancy Balesteri, Jane Dani, Jeffrey Blair and Mary Hughes who are the members of the LLC are all Monterey County natives, educated in her schools. My family's connection to the Prader family that owns Shale Canyon Winery, LLC stretches back generations as our Grandfathers did business with each other.

To open a tasting room in Carmel-by-the-Sea with Shale Canyon Wines will provide us access to prospective customers that would otherwise never find us. As small Monterey County artisan wineries we have a message to share and thus need to be able to interact with potential clients so we can provide them with a sense of place and the personalities involved in the making of the wines they taste. We are by far our best salesperson as no one has the passion for the wines we make more than we do. Blair Estate and Shale Canyon Wines will be a natural fit into the unique village style atmosphere of Carmel-by-the-Sea. With its small shops and art galleries Carmel is a natural fit with our super premium Artisan wines and our passionate approach as to how we produce them from the bountiful region known as Monterey County Wine Country. Blair Estate and Shale Canyon Wines are as close as one can get to Monterey County wines; we grow our wines in our family vineyards.

Good Afternoon Sean

The way we are going to run the two spaces is with one employee (mostly me working for free).....We will share this employee and the operating expenses.....Our hours of operation will be 11:00 am to 7:00 pm Monday through Friday (winter hours may be shortened to 5 days a week depending on the traffic in Carmel on Mondays and Tuesdays and summer hours may be extended till 8 depending on Carmel traffic if that is allowed). When one brand is in operation the other brand will also be in operation...one will not be "open for tasting" without the other being "open for tasting"

On the pouring bar in the beginning the Wines of each respective winery will be separated by enough space for brand distinction, but not one end of the tasting bar for one wine brand and the other end for the other, we will operate from the middle of the bar outward....we are not that large and both brands offer different styles of wine as one is from the cool region and the other is from the warm region of the AVA.
Our Retail displays will be separated with shelving that clearly shows that we are two completely separate brands and that we operate separately. The accounting for sales and such will be ran through a POS system that operates a joint tasting facility but keeps accounts separated.

As you walk into the facility from the right door you will see the display featuring Shale Canyon Wines and all of their branding and retail display....as you move to the tasting bar you will then see to the left a display featuring Blair Estate Wines and all of their branding and retail display...if you were to come into the spaces by the door on the left you will see everything in reverse
Does this answer your question or have I missed it entirely.
Thank You

Jeffrey Allen Blair
Blair Estate Wines
32 East Alisal Street
Suite 203
Salinas CA 93901
(831) 596-1505 Cell
(831) 754-1403 Office
(831) 754-2573 Office Fax
mailto:Jeffrey@Jeffrey-Blair.com

Existing Spaces in Paseo San Carlos

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

MEETING DATE: 12 September 2012 BLOCK: 76 LOTS: 13 & 15

FIRST HEARING: X CONTINUED FROM: N/A

ITEM NO: UP 12-11 OWNER: FAIRLEY MARGARET H TR
APPLICANT: Shale Canyon Winery, LLC
STREAMLINING DEADLINE: 10/8/12

SUBJECT:

Consideration of a Use Permit application for a retail wine store with wine tasting as an ancillary use in an existing commercial space located in the Central Commercial (CC) District.

ENVIRONMENTAL REVIEW:

Exempt (Class 5 – Minor Alterations in Land Use)

LOCATION: ZONING:

W/s San Carlos bet. Ocean & 7th CC

ISSUES:

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

OPTIONS:

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

RECOMMENDATION:

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

ATTACHMENTS:

1. See Staff Report for UP 12-10.
2. Findings for Decision.
3. Application materials.

STAFF CONTACT: Sean Conroy, Planning & Building Services Manager

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR DECISION

UP 12-11
FAIRLEY MARGARET H TR
Shale Canyon Winery, LLC
W/s San Carlos bet. Ocean & 7th
Block 76, Lots 13 & 15

CONSIDERATION:
Consideration of a Use Permit application for a retail wine store with wine tasting as an ancillary use in an existing commercial space located in the Central Commercial (CC) District.

FINDINGS OF FACT:

1. The retail space is located on the west side of San Carlos Street between Ocean and Seventh avenues and is approximately 412 square feet in size.

2. The applicant applied for a Use Permit on 17 August 2012 to allow for retail wine sales with wine tasting as an ancillary use.

3. The applicant will share a common wine service and tasting area with another applicant.

4. CMC Section 17.14.040 requires Planning Commission review for all Use Permits involving ancillary uses of 10% or more.

5. The application is exempt from the requirements of the California Environmental Quality Act (class 5).

6. The proposed uses are classified as follows according to the North American Industrial Classification System (NAICS):

   Primary Use
   Retail Sales –70% (wine, wine related merchandise)

   Ancillary Use
   Wine Tasting – 30%

FINDINGS FOR DECISION:

1. The proposed use is not in conflict with the General Plan.

2. The proposed use, as conditioned, will comply with all zoning standards applicable to the use and zoning district.

3. The granting of the Use Permit will not set a precedent for the approval of similar uses whose incremental effect will be detrimental to the City, or will be in conflict with the General Plan.

4. The proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, street capacity and fire protection.

5. The proposed use will not be injurious to public health, safety or welfare and provides adequate ingress and egress.

6. The proposed use will be compatible with surrounding land uses and will not conflict with the purpose established for the district within which it will be located.

7. The proposed use will not generate adverse impacts affecting health, safety, or welfare of neighboring properties or uses.

8. The proposed use is consistent with the adopted Wine Tasting Policy.

REQUIRED FINDINGS (CMC 17.64.060 – Ancillary Uses):

1. The ancillary use of wine tasting is compatible with the primary use of retail wine sales.

2. The proposed uses will not exhibit a character of multiple, unrelated activities combined into one business.

3. The store will continue to contribute to the character and diversity of the commercial district.

SPECIAL CONDITIONS:

1. This permit authorizes the retail sale of wine with an ancillary use of wine tasting based on the percentages identified above.

2. All wines available for purchase and/or tasting shall be produced by either Shale Canyon Winery, LLC or Blair Vineyards, LLC. If Blair Vineyards vacates the space, Shale Canyon Winery may occupy the full space, but will only be allowed one exterior business sign. If Blair Vineyards is proposed to be replaced by another winery in the future, a Use Permit revision must be approved by the Planning Commission.

3. The store is permitted to operate between the hours of 8:00 a.m. and 10:00 p.m. daily.

4. Tasting shall involve traditional wine based products such as still wines, sparkling wines or Port. No other alcoholic beverages are permitted to be tasted or sold.

5. The maximum serving size shall be 2 ounces per serving. Customers are not permitted to drink bottles of purchased wine in the store and no wine tasting shall take place on public property or in the courtyard.

6. The applicant shall obtain any applicable licenses with the ABC prior to operation.

7. All exterior alterations and/or sign changes, and interior renovations that may require a building permit, shall require approval from the Department of Community Planning and Building prior to performing the work.

8. The use shall be conducted in a manner consistent with the presentations and statements submitted in the application and at the public hearing, and any change in the use which would alter the findings or conditions adopted as part of this permit shall require approval of a new use permit by the Planning Commission.

9. This use permit shall become void and of no further force or effect if the use is not initiated within six months and/or upon termination or discontinuance of the use for any period of time exceeding six months.

10. Violations of the terms of this use permit or other ordinances of the City may constitute grounds for revocation of this use permit and the associated business license by the Planning Commission.

11. Upon termination or revocation of this use permit and/or business license for any reason, the use shall immediately cease and shall not be re-established without issuance of a new use permit.

12. Approval of this application does not permit an increase in water use on the project site. Should the Monterey Peninsula Water Management District determine that the use would result in an increase in water use as compared to the previous use, this Use Permit will be scheduled for reconsideration.

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

DECISION:
This use permit is approved with the findings and conditions stated above.

Supplement to Use Permit Application

Shale Canyon Wines, LLC is an artisan winery with our 100% off-grid solar powered winery and estate vineyard located in the Arroyo Seco Canyon, 3 miles east of Carmel Valley Road. Our site is remote, located off an unpaved private road, one mile from the public road with an at-grade crossing of the Arroyo Seco River. We have no tasting room at the winery due to the remote location at the reaches of the River Road/Arroyo Seco Road "corridor" and the Carmel Valley Road "corridor".

Since its inception in 2008, Shale Canyon Wines has produced between 650-800 cases of wine per vintage year. For the 2011 harvest, we expect to produce about 1,100 cases, including our first Estate wine releases in early 2013.

We focus on single vineyard wines, primarily from the Arroyo Seco AVA. Typical production is between 80 and 175 cases per year for any varietal, although our winemaker does one special single barrel offering (about 25 cases) each year. This approach enables us to closely monitor and manage our wine from selection and hand-harvesting of grapes in the vineyard through crush, fermentation, barrel aging and bottling of finished wine.

The LLC consists of 4 individual members and a family partnership (owned by three of the members). The Prader brothers (and family partnership) are 5th generation Monterey County natives. Ken Gallegos, our winemaker, was born and raised in Salinas, as well. We have known our co-proprietor, Jeffrey Blair of Blair Vineyards, LLC for three decades.

The prospective tasting room in Carmel is an ideal location. As an artisan winery, we depend upon personal selling to promote our wines. We do best in settings where individual wine enthusiasts can sample and discuss the merits of our wines in a comfortable atmosphere. As a pedestrian oriented community with many unique small proprietorships and a casual, non-commercialized atmosphere, Carmel offers a setting in which we hope to promote its enduring character while creating broader awareness of Monterey County's unique artisan wineries.

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

MEETING DATE: 12 September 2012 BLOCK: 91 LOTS: p 3, 5 & 7

FIRST HEARING: X CONTINUED FROM: N/A

ITEM NO: DR 12-21 OWNER: Gunnar Reimers
STREAMLINING DEADLINE: 10/15/12

SUBJECT:

Consideration of a Design Review application for exterior alterations to an existing mixed-use building located in the Service Commercial (SC) District.

ENVIRONMENTAL REVIEW:

Exempt (Class 3 – New Construction)

LOCATION: ZONING:

W/s San Carlos bet. 7th & 8th SC

ISSUES:

1. Is the proposal consistent with the Zoning Ordinance and Design Guidelines?

OPTIONS:

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

RECOMMENDATION:

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

ATTACHMENTS:

1. Staff Report dated 12 September 2012.
2. Application materials/plans.

STAFF CONTACT: Sean Conroy, Planning & Building Services Manager

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

APPLICATION: DR 12-21 **APPLICANT:** Gunnar Reimers
BLOCK: 91 **LOT:** part 3, 5 & 7
LOCATION: W/s San Carlos bet. 7th & 8th

REQUEST:
Consideration of a Design Review application for exterior alterations to an existing mixed-use building located in the Service Commercial (SC) District.

BACKGROUND/PROJECT DESCRIPTION:
The subject site is 10,000 square feet in size and is developed with two buildings. The site includes a restaurant with indoor and outdoor seating, two residential apartments and other commercial uses. The buildings are not considered historically significant.

On 11 January 2012 the applicant presented a preliminary concept plan to the Commission with a request for direction. The plan included some minor floor area alterations, some exterior changes to the front entry steps, a proposed awning system to cover the outdoor dinning areas and the existing handicap lifts. The Commission was supportive of much of the project but raised some concerns regarding the proposed awnings.

The Commission provided direction to the applicant on the design and location of the awnings and directed staff to approve a Track 1 Design Review application for all other aspects of the proposal.

The applicant is now proposing to enclose the existing handicap lifts. The enclosure will include vertical plywood siding, two doors, a vertical window on the east elevation and several small transom windows near the top of the structure. The applicant is also proposing to eliminate a small amount of existing floor area to accommodate the new enclosed space.

EVALUATION:
The Commercial Design Guidelines encourage buildings to be *"treated as a consistent whole"* and to *"avoid the visual clutter than can arise from too many or uncomplimentary design elements."*

The proposed enclosure will be consistent with the appearance of the existing building and will be compatible in design. The alterations will reduce visual clutter by enclosing the existing, somewhat unsightly handicap lifts. The project will not result in an increase of floor area on the site. Staff supports the proposed project.

RECOMMENDATION:
Approve the application with the attached findings and conditions.

Standard R-1 Conditions		
No.	**Condition**	
1.	This approval constitutes a Design Review permit authorizing the enclosure of the existing handicap lifts on site. This approval does not authorize any increase in total square footage, the proposed awnings over the outdoor seating area and handicap lift nor the eave extension. All work shall conform to the approved plans dated 12 September 2012 except as conditioned by this permit.	✓
2.	All adopted building and fire codes shall be adhered to in preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested at the time such plans are submitted, such changes shall require separate approval by the Planning Commission or staff.	✓
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.	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 this site, this permit will be scheduled for reconsideration and the appropriate findings will be prepared for review and adoption by the Planning Commission.	✓
6.	The applicant shall submit in writing any proposed changes to the project plans as approved on 12 September 2012 and approved by staff, prior to incorporating changes on the site. If the applicant changes the project without first obtaining approval, the applicant will be required to either: a) Submit the change in writing and cease all work on the project until either the Planning Commission or staff has approved the change; or b) Eliminate the change and submit the proposed change in writing for review. The project will be reviewed for its compliance to the approved plans prior to final inspection approval.	✓
7.	Approval of this remodel does not authorize demolition and is based on the constraints of the design of the existing building and site constraints as presented to the Planning Commission. Unauthorized demolition shall void this approval and shall require submittal of a new Design Study application.	✓

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

Robert
Littell
Architect
MEMBER OF THE AMERICAN INSTITUTE OF ARCHITECTS AIA

Memorandum

Date: August 3, 2012

From: Bob Littell

Re: Reimers Stone House Terrace Remodel
Design Change

To: Sean Conroy Planning and Building Services Manager

We are proposing a design change to the above project. We propose reducing the two tiered ADA access lifts to one ADA lift. The new lift will be enclosed to protect it form the weather and to hide the unsightly view of mechanical equipment from the street. This enclosure will be covered in siding matching the existing building, and is the same height as the existing roof line. The added square footage is being offset by reduction in the existing square footage.

Thank you for your consideration in reviewing this design change.

Sincerely,

Robert Littell

OCEAN AVENUE & LINCOLN STREET
P.O. BOX 3745 93921
CARMEL, CALIFORNIA
(831) 625-5582
FAX (831) 625-9882
Builtenviro@aol.com

ROOM MATERIAL SCHEDULE

FLOORING	WALLS	CEILING
1 New Tile Floor and Tile Base*	A New Tile Wainscot and Veneer Plaster	1 Existing Exposed Beams and Decking
2 New Slate Floor to Match Existing and Wood Base	B Veneer Plaster	2 New Exposed Rafters
3 New Subfloor	C New Exposed Stud walls	3 Veneer Plaster
4 New Concrete Floor	D Veneer Plaster over Concrete Block	

ROOM DESIGNATION AND FINISH

ROOM NUMBER

ROOM MATERIAL SCHEDULE
FIRST NUMBER INDICATES FLOOR AND BASE
SECOND LETTER INDICATES WALL MATERIAL
THIRD NUMBER INDICATES CEILING MATERIAL

ABBREVIATIONS

TYP.	TYPICAL
F.O.S.	FACE OF STUDS
(E)	EXISTING
U.O.N.	UNLESS OTHERWISE NOTED
C.M.U.	CONCRETE MASONRY UNIT

DESIGN CHANGE
CLOSED NEW
ADA LIFT ENCLOSURE
& DECK

17'-0" SETBACK

17'-0" SETBACK
TO ADA LIFT

PROP. LINE

EXISTING DECK

RESTAURANT

ENTRANCE

ELEVATION

SAN CARLOS STREET

PLAN

SITE PLAN
SC: 1/16"=1'-0"

UPPER LEVEL FLOOR PLAN
SC: 1/4"=1'-0"

NEW WALLS
EXISTING WALLS

BUILDING AND SITE STATISTICS

Lot Size 10,000 Sq. Ft. APS 010-145-016
Zoning SC

Floor Area Ratio
Two Story 135% of Site Area
135% x 10,000 Sq. Ft. 13,500 Sq. Ft.

Lot Coverage
60% of Site Area
60% x 10,000 Sq. Ft. 6,000 Sq. Ft.

Existing Building Area
Total enclosed 9,679 Sq. Ft.
Deduct
Conditioned area at
Lower level of restaurant 239 Sq. Ft.
Total 9,450 Sq. Ft.
Total addition 229 Sq. Ft.
Total 9,679 Sq. Ft.

Existing Lot Coverage 6,800 Sq. Ft.
Additional lot coverage 229 Sq. Ft.
Total 7,029 Sq. Ft.

DESIGN CHANGE
REMOVED 12'-0" OF FLOOR
AREA TO ACCOMODATE
24" DEEP ADDITIONAL LIFT
ENCLOSURE

DRAWING INDEX

Drawing Number	Drawing Description
A1	Site Plan, Building Statistics, Upper Level Floor Plan, Drawing Index, and Symbols
A2	Lower Level Floor Plan, Electrical Plans, And Electrical Schedule
A3	Exterior Elevations
A4	Exterior Elevations
A5	Roof Framing Plans, Foundation Plans, and Sheathing Schedule
A6	Cross Sections, Typical Details
A7	Cross Sections
A8	Cross Sections
A9	Structural Notes and Symbols
A10	Interior Elevations

REVISIONS	BY
8/1/12	

Robert Littell Architect
P.O. Box 2322 CARMEL, CALIFORNIA

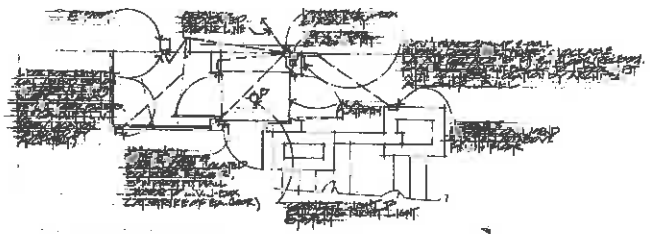
OWNER
Christel Reimers and
Mic'l Reimers
San Carlos St. at 2nd
Carmel, CA 93921

REIMERS STONE HOUSE TERRACE
RESTAURANT AND ENTRANCE REMODEL
2ND SW OF 7TH ON SAN CARLOS
CARMEL, CALIFORNIA

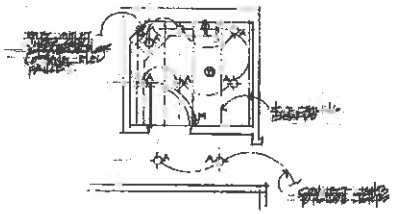
Date 6/1/12
Scale As shown
Drawn
Job

Sheet A1 of 10 Sheets

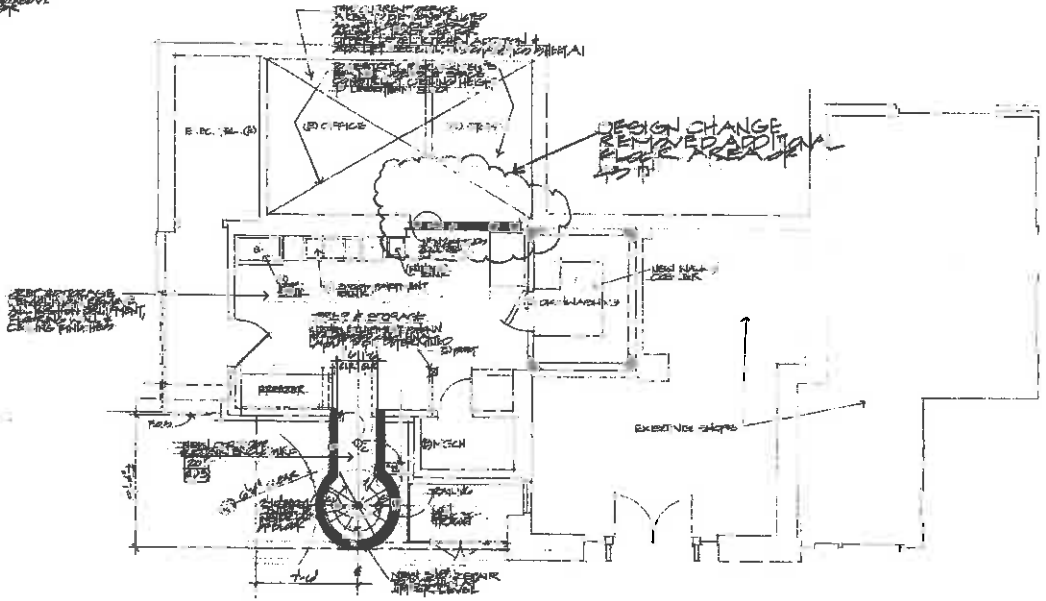
42



ELECTRICAL FLOOR PLAN
SC: 1/4"=1'-0"



ELECTRICAL FLOOR PLAN
SC: 1/4"=1'-0"



LOWER LEVEL FLOOR PLAN
SC: 1/4"=1'-0"

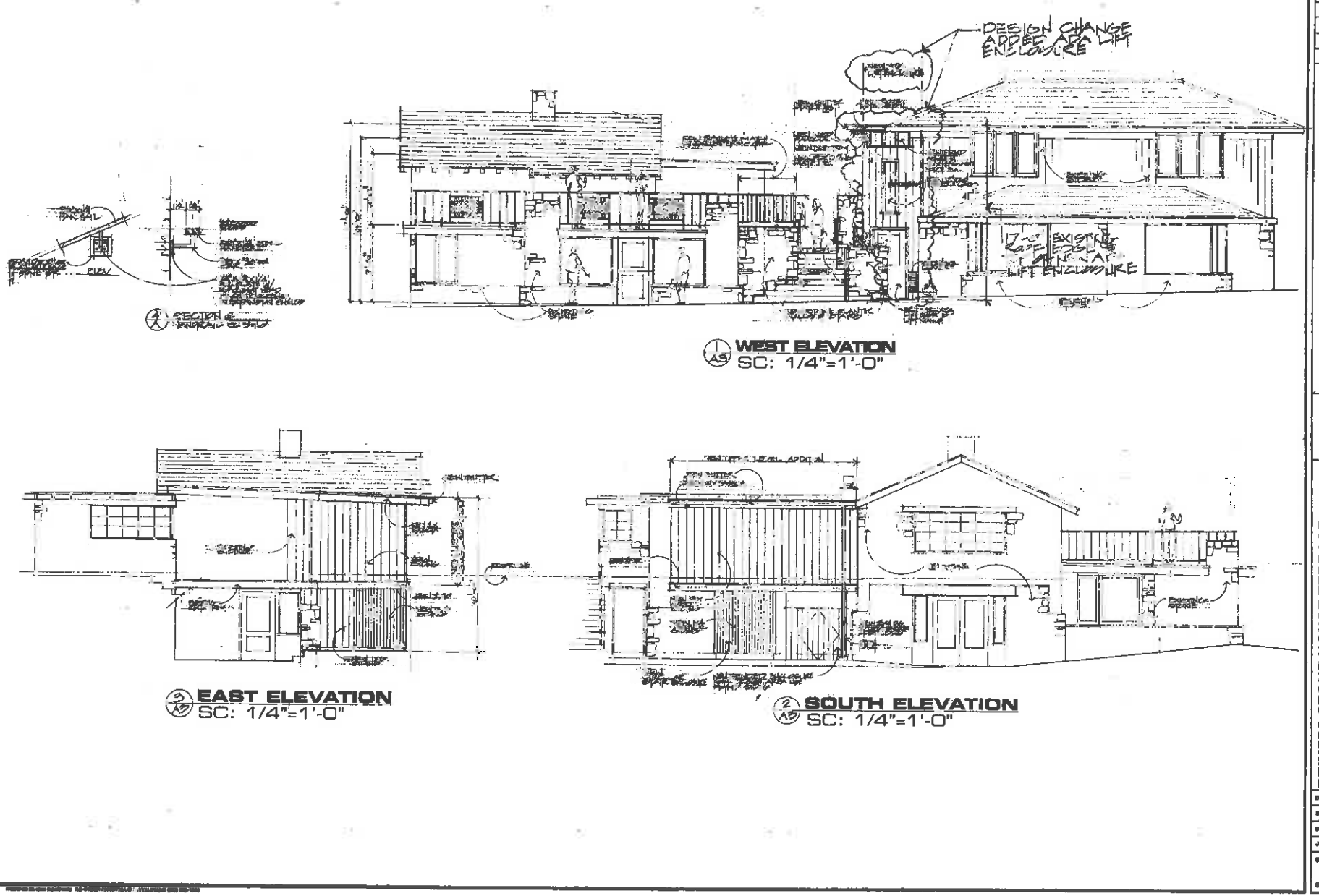
REVISIONS	BY
8/4/12	RM

Robert Littell Architect

OWNER
Mike Reimers
P.O. Box 6366
Carmel, CA 93921

REIMERS STONE HOUSE TERRACE
RESTAURANT AND ENTRANCE REMODEL
2ND SW OF 7TH ON SAN CARLOS
CARMEL, CALIFORNIA

A1.2



REVISIONS BY
6/1/12

Robert Littell Architect

OWNER
Dave Reimers and Nancy Reimers
P.O. Box 6385
Carmel, CA 93921

REIMERS STONE HOUSE TERRACE
RESTAURANT AND ENTRANCE REMODEL
2ND SW OF 7TH ON SAN CARLOS
CARMEL, CALIFORNIA

Date 6/1/12
Scale As Shown
By RT

Sheet A3

94

REIMERS STONE HOUSE TERRACE
RESTAURANT AND ENTRANCE REMODEL
2nd SW OF 7TH ON SAN CARLOS
CARMEL, CALIFORNIA

Robert Uthoff Architect

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

MEETING DATE: 12 September 2012 BLOCK: 61 LOT: 4

FIRST HEARING: 8/5/12 CONTINUED FROM: 8/5/12

ITEM NO: DS 12-55 APPLICANT: Harry & Jane Herbst
STREAMLINING DEADLINE: 10/28/12

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.

ENVIRONMENTAL REVIEW:

Exempt (Class 3 – new construction)

LOCATION: ZONING:

Santa Fe 2 SE of 5th R-1

ISSUES:

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

OPTIONS:

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

RECOMMENDATION:

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

ATTACHMENTS:

1. Staff Report dated 12 September 2012.
2. Application Materials.
3. Project Plans.

STAFF CONTACT: Marc Wiener, Associate Planner

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

APPLICATION: DS 12-55 **APPLICANT:** Harry & Jane Herbst
BLOCK: 61 **LOT:** 4
LOCATION: Santa Fe 2 SE of 5th

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. Front Setback.
2. Site-yard Setback.
3. Parking.
4. Right-of-Way Encroachment.

BACKGROUND & PROJECT DESCRIPTION:
This project site is located on Santa Fe Street two southeast of Fifth Avenue and is developed with a two-story "Fairy Tale" style residence. The residence is clad with stucco siding and has a composition shingle roof. The residence was originally built in 1926 and the second-story was added in 1987. A Determination of Ineligibility for listing on the City's Inventory of Historic Resources was issued on 22 May 2012.

The applicant is proposing to expand the existing residence. The project includes a two-story addition at the rear of the residence, a detached garage on the south side of the property and the expansion of the rear studio. A new dormer is also proposed on the north elevation. The applicant intends to maintain the character and appearance of the existing residence.

This project was reviewed by the Planning Commission at the August meeting and continued with a request for changes. The Commission requested that the applicant address the tree issues on the property and work with the southern neighbor on the placement of the detached garage. The applicant has complied with these requests as discussed in the next section of the report.

PROJECT DATA FOR A 4,000 SQUARE FOOT SITE:			
Site Considerations	**Allowed**	**Existing**	**Proposed**
Floor Area	1,800 sf (45%)	1,355 sf (33.8%)*	1,800 sf (45%)
Site Coverage	556 sf (13.9%)	370 sf (9.2%)	556 sf (13.9%)
Trees (upper/lower)	3/1 trees	0/12 trees	0/11 trees
Ridge Height ($1^{st}/2^{nd}$)	18/24 ft.	16 ft./22 ft.	No Change **
Plate Height ($1^{st}/2^{nd}$)	12 ft./18 ft.	11 ft./18 ft.	No Change**
Setbacks	**Minimum Required**	**Existing**	**Proposed**
Front	15 ft.	12 ft.	No Change
Composite Side Yard	10 ft. (25%)	14.5 ft. (36%)	5.5 ft. (25%)***
Minimum Side Yard	3 ft.	2 ft.	No Change
Rear	3 ft.	39 ft.	25 ft.****

* Includes 200 square feet for parking.

** New two-story addition - 22 ft. ridge height, 16 ft. plate height

*** Detached garages are permitted to encroach into the side-yard setback.

****Studio 3' setback maintained.

EVALUATION:

Previous Hearing: The following is a list of changes requested by the Planning Commission and a response on how the applicant has or has not complied:

1. *The applicant shall work with staff and the City Forester to address any potential tree impacts prior to the final hearing.*

Response: At the first hearing concerns were raised with the proximity of the rear addition to an oak tree listed as #9 on the site plan. The addition was located 18 inches from the tree and contained a bridged footing to protect the root system. The City Forester was supportive of the bridged footing, but was concerned with the proximity of the addition to the tree as well as the proposal to remove a large limb.

To address this issue the applicant has reduced the size of the addition so that it is now 30 inches from the tree. The City Forester concluded that 30 inches is an adequate distance from the tree. With regards to the limb, the City Forester determined that it could be removed without impacting the health of the tree. The applicant has since applied for a tree pruning permit to remove the limb.

The applicant was required to hand excavate around a group of oak trees located behind the proposed garage so that the root system could be evaluated. The applicant has complied with this request and the roots were evaluated by the City Forester. There are no significant roots that would be impacted by the garage.

2. *The applicant shall work with the southern neighbor on reviewing options for moving the garage forward to mitigate the impact.*

Response: Since the last meeting the southern neighbor has agreed to the original garage location. The neighbor did, however, request that the applicant be allowed to use wood siding on the garage as opposed to stucco. The applicant has maintained the garage as originally designed with wood siding.

The Planning Commission requested that the applicant reduce the plate height in order to mitigate the impact to the southern neighbor. However, since the southern neighbor is no longer concerned with the impact of the garage, the applicant has chosen to leave the plate height as originally proposed. Staff can support the design as long as the southern neighbor is in support of it.

3. *The applicant shall work with staff to review options for removing or reducing the encroachment at the front of the property.*

Response: At the first meeting it was noted that there is an existing garden wall encroachment in the right-of-way that could be removed or reduced (see photo). Upon further evaluation staff recommends that the applicant apply for an encroachment permit to retain the wall.

The right-of-way is well landscaped and contains three trees, one of which is an oak tree. Eliminating the wall would likely require grading at the front of the property as well as the removal of landscaping and trees. The existing conditions contribute to the character and aesthetics of the property and should be maintained. Staff has added a special condition that the applicant apply for an encroachment permit and that the landscaping be maintained in the right-of-way.

Studio: The applicant is proposing to construct an 80 square foot addition to an existing studio at the rear of the property. The expanded studio will be 247 square feet and includes a bedroom and half bathroom. A special condition has been added requiring that the building not be used as a guesthouse or subordinate unit.

Landscaping: No new landscaping is being proposed with this project. The applicant intends to maintain the existing landscaping located at the front of the property and in the right-of-way. The property contains 12 trees, only one of which is being removed.

RECOMMENDATION:
Approve the application with the attached special conditions.

SPECIAL CONDITIONS:

1. The studio shall be not be used as a subordinate unit or guesthouse as defined in CMC 17.68.

2. The applicant shall apply for an encroachment permit for the existing retaining wall in the right-of-way prior to obtaining the building permit. The landscaping and trees at the front of the property and in the right-of-way shall be retained.

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

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

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

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

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

1. The project conforms with the certified Local Coastal Program of the City of Carmel by the Sea.

2. The project is not located between the first public road and the sea and no review is required for potential public access.

Standard R-1 Conditions

No.	Condition	
1.	This approval constitutes Design Study and Coastal Development permits authorizing the remodel of an existing residence. All work shall conform to the approved plans dated 12 September 2012 except as conditioned by this permit.	✓
2.	The project shall be constructed in conformance with all requirements of the local R-1 zoning ordinances. All adopted building and fire codes shall be adhered to in preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested at the time such plans are submitted, such changes shall require separate approval by the Planning Commission.	✓
3.	This approval shall be valid for a period of one year from the date of action unless an active building permit has been issued and maintained for the proposed construction.	✓
4.	All new landscaping shall be shown on a landscape plan and shall be submitted to the Department of Community Planning and Building and to the City Forester prior to the issuance of a building permit. The landscape plan will be reviewed for compliance with the landscaping standards contained in the Zoning Code, including the following requirements: 1) all new landscaping shall be 75% drought-tolerant; 2) landscaped areas shall be irrigated by a drip/sprinkler system set on a timer; and 3) the project shall meet the City's recommended tree density standards, unless otherwise approved by the City based on site conditions. The landscaping plan shall show where new trees will be planted when new trees are required to be planted by the Forest and Beach Commission or the Planning Commission.	✓
5.	Trees on the site shall only be removed upon the approval of the Forest and Beach Commission; and all remaining trees shall be protected during construction by methods approved by the City Forester.	✓

6.	All foundations within 15 feet of significant trees shall be excavated by hand. If any tree roots larger than two inches (2") are encountered during construction, the City Forester shall be contacted before cutting the roots. The City Forester may require the roots to be bridged or may authorize the roots to be cut. If roots larger than two inches (2") in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the building permit will be suspended and all work stopped until an investigation by the City Forester has been completed. Twelve inches (12") of mulch shall be evenly spread inside the dripline of all trees prior to the issuance of a building permit.	✓
7.	Approval of this application does not permit an increase in water use on the project site. Should the Monterey Peninsula Water Management District determine that the use would result in an increase in water beyond the maximum units allowed on an 4,000 square foot parcel, this permit will be scheduled for reconsideration and the appropriate findings will be prepared for review and adoption by the Planning Commission.	✓
8.	The applicant shall submit in writing any proposed changes to the project plans as submitted on 12 September 2012 and approved by the Planning Commission, prior to incorporating changes on the site. If the applicant changes the project without first obtaining approval, the applicant will be required to either: a) Submit the change in writing and cease all work on the project until either the Planning Commission or staff has approved the change; or b) Eliminate the change and submit the proposed change in writing for review. The project will be reviewed for its compliance to the approved plans prior to final inspection approval.	✓
9.	Exterior lighting shall be limited to 25 watts or less per fixture and shall be no higher than 10 feet above the ground. Landscape lighting shall be limited to 15 watts or less per fixture and shall not exceed 18 inches above the ground.	✓
10.	All skylights shall use nonreflective glass to minimize the amount of light and glare visible from adjoining properties. The applicant shall install skylights with flashing that matches the roof color, or shall paint the skylight flashing to match the roof color.	✓
11.	The Carmel stone façade shall be installed in a broken course/random or similar masonry pattern. Setting the stones vertically on their face in a cobweb pattern shall not be permitted. Prior to the full installation of stone during construction, the applicant shall install a 10 square foot section on the building to be reviewed by planning staff on site to ensure conformity with City standards.	N/A
12.	The applicant shall install unclad wood framed windows. Windows that have been approved with divided lights shall be constructed with fixed wooden mullions. Any window pane dividers, which are snap-in, or otherwise superficially applied, are not permitted.	✓
13.	The applicant agrees, at its sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval.	✓

	The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.	
14.	The driveway material shall extend beyond the property line into the public right of way as needed to connect to the paved street edge. A minimal asphalt connection at the street edge may be required by the Superintendent of Streets or the Building Official, depending on site conditions, to accommodate the drainage flow line of the street.	✓
15.	This project is subject to a volume study.	✓
16.	Approval of this Design Study shall be valid only with approval of the Use Permit.	N/A
17.	A hazardous materials waste survey shall be required in conformance with the Monterey Bay Unified Air Pollution Control District prior to issuance of a demolition permit.	✓
18.	The applicant shall include a storm water drainage plan with the working drawings that are submitted for building permit review. The drainage plan shall include applicable Best Management Practices and retain all drainage on site through the use of semi-permeable paving materials, French drains, seepage pits, etc. Excess drainage that cannot be maintained on site, may be directed into the City's storm drain system after passing through a silt trap to reduce sediment from entering the storm drain. Drainage shall not be directed to adjacent private property.	✓
19.	The project plans submitted for building permit review shall comply with the City's Green Building Ordinance (CMC Section 15.54) and obtain a minimum of **25** points based on the Residential Green Building Checklist.	✓

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FLOOR AREA RATIO

EXIST HOUSE 1ST STORY	762	SF
ADD TO 1ST STORY	+ 211	
EXIST HOUSE 2ND STORY	427	
ADD TO 2ND STORY	+ 130	
TOTAL HOUSE	1330	
NEW GARAGE (EXIST. FREE-RMP)	200	
EXIST. STUDIO	167	
ADD TO STUDIO	+ 103	
TOTAL	1800	÷ .45 =
LOT AREA	4000	
*INCLUDES FLOOR AREA	444	SF

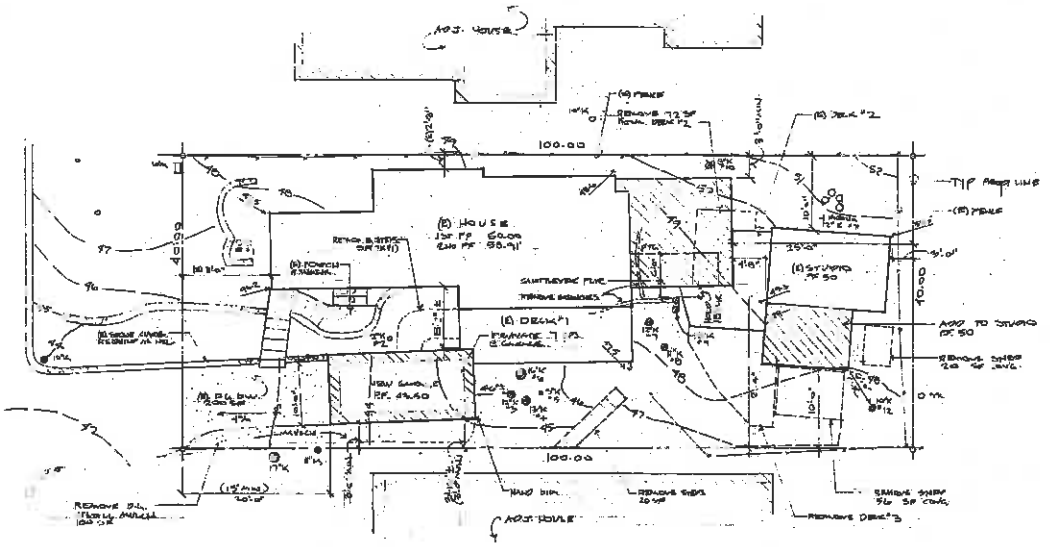
LAND COVERAGE (MAX 55% SF)

DESCRIPTION	SQM.	ADD/REMOVE
(E) H.C.B.M.	900	
REMOVE FROM BL SYM.	(100)	
(E) DECK #1	215	
REMOVE FROM DECK #1	(44)	
(E) STONE PORCH/WALK, CANTILEVER STEPS	28	70
(E) DECK #2	155	
REMOVE FROM DECK #2	(72)	
(E) DECK #3	78	
REMOVE DECK #3	(56)	
(N) STEPS		76
REMOVE STEPS		(24)
(E) WOOD STEPS	32	
REMOVE (E) WOOD STEPS	(32)	
TOTAL	456 +	70 = 552 SF

NOTES:

1. 1/3 CHANGE TO LANDSCAPE
2. ESTIMATE 7 TPS.
3. PERCENT LOCAL REMOVED (SEE SHEET D1) — HOUSE 12.2%, STUDIO 35.2%

SANTA FE STREET



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SITE PLAN w/ TAKE DOWN & GRADING

1/16"=1'-0"

REVISIONS	BY
6.19.12	TJ
9.19.12	JP
7.8.12	JP
6.7.12	JP

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HERBST RESIDENCE
SANTA FE 2 SE OF 6TH
LOT 4 BLOCK 61 CARMEL BY THE SEA
APN: 010-038-016-000 303 807-2080

Date 1-30-12
Scale
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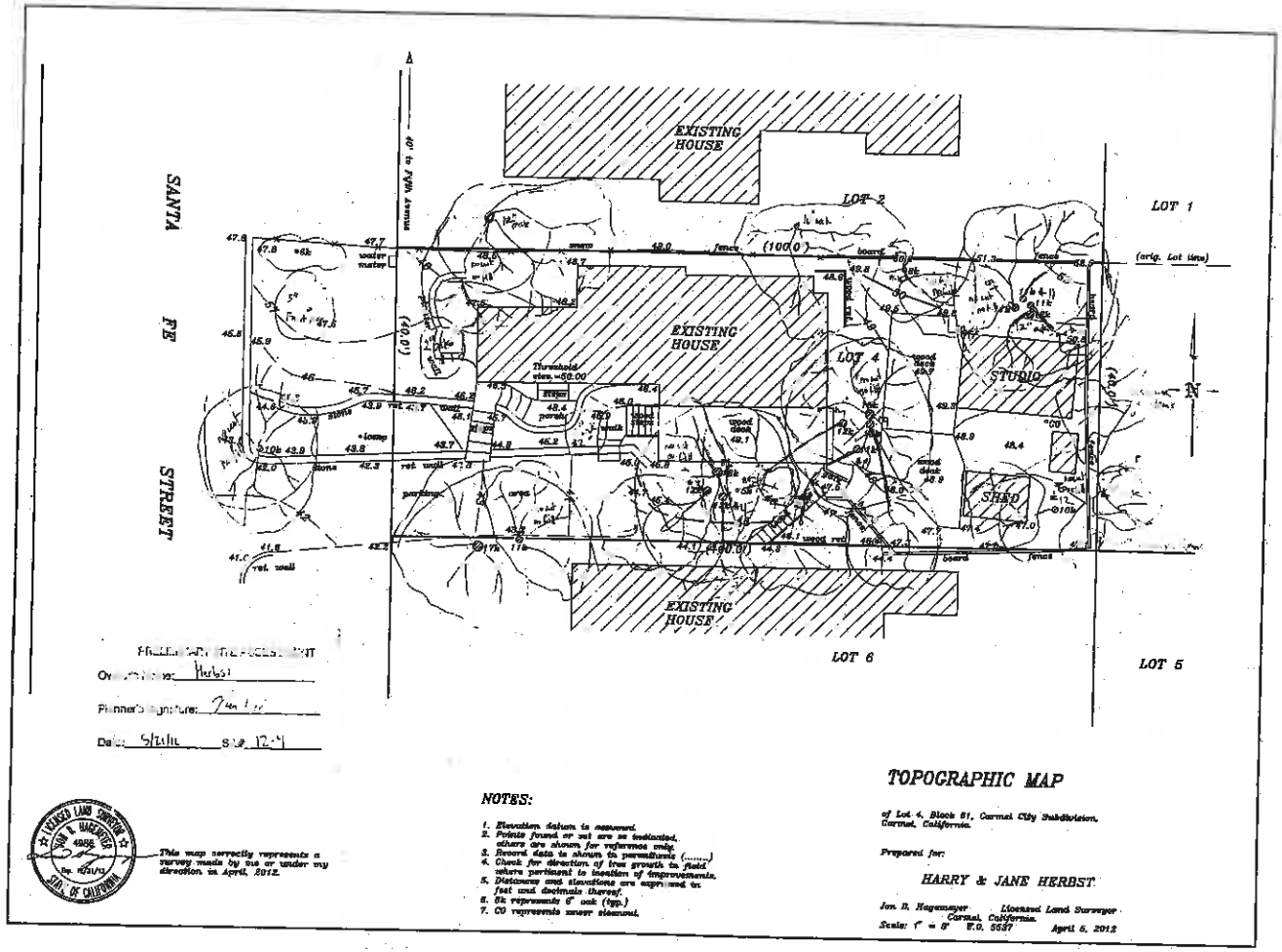

HERBST RESIDENCE
SANTA FE 3 SE OF 5TH
LOT 4 BLOCK 61 CARMEL BY THE SEA
APN: 010-038-016-000 303 807-2080

Date 6-20-12
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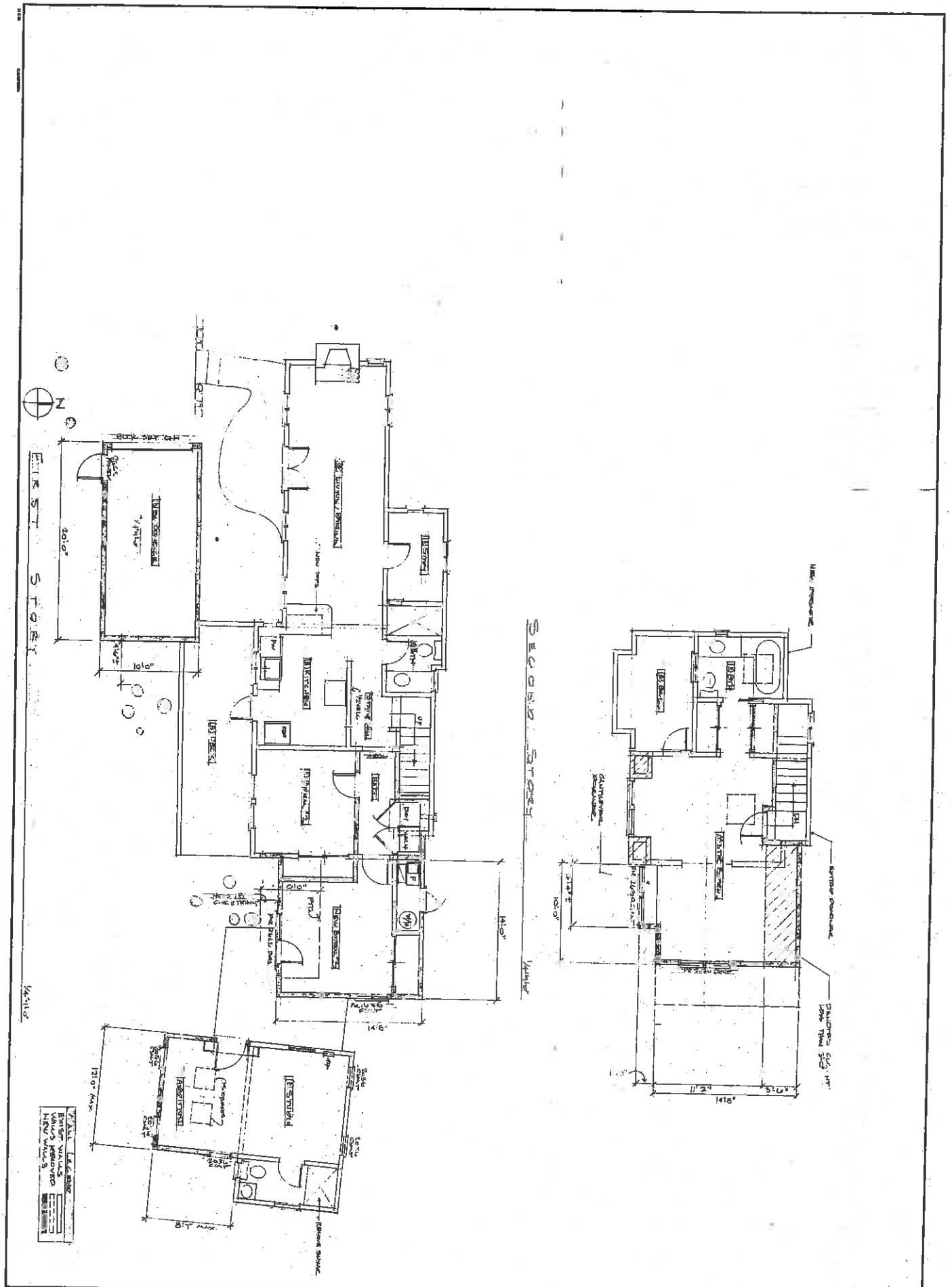

HERBST RESIDENCE
SANTA FE 2 SE OF 6TH
LOT 4 BLOCK 61 CARMEL BY THE SEA
APN: 010-038-016-000 303 807-2080

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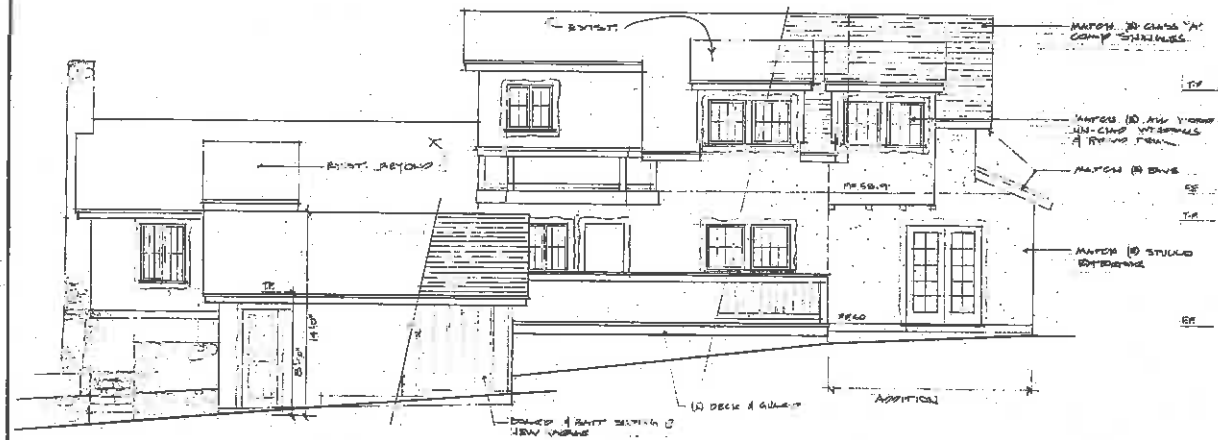
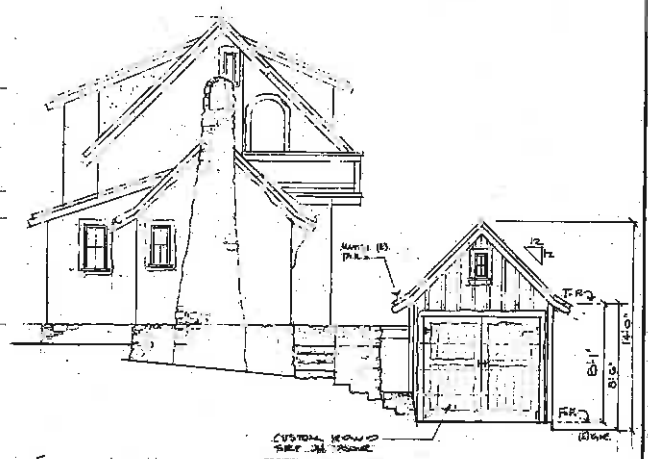


SOUTH ELEVATION 1/4"=1'



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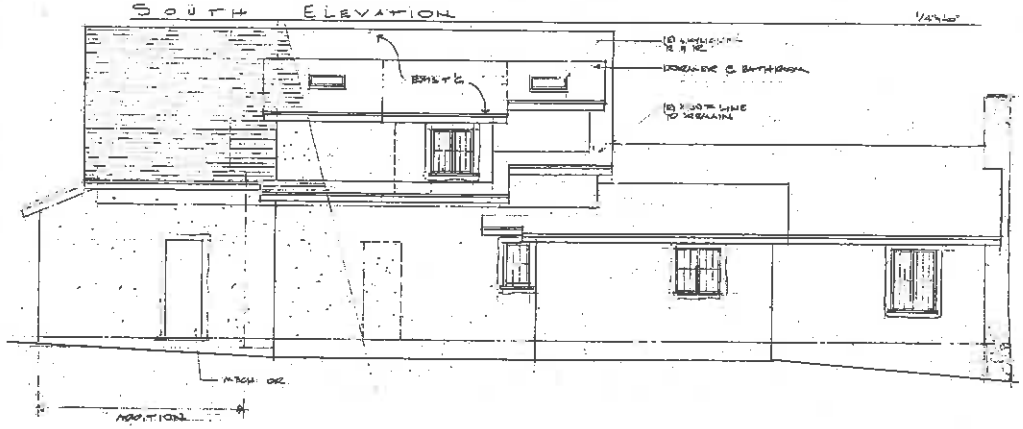
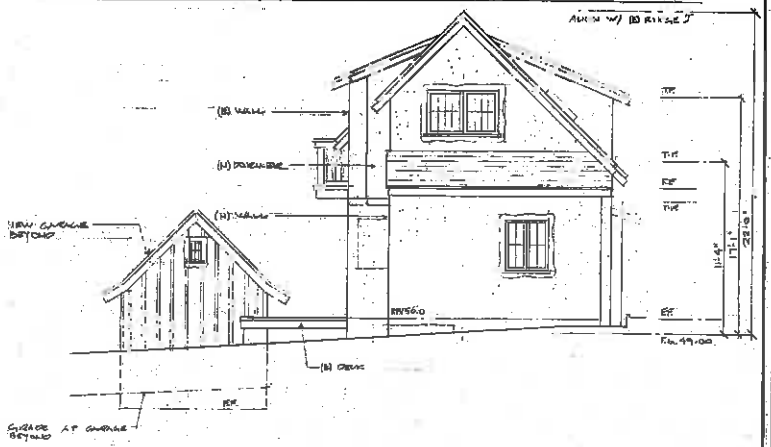


NORTH ELEVATION 1/4"=1'



EAST ELEVATION 1/4"=1'

HERBST RESIDENCE
SANTA FE 2 SE OF 5TH
LOT 4 BLOCK 61 CARMEL BY THE SEA
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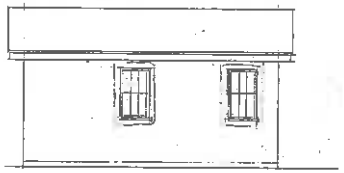
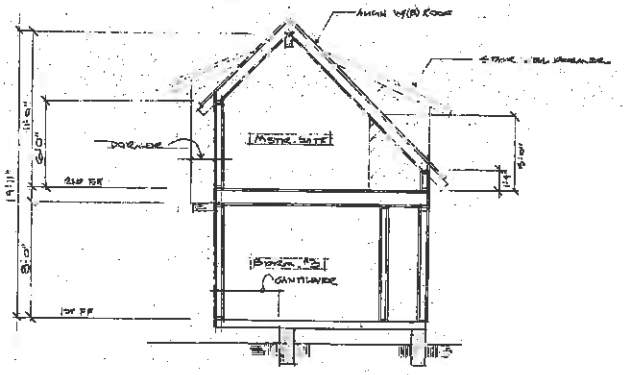


STUDIO NORTH ELEV 1/4"=1'-0"



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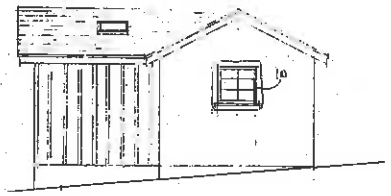

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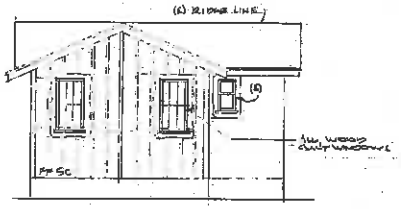

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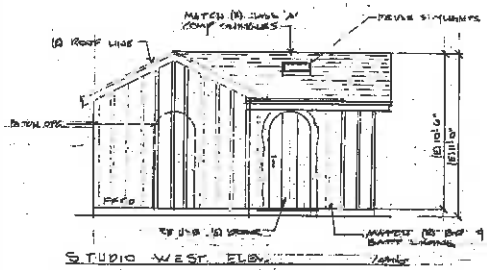

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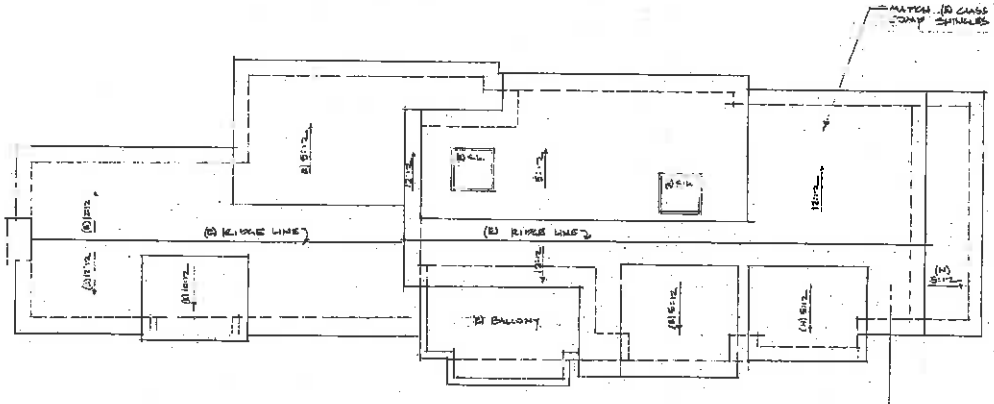
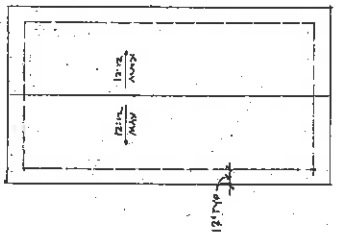
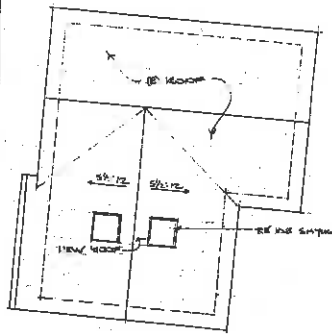




ROOF PLAN 1/4"=1'-0"



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6-20-12	D
7-18-12	D
8-27-12	D

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HERBST RESIDENCE
SANTA FE 2 SE OF 6TH
LOT 4 BLOCK 61 CARMEL BY THE SEA
APN: 010-038-016-000 303 807-2080

Date 6-20-12
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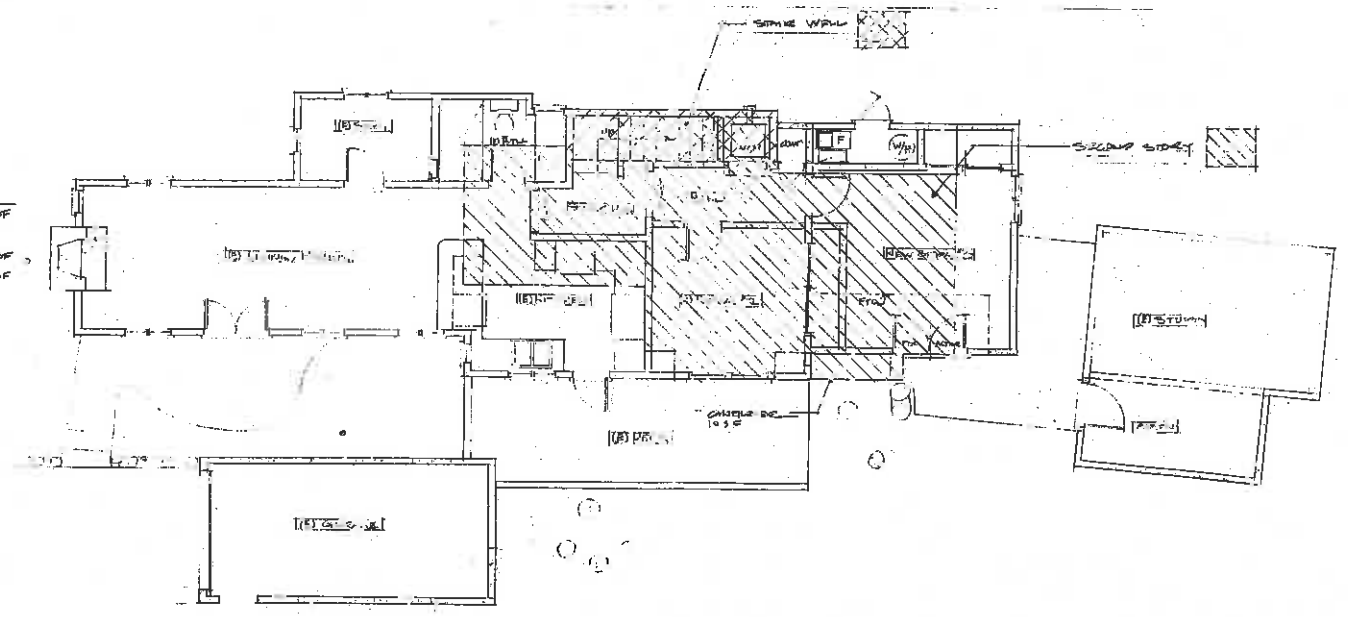
FLOOR LEVEL TABULATION

ONE STORY ELEMENTS		
1ST STORY		616
2ND STORY	(CANTILEVER)	114
TWO STORY ELEMENTS		
1ST STORY		359
2ND STORY		349
TOTAL FLR. AREA		1730 SF
ONE STORY GARAGE		240 SF
ONE STORY STUDIO		670 SF



FIRST STORY W/ FLOOR LEVEL MAP

HERBST RESIDENCE
SANTA FE 2 SE OF 5TH
LOT 4 BLOCK 61 CARMEL BY THE SEA
APN: 010-038-016-000 303 807-2080

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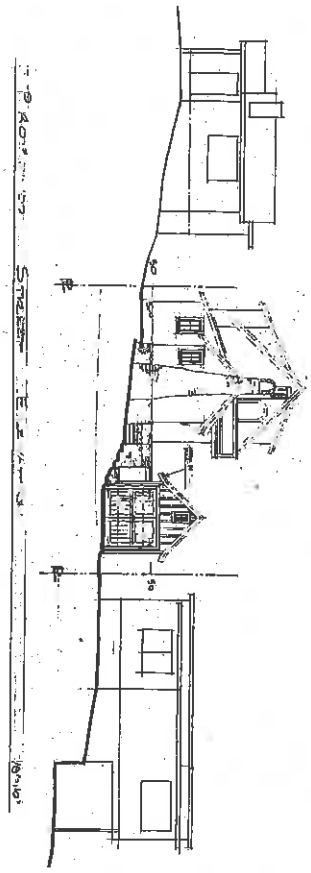

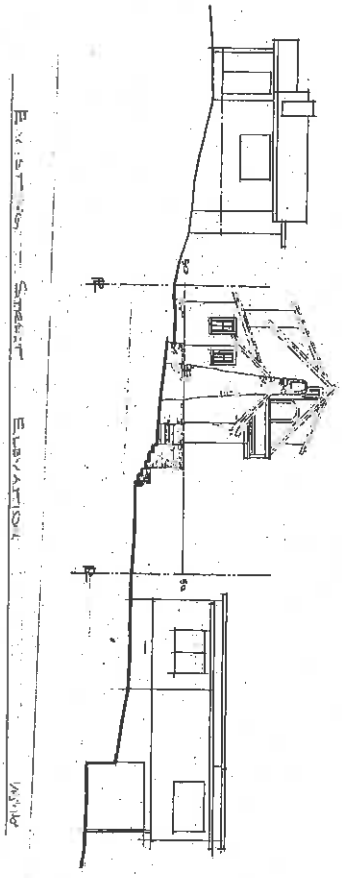

HERBST RESIDENCE
SANTA FE 2 SE OF 5TH
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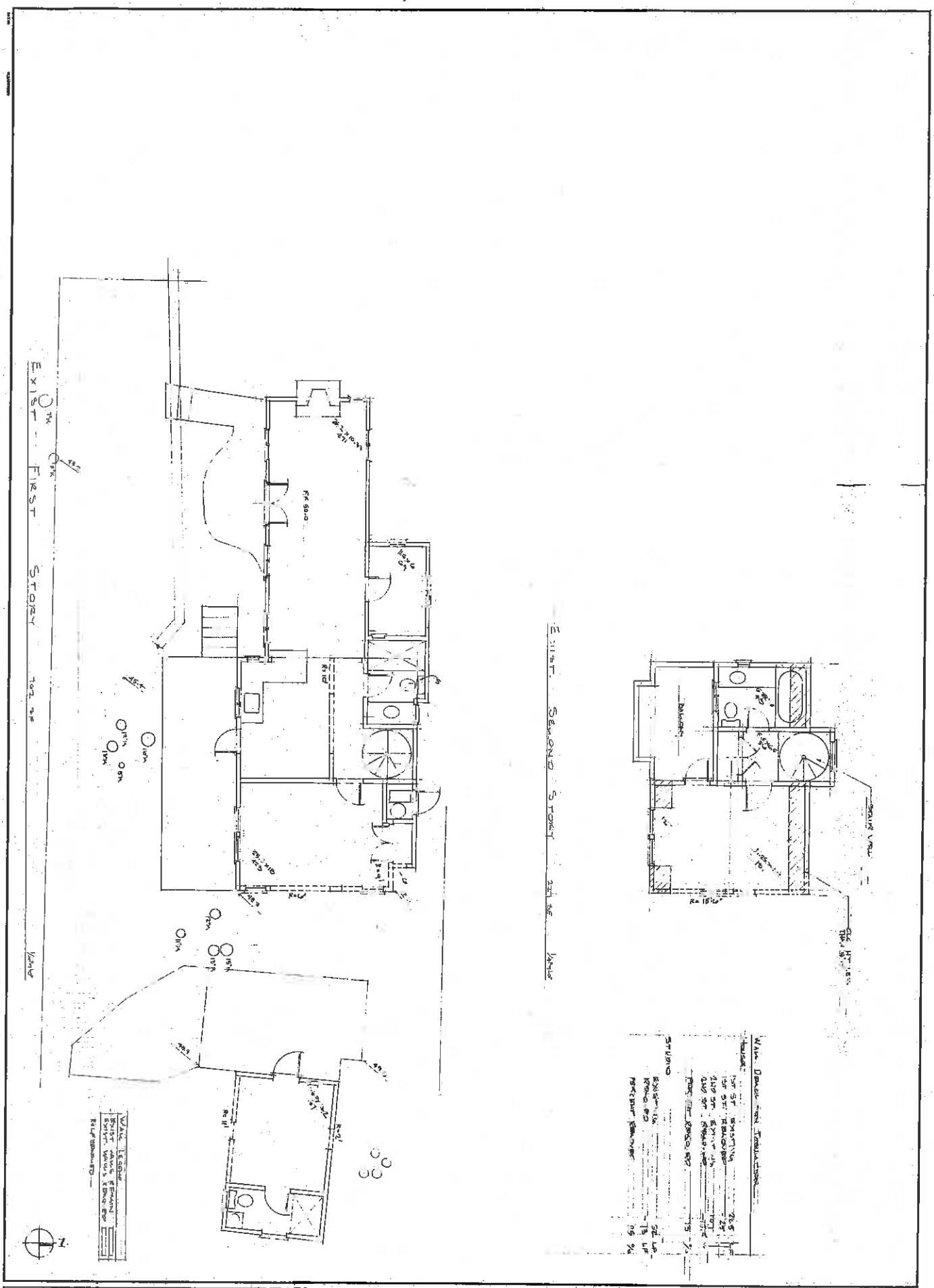

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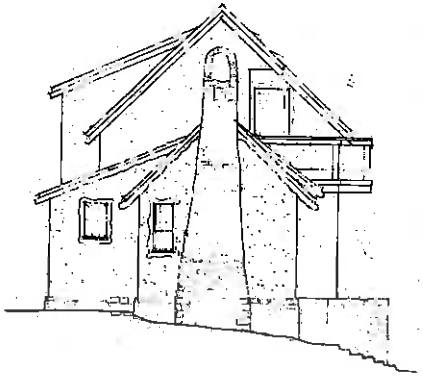
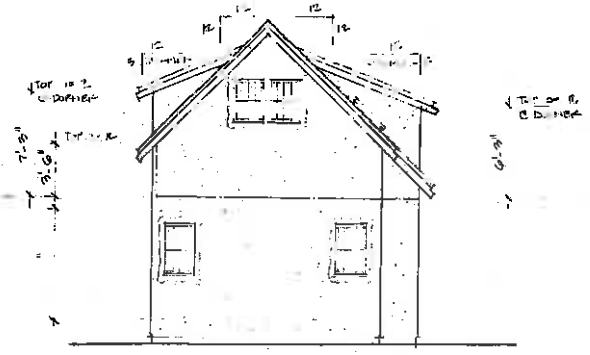
2150 GARDEN RD., SUITE B3 / MONTEREY, CA 93940 / (831) 646-9086 / FAX 646-9088

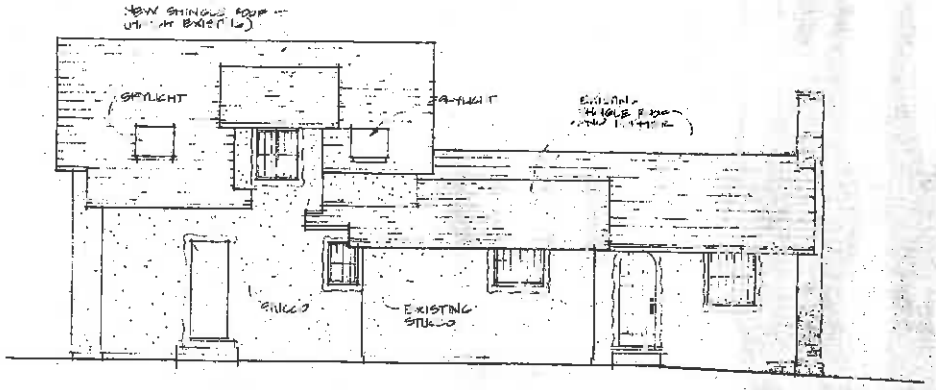


WEST ELEVATION (FRONT)

SOUTH ELEVATION (RIGHT SIDE)



EAST ELEVATION (REAR)



NORTH ELEVATION (LEFT SIDE)

HERBST – EXISTING HOUSE

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