

CALIFORNIA COASTAL COMMISSION

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**W20a**

Important Hearing Procedure Note: This is a substantial issue only hearing. Public testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly.

Appeal Filed: 1/23/2015
 49th Day: 3/13/2015
 Staff: Andrew Kim - SC
 Staff Report: 2/19/2015
 Hearing Date: 3/11/2015

APPEAL STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION

Appeal Number: A-3-CML-15-0004

Applicant: John and Jacque Jarve

Appellant: Steven M. Beutler

Local Decision: Approved by the City of Carmel-by-the-Sea Planning Commission on November 12, 2014 and upheld by the City Council of Carmel-by-the-Sea on January 6, 2015. (City coastal development permit (CDP) number 14-43)

Project Location: Scenic Road, one lot southeast of Ninth Ave (APN 010-302-015).

Project Description: Demolition of a 3,182-square-foot single-family residence and construction of a new 2,631-square-foot, two-level single family residence, including a 1,901-square-foot upper main level and a 730-square-foot lower basement level. Basement level includes a one-car garage and two bedrooms.

Staff Recommendation: No Substantial Issue

SUMMARY OF STAFF RECOMMENDATION

The City of Carmel-by-the-Sea approved a CDP authorizing the demolition of an existing 3,182 square foot single-family residence and the construction of a new 2,631 square foot, two-level

single-family residence. The project site is located in a highly developed residential area on Scenic Road, one block southeast of Ninth Avenue and three blocks south of Carmel's primary commercial corridor of Ocean Avenue. The Appellant contends that the approved project is located within 300 feet of an Environmentally Sensitive Habitat Area (ESHA) and that the noise and vibrations from construction activities will impact the ESHA. Secondly, the Appellant contends that the demolition of the existing house and construction of a new house will potentially result in debris and contamination flowing into the nearby storm drains and ultimately into the ocean. Lastly, the Appellant contends that the approved project is inconsistent with the Noise Element policies of the City's General Plan/Coastal Land Use Plan with respect to construction noise impacts in general.

The LCP requires that any application for proposed development within designated ESHA or within ESHA buffer areas (located within 30 feet of designated ESHA) must provide a biological resources report that, among other things, includes a survey of the site to identify the type and location of sensitive resources; an evaluation of the impact of the proposed development on the ESHA, and; the identification of feasible alternatives to avoid disrupting habitat values. In this case, however, the nearest mapped ESHA (dune scrub habitat) is located well over 300 feet from the project site, and thus the ESHA provisions of the LCP requiring a biological resources report do not apply to the approved project. Furthermore, the project will include standard construction activities typical to that required for the demolition and construction of a moderately-sized single-family residence, so no significant noise impacts to the ESHA are expected. Therefore, the approved project does not raise a substantial issue with respect to ESHA.

The LCP contains a series of water quality protection requirements, including for storm water associated with residential construction. As such, the City conditioned its approval to require submission of a drainage plan that includes appropriate best management practices (BMPs) to be used during demolition and construction activities to protect water quality, including protecting storm drain inlets with fiber rolls or other appropriate methods. With these BMPs, the approved project will adequately protect water quality during demolition and construction. Thus, the approved project does not raise a substantial issue of LCP conformance with respect to water quality.

With respect to general noise impacts from construction of the approved project, the Appellant references specific "Noise Element" policies. However, the "Noise Element" is part of the General Plan but has not been certified as part of the Coastal Land Use Plan. As such, this contention does not raise an LCP-consistency issue and therefore no substantial issue exists with respect to this contention.

As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP conformance issue, and that the Commission decline to take jurisdiction over the CDP for this project. The single motion necessary to implement this recommendation is found on page 4 below.

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EXHIBITS

- Exhibit 1 – Project Location Map and Aerial Photo of Site
- Exhibit 2 – Approved Project Plans and Visual Simulation
- Exhibit 3 – City’s Final Local Action Notice
- Exhibit 4 – Appeal of City of Carmel-by-the-Sea’s CDP Decision
- Exhibit 5 – Applicable LCP Policies and Implementation Plan Standards

I. MOTION AND RESOLUTION

Staff recommends a **YES** vote on the following motion. Passage of this motion would result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission would not hear the application de novo and the local action would become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-3-CML-15-0004 raises **no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603. I recommend a **yes** vote.*

***Resolution:** The Commission finds that Appeal Number A-3-CML-15-0004 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.*

II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. PROJECT LOCATION AND DESCRIPTION

The City of Carmel-by-the-Sea (Carmel) approved a CDP authorizing the demolition of an existing 3,182-square-foot single-family residence and the construction of a new 2,631-square-foot, two-level single-family residence, which includes a 1,901-square-foot upper main level and a 730-square-foot lower basement level. The basement level includes a one-car garage and two bedrooms. The project site is located on the inland side of Scenic Road, one block southeast of Ninth Avenue. Scenic Road in this area constitutes the most seaward extent of the fully developed urbanized residential neighborhoods that surround the City's visitor-serving business district, which is centered along Ocean Avenue three blocks north of the project site. Across the street from the project site is a public path that extends laterally along Scenic Road. Seaward of the public path are dunes covered primarily in ice plant, which slope down to the white sands of Carmel Beach. The project site is located in the Single-Family Residential (R-1), Park Overlay (P), and Beach (B) Overlay Zoning Districts. See **Exhibit 1** for a project location map and an aerial photo of the project site. See **Exhibit 2** for the approved project plans.

B. CITY OF CARMEL-BY-THE-SEA CDP APPROVAL

On November, 12, 2014, Carmel's Planning Commission approved CDP 14-43 for the proposed project. On January 6, 2015, the City Council denied an appeal of said decision and upheld the Planning Commission's approval. The City's notice of final local action was received in the Coastal Commission's Central Coast District office on January 12, 2015 (see **Exhibit 3**). The Coastal Commission's ten-working-day appeal period for this action began on January 13, 2015 and concluded at 5pm on January 23, 2015. One valid appeal of the City's CDP decision was received on January 23, 2015 (see **Exhibit 4**).

C. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it is located within 300 feet of the bluff edge and within 300 feet of the inland extent of the beach.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo CDP hearing on an appealed project unless a majority of the Commission finds that “no substantial issue” is raised by such allegations.¹ Under Section 30604(b), if the Commission conducts a de novo hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project does not include components that are located between the nearest public road and the sea, and thus this additional finding does not need to be made if the Commission were to approve the project following a de novo hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo CDP determination stage of an appeal, if there is one.

¹ The term “substantial issue” is not defined in the Coastal Act or in its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government’s decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government’s decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of a local government’s CDP decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, Section 1094.5. In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the City does not raise a substantial issue with regard to the Appellants’ contentions.

D. SUMMARY OF APPEAL CONTENTIONS

First, the Appellant contends that the approved project is located within 300 feet of an Environmentally Sensitive Habitat Area (ESHA) and that the noise and vibrations from construction activities will impact the ESHA. Secondly, the Appellant contends that the demolition of the existing house and construction of a new house will potentially result in debris and contamination flowing into the nearby storm drains and eventually into the ocean. Lastly, the Appellant contends that the approved project's construction noise impacts are inconsistent with the Noise Element policies of the City's General Plan/Coastal Land Use Plan (See **Exhibit 4** for the full appeal documents).

E. SUBSTANTIAL ISSUE DETERMINATION

Environmentally Sensitive Habitat Area (ESHA)

The Appellant contends that the noise and vibrations from the project demolition and construction activities will impact an LUP-mapped ESHA area that is located 300 feet from the project site.

While the Appellant did not cite any specific LCP ESHA protection policies, the LCP contains strong policies and standards (see **Exhibit 5**) to identify, protect, and manage ESHAs to ensure their long-term integrity and the biological productivity of these habitats. Figure 5.3 of the Coastal Land Use Plan (see page 3 of **Exhibit 5**) shows the mapped ESHAs within the City. The LCP requires that any application for proposed development within designated ESHA or within ESHA buffer areas (located within 30 feet of designated ESHA) must provide a biological resources report that, among other things, includes a survey of the site to identify the type and location of sensitive resources; an evaluation of the impact of the proposed development on the ESHA, and; the identification of feasible alternatives to avoid disrupting habitat values. In this case, however, the nearest mapped ESHA (dune scrub habitat) is located well over 300 feet² from the project site, and thus the ESHA provisions of the LCP do not apply to the approved project. Also, given the distance of the project site from the designated ESHA, noise and vibrations created from the approved project's construction activities, which constitute routine construction activities undertaken for the demolition and construction of a moderately sized single-family residence, would not have an impact on the dune scrub ESHA. For these reasons, the approved project does not raise a substantial issue of LCP conformance with respect to protection of ESHA.

Water Quality

The Appellant contends that the demolition of the existing residence and construction of a new residence will cause debris and contamination to flow into adjacent and nearby storm drains, and that such debris will eventually enter the ocean. The Appellant also contends that lead and asbestos contamination are possible, because the existing residence to be demolished is an older structure. Finally, the Appellant contends that the Best Management Practices (BMPs) Plan required by the City prior to construction may not be effective in preventing contamination of ocean waters (see **Exhibit 4**).

² While there are dunes located seaward of Scenic Road near the project site, these dunes are covered primarily in ice plant and are not designated in the LCP as ESHA.

While the Appellant did not cite any specific LCP water quality protection policies, the LCP contains a suite of policies and requirements aimed at protecting coastal water quality, including those that target storm water from both construction activities and from post-construction impacts³. Specifically, the LCP requires that all development include appropriate BMPs to protect water quality during construction activities (see **Exhibit 5**), and that all residential development not exceed predevelopment runoff levels to the maximum extent practicable. With respect to the contentions regarding asbestos and lead, the City conditioned its approval to require that a hazardous materials waste survey be done per Monterey Bay Unified Air Pollution Control District requirements prior to any demolition activities (see Condition 17 on page 24 of **Exhibit 3**). With respect to construction BMPs, the City conditioned its approval to require submission of a drainage plan that includes applicable BMPs to be used during construction (see Condition 18 on page 24 of **Exhibit 3**). According to City staff, such construction BMPs include establishing and maintaining effective perimeter controls around construction sites through the use of fiber rolls, silt fences or sediment basins; protecting storm drain inlets with gravel bags, fiber rolls, berms, etc.; and transferring removed or excavated materials to dump trucks located on the project site and not on the street. The City will review the proposed drainage plan for conformity with all applicable requirements of both the LCP and the Regional Water Quality Control Board. With these and other BMPs, the approved project will adequately protect water quality during construction. Thus, the approved project does not raise a substantial issue of LCP conformance with respect to water quality.

Noise

The Appellant contends that the approved project is inconsistent with the “Noise Element” policies of the City of Carmel’s Coastal Land Use Plan because the City did not require acoustic studies or impose noise mitigation conditions on the project to address noise from construction activities (see **Exhibit 4**).

Carmel’s General Plan has been combined with its Coastal Land Use Plan in one document. However, only four Elements within the document constitute the Coastal Land Use Plan, i.e. “Community Character and Development,” Circulation,” Coastal Access and Recreation,” and “Coastal Resource Management.” The policies and text within these four Elements are specifically identified as being in the Coastal Land Use Plan.⁴ Thus, the “Noise Element” is one of the seven State-mandated elements of the General Plan, but has not been certified as part of the Coastal Land Use Plan. As such, this contention does not raise an LCP-consistency issue and therefore no substantial issue exists with respect to this contention.⁵

³ The Commission approved a comprehensive update to the LCP’s water quality protection policies in LCP Amendment LCP-3-CML-13-0218-3 Part B in December 2013.

⁴ “To aid the reader in identifying what is part of the Coastal Land Use Plan, and therefore subject to Coastal Commission review, each goal, objective, policy and text paragraph that comes from the Coastal Land Use Plan is followed by the letters “LUP” enclosed within parentheses. *Carmel-by-the-Sea General Plan/Coastal Land Use Plan*, pp. I-10/11.

⁵ Even though the “Noise Element” is not part of the LCP, the City’s Municipal Code does not require an acoustic analysis or noise study for typical construction projects, such as for the construction of a single-family residence.

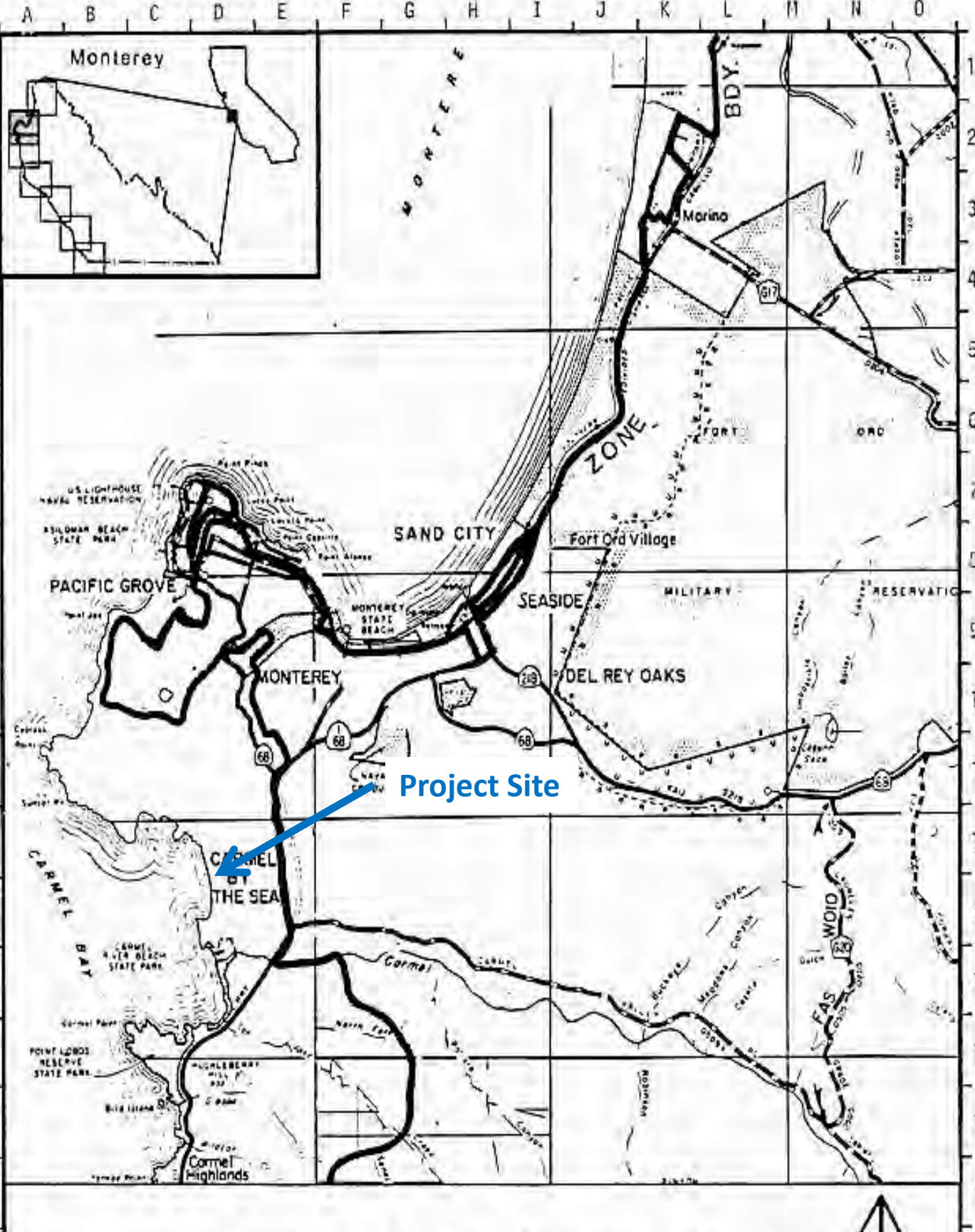
F. CONCLUSION

When considering a project that has been appealed to it, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over a de novo CDP for such development. As described above, the Commission has been guided in its decision of whether the issues raised in a given case are “substantial” by the following five factors: the degree of factual and legal support for the local government’s decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government’s decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. In this case, these five factors, considered together, support a conclusion that this project does not raise a substantial issue of LCP conformance.

First, the City’s conclusion that, as conditioned, the approved residence would not have adverse impacts to coastal resources is well supported by the record, weighing against finding a substantial issue. Second, the approved project is for demolition of an existing residence and construction of a new, smaller residence in a residentially-zoned and developed neighborhood. Thus, the extent and scope of this project weigh in favor of a finding of no substantial issue. Third, the approved single-family residence includes adequate water quality protections, including through a required drainage plan that identifies necessary BMPs, to protect coastal resources during demolition and construction and is not located within or near ESHA. Thus, no significant coastal resources are expected to be affected by this approval, and this factor also weighs against finding a substantial issue. Because the project is consistent with the LCP, a finding of no substantial issue will not create an adverse precedent for future interpretation of the LCP. Finally, the project does not raise issues of regional or statewide significance as it consists of a demolition and rebuild of a moderately sized single-family residence in a residential neighborhood.

Therefore, all five factors weigh against a finding of that the City’s approval raises a substantial issue with respect to the LCP. Given that the record supports the City’s action and the City’s analysis did not result in the approval of a project with significant coastal resource impacts, complies with applicable LCP provisions, and raises no statewide issues, the Commission finds the appeal does not raise a substantial issue of conformance with the LCP and thus the Commission declines to take jurisdiction over the CDP for this project.

The Municipal Code also restricts noise production from home construction projects to occur only during the allowed hours of construction (i.e. 8:00 a.m. until 9:00 p.m.) and this project will need to adhere to these time limits.





Project Site



JARVE RESIDENCE

SCENIC 1 SE OF 9TH
CARMEL-BY-THE-SEA, CA 93921

REVISION	No.
REVISION	1
REVISION	2
REVISION	3
REV. MASTER	02/11
02/11	

CONSULTANT:

ERIC MILLER ARCHITECTS, INC.
137 GRAND AVENUE, SUITE 103
PACIFIC GROVE, CA 93950
Phone: (805) 466-1100 • Fax: (805) 466-1101 • www.ericmillerarchitects.com

COVER SHEET
Jarve Residence
Scenic 1 SE of 9th, CA 93921
A.P.N. 1.010-003-018

ISS	4/22/14
REV	N.T.S.
DATE	C.H.
JOB NUMBER	8.20

A-0.1

OWNERSHIP NOTES

OWNER: JOHN AND JACQUE JARVE
77 FLOOR CIRCLE
AMSTERDAM, GA 30021

ADDRESS: SCENIC 1 SE OF 9TH AVENUE
BLOCK A-0, LOTS 3 & 8

ARCHITECT: ERIC MILLER ARCHITECTS, INC.
871 GRAND AVENUE, SUITE 103
PACIFIC GROVE, CA 93950

PROJECT DATA

PROJECT DESCRIPTION:
REHABILITATION OF EXISTING HOME, DECKS AND PATIOS. PROPOSED CONSTRUCTION OF NEW ONE-STORY RESIDENCE WITH BARRIERS, 3 BEDROOMS, 3-1/2 BATHS, 1-CAR GARAGE IN THE BARRIERS, AND RETAINING WALLS.

ADDRESS: SCENIC 1 SE OF 9TH AVENUE
CARMEL-BY-THE-SEA, CA 93921

LOT SIZE: 6480 S.F. - 8480 S.F. + 8300 S.F.

ZONING: R-4 DISTRICT

BLOCK: A-0

LOTS: 3 & 8

APN: 010-003-018-000

OCUPANCY GROUP: R-4 FOR HOMES AND R-3 FOR GARAGE

TYPE OF CONSTRUCTION: (A-B)

TREE REMOVAL

ARE TREES ARE PROPOSED FOR REMOVAL, INCLUDING (2) 2" TREES, (2) 4" TREES, (1) 6" TREE, (1) 8" TREE AND (2) SURVIVING TREES

SETBACKS

FRONT	5' FT MIN.	REAR	5' FT
SIDE	5' FT MIN. (MIN. 3' FEET)	SIDE YARD	5' FT MIN. (MIN. 3' FEET)
MAX. BUILDING HEIGHT	34'-0"	MAX. LOT	12'-6" MAX
MINIMUM ALLOWED F.A.R.	0.20 S.F. ABOVE GRADE	MINIMUM ALLOWED SITE COVERAGE	40.00 S.F.

EXISTING FLOOR AREA

FIRST FLOOR	1760 S.F.
BARRIERS	1338 S.F.
GARAGE - BARRIERS	4920 S.F.
TOTAL EXISTING FLOOR AREA	3588 S.F.
STARWELL - FIRST FLOOR	200 S.F.
STARWELL - BARRIERS	200 S.F.
TOTAL STARWELL AREA	400 S.F.

PROPOSED FLOOR AREA

FIRST FLOOR	1400 S.F.
BARRIERS	800 S.F.
GARAGE - BARRIERS	3200 S.F.
TOTAL PROPOSED FLOOR AREA	5400 S.F.
STARWELL - FIRST FLOOR	140 S.F.
STARWELL - BARRIERS	260 S.F.
TOTAL STARWELL AREA	400 S.F.

EXISTING SITE COVERAGE

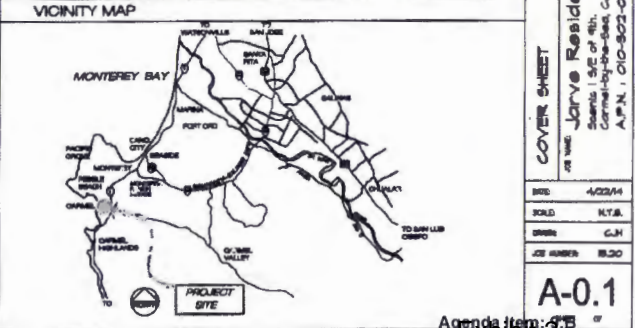
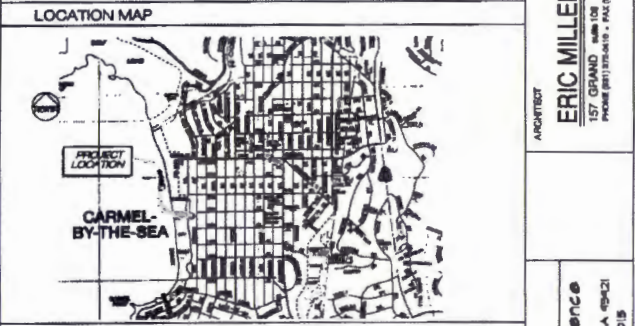
DRIVEWAY	3810 S.F.
CONCRETE PATIOS / PATIOS	840 S.F.
SITE PATIOS / DECKS	140 S.F.
POOD DECK / UTILITY	300 S.F.
POOD STOPS	870 S.F.
TOTAL EXISTING SITE COVERAGE	5460 S.F.
ELIMINATED POOD DECK	1700 S.F.

PROPOSED SITE COVERAGE

PERVIOUS COVERAGE	850 S.F.
DRIVEWAY	3800 S.F.
PAVED DRIVEWAYS	800 S.F.
DECKS/PATIOS	1300 S.F.
TOTAL PERVIOUS COVERAGE	4750 S.F.
IMPERVIOUS COVERAGE	850 S.F.
DECKS/PATIOS	850 S.F.
DRIVEWAY	3800 S.F.
PAVED DRIVEWAYS	800 S.F.
TOTAL IMPERVIOUS COVERAGE	5250 S.F.
TOTAL PROPOSED SITE COVERAGE	400 S.F.

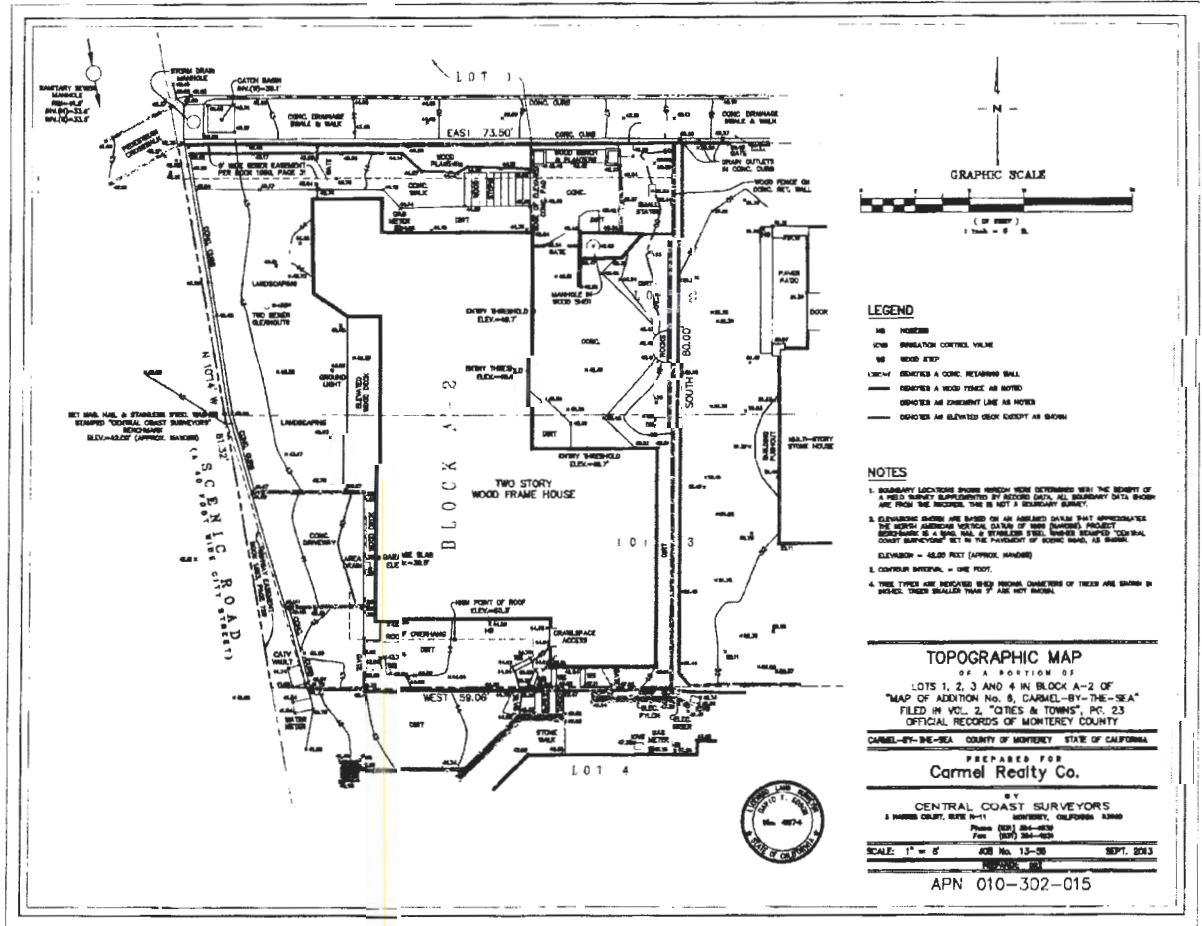
SHEET INDEX

ARCHITECTURAL	
A-0.1 COVER SHEET	02.1 FIRST FLOOR EXTERIOR LIGHTING PLAN
A-0.2 TOPOGRAPHIC SURVEY	02.2 BARRIERS FLOOR EXTERIOR LIGHTING PLAN
A-0.3 DEMOLITION SITE PLAN	
A-0.4 PROPOSED SITE PLAN	
A-0.5 PROPOSED FIRST FLOOR PLAN	04.1 PRELIMINARY GRADING AND DRAINAGE PLAN
A-0.6 PROPOSED BARRIERS FLOOR PLAN	04.2 PRELIMINARY EXTERIOR CONTROL & DETAILS
A-0.7 PROPOSED ROOF PLAN	
A-0.8 PROPOSED FLOOR AREA DIAGRAM	
A-0.9 PROPOSED EXTERIOR ELEVATIONS	LANDSCAPE
A-0.10 PROPOSED INTERIOR ELEVATIONS	L-1 PLANTING PLAN
A-0.11 STREET ELEVATIONS	L-2 IRRIGATION AND LIGHTING PLAN
A-0.12 PROPOSED DOOR SCHEDULES	L-3 NOTES
A-0.13 PROPOSED WINDOW SCHEDULES	
A-0.14 EXTERIOR DETAILS	
A-0.15 EXTERIOR DETAILS	



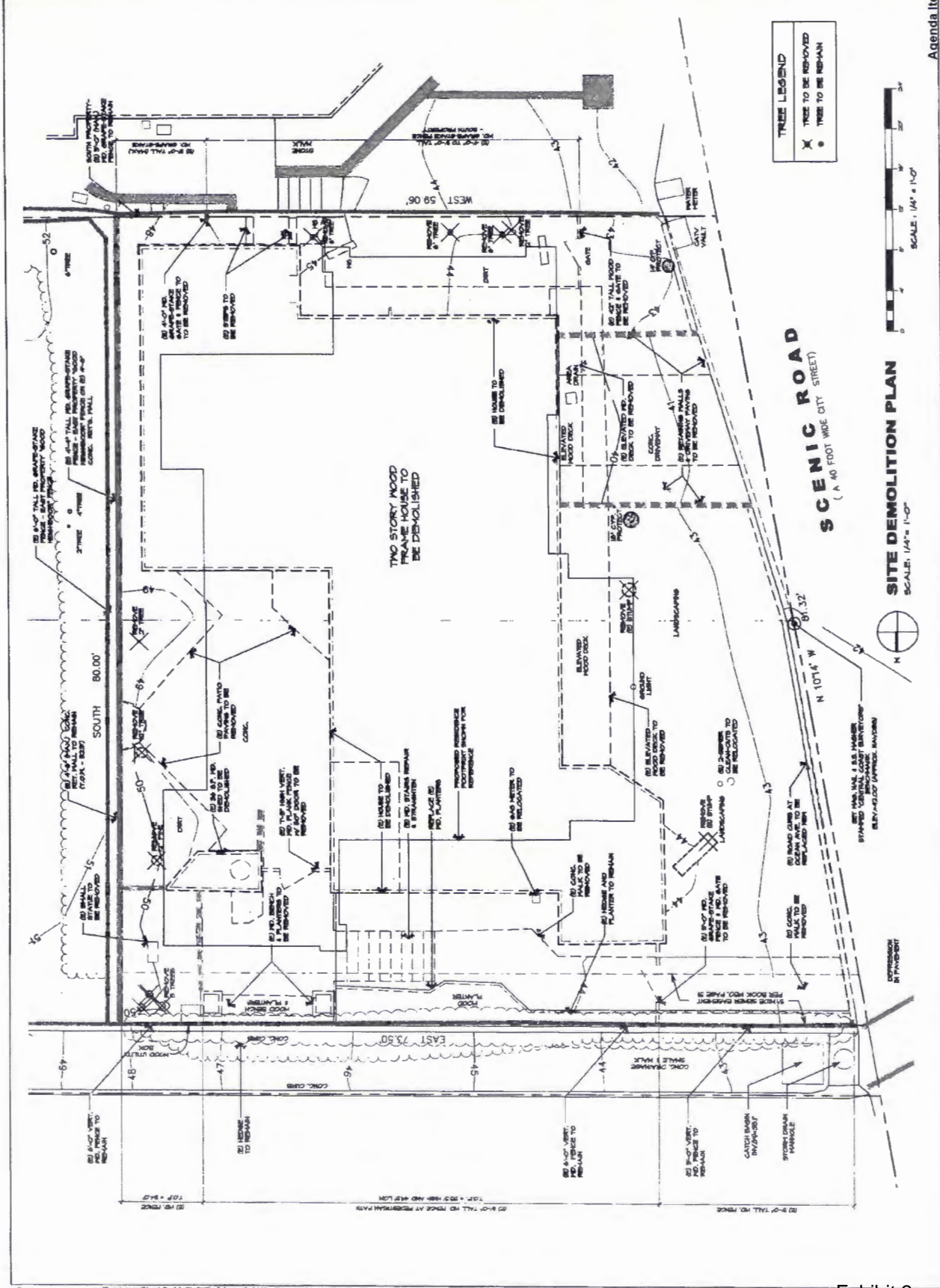
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SEP 24 2014
City of Carmel-by-the-Sea
Planning & Building Dept.

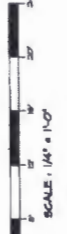


Agenda Item: 9.B
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Exhibit 2
A-3-CML-15-0004
2 of 22



TREE LEGEND
 X TREE TO BE REMOVED
 • TREE TO BE RE-MAN



SITE DEMOLITION PLAN
 SCALE: 1/4" = 1'-0"

NO.	REVISION

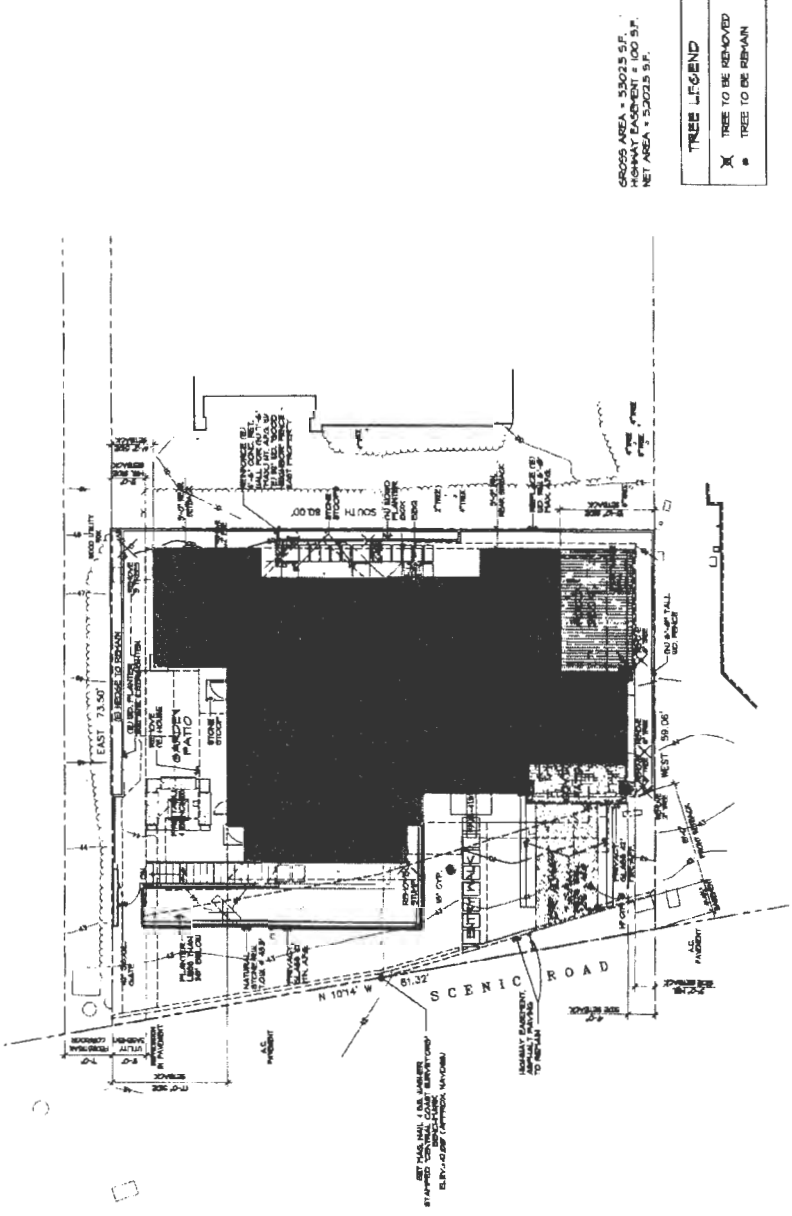
DATE:	4/22/14
SCALE:	1/8" = 1'-0"
DRIVEN:	C.L.R. BROWN
C.L.I. NUMBER:	10300

ERIC MILLER ARCHITECTS, INC.
 ARCHITECT
 157 GRAND AVENUE PACIFIC GROVE, CA 93950
 PHONE (831) 725-0400 FAX (831) 725-7840 WEB: WWW.ERICMILLERARCHITECTS.COM

PROPOSED SITE PLAN
 JAYVE RESIDENCE
 SCENIC S/E of 4th
 SCENIC by the Sea, CA 95421
 P.L.P. # 13-002-015

A-1.2

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GROSS AREA = 5302.5 S.F.
 HIGHWAY EXEMPT = 100 S.F.
 NET AREA = 5202.5 S.F.

TREE LEGEND	
X	TREE TO BE REMOVED
•	TREE TO BE REMAIN



PROPOSED SITE PLAN
 SCALE: 1/8" = 1'-0"

NO.	REVISION

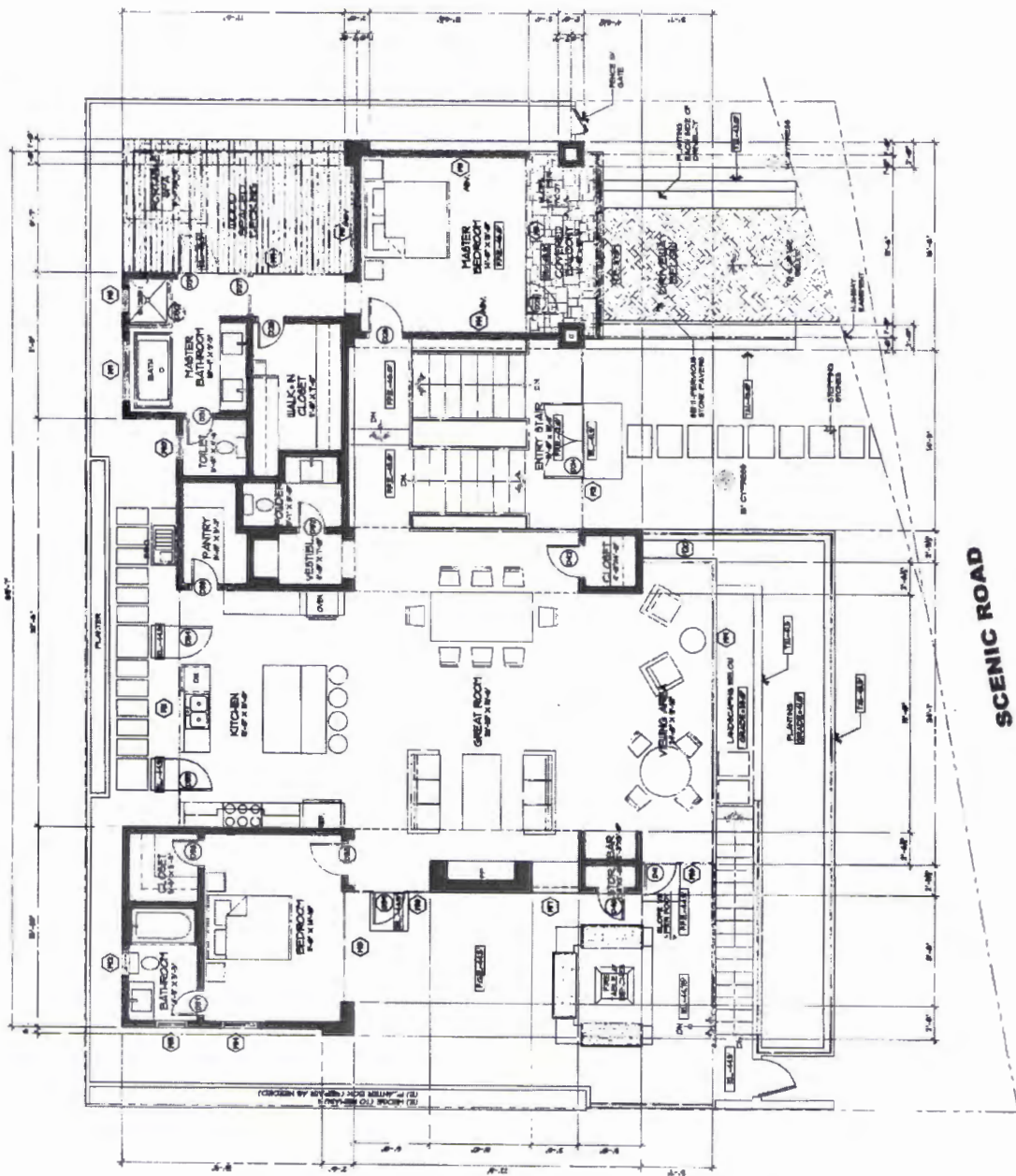
CONSULTANT

ARCHITECT
ERIC MILLER ARCHITECTS, INC.
 157 GRAND AVE. 108
 PACIFIC GROVE, CA 93950
 PHONE (805) 233-0415 • FAX (805) 273-7240 • WEB WWW.ERICMILLERARCHITECTS.COM

PROJECT
Jarvis Residence
 1/2 of 4th
 CORNER 1/2 of 4th
 CORNER 1/2 of 4th
 CORNER 1/2 of 4th
 A.P.N. 010-303-015

SITE: 42204A
 SCALE: 1/4" = 1'-0"
 DATE: 05.11
 JOB NUMBER: 10.300

A-2.1



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



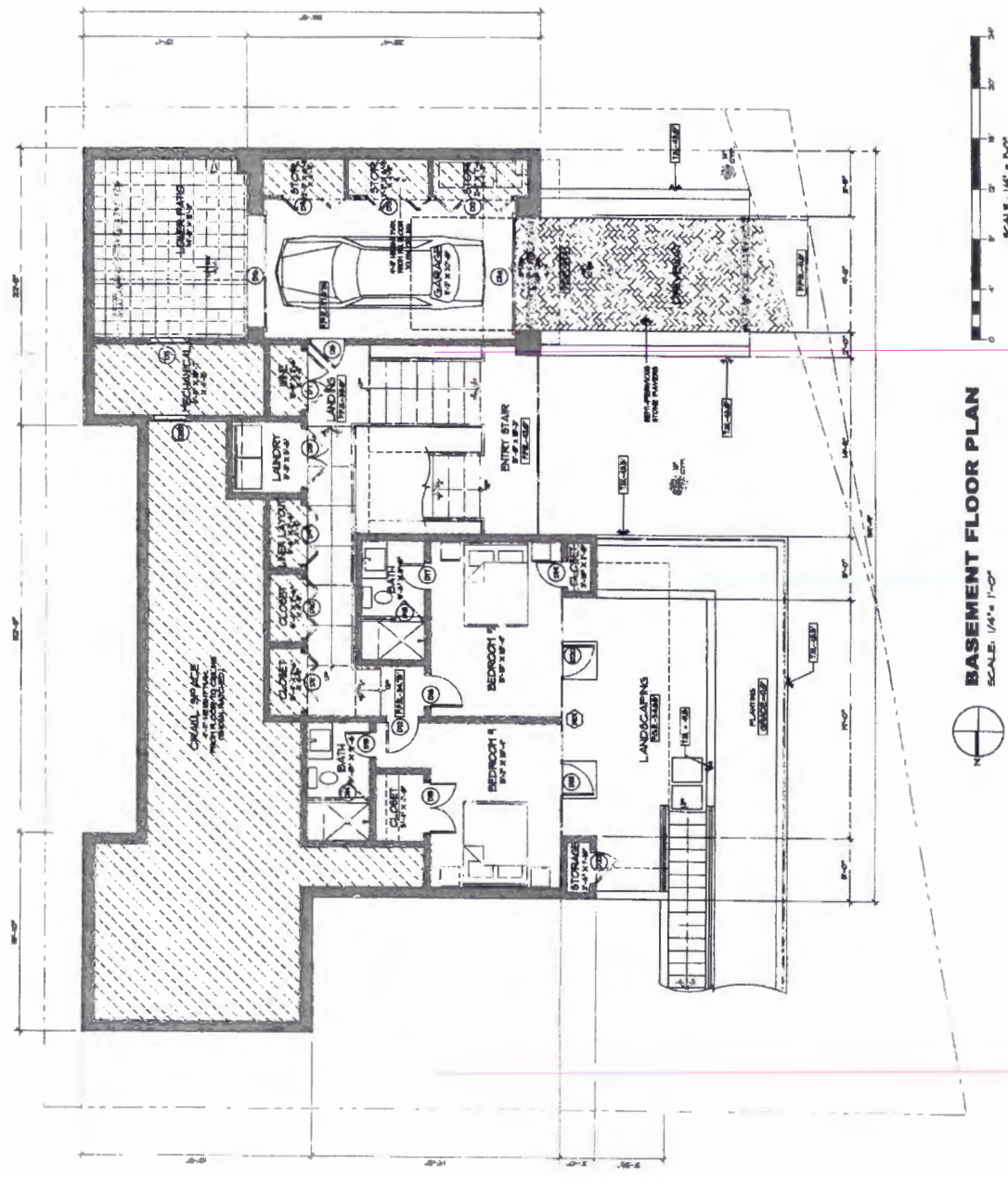
A-2.2

Agenda Item: 9.31
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BASEMENT FLOOR PLAN
 JOB NO: Jave Residence
 SCALE: 1/4" = 1'-0"
 DATE: 4/22/14
 DRAWN: C.J. BRY
 APP. NUMBER: 13-030

ERIC MILLER ARCHITECTS, INC.
 ARCHITECT
 157 GRAND AVE. #100 PACIFIC GROVE, CA 93950
 PHONE: (831) 272-0418 FAX: (831) 522-7240
 WWW.ERICMILLERARCHITECTS.COM

REVISION	NO.



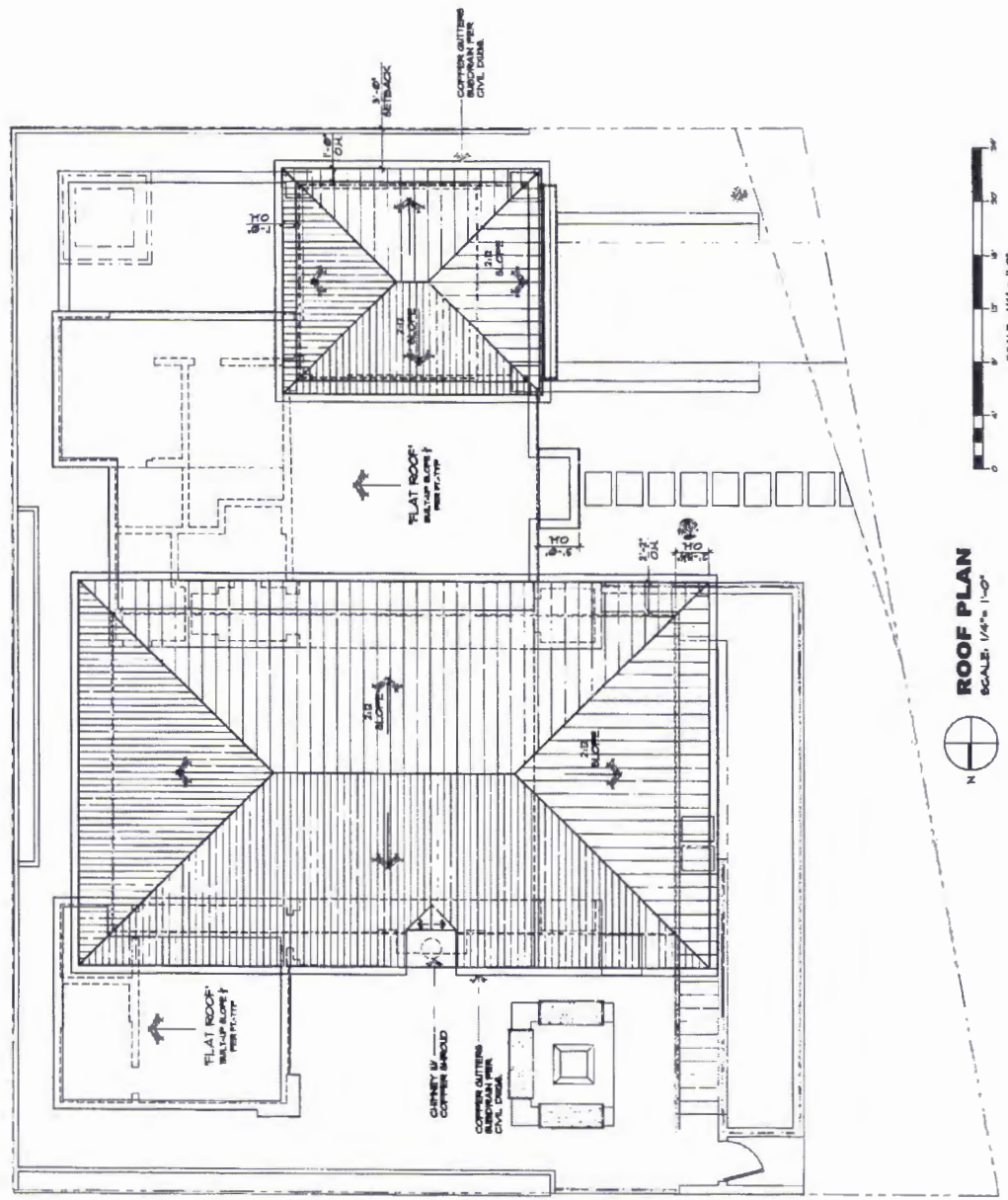
REVISION	No.
REVISION	No.
REVISION	No.
REVISION	No.
REVISION	No.

CONSULTANT:

ARCHITECT
ERIC MILLER ARCHITECTS, INC.
 157 GRAND AVE. 108
 PADRICO GROVE, CA 95050
 PHONE (925) 573-0412 FAX (925) 523-0412 WEB: www.ericmillerarchitects.com

PROJECT: **Jarvo Residence**
 157 Grand Ave. of 4th. Carmel-by-the-Sea, CA 95021
 A.P.N.: 010-802-015
 DATE: 4/22/14
 SHEET: 1/4" = 1'-0"
 DRAWN: C.A. BINA
 JOB NUMBER: 15250

A-2.3



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



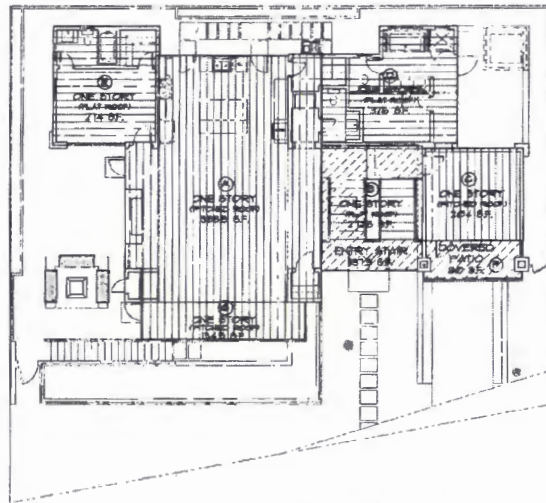
VOLUME AREA

UNIT	AREA	P.F.F.	PLATE / EAVE	ROOF / RIDGE	ROOF / RIDGE
A	588.3 SF.	45'-0"	5'-0"	12'-0"	18'-0"
B	773.8 SF.	43'-0"	3'-0"	9'-0"	14'-0"
C	284.9 SF.	46'-0"	5'-0"	7'-0"	10'-0"
D	106.9 SF.	46'-0"	3'-0"	6'-0"	7'-0"
E	274.9 SF.	45'-0"	3'-0"	9'-0"	12'-0"
F	89 SF.	46'-0"	5'-0"	9'-0"	11'-0"
G	54.9 SF.	46'-0"	5'-0"	9'-0"	14'-0"

FLOOR AREA

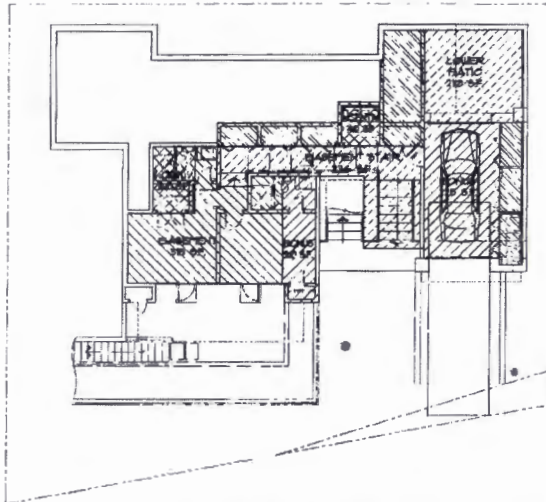
FLOOR AREA: (LIVING SPACE)	
GARAGE	229 SF.
BASEMENT FLOOR	549 SF.
FIRST FLOOR	1361 SF.
TOTAL	2,639 SF.

FLOOR AREA: (OPEN SPACE)	
BASEMENT - STAIR	236 SF.
ENTRY - STAIR	159 SF.
LOWER PATIO	210 SF.
TOTAL	644 SF.



FIRST FLOOR AREA PLAN

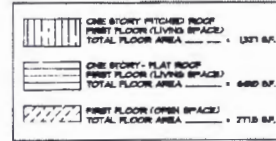
SCALE: 1/8" = 1'-0"



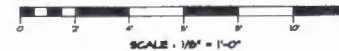
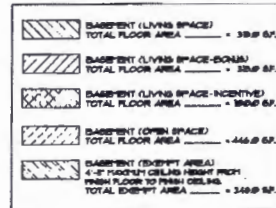
BASEMENT FLOOR AREA PLAN

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

FIRST FLOOR - AREA KEY



BASEMENT AREA KEY



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

REVISION	No.
1/28/14	
REV MASTER SCALE	

CONSULTANT:



ERIC MILLER ARCHITECTS, INC.
 137 GRAND AVE. 103 PACIFIC GROVE, CA 93950
 PHONE (805) 372-0410 FAX (805) 372-0400 WEB: www.ericmillerarchitects.com

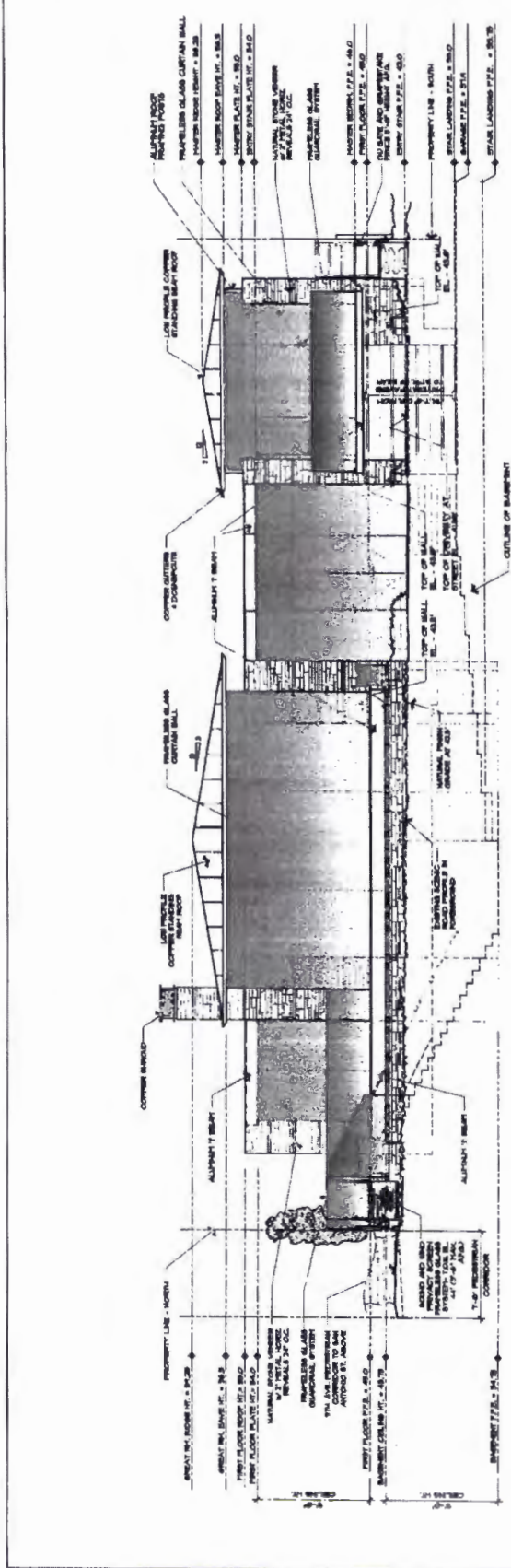
ARCHITECT

FLOOR AREA & LEVEL PLANS
 AS SHOWN
Jay's Residence
 Science | Size of 4th
 Central Highway - Pacific Grove, CA 93921
 A.P.N. : 010-002-013

DATE: 4/22/14
 SCALE: 1/8" = 1'-0"
 DRAWN: C.S.H. BRM
 JOB NUMBER: 10.30

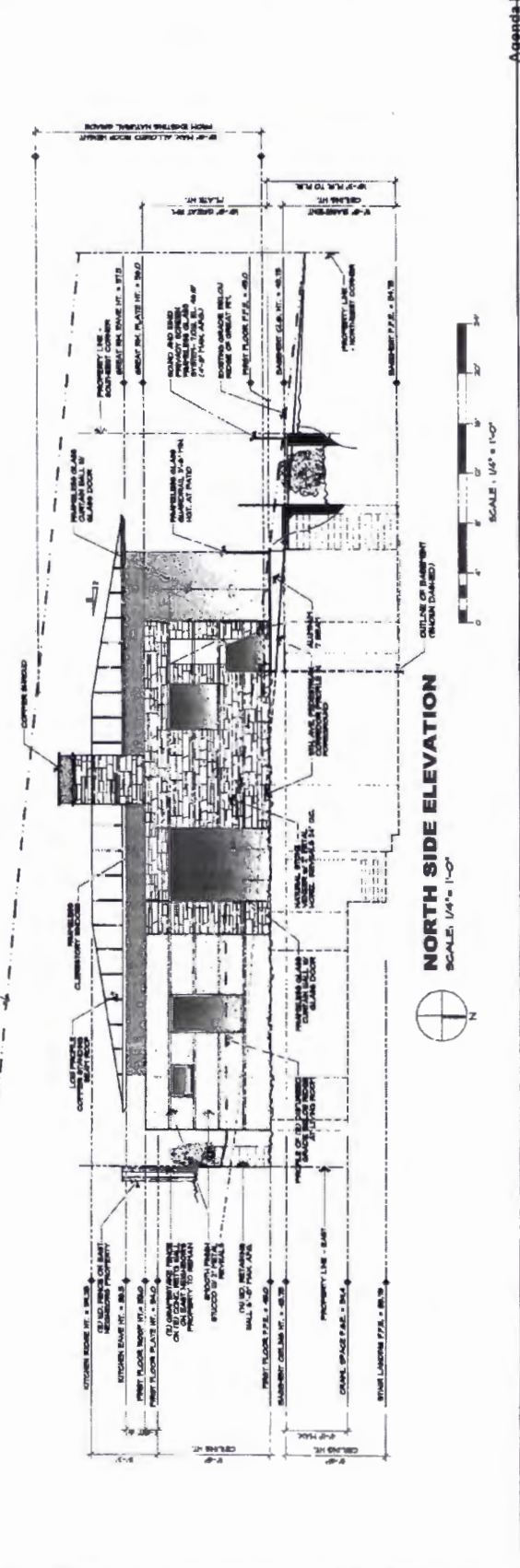
A-2.4

Agenda Item: 9.B
 Page 58



WEST FRONT ELEVATION
SCALE: 1/4" = 1'-0"

IF ANY PART OF THIS ELEVATION IS TO BE CHANGED, THE ARCHITECT MUST BE NOTIFIED IN WRITING.



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

REVISION	
NO.	
DATE	
BY	
CHKD	

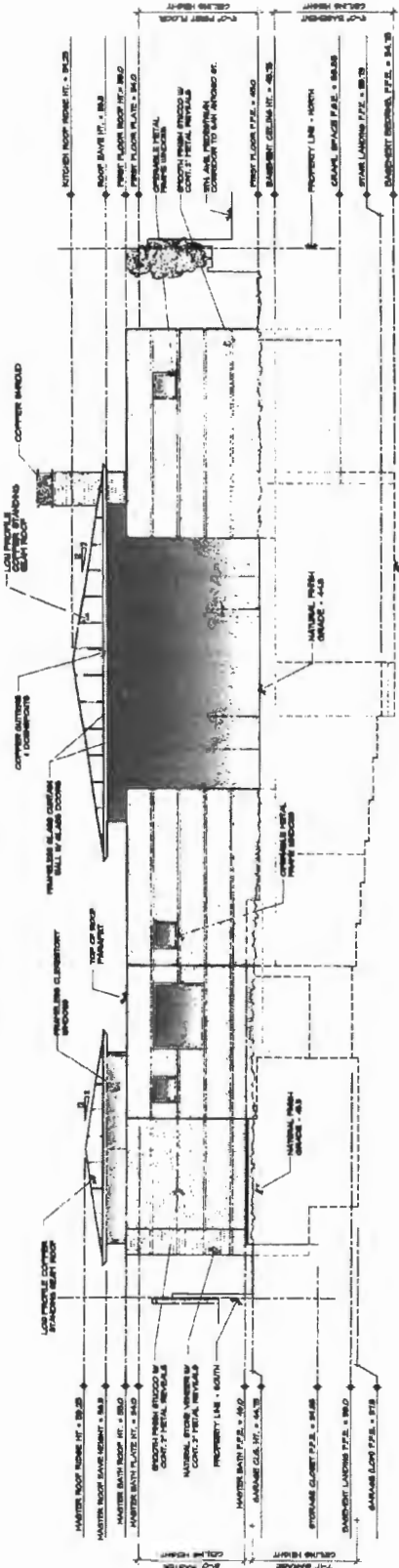
157 GRAND
 PACIFIC GROVE, CA 93950
 PHONE (805) 275-0110 • FAX (805) 275-7540 • WEB: www.ericmillerarchitects.com

ERIC MILLER ARCHITECTS, INC.
 ARCHITECT

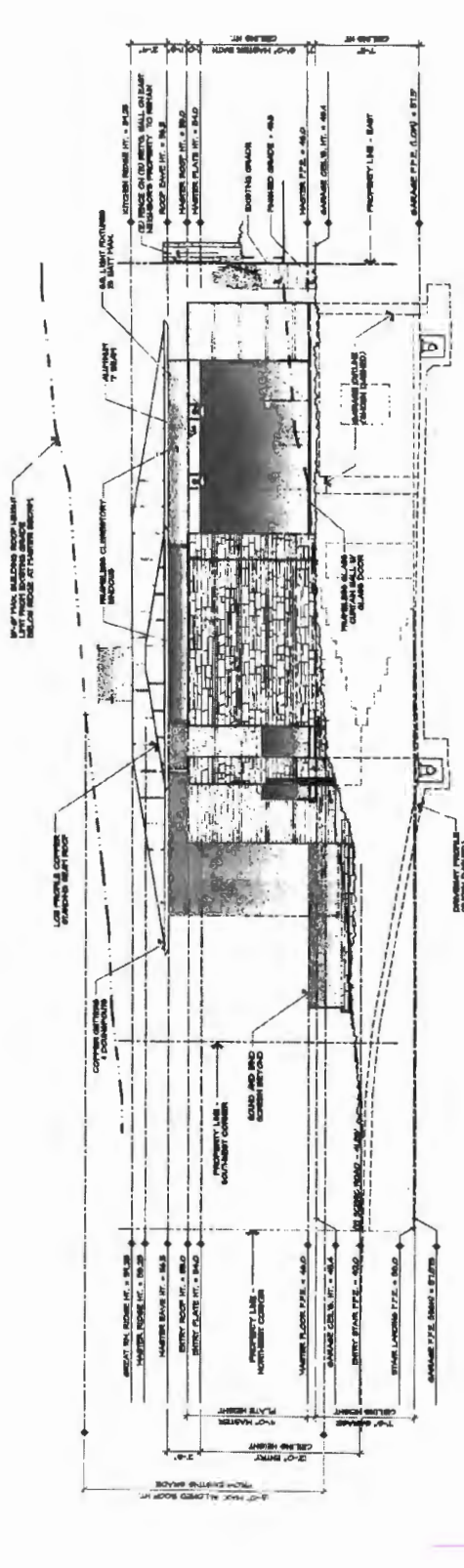
APN: 010-502-015
 CORNER 1/2 OF 4TH
 JAYNE RESIDENCE
 EXTERIOR ELEVATIONS

DATE: 4/22/14
 SHEET: 142 OF 147
 DRAWN: C.A. BRYAN
 JOB NUMBER: 1420

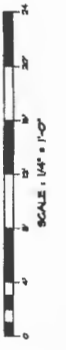
A-3.2
 0.00' 0.00' 0.00'



EAST BACK ELEVATION
 SCALE: 1/4" = 1'-0"



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

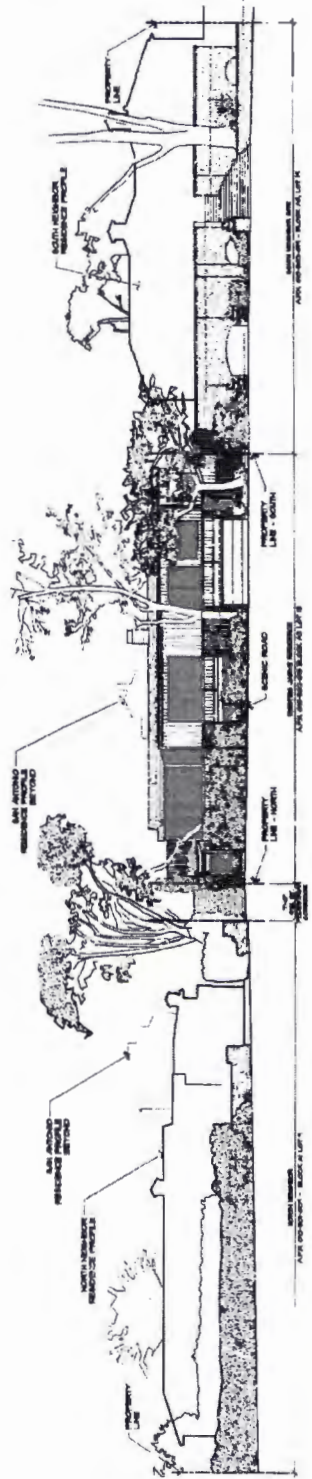


REVISION	No.

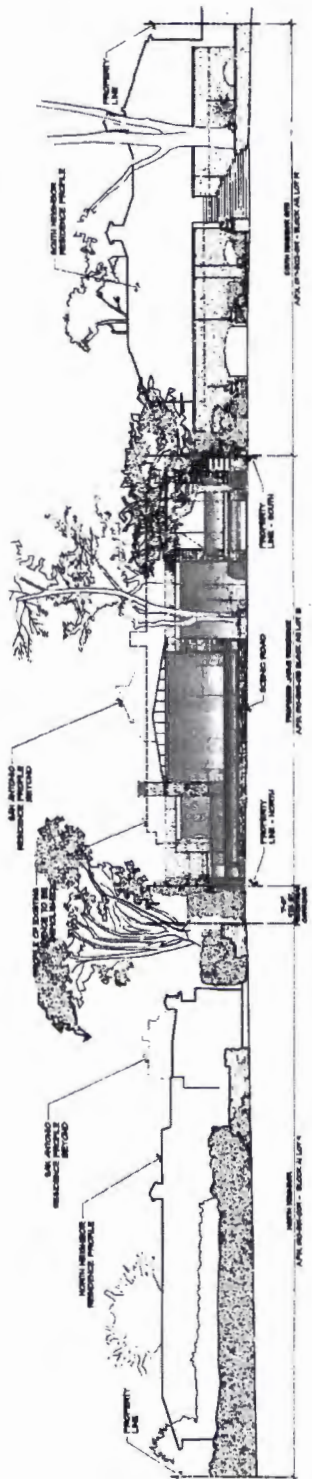
ARCHITECT
ERIC MILLER ARCHITECTS, INC.
 157 GRAND AVENUE, SUITE 108
 PACIFIC GROVE, CA 93950
 PHONE (831) 328-7840 • FAX (831) 328-7840 • WWW.ERICMILLERARCHITECTS.COM

SCENIC ROAD ELEVATION
 JOB NAME
Jarvis Residence
 Client: Jarvis, Inc.
 157 Grand Ave., Pacific Grove, CA 93921
 APN: 010-002-015
 DATE: 02/21/14
 SCALE: 1" = 10'-0"
 DRAWN: C.A. BROWN
 JOB NUMBER: 15730

A-3.3



SCENIC ROAD ELEVATION - EXISTING
 SCALE: 1" = 10'-0"



SCENIC ROAD ELEVATION - PROPOSED
 SCALE: 1" = 10'-0"

REVISION	NO.

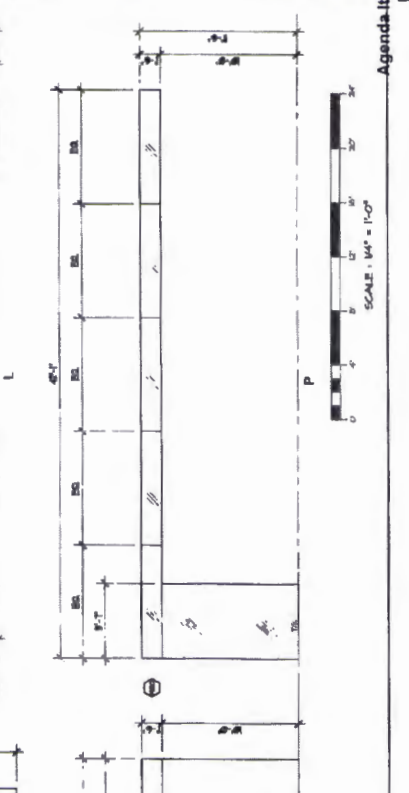
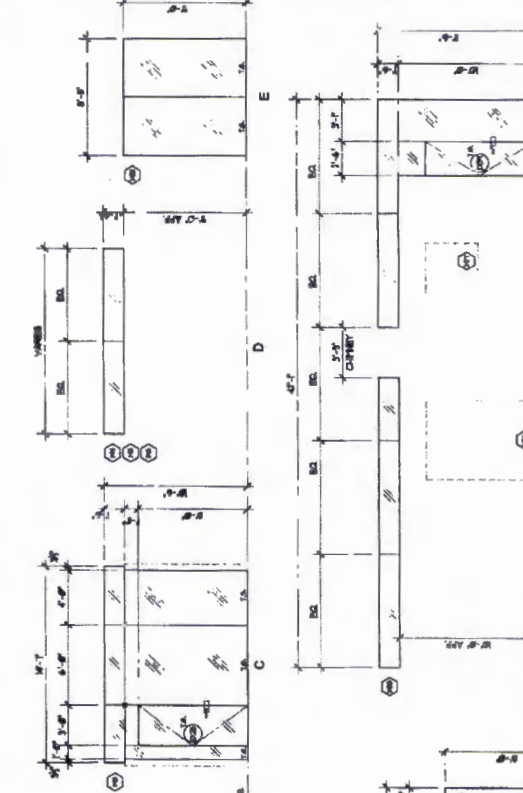
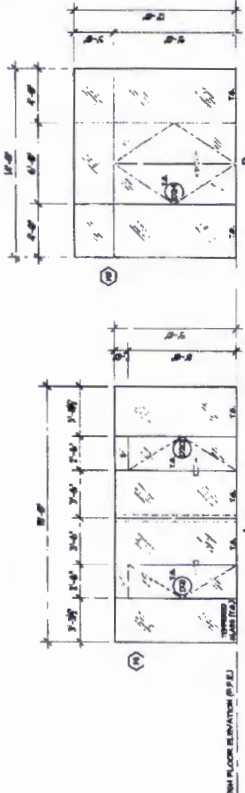
DESIGNER: JEFFREY J. HARRIS
 DATE: 07/14/14
 PROJECT: 157 GRAND

ARCHITECT: ERIC MILLER ARCHITECTS, INC.
 157 GRAND, SUITE 108, PACIFIC GROVE, CA 93950
 PHONE (805) 235-0419 FAX (805) 278-7840 WEB: www.ericmillerarchitects.com

WINDOW SCHEDULE
 DATE: 06/25/14
 DRAWN: JPH
 CHECKED: JPH
 PROJECT: A-4.2
 CLIENT: ALVARO RESIDENCE
 ADDRESS: 157 GRAND, SUITE 108, PACIFIC GROVE, CA 93950

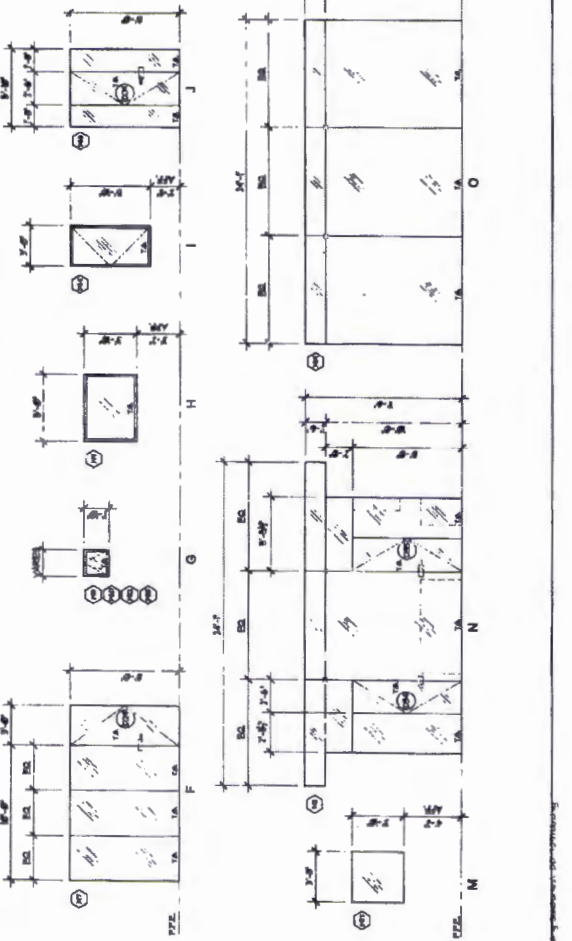
A-4.2
 Agenda Item: 08
 Page 63

WINDOW TYPE



WPK NO.	WPK TYPE	SIZE (H x W)	LOCATION	GLASSING MAT.	FRAME MAT.	STYLE	HEAD	JAMB	SILL	WIND DETAIL	WIND DETAIL	REMARKS
1	A	36\"/>										
2	B	36\"/>										
3	C	36\"/>										
4	D	36\"/>										
5	E	36\"/>										
6	F	36\"/>										
7	G	36\"/>										
8	H	36\"/>										
9	I	36\"/>										
10	J	36\"/>										
11	K	36\"/>										
12	L	36\"/>										
13	M	36\"/>										
14	N	36\"/>										
15	O	36\"/>										
16	P	36\"/>										

WINDOW NOTES
 ALL WINDOW SHALL COMPLY WITH THE FOLLOWING UNLESS OTHERWISE NOTED ELSE:
 1. WINDOW HEADS SHALL HAVE SILL HURRY AT 4\"/>



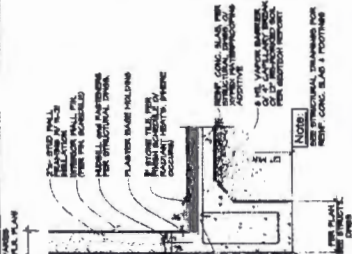
REVISION	NO.

CONSULTANT:
 ARCHITECT:
 197 GRAND AVENUE
 PACIFIC GROVE, CA 93950
 PHONE (805) 238-0110 • FAX (805) 275-7940 • WEB: WWW.ERICMILLERARCHITECTS.COM

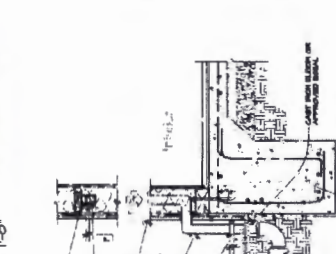
ERIC MILLER ARCHITECTS, INC.
 ARCHITECT

EXTERIOR DETAILS
 Jorve Residence
 SCALE: 1/8" = 1'-0"
 DATE: 10/20/11
 SHEET: A8.1
 JOB NUMBER: B-22

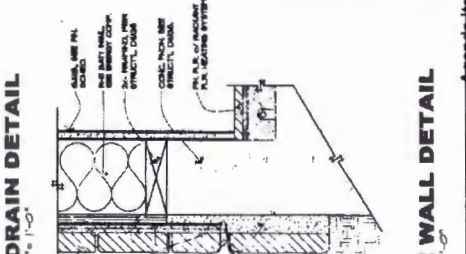
A8.1
 Agenda Item: 9-B
 Page 64



1 STUCCO WALL DETAIL
 SCALE: 1/2" = 1'-0"



2 ROOF DRAIN DETAIL
 SCALE: 1/2" = 1'-0"



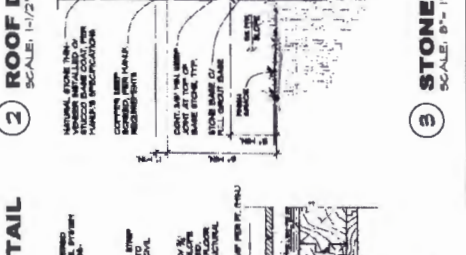
3 STONE WALL DETAIL
 SCALE: 9" = 1'-0"



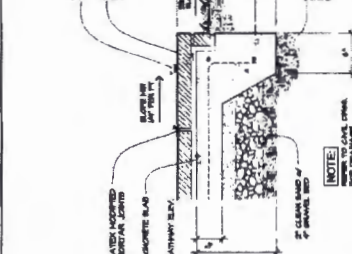
4 PAVING EDGE DETAIL
 SCALE: 1 1/2" = 1'-0"



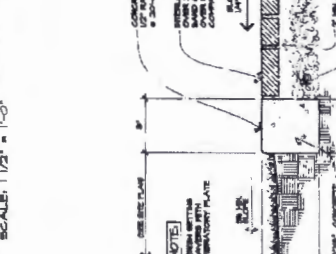
5 DRIVEWAY EDGE DETAIL
 SCALE: 1/2" = 1'-0"



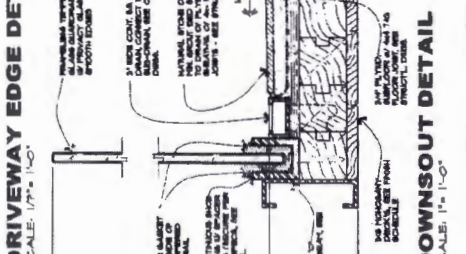
6 DOWNSPOUT DETAIL
 SCALE: 1" = 1'-0"



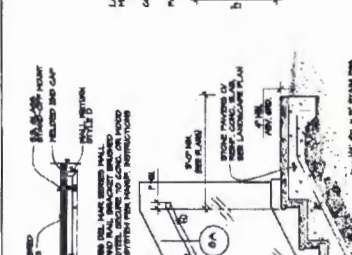
7 EXTERIOR STAIR DETAIL
 SCALE: 3/4" = 1'-0"



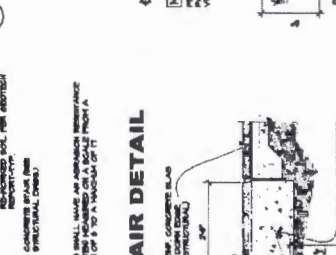
8 EXTERIOR STEP DETAIL
 SCALE: 3/4" = 1'-0"



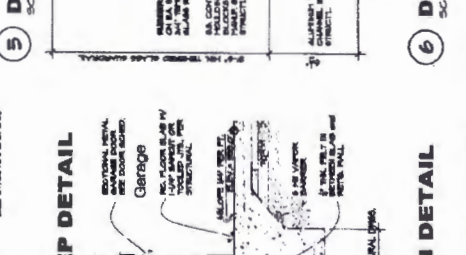
9 TRENCH DRAIN DETAIL
 SCALE: 3/4" = 1'-0"



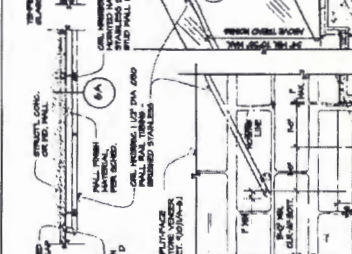
10 RETAINING WALL DETAIL - STONE VENER
 SCALE: 9" = 1'-0"



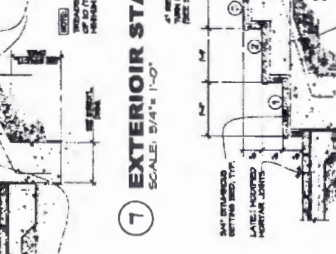
11 RETAINING WALL DETAIL - STUCCO
 SCALE: 1/2" = 1'-0"



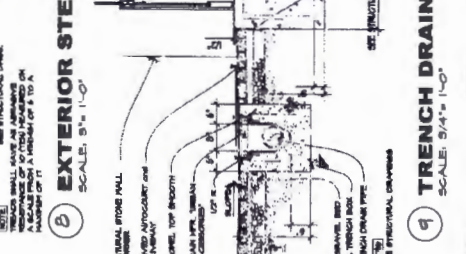
12 GARAGE DETAIL
 SCALE: 3/4" = 1'-0"



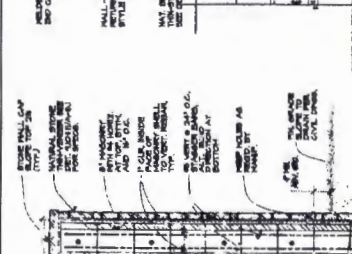
13 RETAINING WALL DETAIL - STONE VENER
 SCALE: 9" = 1'-0"



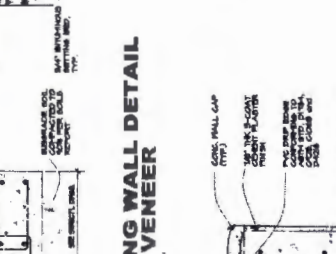
14 RETAINING WALL DETAIL - STUCCO
 SCALE: 1/2" = 1'-0"



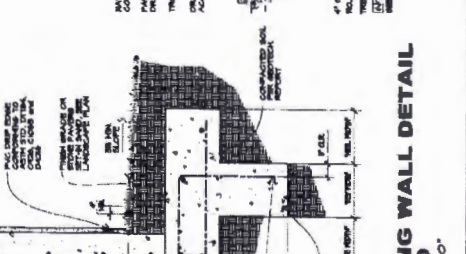
15 GARAGE DETAIL
 SCALE: 3/4" = 1'-0"



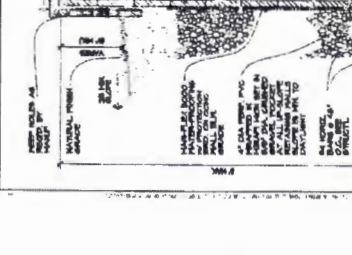
16 RETAINING WALL DETAIL - STONE VENER
 SCALE: 9" = 1'-0"



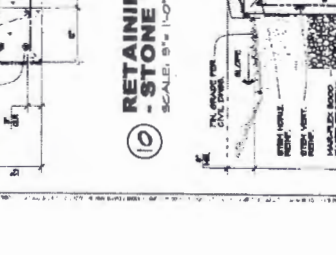
17 RETAINING WALL DETAIL - STUCCO
 SCALE: 1/2" = 1'-0"



18 GARAGE DETAIL
 SCALE: 3/4" = 1'-0"



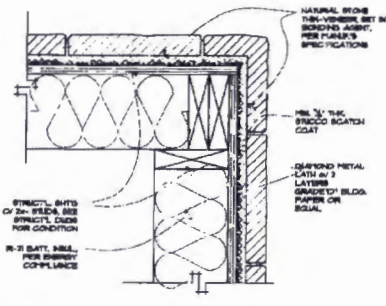
19 RETAINING WALL DETAIL - STONE VENER
 SCALE: 9" = 1'-0"



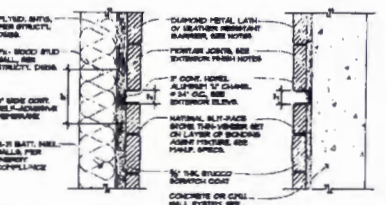
20 RETAINING WALL DETAIL - STUCCO
 SCALE: 1/2" = 1'-0"



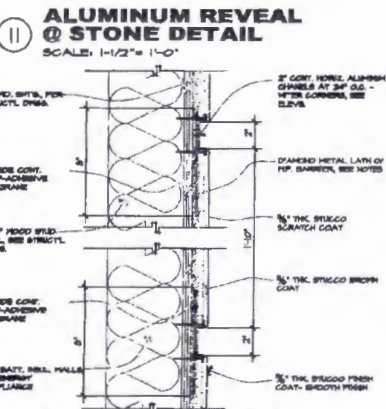
21 GARAGE DETAIL
 SCALE: 3/4" = 1'-0"



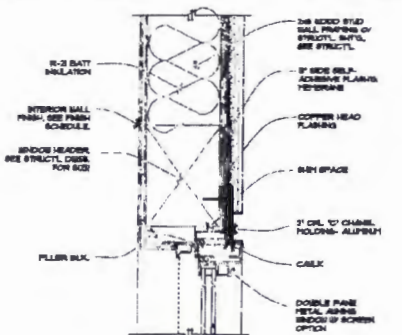
10 **STONE CORNER DETAIL**
SCALE: 5" = 1'-0"



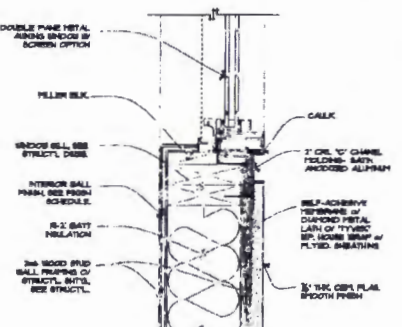
12 **ALUMINUM REVEAL @ STUCCO DETAIL**
SCALE: 5" = 1'-0"



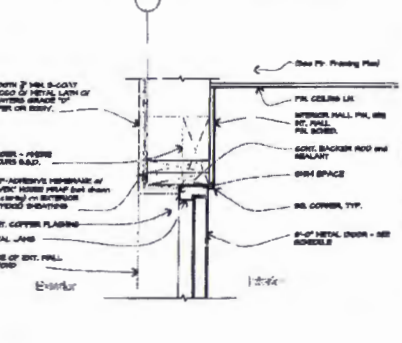
11 **ALUMINUM REVEAL @ STONE DETAIL**
SCALE: 1-1/2" = 1'-0"



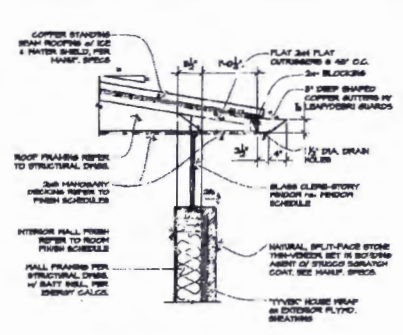
7 **WINDOW HEAD DETAIL**
SCALE: 5" = 1'-0"



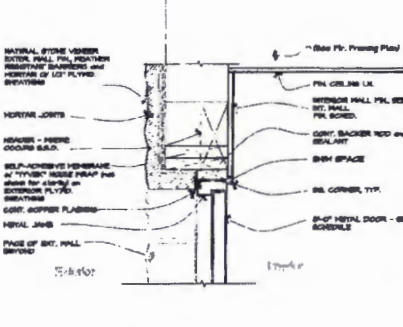
8 **WINDOW SILL DETAIL**
SCALE: 5" = 1'-0"



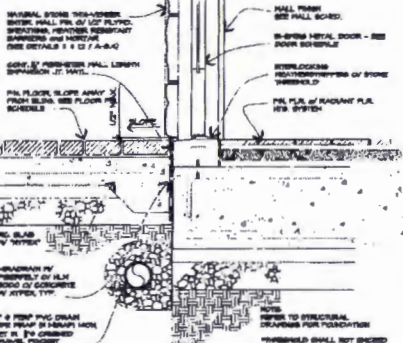
9 **DOOR HEAD DETAIL**
SCALE: 1/2" = 1'-0"



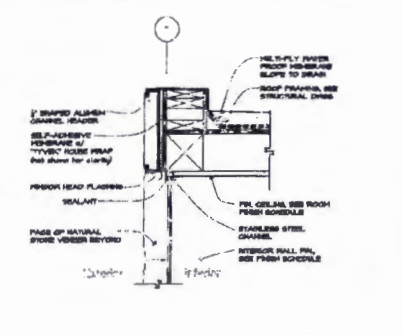
4 **OVERHANG DETAIL**
SCALE: 1" = 1'-0"



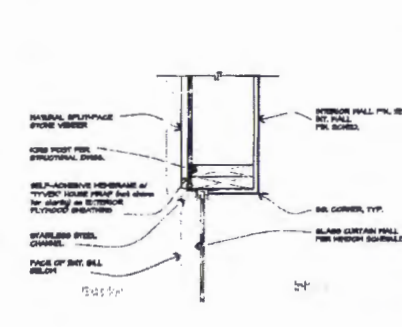
5 **DOOR THRESHOLD DETAIL**
SCALE: 1-1/2" = 1'-0"



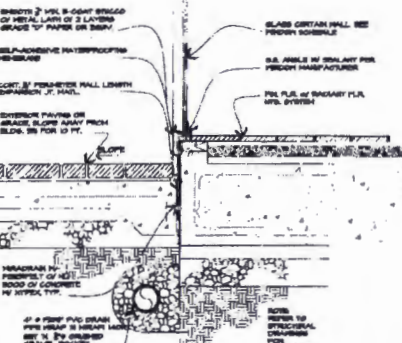
6 **DOOR THRESHOLD DETAIL**
SCALE: 1-1/2" = 1'-0"



1 **ALUMINUM BEAM DETAIL**
SCALE: 1-1/2" = 1'-0"



2 **CURTAIN WALL HEAD**
SCALE: 1-1/2" = 1'-0"



3 **CURTAIN WALL SILL**
SCALE: 1-1/2" = 1'-0"

REVISION	No.

CONSULTANT:

ERIC MILLER ARCHITECTS, INC.

157 STRAND
PACIFIC GROVE, CA 93950
PHONE (805) 774-1410 • FAX (805) 774-1414 • WWW.ERICMILLERARCHITECTS.COM

EXTERIOR DETAILS

157 STRAND
Jaive Residence
1/2" @ 4"
General - 1/2" @ 4"
A.P.N. : 00-502-015

DATE:	4/24/14
SCALE:	AS NOTED
DRAWN BY:	SMU
CHECKED BY:	
JOB NUMBER:	19.20

A8.2

8/18

REVISION

NO.	DESCRIPTION
1	REVISED CAN DOWNLIGHT
2	INTERIOR
3	INTERIOR
4	INTERIOR
5	INTERIOR
6	INTERIOR
7	INTERIOR
8	INTERIOR
9	INTERIOR
10	INTERIOR

TITLE IN ENERGY REQUIREMENTS:

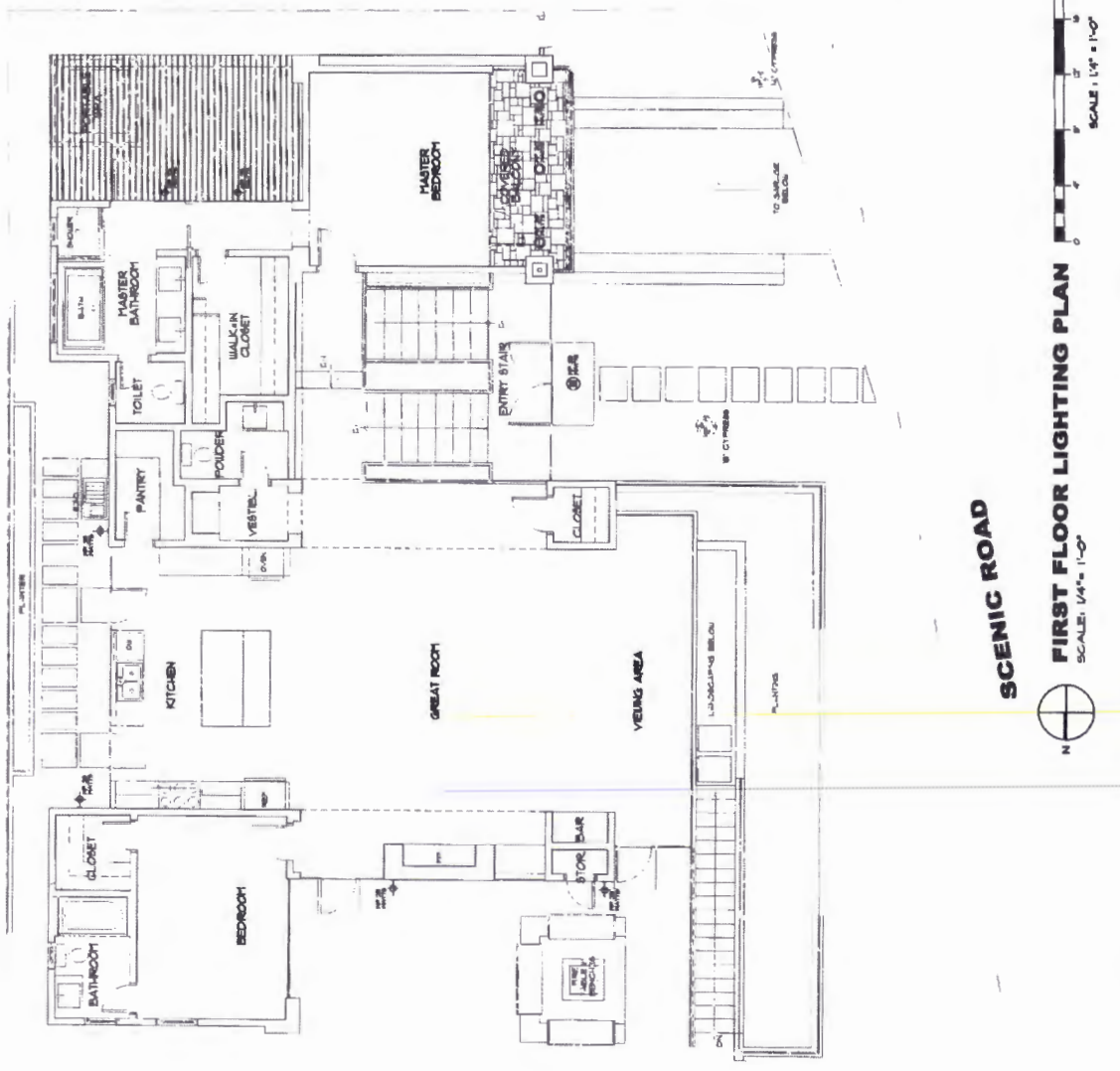
1. EXPOSED AT LEAST ONE OF INSTALLED NATURAL LIGHT FIXTURES SHALL BE INSTALLED IN THE MASTER BEDROOM AREA.
2. ALL INSTALLED LIGHTING MUST BE INSTALLED IN THE MASTER BEDROOM, BATHROOM, HALLWAY, ENTRY, LIVING ROOM, DINING ROOM, KITCHEN, BREAKFAST ROOM, LAUNDRY ROOM, HALLWAY, STAIRS, CLOSET, GARAGE, PORCH, PATIO, AND TERRACE.
3. LIGHTING IN ALL OTHER ROOMS SHALL BE INSTALLED IN THE MASTER BEDROOM, BATHROOM, HALLWAY, ENTRY, LIVING ROOM, DINING ROOM, KITCHEN, BREAKFAST ROOM, LAUNDRY ROOM, HALLWAY, STAIRS, CLOSET, GARAGE, PORCH, PATIO, AND TERRACE.
4. EXPOSED LIGHTING WITH SPACED OR NOTION SHALL BE INSTALLED IN THE MASTER BEDROOM AREA.
5. EXPOSED LIGHTING OR DOWNLIGHT SHALL NOT BE INSTALLED IN THE MASTER BEDROOM AREA.
6. ALL DOWNLIGHTS INSTALLED IN THE MASTER BEDROOM AREA SHALL BE INSTALLED IN THE MASTER BEDROOM AREA.
7. ALL DOWNLIGHTS INSTALLED IN THE MASTER BEDROOM AREA SHALL BE INSTALLED IN THE MASTER BEDROOM AREA.
8. ALL DOWNLIGHTS INSTALLED IN THE MASTER BEDROOM AREA SHALL BE INSTALLED IN THE MASTER BEDROOM AREA.
9. ALL DOWNLIGHTS INSTALLED IN THE MASTER BEDROOM AREA SHALL BE INSTALLED IN THE MASTER BEDROOM AREA.
10. ALL DOWNLIGHTS INSTALLED IN THE MASTER BEDROOM AREA SHALL BE INSTALLED IN THE MASTER BEDROOM AREA.

LIGHT FIXTURES

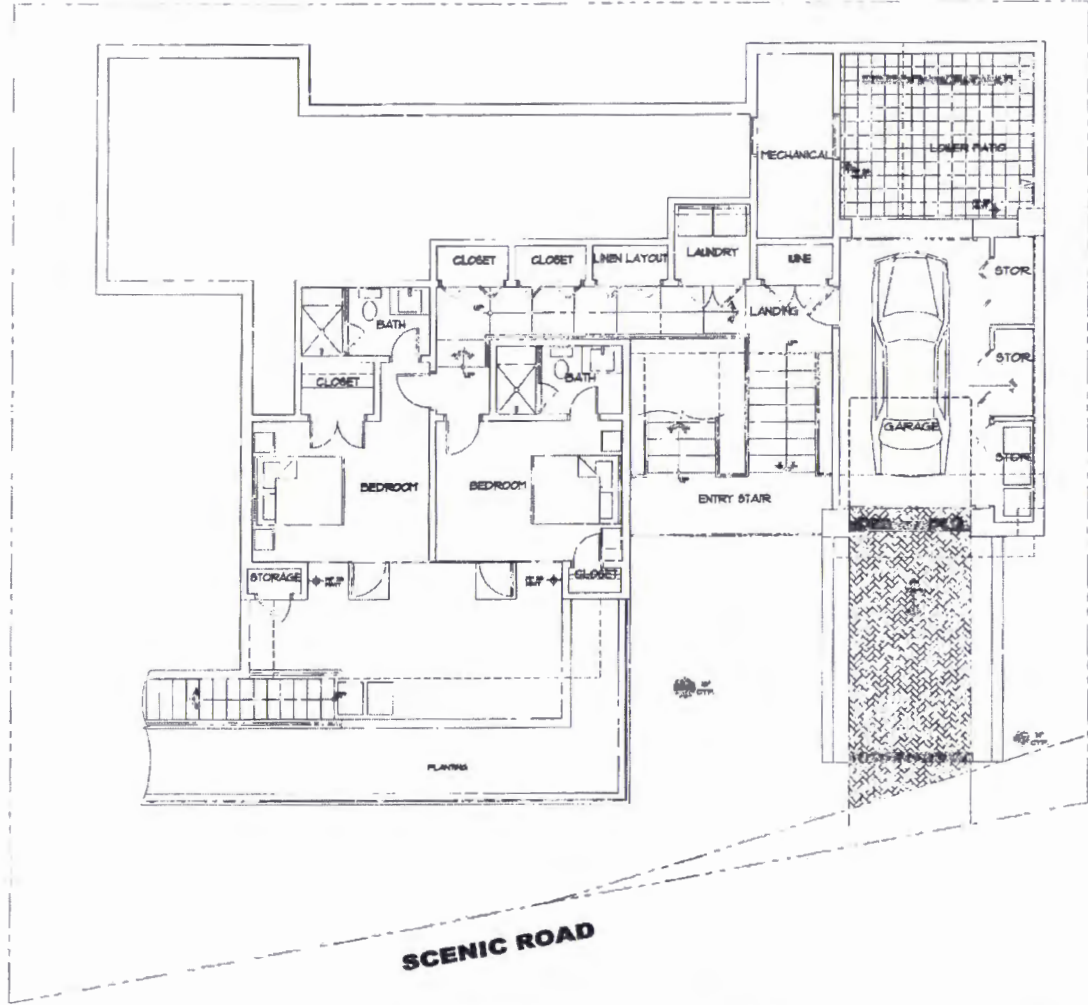
- RECESSED CAN DOWNLIGHT
- INTERIOR
- INTERIOR
- INTERIOR
- INTERIOR
- INTERIOR
- INTERIOR
- INTERIOR
- INTERIOR
- INTERIOR

SHALL INSTALLED EXTERIOR LIGHT FIXTURE
 LAMP, 20 WATT, MAXIMUM
 FINISH, BRASS

RECESSED CAN DOWNLIGHT FIXTURE
 LAMP, 20 WATT, MAXIMUM
 FINISH, BRASS



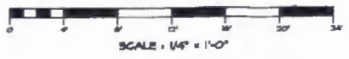
SCENIC ROAD
FIRST FLOOR LIGHTING PLAN
 SCALE: 1/4" = 1'-0"



SCENIC ROAD



BASEMENT LIGHTING PLAN
SCALE: 1/4" = 1'-0"



LIGHT FIXTURES	
	RECESSED CAN, WATERPROOF
	WATERPROOF
	WATERPROOF CEILING LIGHT

- TITLE 24 ENERGY REQUIREMENTS:**
- KITCHENS, AT LEAST 50% OF INSTALLED FIXTURES MUST BE HIGH EFFICACY INCLUDING HOOD AREA.
 - ALL HANDHELD LIGHTING MUST BE HIGH EFFICACY OR CONTROLLED BY A MANUAL OR MOTION OR / SENSOR IN BATHROOMS, UTILITY ROOMS, GARAGES, LAUNDRY ROOMS, HALLWAYS, STAIRS, CLOSETS GREATER THAN 10 S.F.
 - LIGHTING IN ALL OTHER ROOMS SHALL BE HIGH EFFICACY LUMINAIRES OR ARE CONTROLLED BY A DIMMER SWITCH OR ARE CONTROLLED BY AN OCCUPANCY SENSOR THAT DOES NOT TURN ON AUTOMATICALLY OR HAVE AN ALWAYS ON OPTION.
 - EXTERIOR LIGHTING, HIGH EFFICACY OR MOTION SENSITIVE PHOTO SENSOR.
 - EXTERIOR LIGHTING ON BUILDINGS SHALL NOT BE HIGHER THAN 10 FEET ABOVE THE GROUND AND SHALL NOT EXCEED 25 WATTS INCANDESCENT EQUIVALENT, I.E. APPROXIMATELY 200 LUMENS IN POWER PER FOOTCANDLE.
 - ALL FIXTURES INSTALLED IN NET LOCATIONS SHALL BE MARKED: "SUITABLE FOR NET LOCATIONS" ALL FIXTURES INSTALLED IN DAMP LOCATIONS SHALL BE MARKED: "SUITABLE FOR NET OR DAMP LOCATIONS" PER 2008 CEC.

REVISION	No.
REVISION	1/2014
REVISION	3/2014
REV. NUMBER	02/04

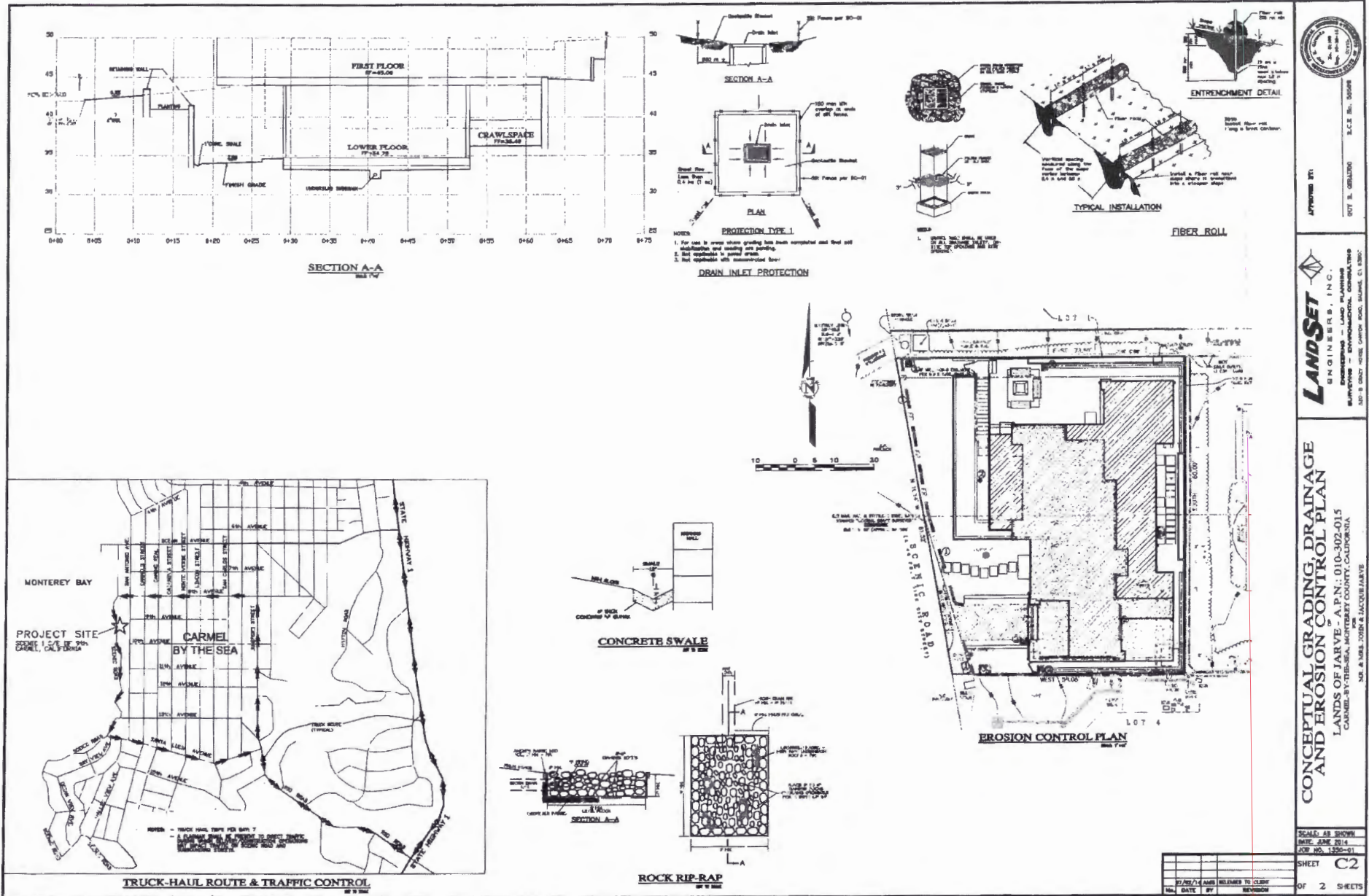
CONSULTANT:

ARCHITECT
ERIC MILLER ARCHITECTS, INC.
 157 GRAND AVENUE, PACIFIC GROVE, CA 93950
 PHONE: (805) 231-5171 • FAX: (805) 231-5172 • WWW.ERICMILLERARCHITECTS.COM

EXTERIOR LIGHTING PLAN
 JOB NAME: Jarve Residence
 2000 S. 1st St., Pacific Grove, CA 93923
 A.P.N.: 010-002-015

DATE:	4/22/14
SCALE:	1/4" = 1'-0"
DATE:	C.H.
JOB NUMBER:	15.00

E-2.2



Agenda Item: 9.B
 Page 68

Exhibit 2
 A-3-CML-15-0004
 18 of 22

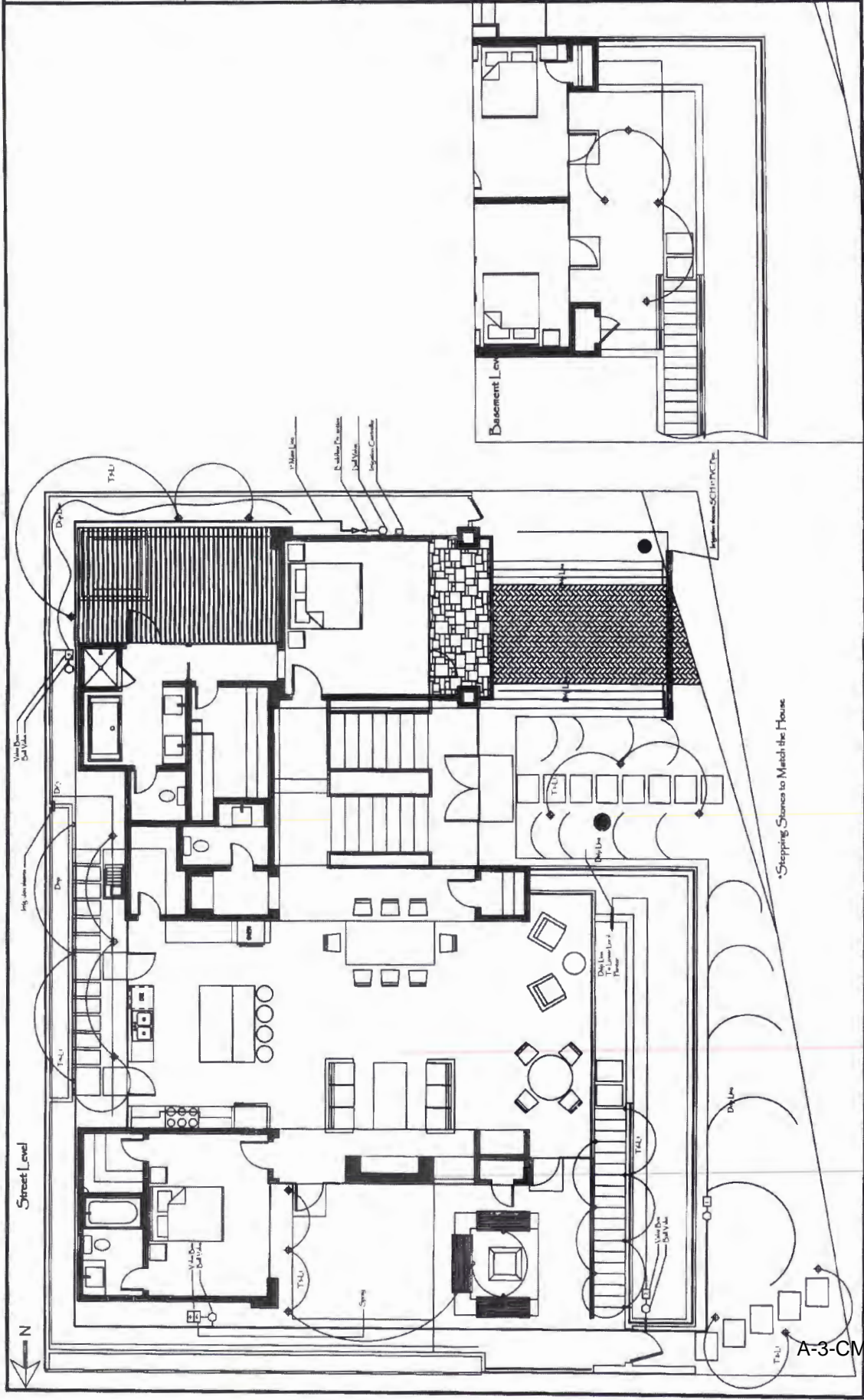


Michelle Comneau
Landscape Design
Installation
PO Box 437
Carmel, CA 93921
Tel: 831.426.1111
Fax: 831.426.0909
mcom@landscape.com

Jarve Residence
Scenic 1 S/E of 9th
Carmel By The Sea, Ca. 93921
A.P.N.: 010-302-019

Sheet Title: Irrigation/Lighting Plan
Date: 9/19/14
Scale: N/A
Drawn By: GML
Reviewed: 9/23/14

Sheet L-2
of 3



Agenda Item: 9.B
Page 70

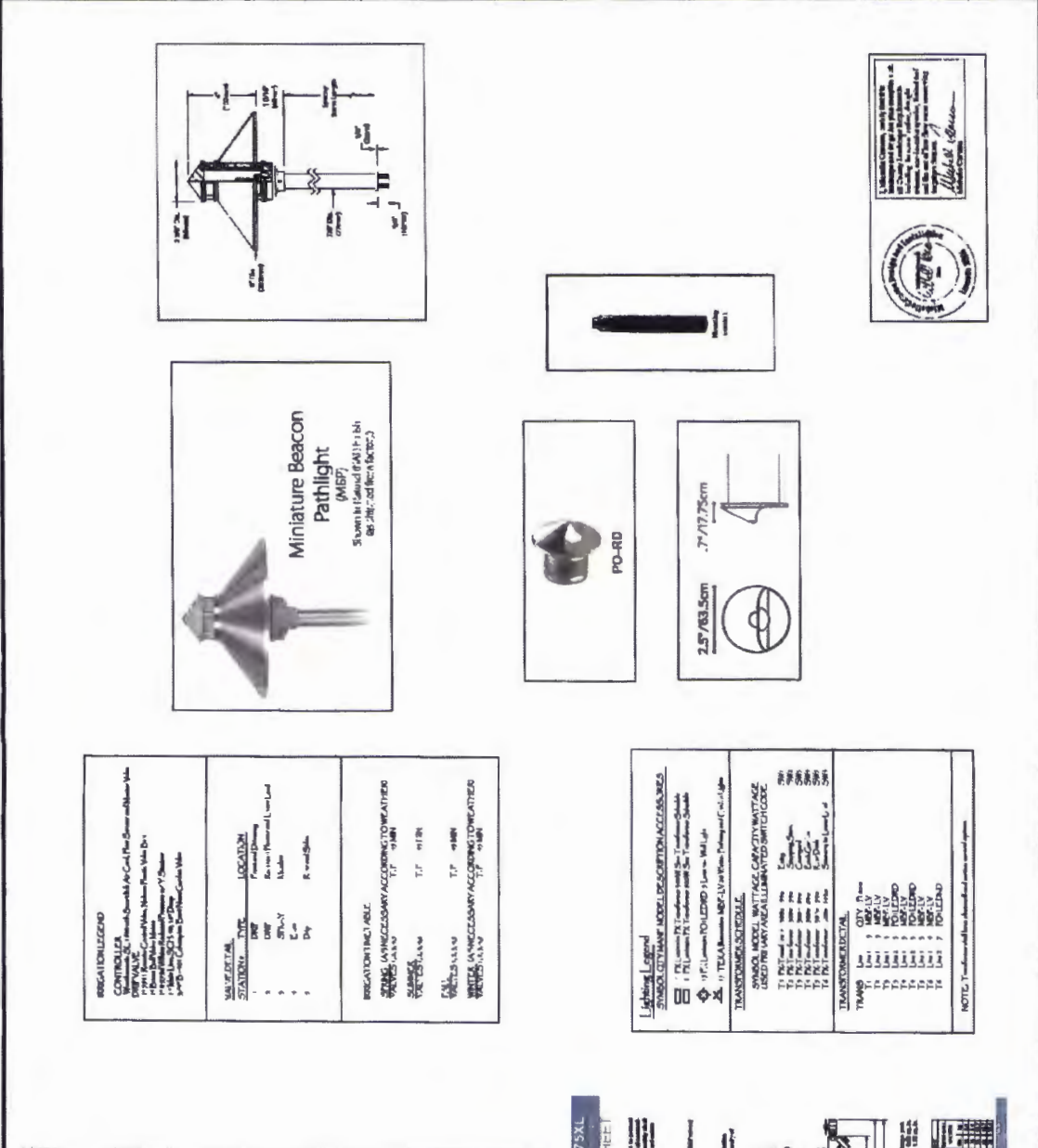
Exhibit 2
A-3-CML-15-0004
20 of 22

Landscape Plan Proposed For

Scene 1 S/E of 9th
 Jarne Residence
 Carmel-by-the-Sea, Ca. 93921
 APN: 010-302-019

Sheets This	Notes		
Date: 9/13/14	Scale: No Scale	Drawn By: GM	Checked: JSD/14
Sheet L-9			

Michele Correia Landscape Design Installation PO Box 917 Carmel, Ca. 93901 Phone: 831.923.1099 mcorreia@earthlink.net



PLANTING NOTES:

1. Plant material to be used in the landscape shall be mature and established. Consider the use of locally grown plants to reduce water consumption and support the local economy. To meet the planting requirements, contractor may need to engage in contracts with growers to ensure plant availability.
2. Contractor to verify landscape designer in the event of plant availability issues.
3. Conditions permitting, the retention of some or planting pits for some items.
4. All plant material shall meet specifications for species and quality with ANSI Z601, "Standard for Nursery Stock", and shall be inspected by landscape designer at time of planting.
5. Plant materials may be adjusted in the field as directed by landscape designer at owner's risk to owner.
6. Contractor shall meet any protection between adjacent existing trees to be used in existing trees.
7. Contractor shall provide an allowance of \$2,000 for additional material.
8. The site shall be prepared with 4" of 1/2" sub-grade with 3/4" of 1/2" sub-grade, all dirt, rocks, and debris. Provide a 1/2" compacted gravel to landscape designer prior to planting.
9. Establish correct landscaping to be applied to all steps same according to manufacturer's specifications.
10. All trees to be planted with two lead roots within 18" of 2" or better based and within one (1) inch gap when necessary.
11. All plants to be placed with 1/2" top soil, 1/2" organic planting mix, 1/2" heavy aggregate organic amendment.
12. All plants to be placed with organic mulch mulched with appropriate specification.
13. No plant substitutions unless approved by designer and City of Carmel.
14. All irrigation lines to be 3/4" or 1" PVC with hole.
15. All water valves to be placed with 1" top soil, 1/2" compacted gravel, 1/2" heavy aggregate organic amendment, SCE 46.
16. All above ground water valves to be placed with 1/2" sub-grade, SCE 46, SCE 40 PVC.
17. All spraying nozzles to be set for individual jobs of course, 2" dia., variable to fit the size of the targeted insect.

REGISTRATION LEGEND

CONTROL	SYMBOLOGY	DESCRIPTION
1	(Symbol)	Planting Schedule (Plant Size and Spacing)
2	(Symbol)	Planting Schedule (Plant Size and Spacing)
3	(Symbol)	Planting Schedule (Plant Size and Spacing)
4	(Symbol)	Planting Schedule (Plant Size and Spacing)
5	(Symbol)	Planting Schedule (Plant Size and Spacing)
6	(Symbol)	Planting Schedule (Plant Size and Spacing)

MINIATURE BEACON PATHLIGHT (MBP)

STATION	TYPE	LOCATION
1	MBP	Front Driveway
2	MBP	Near the Pool
3	MBP	Near the Pool
4	MBP	Near the Pool
5	MBP	Near the Pool

REGISTRATION TABLE

SYMBOL	DESCRIPTION
(Symbol)	Planting Schedule (Plant Size and Spacing)
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(Symbol)	Planting Schedule (Plant Size and Spacing)
(Symbol)	Planting Schedule (Plant Size and Spacing)

Lighting Legend

- 1. ALL LIGHTING TO BE INSTALLED BY THE CONTRACTOR.
- 2. ALL LIGHTING TO BE INSTALLED BY THE CONTRACTOR.
- 3. ALL LIGHTING TO BE INSTALLED BY THE CONTRACTOR.

TRANSFORMER SCHEDULE

TRANSFORMER	TYPE	LOCATION
1	TRANSFORMER	Near the Pool
2	TRANSFORMER	Near the Pool
3	TRANSFORMER	Near the Pool
4	TRANSFORMER	Near the Pool
5	TRANSFORMER	Near the Pool

TRANSFORMER SCHEDULE

TRANSFORMER	TYPE	LOCATION
1	TRANSFORMER	Near the Pool
2	TRANSFORMER	Near the Pool
3	TRANSFORMER	Near the Pool
4	TRANSFORMER	Near the Pool
5	TRANSFORMER	Near the Pool

NOTES:

1. ALL LIGHTING TO BE INSTALLED BY THE CONTRACTOR.
2. ALL LIGHTING TO BE INSTALLED BY THE CONTRACTOR.
3. ALL LIGHTING TO BE INSTALLED BY THE CONTRACTOR.

A-7.1
SHEET

DATE: 08/20/15
SCALE: 1/2"=1'-0"
JOB NAME: 09.200

ARCHITECT
ERIC MILLER ARCHITECTS, INC.
167 GRAND PACIFIC GROVE, CA 93950
PHONE (805) 875-4115 FAX (805) 275-7965
WWW.ERICMILLERARCHITECTS.COM

RENDERING - SCENIC ROAD



CONSULTANT:

ARCHITECT

REVISION	NO.

RECEIVED

FINAL LOCAL ACTION NOTICE ON COASTAL PERMIT

JAN 12 2015

City of Carmel-by-the-Sea

Date of Notice: January 7, 2015

CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA Submitted By: Marc Wiener, Senior Planner

For Coastal Commission Use Only
Reference #:
Appeal Period:

Notice Sent to (via first-class mail):

Applicant & Applicant's Rep (if any)
California Coastal Commission Central Coast District Office

Please note the following Final City of Carmel-by-the-Sea Action on an application for a Coastal Permit, emergency Coastal Permit, Coastal Permit amendment or Coastal Permit extension. All local appeal periods have been exhausted for this matter:

Project Information

Application #: DS 14-44
Project Applicant: John and Jaque Jarve
Applicant's Rep: Eric Miller, architect
Project Location: Scenic Road 1 SE of 9th Ave
APN: 010-302-015

FINAL LOCAL ACTION NOTICE
REFERENCE # 3-CML-15-0038
APPEAL PERIOD 1/13-1/27/15

Project Description: Consideration of Design Study (DS 14-43) and associated Coastal Development Permit application for the construction of a new residence located in the Single-Family Residential (R-1), Park Overlay (P), and Beach and Riparian (BR) Overlay Zoning Districts

Final Action Information

Final Action Date: January 6, 2014

Final Local Action: [X] Approved with Conditions [] Denied
Final Action Body: [] Design Review Board [] Planning Commission [X] City Council
[] Historic Resources Board [] Director/Staff /Other (explain)

Table with 3 columns: Required Materials Supporting the Final Action, Enclosed, Previously Sent (date). Rows include Adopted Staff Report, Adopted Findings, Adopted Conditions, Site Plans, Elevations.

Table with 3 columns: Additional Materials Supporting the Final Action, Enclosed, Previously Sent (date). Rows include CEQA Document(s), Historic Evaluation, Biotic Report (s), Other.

Coastal Commission Appeal Information

This Final City of Carmel-by-the-Sea Action is:

- [] NOT appealable to the California Coastal Commission. The Final City Action is now effective.
[X] Appealable to the California Coastal Commission. The Coastal Commission's 10-working day appeal period begins the first working day after the Coastal Commission receives adequate notice of this Final City Action.



CITY OF CARMEL-BY-THE-SEA

Council Report

January 6, 2015

RECEIVED
JAN 12 2015

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

To: Honorable Mayor and Members of the City Council
Douglas J. Schmitz, City Administrator

From: Marc Wiener, Senior Planner

Subject: **Consideration of an appeal of the Planning Commission's approval of Design Study (DS 14-43) and the associated Coastal Development Permit for the construction of a new single-family residence located on Scenic Road, one parcel southeast of 9th Avenue, in the Single-Family Residential (R-1), Park Overlay (PO), and Beach and Riparian Overlay (BR) Zoning Districts. The application is being appealed by a neighboring property owner: Steven Beutler.**

RECOMMENDATION: Deny the appeal and uphold the Planning Commission's approval of Design Study (DS 14-43) and the associated Coastal Development Permit.

EXECUTIVE SUMMARY: The project site is developed with a 3,182-square foot residence that is clad with vertical wood siding. The residence has an upper level and a partially sub-grade lower level. A Determination of Historic Ineligibility was issued by the Community Planning and Building Department on September 4, 2012.

The applicant has submitted plans to demolish the existing residence and construct a new two-level residence. The proposed residence would be 2,631 square feet in size, which includes 1,901 square feet on the upper main level and 730 square feet in the lower basement level. The basement level includes a one-car garage and two bedrooms. The proposed residence is designed with contemporary-style architecture and includes a combination of glass, stucco, stone, and a copper standing-seam metal roof. A colored three-dimensional rendering is included with the plan set in Attachment 11.

This Design Study (DS 14-43) application for a new single-family residence was reviewed by the Planning Commission at two separate meetings. The Design Study received concept acceptance from the Planning Commission on September 10, 2014, and was approved on November 12, 2014. The Planning Commission voted 4-1 in favor of the project.

The project approval is being appealed a neighboring property owner: Dr. Steven Beutler. Dr. Beutler lives on northeast corner of San Antonio and Ninth Avenues. Dr. Beutler's primary concerns with the project are centered on impacts related to construction. The appeal application is included as Attachment 1.

ANALYSIS/DISCUSSION:

Planning Commission Review and Staff Analysis

This project received Concept Review by the Planning Commission on September 10, 2014. In the staff report (Attachment 6) it was noted that Residential Design Guideline 9.0 states an objective to “*promote diversity of architectural styles that are also compatible with the village-in-a-forest context*” and notes that “*a design that creates individual character while also maintaining compatibility with the character of the neighborhood, is encouraged*” and “*a design that incorporates innovation and the use of skilled workmanship is encouraged.*”

Staff concluded that the project would comply with the guideline objectives of promoting architectural diversity, individual character, and innovation in design. Staff raised some concerns with the amount of glass, but noted at the meeting that the proposal may be appropriate for Scenic Road. The Planning Commission indicated general support for the project and did not recommend any substantial design changes.

Included in the applicant’s presentation was a proposal to use an electronically controlled opaque glass system, also known as “smart glass” or “switch glass.” The applicant presented a sample of the glass at the meeting and demonstrated how it works. It was indicated that the glass would be used on the front glass-railing and half-way up the glass on the front (west) elevation of the building. The applicant also indicated that shades would be used on the residence for privacy. The Commission noted that the shades would be an important architectural feature of the building and requested that the applicant present several options for consideration at the Final Review meeting. Staff notes that the appellant, Dr. Beutler, did not provide testimony at the conceptual review meeting.

This project received Final Review approval by the Planning Commission on November 12, 2014. At this meeting, the applicant presented four options for the window shades. All four options were tan in color to be consistent with the color of the Carmel stone used on the building. The Commission approved the use of either Option #1 or Option #3 as depicted in Attachment 8. Staff notes that shade samples will be available at the Council meeting for review. One of the Commissioners had concerns that the opaque glass presented at the previous meetings would glow or emit light. The applicant indicated that the glass turns an opaque white, but does not glow. A sample of the glass was not brought to the Final Review meeting, as it was reviewed in detail at the concept review meeting. The Planning Commission approved the project on a 4-1 vote. The Commissioner that had concerns with the switch glass system cast the dissenting vote.

At the Final Review meeting the appellant, Dr. Beutler, provided testimony and a letter expressing concern with the impacts related to the construction of the residence. Dr. Beutler noted that over the past few years, there have been several other construction projects in the area that have impacted his quality of life. In response to these concerns, the Planning Commission included a condition of approval that limits construction to Monday through Friday, from 8:00 a.m. to 5:00 p.m. and that prohibits construction on holidays. This condition

is more restrictive than the standard construction hours limitation set forth in the City's Municipal Code (CMC Section 15.08.180), which allows construction on Monday through Saturday, from 8:00 p.m. to 6:30 p.m., and does not exclude work on holidays.

Basis for Appeal

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

1. Ambient lighting.

Response: The appellant raises concerns with the appearance of the opaque switch glass system and notes that the Planning Commission was unclear on the visual impact that it would have. The applicant did bring a sample of the glass to the first meeting; however, a sample was not presented at the second meeting for the Commission to review.

The switch glass was addressed in the Concept Review, and staff raised concerns that the glass could appear bright white and may have a negative impact on the aesthetics. The applicant will bring a sample of the glass to the Council meeting and provide a demonstration. If the Council has concerns, the project conditions could be revised to eliminate this component of the design.

2. Coastal access during construction.

Response: The appellant has raised concerns with coastal access during construction, including the public walkway on the north side of the property. The applicant has provided a staging plan (Attachment 9) showing that the vehicles would be parked on site during construction and that the public walkway on the north side of the property will remain unobstructed. Staff notes that the project staging and materials would not be permitted to encroach onto City property without the approval of an Encroachment Permit. Staff would not support an Encroachment Permit for construction activities that could potentially impact coastal access or substantially restrict use of the City right-of-way.

3. Drainage controls during construction.

Response: The appellant has raised concerns regarding drainage control during construction. The applicant is required to include a Best Management Practices (BMP) plan to ensure compliance with City and State standards for the maintenance of construction sites. The construction BMP plan is reviewed by the City's Building Official as a component of the Plan Check process, and is required to include a drainage plan with appropriate erosion control measures for the project site during construction.

4. Impact of construction activities on the environment.

Response: The appellant had indicated that the project is located in or next to an Environmentally Sensitive Habitat Area (ESHA), and that there was no discussion of the impacts to the environment. The project site is not located in the ESHA Overlay District. The

nearest mapped ESHA is located several hundred feet north of the project site in an area of the beach and dunes.

As identified in the Planning Commission staff reports, the 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 new residence is similar in size and footprint to the existing building and does not present any unusual circumstances that would result in a potentially significant environmental impact. Furthermore, any impacts related to construction including construction-phase noise would be temporary.

5. Balancing of builders' rights against neighbors' rights.

Response: The appellant contends that the City did not consider the issue of balancing builders' rights against neighbors' rights. However, staff notes that the City did consider Dr. Beutler's concerns. The Planning Commission restricted the allowed days and hours of construction beyond that set forth in the Municipal Code as the City's standard construction noise mitigation requirements.

6. Need for noise mitigation during construction.

Response: The City's Municipal Code (CMC Section 8.56.040) defines construction activities as Class B noise and restricts noise production to occur only during the allowed hours of construction. The City's Municipal Code does not require an acoustic analysis or noise study for typical construction projects such as for the construction of a single-family residence.

7. Placing a time limit on construction activities.

Response: The appellant has requested that a time limit be placed on the construction activities. In order to keep the building permit active, the California Residential Building Code requires that at least one inspection occurs every six months. The City's Municipal Code does not include a provision to place an overall limit on the duration of construction projects and including such a requirement would be subject to legal challenge.

Alternative Options

This hearing is a *de novo* hearing. The Council is responsible for reviewing the entire project and is not bound by the decision of the Planning Commission. The November 12, 2014 Planning Commission staff report is included in Attachment 4 for the City Council's consideration. Attachment 5 includes the meeting minutes. Based on the Planning Commission's action, staff recommends that the City Council deny the appeal and uphold the Planning Commission's approval. Draft Findings for Approval and Conditions of Approval are included as Attachments 2 and 3 respectively.

Alternative 1: In upholding the Planning Commission's approval of Design Study (DS 14-43), the Council may include additional or revised conditions of approval. As indicated by staff, the Council may consider conditioning the project to require the elimination of the "smart" glass.

Alternative 2: The Council could grant the appeal and deny Design Study (DS 14-43). Findings for Denial of the Design Study would be brought to the Council at a future meeting for adoption.

FISCAL IMPACT:

The City collects a fee of \$304.82 when an appeal to the City Council is filed. This fee defrays some of the staff time costs for processing the appeal, and staff costs beyond the appeal fee are paid out of the City's General Fund.

Budgeted (yes/no)	Funding Source(general fund, grant, state)
Yes	Appeal Fee and General Fund

PREVIOUS COUNCIL ACTION/DECISION HISTORY:

Design Study (DS 14-36) was considered by the Planning Commission on 09/10/14 and 11/12/14. The Commission approved the Design Study on 11/12/14 by a vote of 4-1.

ATTACHMENTS:

- Attachment 1 – Appeal Application
- Attachment 2 – Findings for Approval (Denial of Appeal)
- Attachment 3 – Conditions of Approval
- Attachment 4 – 11/12/14 PC Final Staff Report, Findings, and Approval
- Attachment 5 – 11/12/14 PC Minutes
- Attachment 6 – 09/10/14 PC Concept Staff Report
- Attachment 7 – 09/10/14 PC Minutes
- Attachment 8 – Photographs of Shades and Stone
- Attachment 9 – Staging Plan
- Attachment 10 – Site Photographs
- Attachment 11 – Project Plans

APPROVED:



Douglas J. Schmitz, City Administrator

Date: 31 Dec. '14

Rob. Muller
City Council
City Administrator
City Attorney
City Clerk

City of Carmel-by-the-Sea

NOV 21 2014

CITY OF CARMEL-BY-THE-SEA

APPEAL OF PLANNING COMMISSION DECISION

Received by City Clerk

(FILING FEE: \$295.00*) 304.82

Appellant: Steven M. Beutler, M.D.

Property Owner: _____

Mailing Address: P.O. Box 652, Carmel CA 93921

Phones: Day: (909) 214-0165 Evening: (909) 214-0165

Fax: () _____ Email: ~~BEUTLER~~ SMBEUTLER2000@yahoo.com

Date Board heard the matter: 11/12/2014
Appeals to the City Council must be made in writing in the office of the City Clerk within 10 working days following the date of action by the Planning Commission and paying the required filing fee as established by City Council resolution.

Physical location of property that is the subject of appeal:
Scenic | SE of 9th

Lot(s): 2 & 3 Block: _____ APN: 010-302-015

COMMISSION ACTION BEING APPEALED: _____
Approval of demolition of existing home and construction of a new home on site

If you were NOT the original applicant or the applicant's representative, please state the evidence that you are an aggrieved party: _____
See attached

(CONTINUED ON REVERSE SIDE)

GROUND FOR APPEAL: (State the specific basis for your appeal, such as errors or omissions you believe were committed by the Commission in reaching its decision, etc.)

See Attached

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT:

DATED AT: Carmel, THIS 21 DAY OF November, 2014

[Signature]
Signature of appellant

[Initials]
\$295.00 fee* received: (Staff Initial)
304-82

Receipt #:

ATTEST:

[Signature]
City Clerk

*Article 9, Section 7, of the Constitution of the State of California authorizes a city to impose fees. Also see California government Code, Section 54344.

IMPORTANT: If the appellant wishes to submit materials for duplication and inclusion in the City of Carmel-by-the-Sea's Council agenda packet, the materials must be submitted to the City Clerk by 12/15/14 working days after the decision of the Commission. This matter is tentatively scheduled to be heard on

January 6, 2014 / February 2015 / March 2015

data-Clerk Council APPEAL PLANNING FORM.doc

•
11/20/2014

Members of the City Council -

I am writing to appeal the decision of the Planning Commission to approve project DS 14-43 (Scenic 1SE of 9th) APN 010-302-015.

I originally corresponded with the Planning Commission on 11/10/2014. You were copied on my letter to the commission, and I have attached a copy to this appeal.

I spoke at the 11/12/2014 Planning Commission meeting, and I summarized my interactions in a letter to you, dated 11/13/2014 (also attached).

On 11/18/2014, I submitted a request for reconsideration to the Planning Commission. On 11/19/2014, I was informed by Mr. Wiener that none of the commissioners agreed to a reconsideration. I understand that my next recourse is to file an appeal with the City Council. Below is a revised version of the document I sent to the Planning Commission when I requested the reconsideration, and a list of issues that I think should be addressed before the project is allowed to commence. Please consider this to be my formal appeal.

1) The discussion of "ambient lighting" and "reflective lighting" (I think related to the type of glass) at the Planning Commission meeting was very confusing. At least a couple of the commissioners stated they weren't entirely clear about the visual consequence and ultimate appearance even after Mr. Miller explained it. The Chairperson's vote in opposition to the project was based, in

part, on this point. Since this feature was of central importance to the approval of the project, it should be evaluated by an independent expert, (and possibly the Coastal Commission as well), prior to final approval. As it stands, I have no idea how the building will affect the appearance of the coast, or whether light will be visible to the neighbors or up on San Antonio. I don't really think it's clear to the commissioners, either.

2) The issue of coastal access during construction was never addressed. In addition, it is not clear how the public walkway (across from subject property) will be affected. I am concerned that there will be barriers erected; I am certain there will be conditions that the public would not want to be exposed to.

3) Since there is a drain near the walkway downhill from the worksite, what measures are being taken not ensure that concrete slurries or other fluids are not discharged into the ocean?

4) The construction is taking place in or near an Environmentally Sensitive Habitat Area. There was no discussion regarding how noise, vibrations, and emissions from the construction might affect the ecosystem in the area, including the Tidestron's Lupine and the black legless lizard. Perhaps this was addressed earlier in the approval process?

5) The issue of balancing builders' rights against neighbors' rights was not fully considered. Perhaps this was not an issue that the planning commission had authority to deal with, but it should be discussed in more detail in some forum prior to the approval of construction.

6) Although the commission exhibited some sympathy regarding noise levels, and even limited the hours when building would be permitted, a discussion of noise mitigation and noise limits did not occur. One of my suggestions was

that a noise mitigation consultant be contracted to make recommendations. The commission did not discuss this possibility. Since noise pollution is known to be a public health issue (and is recognized as such by the EPA, public health departments, and medical societies), it is essential that all reasonable measures be taken to protect the public from its deleterious effects. Especially after 2½ years of almost continuous construction in the immediate neighborhood, the city must not ignore this problem.

7) Everyone has agreed that some projects continue for too long a period of time. If this project goes forward, I would request that there be a time limit for its completion. Fines should be imposed for failure to complete the project by a predetermined date. After all, it costs the city money to have an uncompleted project, not to mention the inconvenience to neighbors and the marring of the coastline.

Others in the neighborhood may wish to join me in this appeal. Unfortunately, I am uncertain whether the owners of my residence were ever notified of this project, although it was required by law since the residence is less than 300 feet from the construction site. The neighbors immediately to the east of me were NOT notified, although they, too, are within a 300 foot radius of the construction. Out of fairness, the concerned parties need to be given time to consider their options, and may want to make plans to attend any future meetings where the construction is discussed. A February or March date for hearing this appeal would give them enough time to prepare.

Also out of fairness, if construction vehicles are to be parked on San Antonio, other individuals living nearby should also be given an opportunity to comment, even if they live more than 300 feet away from the actual construction, since they will be affected.

I am certainly not opposed to construction in Carmel; I plan on building here someday, too. And I realize that the Planning Commission put a lot of thought into their decision. However, given the size, scope, and location of this project, it is crucial that all aspects be critically examined and that further input be received from experts and from individuals who will be impacted.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Steven M. Beutler M.D.", written in a cursive style.

Steven M. Beutler, M.D.

smbeutler2000@yahoo.com

Copy of letter
to planning
commission

November 10, 2014
Re: Construction on Scenic Road 1SE of 9th Ave (DS 14-43)

Members of the Planning Commission -

Last month, I discovered to my dismay that the Commission had approved the design for new construction on Scenic 1SE of 9th Ave. (DS 14-43; Jarve). I see that the issue is on the agenda again this week; I assume this is to invite public comment.

I have been living on San Antonio and Ninth since July 2012. Since that time there has been continuous construction in the immediate area. A project two doors to the north had just started when I moved in. It took nearly two years to complete. In 2013, another major project started on Carmelo and Ninth. It is in its final stages of completion now. Recently, construction began on Carmelo a few doors north of Tenth. The fact is, for the last two and a half years, my neighbors and I have been subjected to construction noise essentially six days a week. At times, I had to leave the area because of the noise. I made inquiries and registered complaints in the past, but was told that there was nothing I could be done once construction has started. It is for this reason that I am appealing to you and asking you to reconsider the approval of this new project. Just as building codes prohibits construction that takes away the view of nearby property, it should not be allowed to take away the peace and quiet of an entire neighborhood.

The commission has recently taken action against a business that they deemed "noisy" in a commercial area. In the present case, the noise is louder and more persistent (eight to ten hours a day, six days per week), and it is in a residential area. Given your past position on noise, you must surely recognize that this is unacceptable. If this project goes forward, it will mean a total of four or five years of noise, dirt and traffic (dating back to 2012) in a two block area.

I have spoken informally to my attorney and have been told that there is precedent for successfully opposing new construction on these grounds, and that perhaps there could be other grounds as well. Of course, I would like to work out a solution with the city prior to taking any legal action.

It would be nice to have a couple of years to enjoy my yard during the day and to be able to sleep past 8:00 without being awakened by the sound of hammers and saws. Other people in the neighborhood feel the same way. Please let me know if you have any ideas about how we might best resolve this issue. In the meanwhile, please consider this letter to be my formal objection to this new construction project.

Sincerely,

Steven M. Beutler, M.D.
smbeutler2000@yahoo.com

Subject: Re: New construction, Scenic Road 1SE of 9th Ave. DS 14-43 (Jarve)
 From: s beutler (smbeutler2000@yahoo.com)
 To: jason.burnett@gmail.com;
 Cc: dallasforcarmel@gmail.com; vbeach@ci.carmel.ca.us; ctheis@ci.carmel.ca.us; ktalm@aol.com; dschmitz@ci.carmel.ca.us; mullane@ci.carmel.ca.us; lfrontella@ci.carmel.ca.us;
 Date: Thursday, November 13, 2014 5:00 PM

*COPY of email to City Council
 11/13/2014*

Hi, Jason -

I just wanted to let you know that I attended the planning commission meeting yesterday. In addition to the letter which I had provided the commissioners, I made the following points:

1. The right to build should not automatically trump the right to a quiet and safe environment.
2. I stressed the term "safe" since noise pollution is not merely a nuisance and inconvenience; it is a public health problem, as recognized by the EPA, public health departments, and physician groups.

I requested the following:

1. That the project be delayed for 6 months or a year to allow some respite time from the noise.
2. That a noise mitigation/abatement expert be contracted to consult on the project, and that all reasonable noise reduction measures be taken.
3. Noise limits be set (I was surprised to learn that there are none in Carmel!)
4. A time limit for completing the project should be imposed.

I feel like I got a courteous hearing, and some of the commissioners even expressed sympathy for my position. But in the end, they voted to approve the project. The one dissenting vote, curiously, was based on some concern about the windows or window coverings... strange priorities, to say the least.

The one concession I got was that they shortened the building hrs. Building (on this project) will now be allowed only from 8:00 - 5:00, and weekend construction will not be allowed. (I was surprised that some of the commissioners were unaware of the existing regulations that permitted Saturday construction, and construction until 6:30).

Unfortunately, this does not really take care of the problem for me or my neighbors. I am going to try to meet with Mr. Miller, the designer/builder next week; he was at the meeting and seemed gracious and cooperative. I also plan on getting a formal legal opinion. Again, I hope this can be resolved in a manner that is fair to everyone.

In the meantime, I think that the city should consider reviewing the its construction code. Perhaps the hours when construction is permitted need to be shortened. Noise limits should be introduced for construction sites. And regulations need to be written to ensure that construction is completed in a timely fashion: A small "remodel" two doors down from me took nearly two years to complete. This should never be allowed in the future.

Thank you for your consideration.

Let me know whether you have any further suggestions.

Steven M. Beutler, M.D.

From: B4C <jason.burnett@gmail.com>
 To: s beutler <smbeutler2000@yahoo.com>
 Cc: "dallasforcarmel@gmail.com" <dallasforcarmel@gmail.com>; Victoria Beach <vbeach@ci.carmel.ca.us>; "ctheis@ci.carmel.ca.us" <ctheis@ci.carmel.ca.us>; "ktalm@aol.com" <ktalm@aol.com>; Doug Schmitz <dschmitz@ci.carmel.ca.us>; Robert Mullane <mullane@ci.carmel.ca.us>; Lori Frontella <lfrontella@ci.carmel.ca.us>
 Sent: Monday, November 10, 2014 2:23 PM
 Subject: Re: New construction, Scenic Road 1SE of 9th Ave. DS 14-43 (Jarve)

Steven,

Thank you for writing. I am copying our City Administrator Doug Schmitz, our Planning Director Rob Mullane and our City Clerk Lori Frontella. I will talk with them about our options and one of us will be in touch.

Respectfully,
 Jason

Jason K. Burnett
 831.238.0009
jason.burnett@gmail.com

ANALYSIS/DISCUSSION:

Planning Commission Review and Staff Analysis

This project received Concept Review by the Planning Commission on September 10, 2014. In the staff report (Attachment 6) it was noted that Residential Design Guideline 9.0 states an objective to “*promote diversity of architectural styles that are also compatible with the village-in-a-forest context*” and notes that “*a design that creates individual character while also maintaining compatibility with the character of the neighborhood, is encouraged*” and “*a design that incorporates innovation and the use of skilled workmanship is encouraged.*”

Staff concluded that the project would comply with the guideline objectives of promoting architectural diversity, individual character, and innovation in design. Staff raised some concerns with the amount of glass, but noted at the meeting that the proposal may be appropriate for Scenic Road. The Planning Commission indicated general support for the project and did not recommend any substantial design changes.

Included in the applicant’s presentation was a proposal to use an electronically controlled opaque glass system, also known as “smart glass” or “switch glass.” The applicant presented a sample of the glass at the meeting and demonstrated how it works. It was indicated that the glass would be used on the front glass-railing and half-way up the glass on the front (west) elevation of the building. The applicant also indicated that shades would be used on the residence for privacy. The Commission noted that the shades would be an important architectural feature of the building and requested that the applicant present several options for consideration at the Final Review meeting. Staff notes that the appellant, Dr. Beutler, did not provide testimony at the conceptual review meeting.

This project received Final Review approval by the Planning Commission on November 12, 2014. At this meeting, the applicant presented four options for the window shades. All four options were tan in color to be consistent with the color of the Carmel stone used on the building. The Commission approved the use of either Option #1 or Option #3 as depicted in Attachment 8. Staff notes that shade samples will be available at the Council meeting for review. One of the Commissioners had concerns that the opaque glass presented at the previous meetings would glow or emit light. The applicant indicated that the glass turns an opaque white, but does not glow. A sample of the glass was not brought to the Final Review meeting, as it was reviewed in detail at the concept review meeting. The Planning Commission approved the project on a 4-1 vote. The Commissioner that had concerns with the switch glass system cast the dissenting vote.

At the Final Review meeting the appellant, Dr. Beutler, provided testimony and a letter expressing concern with the impacts related to the construction of the residence. Dr. Beutler noted that over the past few years, there have been several other construction projects in the area that have impacted his quality of life. In response to these concerns, the Planning Commission included a condition of approval that limits construction to Monday through Friday, from 8:00 a.m. to 5:00 p.m. and that prohibits construction on holidays. This condition

is more restrictive than the standard construction hours limitation set forth in the City's Municipal Code (CMC Section 15.08.180), which allows construction on Monday through Saturday, from 8:00 p.m. to 6:30 p.m., and does not exclude work on holidays.

Basis for Appeal

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

1. Ambient lighting.

Response: The appellant raises concerns with the appearance of the opaque switch glass system and notes that the Planning Commission was unclear on the visual impact that it would have. The applicant did bring a sample of the glass to the first meeting; however, a sample was not presented at the second meeting for the Commission to review.

The switch glass was addressed in the Concept Review, and staff raised concerns that the glass could appear bright white and may have a negative impact on the aesthetics. The applicant will bring a sample of the glass to the Council meeting and provide a demonstration. If the Council has concerns, the project conditions could be revised to eliminate this component of the design.

2. Coastal access during construction.

Response: The appellant has raised concerns with coastal access during construction, including the public walkway on the north side of the property. The applicant has provided a staging plan (Attachment 9) showing that the vehicles would be parked on site during construction and that the public walkway on the north side of the property will remain unobstructed. Staff notes that the project staging and materials would not be permitted to encroach onto City property without the approval of an Encroachment Permit. Staff would not support an Encroachment Permit for construction activities that could potentially impact coastal access or substantially restrict use of the City right-of-way.

3. Drainage controls during construction.

Response: The appellant has raised concerns regarding drainage control during construction. The applicant is required to include a Best Management Practices (BMP) plan to ensure compliance with City and State standards for the maintenance of construction sites. The construction BMP plan is reviewed by the City's Building Official as a component of the Plan Check process, and is required to include a drainage plan with appropriate erosion control measures for the project site during construction.

4. Impact of construction activities on the environment.

Response: The appellant had indicated that the project is located in or next to an Environmentally Sensitive Habitat Area (ESHA), and that there was no discussion of the impacts to the environment. The project site is not located in the ESHA Overlay District. The

nearest mapped ESHA is located several hundred feet north of the project site in an area of the beach and dunes.

As identified in the Planning Commission staff reports, the 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 new residence is similar in size and footprint to the existing building and does not present any unusual circumstances that would result in a potentially significant environmental impact. Furthermore, any impacts related to construction including construction-phase noise would be temporary.

5. Balancing of builders’ rights against neighbors’ rights.

Response: The appellant contends that the City did not consider the issue of balancing builders’ rights against neighbors’ rights. However, staff notes that the City did consider Dr. Beutler’s concerns. The Planning Commission restricted the allowed days and hours of construction beyond that set forth in the Municipal Code as the City’s standard construction noise mitigation requirements.

6. Need for noise mitigation during construction.

Response: The City’s Municipal Code (CMC Section 8.56.040) defines construction activities as Class B noise and restricts noise production to occur only during the allowed hours of construction. The City’s Municipal Code does not require an acoustic analysis or noise study for typical construction projects such as for the construction of a single-family residence.

7. Placing a time limit on construction activities.

Response: The appellant has requested that a time limit be placed on the construction activities. In order to keep the building permit active, the California Residential Building Code requires that at least one inspection occurs every six months. The City’s Municipal Code does not include a provision to place an overall limit on the duration of construction projects and including such a requirement would be subject to legal challenge.

Alternative Options

This hearing is a *de novo* hearing. The Council is responsible for reviewing the entire project and is not bound by the decision of the Planning Commission. The November 12, 2014 Planning Commission staff report is included in Attachment 4 for the City Council’s consideration. Attachment 5 includes the meeting minutes. Based on the Planning Commission’s action, staff recommends that the City Council deny the appeal and uphold the Planning Commission’s approval. Draft Findings for Approval and Conditions of Approval are included as Attachments 2 and 3 respectively.

Alternative 1: In upholding the Planning Commission’s approval of Design Study (DS 14-43), the Council may include additional or revised conditions of approval. As indicated by staff, the Council may consider conditioning the project to require the elimination of the “smart” glass.

Alternative 2: The Council could grant the appeal and deny Design Study (DS 14-43). Findings for Denial of the Design Study would be brought to the Council at a future meeting for adoption.

FISCAL IMPACT:

The City collects a fee of \$304.82 when an appeal to the City Council is filed. This fee defrays some of the staff time costs for processing the appeal, and staff costs beyond the appeal fee are paid out of the City's General Fund.

Budgeted (yes/no)	Funding Source(general fund, grant, state)
Yes	Appeal Fee and General Fund

PREVIOUS COUNCIL ACTION/DECISION HISTORY:

Design Study (DS 14-36) was considered by the Planning Commission on 09/10/14 and 11/12/14. The Commission approved the Design Study on 11/12/14 by a vote of 4-1.

ATTACHMENTS:

- Attachment 1 – Appeal Application
- Attachment 2 – Findings for Approval (Denial of Appeal)
- Attachment 3 – Conditions of Approval
- Attachment 4 – 11/12/14 PC Final Staff Report, Findings, and Approval
- Attachment 5 – 11/12/14 PC Minutes
- Attachment 6 – 09/10/14 PC Concept Staff Report
- Attachment 7 – 09/10/14 PC Minutes
- Attachment 8 – Photographs of Shades and Stone
- Attachment 9 – Staging Plan
- Attachment 10 – Site Photographs
- Attachment 11 – Project Plans

APPROVED:

Date: _____

Douglas J. Schmitz, City Administrator

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR APPROVAL

DS 14-43

John and Jaque Jarve

Scenic Road 1 SE of 9th Ave

Block A-2, Lots 2 & 3

APN: 010-302-015

CONSIDERATION:

Consideration of Final Design Study (DS 14-43) and associated Coastal Development Permit application for the construction of a new residence located in the Single-Family Residential (R-1), Park Overlay (P), and Beach and Riparian (BR) Overlay Zoning Districts

FINDINGS OF FACT:

1. The project site is located on Scenic Road one parcel southeast of Ninth Avenue. The site is developed with a 3,182-square foot single-family residence. The project site is located in the Single-Family Residential (R-1), Park Overlay (P), and Beach and Riparian (BR) Overlay Zoning Districts.
2. The applicant applied for a Design Study (DS 14-43) application on April 28, 2014, to demolish the existing residence and construct a new two-level residence.
3. The Planning Commission accepted the design concept on September 10, 2014. The Planning Commission approved the Design Study and associated Coastal Development Permit application on November 12, 2014 subject to findings and conditions.
4. An Appeal of Planning Commission's decision was filed by a neighboring resident, Dr. Steven Beutler, on November 21, 2014. The grounds for the appeal include neighborhood impacts related to construction and concerns with the electronic opaque glass system to be used on the front elevation.
5. 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.

FINDINGS FOR DECISION

FINDINGS REQUIRED FOR FINAL DESIGN STUDY APPROVAL (CMC 17.64.8 and LUP Policy P1-45)		
<p>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.</p>		
Municipal Code Finding	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.	✓	
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.	✓	
Beach and Overlay District Findings		
13. 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	
14. A minimum width of at least three feet will be maintained for the full length of all setbacks.	✓	
15. 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	
16. Structures proposed for construction within reduced setback areas will be compatible with the residential character of the neighborhood and will exhibit a human scale without excessive building bulk or visual mass.	N/A	
17. The proposed setbacks afford maximum protection for the adjoining parklands for the benefit of the public while still accommodating reasonable development of the property.	✓	
18. The proposed setbacks are designated on an approved plan attached to the permit or on a scenic easement for purposes of documentation and recordation.	✓	
Coastal Development Findings (CMC 17.64.B.1):		
19. Local Coastal Program Consistency: The project conforms with the certified Local Coastal Program of the City of Carmel-by-the Sea.	✓	

Conditions of Approval		
No.	Standard Conditions	
1.	Authorization: This approval of Design Study (DS 14-43) authorizes the demolition of an existing 3,182-square foot residence and construction of a new 2,631-square foot residence, which includes 1,901 square feet on the upper main level and 730 square feet in the lower basement level. The basement level includes a one-car garage and two bedrooms. There is a 264-square foot sub-grade patio/light-well area proposed at the front (west) side of the two bedrooms. Finish materials include a combination of glass, stucco, stone, and a copper standing-seam metal roof. The residence shall be consistent with the January 16, 2015 approved plan set.	✓
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, if proposed, 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 a 5,302-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 approved project plans 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 (incandescent equivalent, i.e., 375 lumens) per fixture and shall be no higher than 10 feet above the ground. Landscape lighting shall be limited to 15 watts (incandescent equivalent, i.e., 225 lumens) or less per fixture and shall not exceed 18 inches above the ground.	✓
10.	All skylights shall use non-reflective 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.	N/A
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	N/A

	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.	✓
19a.	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

19b.	All new construction involving excavation shall immediately cease if cultural resources are discovered on the site, and the applicant shall notified the Community Planning and Building Department within 24 hours. Work shall not be permitted to recommence until such resources are properly evaluated for significance by a qualified archaeologist. If the resources are determined to be significant, prior to resumption of work, a mitigation and monitoring plan shall be prepared by a qualified archaeologist and reviewed and approved by the Community Planning and Building Director. In addition, if human remains are unearthed during excavation, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and distribution pursuant to California Public Resources Code (PRC) Section 5097.98.	✓
20.	Prior to Building Permit issuance, the applicant shall provide for City (Community Planning and Building Director in consultation with the Public Services and Public Safety Departments) review and approval, a truck-haul route and any necessary temporary traffic control measures for the grading activities. The applicant shall be responsible for ensuring adherence to the truck-haul route and implementation of any required traffic control measures.	✓
21.	All conditions of approval for the Planning permit(s) shall be printed on a full-size sheet and included with the construction plan set submitted to the Building Safety Division.	✓
Special Conditions		
22.	With regard to the light wall-mounted and landscape light fixtures, the applicant shall include the specific bulb type, wattage, and lumen level on the construction plan set. The landscape lighting plan shall be revised so that all landscape lighting is spaced 10 feet or more apart. The changes shall be included on the construction plan set.	✓
23.	Shades used on the building shall consist of either option #1 or #3 as presented to the Planning Commission at the November 12, 2014 meeting.	✓
24.	Hours of construction are limited to Monday through Friday, 8:00 a.m. to 5:00 p.m., and shall exclude holidays.	✓
25.	Any future changes to the glass shall require prior planning approval.	✓
<u>26.</u>	<u>The applicant shall plant two upper canopy trees including a minimum of one upper-canopy tree on the property and one upper canopy tree in the City right-of-way.</u>	<u>✓</u>

*Acknowledgement and acceptance of conditions of approval.

 Property Owner Signature Printed Name Date

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



CITY OF CARMEL-BY-THE-SEA

Planning Commission Report

November 12, 2014

To: Chair Reimers and Planning Commissioners

From: Rob Mullane, AICP, Community Planning and Building Director

Submitted by: Marc Wiener, Senior Planner

Subject: Consideration of Final Design Study (DS 14-43) and associated Coastal Development Permit application for the construction of a new residence located in the Single-Family Residential (R-1), Park Overlay (P), and Beach and Riparian (BR) Overlay Zoning Districts

Recommendation:

Approve the Final Design Study (DS 14-43) and the associated Coastal Development Permit subject to the attached findings and conditions

Application:	DS 14-43	APN:	010-302-015
Location:	Scenic Road 1 SE of 9 th Ave		
Block:	A-2	Lots:	2 & 3
Applicant:	Eric Miller, Architect	Property Owner:	John and Jaque Jarve

Background and Project Description:

The project site is located on Scenic Road one parcel southeast of Ninth Avenue. The site is developed with a 3,182-square foot residence that is clad with vertical wood siding. The residence has an upper level and a partially sub-grade lower level. There is a 100-square foot "Highway Easement" at the front of the property that has been deducted out of the buildable site area. A Preliminary Determination of Historic Ineligibility was issued by the Community Planning and Building Department on September 4, 2012.

The applicant has submitted plans to demolish the existing residence and construct a new two-level residence. The proposed residence would be 2,631 square feet in size, which includes 1,901 square feet on the upper main level and 730 square feet in the lower basement level. The basement level includes a one-car garage and two bedrooms. There is a 264-square foot sub-grade patio/light-well area proposed at the front (west) side of the two bedrooms that can

be accessed through both bedrooms and includes stairs for egress. The applicant is proposing a 6-foot wide planter with 6-inch high stone walls that is at the top of the sub-grade patio and is located in front yard.

The proposed residence is designed with contemporary style architecture and includes a combination of glass, stucco, stone, and a copper standing-seam metal roof. A colored three-dimensional rendering is included with the plan set in Attachment F. As depicted in the rendering, the residence would include a substantial amount of glass.

The Planning Commission reviewed the design concept on September 10, 2014, and expressed support for the design. However, the Planning Commission requested that the applicant provide samples of the shades that would be used in conjunction with the glass.

PROJECT DATA FOR THE RECONFIGURED 5,302-SQUARE FOOT SITE:			
Site Considerations	Allowed	Existing	Proposed
Floor Area	2,215 sf (41.7%)*	3,182 sf (60%)	2,631 sf (49.6%)** 1,901 sf 1 st - floor 505 sf basement 225 sf garage-basement
Site Coverage	706 sf (13.9%)	1,285 sf (24.8%)	695 sf (13.9%)
Trees (upper/lower)	4/3 trees (recommended)	2/2 trees	2/2 trees
Ridge Height (1 st /2 nd)	18 ft.	28 ft.	17 ft.
Plate Height (1 st /2 nd)	12 ft./18 ft.	N/A	12 ft.
Setbacks	Minimum Required	Existing	Proposed
Front	15 ft.	18 ft.	16 ft.
Composite Side Yard	20 ft. (25%)	23 ft. (28.7%)	20 ft. (25%)
Minimum Side Yard	3 ft.	3 ft.	3 ft.
Rear	3 ft. (1st-story)	3 ft.	3 ft.
*Includes the deduction of 100 square feet of buildable area for a road easement			
**Include 730-square foot basement bonus			

Staff analysis:

Previous Hearing: The following is a list of recommendations made by the Planning Commission and a staff analysis on how the applicant has or has not revised the design to comply with the recommendations:

1. *The applicant shall provide various options for the proposed shades.*

Analysis: The Planning Commission expressed support for the design of the residence at the September 2014 meeting. The Commission noted that because the residence includes a large amount of the glass, the shades would be an important architectural element of the building. The applicant agreed to bring in a few shade options for the Planning Commission to review. The applicant has provided three options, each being a woven material that is beige in color. The proposed beige color presents a natural earth-tone appearance that would be consistent with the color of the Carmel stone. Staff could support any of the three options. Samples of the shades will be available at the meeting for the Planning Commission to review.

2. *The applicant shall apply for apply for a Tree Removal Permit prior to final Planning Commission review.*

Analysis: The applicant has applied for a Tree Removal Permit for the removal of two non-significant trees and eight shrubs. The application for the permit is included as Attachment D. The permit application is currently being processed; however, the City Forester has that there will be no issues with issuing the permit.

Other Project Components:

Finish Details: The proposed residence is designed with contemporary style architecture and includes a combination of glass, stucco, stone, and a copper standing-seam metal roof. At the concept review the Planning Commission expressed support for the proposed design and the use of finish materials.

With regard to the finish materials, the applicant is proposing Carmel stone, which will incorporate a natural rustic material into the design. A photograph of the proposed stonework is included as Attachment E. The applicant is proposing a standing-seam copper roof, which is consistent with the Contemporary architectural style of the building. A sample of the stone and shades will be provided for the Planning Commission to review at the meeting.

Exterior Lighting: The location, wattage, and style of the wall-mounted light fixtures are depicted on the lighting plan shown on Sheet E-2.1 of the plan set. The plan set notes that the wattage will be 25 watts maximum for the wall mounted fixtures; however, no bulb type or lumen level is noted. This should be clarified by the applicant and noted on the construction plan set. A condition of approval has been drafted to address this requirement.

With regard to landscape lighting, Municipal Code Section 15.36.070.B.2 states that Landscape lighting shall not exceed 18 inches above the ground nor more than 15 watts (incandescent equivalent; i.e., approximately 225 lumens) per fixture and shall be spaced no closer than 10 feet apart. A landscape lighting plan is shown on Sheet L-2 of the plan set. The plan indicates that the light fixtures meet the wattage requirements; however, the lumen level and bulb type is not identified and some of the fixtures are spaced closer than 10 feet from each other. A condition has been drafted to address these issues.

Landscape Plan: The applicant has provided a landscape plan that includes new landscaping on the property. Staff notes that the east edge of Scenic Road is at the front property line. There is currently landscaping at the front of the property that provides a buffer from the road as shown in the photograph included as Attachment A. The landscape plan depicts new landscaping at the front of the property.

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 – Tree Removal Application
- Attachment E – Photographs of proposed stonework and Shade Material
- Attachment F – Project Plans

FINDINGS REQUIRED FOR 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 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.	✓	
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):		
13. Local Coastal Program Consistency: The project conforms with the certified Local Coastal Program of the City of Carmel-by-the Sea.	✓	

Amended and Approved by PC on 11/12/14

Conditions of Approval		
No.	Standard Conditions	
1.	Authorization: This approval of Design Study (DS 14-43) authorizes the demolition of an existing 3,182-square foot residence and construction of a new 2,631-square foot residence, which includes 1,901 square feet on the upper main level and 730 square feet in the lower basement level. The basement level includes a one-car garage and two bedrooms. There is a 264-square foot sub-grade patio/light-well area proposed at the front (west) side of the two bedrooms. Finish materials include a combination of glass, stucco, stone, and a copper standing-seam metal roof. The residence shall be consistent with the November 12, 2014 approved plan set.	✓
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, if proposed, 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 a 5,302-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 approved project plans 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 (incandescent equivalent, i.e., 375 lumens) per fixture and shall be no higher than 10 feet above the ground. Landscape lighting shall be limited to 15 watts (incandescent equivalent, i.e., 225 lumens) or less per fixture and shall not exceed 18 inches above the ground.	✓
10.	All skylights shall use non-reflective 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.	N/A
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	N/A

	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.	✓
19a.	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	N/A

	to recommence until a mitigation and monitoring plan is approved by the Planning Commission.	
19b.	All new construction involving excavation shall immediately cease if cultural resources are discovered on the site, and the applicant shall notified the Community Planning and Building Department within 24 hours. Work shall not be permitted to recommence until such resources are properly evaluated for significance by a qualified archaeologist. If the resources are determined to be significant, prior to resumption of work, a mitigation and monitoring plan shall be prepared by a qualified archaeologist and reviewed and approved by the Community Planning and Building Director. In addition, if human remains are unearthed during excavation, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and distribution pursuant to California Public Resources Code (PRC) Section 5097.98.	✓
20.	Prior to Building Permit issuance, the applicant shall provide for City (Community Planning and Building Director in consultation with the Public Services and Public Safety Departments) review and approval, a truck-haul route and any necessary temporary traffic control measures for the grading activities. The applicant shall be responsible for ensuring adherence to the truck-haul route and implementation of any required traffic control measures.	✓
21.	All conditions of approval for the Planning permit(s) shall be printed on a full-size sheet and included with the construction plan set submitted to the Building Safety Division.	✓
Special Conditions		
22.	With regard to the light wall-mounted and landscape light fixtures, the applicant shall include the specific bulb type, wattage, and lumen level on the construction plan set. The landscape lighting plan shall be revised so that all landscape lighting is spaced 10 feet or more apart. The changes shall be included on the construction plan set.	✓
<u>23.</u>	<u>Shades used on the building shall consist of either option #1 or #3 as presented to the Planning Commission at the November 12, 2014 meeting.</u>	<u>✓</u>
<u>24.</u>	<u>Hours of construction are limited to Monday through Friday, 8:00 a.m. to 5:00 p.m., and shall exclude holidays.</u>	<u>✓</u>
<u>25.</u>	<u>Any future changes to the glass shall require prior planning approval.</u>	<u>✓</u>

*Acknowledgement and acceptance of conditions of approval.

Property Owner Signature

Printed Name

Date

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

**CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION – DRAFT MINUTES
November 12, 2014**

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

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

ABSENT: Commissioners: None

STAFF PRESENT: Rob Mullane, AICP, Community Planning & Building Director
Marc Wiener, Senior Planner
Christy Sabdo, Contract Planner
Roxanne Ellis, Planning Commission Secretary

B. TOUR OF INSPECTION

The Commission convened at 2:08 p.m. and then toured the following sites:

1. DS 14-96 (Domicile Capital); 9th Ave. 2 NE of Monte Verde, Block: 94; Lot: W ½ of 17 & 19
2. DS 14-64 (Webster); Camino Real 2 NW of 11th Ave. Block: Q; Lot: 17
3. DR 14-30/UP14-18 (Carmel Coffee and Cocoa Bar); SE Corner of Ocean and Mission Block: 78; Lots: All
4. DS 14-27 (Piccadilly Park); Dolores 2 SW of Ocean Ave. Block: 75; Lot: 11
5. DS 14-72 (Levett); Monte Verde 3 NE of 4th Ave. Block: 32; Lots: 16 (two Commissioners)

C. ROLL CALL

Chairman Reimers called the meeting to order at 4:02 p.m.

D. PLEDGE OF ALLEGIANCE

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

E. ANNOUNCEMENTS/EXTRAORDINARY BUSINESS

Commissioner Goodhue requested that the landscape for the City's Scenic Beach Bathrooms be placed on the agenda for the December 10th Planning Commission meeting. Mr. Mullane addressed question from the Commission for the Ocean Ave. median lighting experiment and noted that it should start Friday November 14th and last from 7-10 days.

Item H.3 was continued to the December 10th 2014 meeting at the request of the applicant.

- | | |
|--|---|
| 4. DS 14-72 (Levett)
Dennis Levett
Monte Verde 3 NE of 4 th
Blk: 32, Lot: 16
APN: 010-222-007 | Consideration of Final Design Study (DS 14-72) and associated Coastal Development Permit application for the construction of a new residence located in the Single-Family Residential (R-1) Zoning District |
|--|---|

Marc Wiener, Senior Planner, presented the staff report, noting the revisions to the project since it was last reviewed by the Commission.

Chair Reimers opened the public hearing.

Speaker 1: John Mandurrago, applicant, addressed questions from the Commission in regards to the 2nd story not being able to be shifted, story poles not being revised, and the inability to build on a slope without a Use Permit.

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

The Commission suggested that more separation from the house to the north may be beneficial. The Commission requested that staff require applicants to revise their story poles and noted that this should not be an optional task.

Vice Chair LePage moved to accept the application with an added special Condition to not plant a cypress tree at the north side of property and to work with staff to plant a different tree species 6-8' tall. Motion seconded by Commissioner Paterson and passed by the following vote:

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

- | | |
|---|---|
| 5. DS 14-43 (Jarve)
John and Jacque Jarve
Scenic Road 1 SE of 9 th Ave
Blk: A-2, Lots: portions of Lots 2 & 3
APN: 010-302-015 | Consideration of Final Design Study (DS 14-43) and associated Coastal Development Permit application for the construction of a new residence located in the Single-Family Residential (R-1), Park Overlay (P), and Beach and Riparian (BR) Overlay Zoning Districts |
|---|---|

Mr. Wiener presented the staff report, noting the revisions to the project since it was last reviewed by the Commission. He noted the shades and the applicant passed four samples around the dias.

Speaker 1: Eric Miller, project architect, went over the project. He provided clarifications on the proposed switch-glass system, copper roof, transim window, and fielded questions from the Commission on the proposed design.

Speaker 2: Dr. Steven Beutler, resident and neighbor, noted his opposition to the project because of the high volume of construction and related noise in the area of the project over the last few years. He recommended a delay on approving the project. He also requested the City include more stringent noise mitigation and impose a time limit for the construction phase of approved projects.

Speaker 3: Barbara Livingston, resident, noted her support for time limits on construction properties and recommended that the applicant plant a Cypress tree on the west side of the property.

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

Vice Chair LePage moved to accept the application with shade option #1 or #3 and an additional Special Conditions that construction only be allowed from Monday-Friday 8 a.m. to 5 p.m. with no work on holidays permitted and that any change to glass need to be approved by the Planning Commission. Motion seconded by Commissioner Goodhue and carried by the following vote:

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

- | | |
|--|---|
| 6. DS 14-64 (Webster)
Martha Webster
Camino Real 2 NW of 11 th Ave
Blk: Q, Lot: 17
APN: 010-275-008 | Consideration of Final Design Study (DS 14-64) and associated Coastal Development Permit application for the substantial alteration of an existing residence located in the Single-Family Residential (R-1) Zoning District |
|--|---|

Mr. Wiener presented the staff report noting the revisions to the project since it was last reviewed by the Commission.

Chair Reimers opened the public hearing.

Speaker 1: Eric Miller, project architect, went over the project. He presented clarifications on the proposed existing story poles, the revisions made to the north elevation, and proposed steel windows.

Speaker 2: James Jungroth, neighbor to the north, noted concerns with the project's current story poles and proposed an alternative plan for the second story addition. He distributed a



CITY OF CARMEL-BY-THE-SEA

Planning Commission Report

September 10, 2014

To: Chair Reimers and Planning Commissioners

From: Rob Mullane, AICP, Community Planning and Building Director

Submitted by: Marc Wiener, Senior Planner

Subject: Consideration of Concept Design Study (DS 14-43) and associated Coastal Development Permit application for the construction of a new residence located in the Single-Family Residential (R-1), Park Overlay (P), and Beach and Riparian (BR) Overlay Zoning Districts

Recommendation:

Accept the Conceptual Design Study (DS 14-64) and the associated Coastal Development Permit subject to the attached findings and recommendations/draft conditions

Application: DS 14-43	APN: 010-302-015
Location: Scenic Road 1 SE of 9 th Ave	
Block: A-2	Lots: 2 & 3
Applicant: Eric Miller, Architect	Property Owner: John and Jaque Jarve

Background and Project Description:

The project site is located on Scenic Road one parcel southeast of Ninth Avenue. The site is developed with a 3,182-square foot residence that is clad with vertical wood siding. The residence has an upper level and a partially sub-grade lower level. There is a 100-square foot "Highway Easement" at the front of the property that has been deducted out of the buildable site area. A Preliminary Determination of Historic Ineligibility was issued by the Community Planning and Building Department on September 4, 2014.

The applicant has submitted plans to demolish the existing residence and construct a new two-level residence. The proposed residence would be 2,631 square feet in size, which includes 1,901 square feet on the upper main level and 730 square feet in the lower basement level. The basement level includes a one-car garage and two bedrooms. There is a 264-square foot sub-grade patio/light-well area proposed at the front (west) side of the two bedrooms that can

be accessed through both bedrooms and includes stairs for egress. The applicant is proposing a 6-foot wide planter with 6-inch high stone walls that is at the top of the sub-grade patio and is located in front yard. Staff has conferred with the City's Building Official and determined that the proposed planter would likely eliminate the need for a guardrail around the sub-grade patio.

The proposed residence is designed with contemporary style architecture and includes a combination of glass, stucco, stone, and a copper standing-seam metal roof. A colored three-dimensional rendering is included with the plan set in Attachment E. As depicted in the rendering, the residence would include a substantial amount of glass.

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, mass, and scale related to the project. In addition, staff also has included an analysis of the proposed architectural style.

PROJECT DATA FOR THE RECONFIGURED 5,302-SQUARE FOOT SITE:			
Site Considerations	Allowed	Existing	Proposed
Floor Area	2,215 sf (41.7%)*	3,182 sf (60%)	2,631 sf (49.6%)** 1,901 sf 1 st - floor 505 sf basement 225 sf garage-basement
Site Coverage	556 sf (13.9%)	1,285 sf (24.8%)	695 sf (13.9%)
Trees (upper/lower)	4/3 trees (recommended)	2/2 trees	2/2 trees
Ridge Height (1 st /2 nd)	18 ft.	28 ft.	17 ft.
Plate Height (1 st /2 nd)	12 ft./18 ft.	N/A	12 ft.
Setbacks	Minimum Required	Existing	Proposed
Front	15 ft.	18 ft.	16 ft.
Composite Side Yard	20 ft. (25%)	23 ft. (28.7%)	9 ft. (11.2%)
Minimum Side Yard	3 ft.	3 ft.	3 ft.
Rear	3 ft. (1st-story)	3 ft.	3 ft.
*Includes the deduction of 100 square feet of buildable area for a road easement			
**Include 730-square foot basement bonus			

Staff analysis:

Architectural Style: Residential Design Guideline 9.0 states an objective to “*promote diversity of architectural styles that are also compatible with the village-in-a-forest context*” and notes that “*a design that creates individual character while also maintaining compatibility with the character of the neighborhood, is encouraged*” and “*a design that incorporates innovation and the use of skilled workmanship is encouraged.*”

In staff’s opinion, the proposed new residence complies with the guideline objectives of promoting architectural diversity, individual character, and innovation in design. The proposed residence may also be compatible with several other homes along Scenic Road that are designed with a large amount of glazing and contemporary style architecture. However, staff is concerned that the proposed design may conflict with other guideline objectives, such as Guideline 9.12, which states that “*large picture windows facing the street are discouraged*” and Guideline 9.8, which discourages the use of metal roofs. The Commission should consider whether the proposed design is appropriate and consistent with the objectives of the City’s Residential Design Guidelines.

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 two upper-canopy Monterey cypress trees, one of which is classified as a significant. The City Forester has not yet evaluated whether any additional trees should be planted on site. A recommendation from the City Forester will be included for the final Planning Commission review.

The applicant is proposing to remove a total of six non-significant trees and shrubs from the property. A condition has been drafted requiring the applicant to obtain a Tree Removal Permit prior to final Planning Commission Review.

Privacy & Views: Residential Design Guidelines 5.1 through 5.3 set forth objectives to: “*maintain privacy of indoor and outdoor spaces in a neighborhood*” and “*organize functions on a site to preserve reasonable privacy for adjacent properties*” and “*maintain view opportunities.*”

The proposed new residence would be approximately 3 feet lower than the existing residence and is therefore unlikely to create new view impacts to neighboring properties. The street

elevation on Sheet A-3.3 of the plan set includes a profile of the existing building for comparison to the proposed building.

With regard to privacy, staff has some concerns with the potential privacy impacts that could be created by the large amount of glass. The majority of the glass would be located at the front of the residence, making it unlikely to impact the privacy of the adjacent residences to the side and rear of the project site. However, the large amount of glass creates a lack of privacy on the front elevation for both the resident and the public.

Staff notes that the existing residence also contains a large amount of glass on the front elevation, but the glass is tinted. The Commission could condition the approval of this Design Study with a requirement for tinted glass to enhance privacy. The applicant has also indicated the intent to use an electronically controlled opaque glass system. The Planning Commission has previously reviewed a similar proposal for skylights, which has been referred to as smart-glass. Some concerns with this proposal are that it could give the residence a bright white appearance. In addition, the glass is controlled by the property owner and there is no assurance that it will be used. The applicant intends to discuss the product at the meeting and has indicated that there could be alternative color options other than white for glass.

Mass & Bulk: Residential Design Guidelines 7.1 through 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."* Further, these guidelines state that *"a building should relate to a human scale in its basic forms."*

The proposed new residence would appear low in scale and is smaller than the existing residence that is intended to be demolished. Staff notes that the residence would be 2,631 square feet in size; however, 730 square feet would be located below grade and qualifies as basement space.

Building & Roof Form: Residential Design Guidelines 8.1 through 8.3 state that *"Shallow to moderately pitched roofs are appropriate on one-story buildings. More steeply pitched roof with low plate lines can be used on two-story buildings."* 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 would include a hipped roof design with a shallow 2:12 pitch. The overall building and roof forms appear visually interesting, but are not overly complicated. Staff supports the overall footprint and layout of the residence; however, the Commission should consider the proposed architectural style.

Garage & Driveway: Design Guideline 6.1 states that “garages that are subordinate design elements...and not visible to the street are encouraged.” Design Guideline 6.7 states that “in limited circumstances a garage may be located under a structure when the visual impacts will be minimized” and “the driveway may not dominate the front garden and may not create a ramp effect or introduce tall or massive retaining walls.”

The property slopes up from the street with the proposed residence located above the street grade. The proposed design places the garage below the residence, with the floor of the garage located approximately 5 feet below the street grade. The driveway requires retaining walls that would be at a maximum of 7 feet near the front of the garage. Staff notes that the existing residence has a partially sub-grade garage located at the approximately same location, as do several other residences along Scenic Road.

As proposed, the garage would appear subordinate to the main residence as encouraged by the guidelines. In staff’s opinion the proposal to place the garage below the residence is appropriate for the topography of the property. The alternative would be to locate the garage at the same elevation as the main residence.

Setbacks: The composite side-yard setback is the sum of the two side-yard setback and must equal 25% of the lot width. The subject property has a composite setback requirement of 20 feet. Staff notes that the majority of the residence meets this requirement; however, there is one small area of the building that has a composite setback of only 9 feet. A condition has been drafted requiring the applicant to correct this issue prior to final Planning Commission review.

In addition, the applicant is proposing a 6-foot wide planter with a 6-inch high wall, which would be located in the front-yard setback. Staff notes that walls are permitted in the front-yard setback and therefore the proposed planter design is permissible. Furthermore, the proposed planter will eliminate the need for a guardrail around the sub-grade patio/light well and will include landscaping.

Public ROW: The edge of Scenic Road is at the front property line. There is currently landscaping at the front of the property that provides a buffer from the road as shown in the photograph included as Attachment A. The applicant has indicated the intent to install new landscaping in this area, which will be reviewed at the final Planning Commission review.

Alternatives: Staff has included draft findings that the Commission can adopt if the Commission accepts the overall design concept, including the architectural style of the building. However, if the Commission does not support the design, then the Commission could continue the application with specific direction given to the applicant.

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 Concept Acceptance
- Attachment C – Draft Recommendations/Conditions
- Attachment D – Applicant Letter
- Attachment E – Project Plans

**CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION – MINUTES
September 10, 2014**

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

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

ABSENT: Commissioners: None

STAFF PRESENT: Rob Mullane, AICP, Community Planning & Building Director
Marc Wiener, Senior Planner
Christy Sabdo, Contract Planner
Mike Branson, City Forester
Sharon Friedrichsen, Public Services Director
Roxanne Ellis, Planning Commission Secretary

B. TOUR OF INSPECTION

The Commission convened at 2:08 p.m. and then toured the following sites:

1. DS 14-72 (Levett); Monte Verde 3 NE of 4th, Block: 32; Lot: 16
2. DS 14-43 (Jarve); Scenic Road 1 SE of 9th Ave. Block: A-2; Lots: 2 & 3
3. DS 14-64 (Webster); Camino Real 2 NW of 11th Ave. Block: Q; Lot: 17
4. DS 14-50 (Mussallem); San Carlos 2 SE of 13th Ave. Block: 142; Lots: S ½ of 4 & 6
5. DS 14-42 (Benner); Torres 4 SW of 9th Ave. Block: 108; Lots: S ½ of 7 & 9

C. ROLL CALL

Chairman Reimers called the meeting to order at 4:13 **p.m.**

D. PLEDGE OF ALLEGIANCE

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

E. ANNOUNCEMENTS/EXTRAORDINARY BUSINESS

Commissioner Martin noted that the Carmel 2016 Committee Report was an interesting read and available for purchase at Copies by the Sea. He noted that the report spoke to many goals for 2016 that are similar to the issues the City is facing now. He noted that it would be a good thing to revisit in preparation for the centennial.

8. DS 14-43 (Jarve)
Scenic Road 1 SE of 9th Ave
Blk: A-2, Lots: portions of 2 & 3
APN: 010-302-015

Consideration of Concept Design Study (DS 14-43) and associated Coastal Development Permit application for the construction of a new residence located in the Single-Family Residential (R-1), Park Overlay (P), and Beach and Riparian (BR) Overlay Zoning Districts

Mr. Wiener presented the staff report, which included an overview of the proposed project and reductions in the floor area and height of the remodeled residence in comparison to the existing residence.

Chair Reimers opened the public hearing.

Speaker 1: Eric Miller, project architect, went over the project. He presented clarifications on the proposed switch-glass system and retractable blinds. He provided and presented a color rendering of the proposed design.

Speaker 2: Barbara Livingston, resident, had a question on the retractable blinds. Noted concerns with a similar use of retractable curtains at another residence.

Mr. Miller addressed Ms. Livingston's question. The proposed design includes a sea-grass color for the blinds to help it blend in nicely.

Seeing no other speakers, Chair Reimers closed the public hearing. The Commission discussed the proposed project and had various suggestions, but was overall very complimentary of the design. The Commission also noted that the composite setback requirement for Condition 2 has already been met.

Commissioner Goodhue moved to approve the concept with the deletion of Condition 2 and retention of Condition 1, as recommended by staff. Motion seconded by Commissioner LePage and carried unanimously.

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

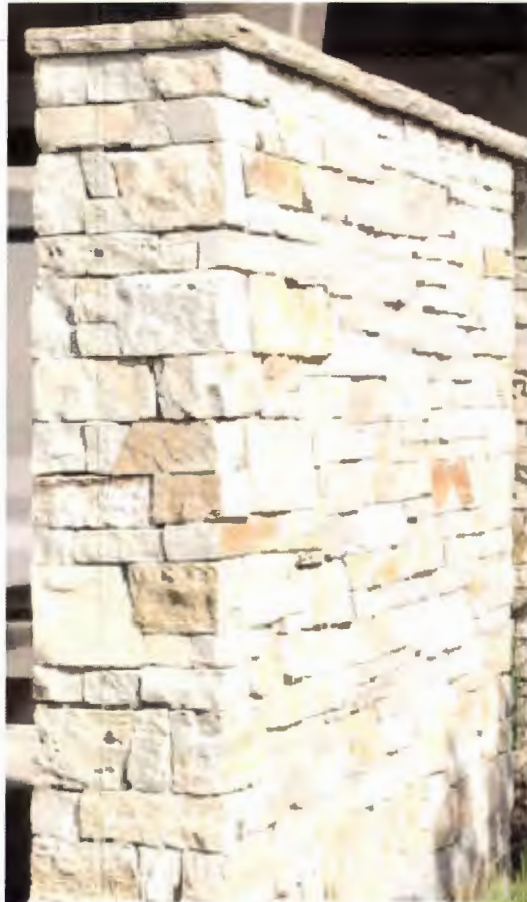
I. DIRECTOR'S REPORT

1. Update from the Director

Mr. Mullane provided an update on recent City Council and Department issues of interest to the Commission. He noted the forthcoming annual Halloween parade on October 25th, and that the contact person is Ashlee Wright. Mr. Mullane noted that he would be providing

COLOR SAMPLES

PROJECT: JARVE RESIDENCE



MATERIALS: EXTERIOR WALL STONE COLOR: "CARMEL STONE" COLORS
DESCRIPTION: THIN VENEER STONE IN DRY STACK, HORIZONTAL PATTERN

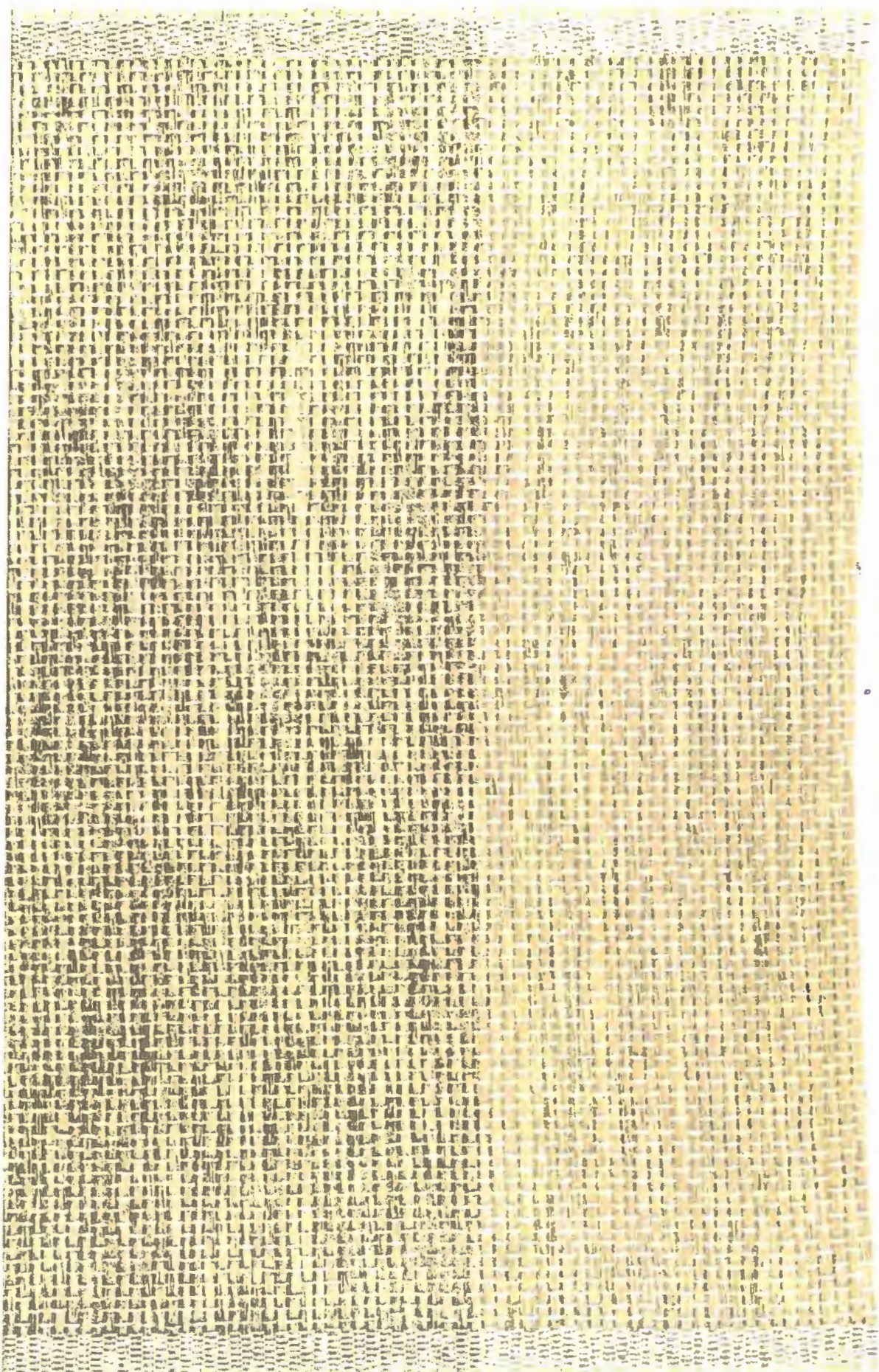
ERIC MILLER ARCHITECTS, INC., 157 Grand Avenue, Suite 106, Pacific Grove, CA 93950
Office: 831-372-0410, Fax: 831-372-7840

DS 14-43 (JARVE)

CONRAD

THE ORIGINAL

DESIGNERLINE NO. CW-MOT KALAHARI



CONRAD

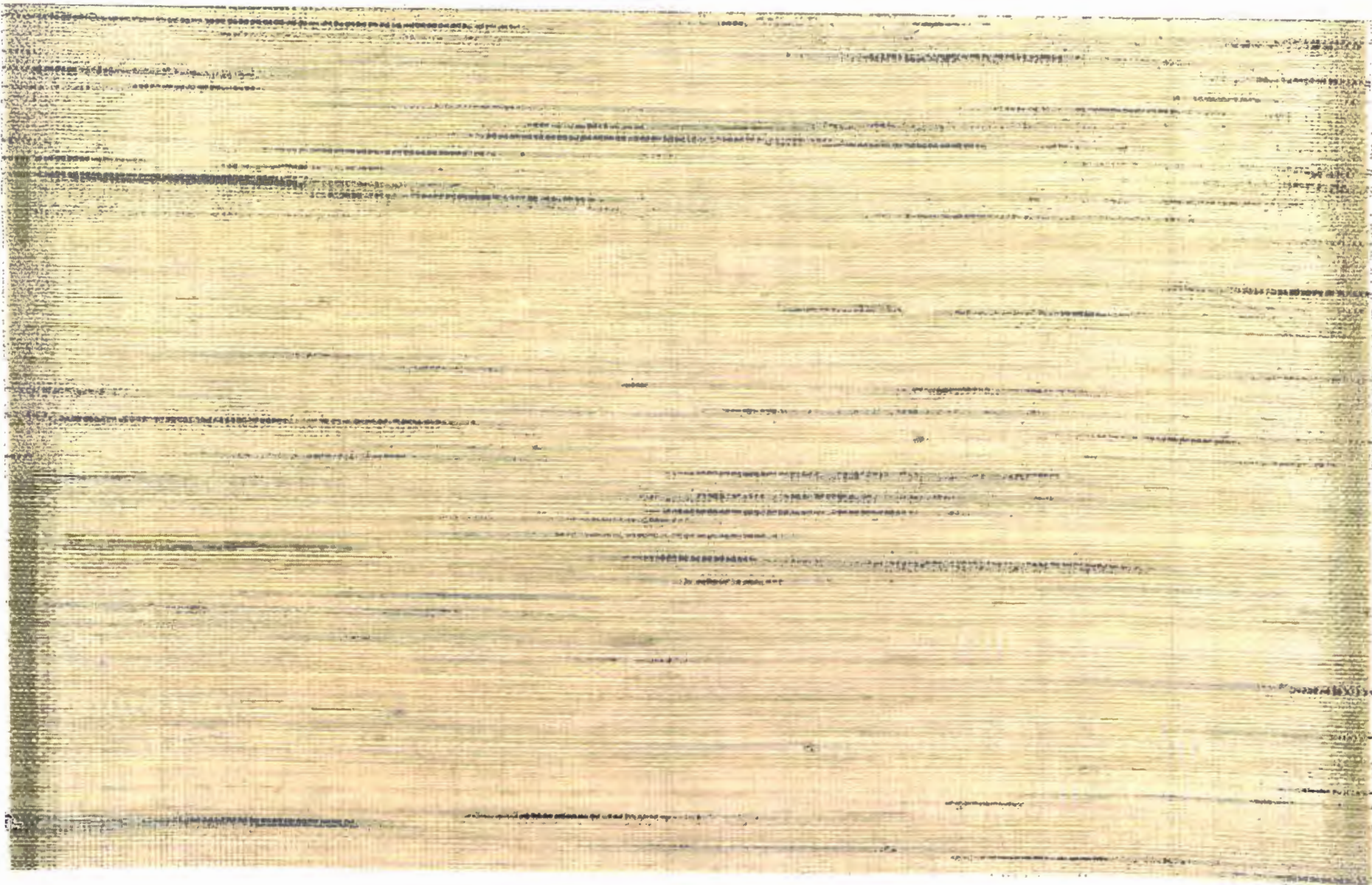
THE ORIGINAL

DS 14-43 (JARVE)

ORIGINAL SUNSHADES

NO. 1750

LINEA



Agenda Item: 9.B
Page 48

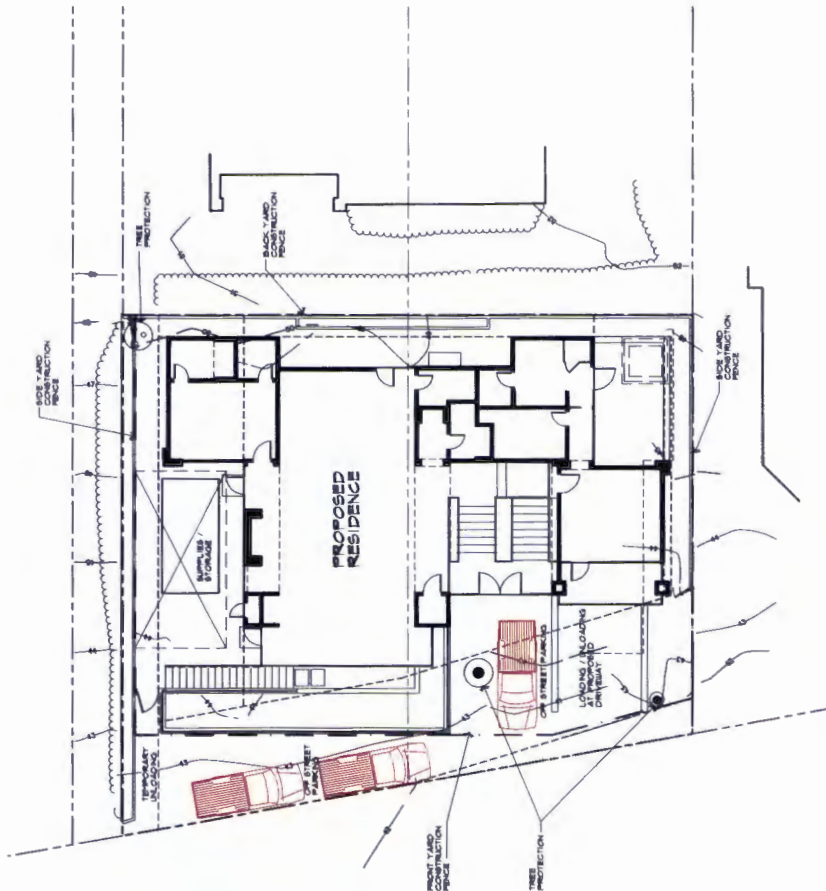
REVISION	No.

CONSULTANT:

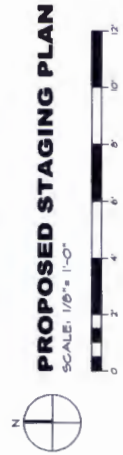
ERIC MILLER ARCHITECTS, INC.
 ARCHITECT
 157 GRAND STREET PACIFIC GROVE, CA 93950
 PHONE (831) 772-0410 • FAX (831) 772-7840 • WEB: WWW.ERICMILLERARCHITECTS.COM

PROPOSED STAGING PLAN
 JOB NAME: Larve Residence
 SCALE: 1/8" = 1'-0"
 DATE: 12/26/14
 DRAWN: CJH
 JOB NUMBER: 19300

A-1.3
 SHEET OF



EXCAVATION OF HALL.
 1. NO. OF ESTIMATED
 2. TRUCK LOADS PER DAY
 3. WORKING DAYS TOTAL DURING EXCAVATION





Project site – Facing northeast on Scenic Road



Project site – Facing southeast on Scenic Road

From: [kathleen bang](#)
To: [Rob Mullane](#)
Cc: [Eric Miller](#)
Subject: Upcoming appeal
Date: Tuesday, December 23, 2014 8:40:15 AM

Hi Rob. Would you please add this letter to the packet for the upcoming appeal on the Jarve home approval that is on the City Council agenda? Thanks very much.

Kathy

Dear Council Members,

We are writing in support of the design of the home at 1 SE of 9th. Scenic Rd. owned by the Jarve's. We live in the same block as this home, have seen the plans and believe that they will be a very positive addition to our neighborhood. While construction necessarily brings noise and dirt, we all know that we have to live through these things from time to time as homes are renovated.

We urge you to deny the appeal of the Planning Commission's decision to approve this house and allow this construction to begin.

Thank you for our consideration.

Kathy and Gary Bang

RECEIVED

JAN 12 2015



CALIFORNIA
COASTAL COMMISSION
NATIONAL COAST AREA

CARMEL-BY-THE-SEA

NOTICE OF INELIGIBILITY

For The Carmel Historic Resources Inventory

On 4 September 2012 the Department of Planning and Building determined that the property identified below does not constitute an historic resource.

Assessors Parcel Number: 010-302-015
Current Owner: John and Jaque Jarve
Block: A-2
Lots: 2 & 3
Street Location: Scenic Road 1 SE of 9th Ave

The basis for this determination is:

- The property lacks sufficient age to be considered historic.
- The property has substantially lost its historic integrity through alterations, additions, deterioration, changes in the surrounding environment or other causes.
- The property does not relate to historic themes or property types established in the Historic Context Statement for Carmel-by-the-Sea.
- The property has no association with important events, people or architecture that are identified in the Historic Context Statement or that represent the historical/cultural evolution of Carmel-by-the-Sea.

This determination shall remain valid for a period of five (5) years and shall expire on 4 September 2017.

Marc Wiener, Associate Planner

CALIFORNIA COASTAL COMMISSION

JAN 23 2015

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863 FAX (831) 427-4877

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Steven M. Beutler
Mailing Address: P.O. Box 652
City: Carmel, CA Zip Code: 93921 Phone: (909) 214-0165

SECTION II. Decision Being Appealed

- 1. Name of local/port government:
Carmel-By-The-Sea CA
- 2. Brief description of development being appealed:
Demolition of existing home
Construction of new home on same site
- 3. Development's location (street address, assessor's parcel no., cross street, etc.):
Scenic Rd, 1 SE of Ninth Ave, Carmel, CA
- 4. Description of decision being appealed (check one.):
 Approval; no special conditions
 Approval with special conditions:
 Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

<u>TO BE COMPLETED BY COMMISSION:</u>	
APPEAL NO:	<u>A-3-CML-15-0004</u>
DATE FILED:	<u>1/23/2015</u>
DISTRICT:	<u>Central Coast</u>

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: 1/6/2015

7. Local government's file number (if any): Unknown

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

John & Jacque Jarve
77 Flood Circle
Atherton, CA 94027

or

c/o Eric Miller
211 Hoffman Ave
Monterey, CA 93940

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Eric Miller
211 Hoffman Ave
Monterey, CA 93940

(2) Fred Osuch (Caretaker unknown)

(3) Shari Babitzke
3518 Blue Lake Circle
Stockton, CA 95219

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Please see attached

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Herbert A. Decker M.A.
Signature of Appellant(s) or Authorized Agent

Date: 1/18/2015

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

Beutler Appeal
Jarve property
Scenic ISE North
Carmel CA

Thank you for agreeing to review my appeal.

I am appealing on three grounds.

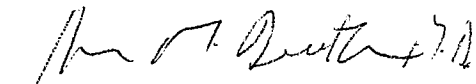
1). The city council has not followed their Coastal Land Use Plan. The plan specifically states the following: P9-4: "Ensure that construction activities are managed to minimize overall noise impacts on surrounding land uses." And P9-5: "Develop a system to monitor construction noise impacts on surrounding land uses." And P9-6: "Develop a noise enforcement program to minimize disturbance of the community tranquility." There are additional policies as well; I have attached the relevant document for your review.

During my oral presentation in front of the City Council, I requested noise studies and a noise mitigation plan; this was rejected (without discussion). The Planning Commission had previously rejected it as well, commenting only that it wasn't required by the municipal code. It is clear that The City of Carmel By the Sea is ignoring its General Plan/Coastal Land Use Plan, which was prepared pursuant to Section 65302(g) of the California Government Code and following the language and intent of the office of Noise Control, California Department of Health. The plan requires acoustic studies and noise mitigation where it may prove beneficial.

2). Related to #1 above: The proposed construction project is within 300 feet of an Environmentally Sensitive Habitat Area. It is clear that noise and vibrations will impact the ESHA. Emissions may also disturb the area as well. Noise mitigation measures may (or may not) protect the ESHA area; until studies are done, there is no way to know. City Council took the position that because the construction itself wasn't taking place in a ESHA area, that they would not consider my appeal at their level. However, the Senior Planner actually acknowledged that noise could have an impact, stating "...any impacts related to construction including construction-phase noise would be temporary." But there is no time limit placed on the construction, and similar projects in the area generally take 18 -24 months, so the impact would actually be quite prolonged and potentially profound.

3). As you know, demolition of the existing 3182 sqft structure was approved by the Carmel City Council. The structure is located immediately adjacent to a storm drain (inches away); another storm drain is located across the street (perhaps 18 feet away, and downhill). The drainage is conducted onto the beach or into the ocean in a popular recreational area, and there is a risk of considerable amounts of debris being channeled into the ocean. This is an older structure, so lead and asbestos contamination are also possible. At the time of the hearing, it was only stated that prior to demolition and subsequent construction, a Best Management Practice Plan would be submitted and approved. How effective this would be in preventing contamination is unclear to me. Literally dozens of tons of debris will be created. Even a small percentage of the waste would result in a substantial problem should it reach the water. I believe this deserves the scrutiny of the Coastal Commission, especially since the Best Management Practice Plan had not even been done at the time of my appeal to the the City Council.

Again, thank you for taking the time to consider my appeal.


Steven M. Beutler, M.D.

Beutler Appeal
Jarve Property
Scenic I NE of North
Carmel, CA

NOISE ELEMENT

Introduction and Purpose

The Noise Element of the City of Carmel-by-the-Sea's General Plan has been prepared pursuant to Section 65302(g) of the California Government Code. This section requires that each city's or county's General Plan shall contain a Noise Element. In preparing the Noise Element, the "Guidelines for the Preparation and Content of the Noise Element of the General Plan," prepared by the office of Noise Control, California Department of Health, have been closely followed.

The purpose of the Noise Element is to form the basis for the City's efforts in community noise control. The Noise Element is composed of the following parts:

- an evaluation of the present and future noise climate in Carmel;
- a discussion of the major noise sources in Carmel and some suggestions for their control;
- a section discussing the use of the Noise Element as a planning tool; and
- a section summarizing actions which the City can take to reduce existing noise levels and avoid future noise problems.

A major objective of the Noise Element is to provide guidelines to achieve noise compatible land uses. As such, the Noise Element is most closely related to the Land Use, Housing, Circulation, and Open Space Elements. By identifying noise sensitive land uses and establishing compatibility guidelines for land use and noise, the Noise Element influences the general distribution, location, and intensity of future land use.

The circulation system within a city is one of the major sources of continuous noise; therefore, the existing and future circulation system identified in the Circulation Element will greatly influence the noise environment. When proper planning occurs circulation routes such as major streets and highways, along with truck routes, can be located to minimize noise impact upon noise sensitive land use.

Since noise can adversely affect the enjoyment of quiet activities in open space, the Noise Element is also closely related to the Open Space Element. Conversely, open space can be used as a noise buffer between incompatible land uses. This technique can reduce community noise levels and also provide usable open space for recreation.

This element also includes some of the findings gathered through the Community Survey (Survey). The Survey was prepared as part of the public outreach process to gain a broader

response from the community, property owners, and businesses on issues facing Carmel. The complete Survey report can be found in Appendix A.

Issues of Local Significance

The greatest noise source in Carmel is the large volume of automobile traffic that travels through Carmel. Large buses, trucks and vehicles travel through residential neighborhoods and generate noise that is not in keeping with Carmel's village character. The Survey identified construction, delivery trucks, and garbage trucks as the top three most disturbing noise sources for Carmel's residents. The noise from traffic and buses was in the middle of the scale. While noises generated by animals and the business district were identified as the least disturbing. Other noise sources identified in the Survey included car alarms and leaf blowers as sources of disturbing noise, beyond an occasional, acceptable limit.

Goals, Objectives and Policies

- G9-1 Preserve Carmel's overall quiet environment; reduce noise in Carmel to levels compatible with the existing and future land uses and prevent the increase of noise levels in areas where noise sensitive uses are located.
- O9-1 Support programs to reduce community noise levels where possible to levels acceptable to the community.
- P9-1 Noise emission levels shall be considered alongside performance and cost, when purchasing City owned vehicles and construction equipment.
 - P9-2 Continuously update the noise ordinance to conform with guidelines established by the Office of Noise Control and the California Department of Health Services.
 - P9-3 The noise ordinance shall clearly address all identified sources of noise to simplify enforcement.
 - P9-4 Ensure that construction activities are managed to minimize overall noise impacts on surrounding land uses.
 - P9-5 Develop a system to monitor construction noise impacts on surrounding land uses.
 - P9-6 Develop a noise enforcement program to minimize disturbance of the community tranquility.
-

- P9-7** Monitor sound levels on a routine basis in order to achieve, through a noise ordinance, reduction of unacceptable noise within Carmel.
- O9-2** Consider the compatibility of proposed land uses with noise environment when preparing community plans or reviewing specific development proposals.
- P9-8** Apply the noise and land use compatibility standards as shown in Table 9.2: Land Use Compatibility for Community Noise Environments to all new residential, commercial, and mixed-use proposals, including condominium conversions.
- P9-9** Require acoustical reports and evaluation of noise mitigation measures for projects that would substantially increase noise.
- P9-10** Develop standard noise mitigation measures that can be incorporated into new developments.
- P9-11** The standard noise mitigation measures shall not preclude creative solutions addressing unique situations when there are conflicts between noise levels and land use.
- O9-3** Control unnecessary, excessive and annoying noises within the City where not preempted by Federal or State control.
- P9-12** Protect residential areas from excessive noise from traffic, especially trucks and buses.
- P9-13** Establish noise performance standards for City owned equipment, air circulating and air conditioning equipment.
- P9-14** Endorse future efforts to reduce noise levels along Highway 1 to acceptable levels.
- P9-15** Continue to prohibit the use of gas-powered leaf blowers in the City.
- P9-16** Continue to maintain a truck route to limit noise impacts in the City.
- P9-17** Continue to enforce state laws regarding un-muffled or improperly muffled motor vehicles.
- P9-18** Continue to enforce the City's Live Music Ordinance limiting the sound and location of live music in the commercial districts.

ESHA Policies and Standards

O5-40 Ensure that long-term management activities maintain the natural dune ecology of Carmel Beach in a manner consistent with public safety. Protect areas of the beach from the loss of habitat, where special status plant species are growing. (LUP)

17.20.220 Environmentally Sensitive Habitats. A. General. This section sets forth regulations for the protection and enhancement of environmentally sensitive habitat areas (ESHAs).

B. Applicability. The provisions of this overlay district apply to all new development or substantial alteration of existing development proposed within designated ESHA or within ESHA buffer areas (located within 30 feet of designated ESHA). Sites that are within an ESHA or ESHA buffer area, and are subject to these overlay regulations, are mapped in the Land Use Plan of the Local Coastal Program.

...

D. Biological Resources Report. A coastal development permit application for development on a site that is subject to this section shall include a biological resources report that complies with the following requirements... 2. Report Contents. The biological resources report shall: a. Include a biological survey of the site that identifies the type and location of sensitive resources and documents the habitat values of the property. The report shall also evaluate the impact that existing and proposed development may have on the habitat, including whether the existing and proposed development will result in a significant disruption of habitat values. The report shall identify feasible alternatives to avoid disrupting the habitat values. If avoidance is not possible, mitigation measures shall be identified that protect the resource from disturbance or degradation, and a program for monitoring and evaluating the effectiveness of the mitigation measures. b. Identify potential significant impacts on the habitat from noise, sediment, and other potential disturbances that may occur during project construction...

LCP Water Quality Policies

P5-184 Maintain, enhance, and where feasible, restore marine resources. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes (Section 30230, California Coastal Act). (LUP)

P5-185 Maintain and restore, where feasible, the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health, through, among other means, minimizing adverse effects of waste water discharges and entrainment; controlling runoff; preventing depletion of ground water supplies and substantial interference with surface water flow; encouraging waste water reclamation; maintaining natural vegetation buffer areas that protect riparian habitats; and, minimizing alteration of natural streams (Section 30231, California Coastal Act). (LUP)

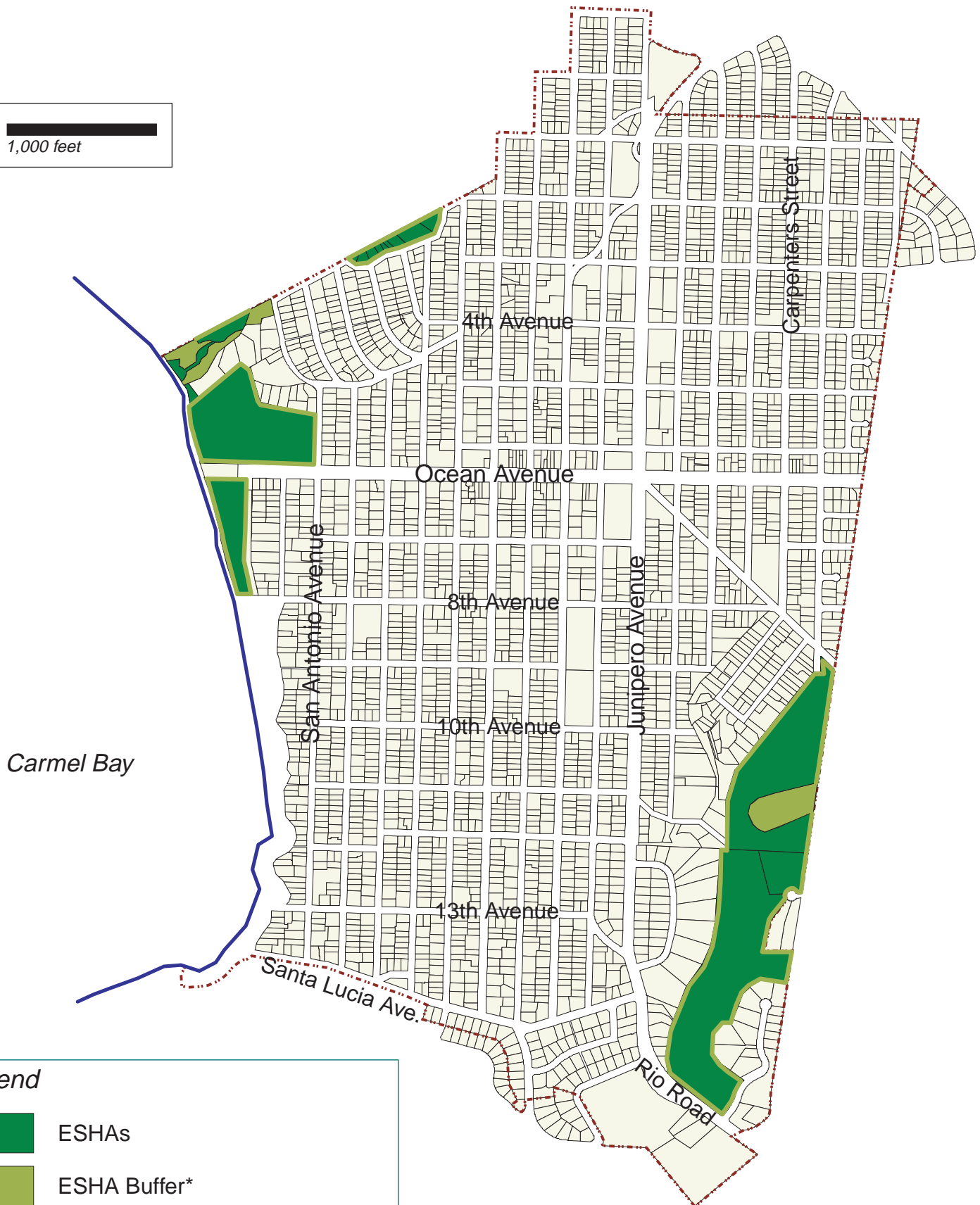
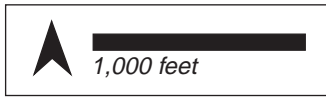
O5-43 Protect and enhance the water quality and biological productivity of local creeks, wetlands, and Carmel Bay through the prevention of point- and non-point-source water pollution. (LUP)

P5-186 Develop, Implement, Monitor, and Modify (as necessary) a Citywide Storm Water Management Plan (SWMP) outlining specific tasks, Best Management Practices (BMP's), and responsibilities necessary to implement the City's National Pollution Discharge and Elimination System permit and to protect water quality. Minimum measures of the Storm Water Management Plan shall include: ...5. Construction site storm water runoff control.

P5-189 Adopt regulations for the prevention of illegal discharges to streams, wetlands, and the storm drainage system, and for the proper management of urban runoff. (LUP)

P5-194 Integrate storm water quality protection into construction and post construction activities at all development sites. Evaluate the ability of each site to detain storm water runoff and require incorporation of detention facilities or other controls as appropriate. As part of site approval or as a condition on a tentative map, require permanent storm water pollution control measures or systems and an ongoing maintenance program, as necessary. (LUP)

P5-201 BMPs shall be incorporated into the project design in the following progression: ...
Source Control BMPs: Practices that prevent release of pollutants into areas where they may be carried by runoff, such as covering work areas and trash receptacles, practicing good housekeeping, and minimizing use of irrigation and garden chemicals...



Legend

- ESHAs
- ESHA Buffer*
- City Limits

* Note: A 30 foot buffer is required contiguous to all ESHAs.

Figure 5.3
**Environmentally Sensitive
 Habitat Areas (ESHAs)**

Exhibit 5