

PLANNING COMMISSION

PLANNING COMMISSION RESOLUTION NO. 2024-XXX-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA ACCEPTING A CONCEPT DESIGN STUDY FOR THE DEMOLITION OF AN EXISTING 2,301-SQUARE-FOOT ONE-STORY, SINGLE-FAMILY RESIDENCE WITH A 479-SQUARE-FOOT ATTACHED GARAGE WITH 464-SQUARE-FOOT SECOND-FLOOR GUESTHOUSE, AS WELL AS 192 SQUARE FEET OF ACCESSORY STRUCTURES, AND CONSTRUCTION OF A NEW 2,466-SQUARE-FOOT ONE-STORY, SINGLE FAMILY RESIDENCE WITH A 478-SQUARE-FOOT DETACHED GARAGE LOCATED AT THE NORTHEAST CORNER OF STERLING WAY AND PERRY NEWBERRY WAY IN THE SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT, APN: 009-162-025-000.

WHEREAS, June 19, 2023, Anatoly Ostretsov (“Applicant”) submitted an application on behalf of Tony Das (“Owner”) requesting approval of Track 2 Design Study application DS 23-171 (Das) described herein as (“Application”); and

WHEREAS, the Application has been submitted for a 8,480-square-foot lot located at the northeast corner of Sterling Way & Perry Newberry Way in the Single-Family Residential (R-1) Zoning District; and

WHEREAS, an associated Lot Merger Application (LM 23-172, Das) was submitted by the applicant and shall be considered concurrently with the Design Study Application; and

WHEREAS, the Applicant is proposing the demolition of a single-family residence and reconstruction of a new one-story single-family residence and attached garage; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.58.040 (Residential Design Review), the construction of new dwellings, rebuilds, and substantial alterations requires approval of a Residential Track Two Design Study by the Planning Commission; and

WHEREAS, CMC 17.58.040.B.2 requires a Design Concept Review prior to consideration of the Final Details Review for project approval; and

WHEREAS, a Coastal Development Permit is required for the project in accordance with CMC 17.52.090 and will be considered at the Final Details hearing; and

WHEREAS, on February 2, 2024, a notice of the public hearing scheduled for February 13, 2024, was published in the Carmel Pine Cone in compliance with State law (California Government Code 65091) and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before February 3, 2024, the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before February 10, 2024, the meeting agenda was posted in three locations in compliance with State law indicating the date and time of the public hearing; and

WHEREAS, on February 13, 2024, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the combined concept and final design study, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the project; and

WHEREAS, the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”), together with State Guidelines (14 California Code Regulations §§ 15000, *et seq.*, the “CEQA Guidelines”) and City Environmental Regulations (CMC 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, acceptance of a Concept Design Study is “not a project” pursuant to section 15378 of the CEQA Guidelines. Acceptance of a Concept Design Study does not grant any permits or entitlements approving a project which would result in a direct or indirect physical change in the environment. CEQA analysis and determination of exemption status will be done as part of the Final Design Study hearing; and

WHEREAS, this Resolution and its findings are made based upon the evidence presented to the Commission at the hearing date, including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the Planning Commission did hear and consider all said reports, attachments, recommendations, and testimony herein above set forth and used their independent judgment to evaluate the project; and

WHEREAS, the facts set forth in the recitals are true and correct and are incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the **Concept Design Study**:

FINDINGS REQUIRED FOR CONCEPT DESIGN STUDY ACCEPTANCE		
For each of the required design study findings listed below, staff has indicated whether the concept plans submitted support adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate decision-making by the Planning Commission. Findings checked "yes" may or may not be discussed in the staff report depending on the issues.		
CMC Section 17.64.080.A – Concept Phase Approval Findings	YES	NO
1. The project conforms with all zoning standards applicable to the site, or has received appropriate use permits 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-site and in the public right-of-way that is characteristic of the neighborhood.	✓	
3. The project avoids complexity using simple building forms, a simple roof plan 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 set back a minimum of six feet from significant trees.	✓	

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby **ACCEPT** a Concept Design Study for the demolition of an existing 2,301-square-foot one-story, single-family residence with a 479-square-foot attached garage with 464-square-foot second-floor guesthouse, as well as 192 square feet of accessory structures, and construction of a new 2,466-square-foot one-story, single family residence with a 478-square-foot detached garage located at the northeast corner of Sterling Way and Perry Newberry Way in the Single-Family Residential (R-1) District, APN: 009-162-025-000, subject to the conditions listed below:

CONDITIONS FOR CONCEPT ACCEPTANCE	
No.	
1.	Volume Study. The required Volumetric Study shall be successfully completed prior to scheduling for Final Details Review. The applicant shall provide one full size printed set of plans following Concept Hearing to the Community Planning and Building Department as part of the required Volume Study. Any additional changes required by the Planning Commission at the Concept Hearing that would affect volume (changes in massing, heights, site planning, grading, etc) shall be incorporated into the plans submitted for the volume study.
2.	Nonconforming Building Description. Prior to scheduling for Final Details Review, the applicant shall provide a detailed written description to the Community Planning and Building Department outlining how the nonconforming portions of the building located in the front setback are proposed to remain and not be demolished through construction.
3.	Forest and Beach Commission/Tree Density. Prior to scheduling for Final Details Review, the project shall be reviewed by the Forest and Beach Commission to determine the appropriate number of upper and lower canopy trees for the site and the additional planting requirement, if any. Any additional required new trees shall be incorporated into the revised plans submitted to the Community Planning and Building Department for Final Details Review. The size, species, and locations shall be clearly indicated in the plans and are subject to approval of the Forest and Beach Commission and/or the City Forester as appropriate.

4.	Right-of-Way Encroachments. Prior to scheduling for Final Details review, the revised plans shall be submitted to the Community Planning and Building Department that indicate all existing right-of-way encroachments shall be removed as part of the project, as well as a right-of-way improvement plan (ex. landscaping), as appropriate.
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PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 13th day of February 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Michael LePage
Chair

Leah Young
Planning Commission Secretary