



City of Carmel-by-the-Sea

COMMUNITY PLANNING AND BUILDING DEPARTMENT

Errata Memorandum February 13, 2024

To: Planning Commission

From: Evan Kort, Associate Planner

Subject: DR 23-329 (Minnich) San Carlos Street 2 northwest of 8th Avenue

Commissioners,

The draft Resolution for the subject project was inadvertently left out of the staff report packet. Please see attached for the draft Resolution.

Best regards,

Evan Kort
Associate Planner

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

PLANNING COMMISSION RESOLUTION NO. 2024-XX-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA APPROVING A TRACK 1 DESIGN REVIEW REFERRAL FOR THE CONVERSION OF A COMMERCIAL ROOFTOP TO AN ACCESSIBLE ROOF TOP DECK FOR USE BY RESIDENTIAL UNITS. THE SCOPE OF WORK INCLUDES NEW ROOF ACCESS, NEW WATERPROOFING, INSTALLATION OF NEW RAILINGS, AND INSTALLATION OF A NEW PARAPET CAP. THE PROJECT IS LOCATED AT SAN CARLOS STREET 2 NORTHWEST OF 8TH AVENUE IN THE RESIDENTIAL AND LIMITED COMMERCIAL (RC) DISTRICT. APN: 010-145-021-000.

WHEREAS, on November 9, 2023, Chris Barlow, (“Applicant”) submitted an application on behalf of Kristin Minnich (“Owner”) requesting approval of Track 1 Design Review application DR 23-329 (Minnich) described herein as (“Application”); and

WHEREAS, the Application has been submitted for the property located on San Carlos 2 NW of 8th Avenue in the Residential and Limited Commercial (RC) District; and

WHEREAS, the applicant is proposing to convert an inaccessible roof of a mixed-use building to a useable roof-top deck as well as make associated improvements; and

WHEREAS, the scope of work constitutes a Track 1 Design Review however was referred to the Planning Commission in accordance with Carmel Municipal Code Section 17.52.030.L which grants the Planning Director the authority to refer any decision to the appropriate higher level for review, and

WHEREAS, this project is also being referred to the Planning Commission as roof decks in the commercial district have been seen as site amenities that have the potential to negatively affect adjacent property owners and tenants; and

WHEREAS, consideration of a Coastal Development Permit is not required in accordance with Carmel Municipal Code Section 17.52.100.C (Other Improvements); 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 February 13, 2024, the Planning Commission held a public hearing to receive public testimony regarding the Track 1 Minor Design Study Referral, including without limitation, information provided to the Planning Commission by City staff and through public testimony on the conceptual design of the project; and

WHEREAS, this Resolution and its findings are made based upon evidence presented to the Commission at the hearing 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 judgement to evaluate 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, pursuant to CEQA regulations, the Application is categorically exempt under Section 15301 (Existing Facilities); 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 **Design Review**:

FINDINGS REQUIRED FOR DESIGN REVIEW APPROVAL		
For each of the required findings listed below, the staff has indicated whether the application, either as proposed or with conditions, supports adopting the findings. For all findings checked "no," the staff report discusses the issues to facilitate the Planning Commission's decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
CMC 17.58.060, Findings for Design Review Approval <i>Before approving an application for design review in any district, the Director, Historic Preservation Board, or the Planning Commission shall find that the final design plans:</i>	YES	NO
1. Conform to the applicable policies of the General Plan and the Local Coastal Program;	✓	
2. Comply with all applicable provisions of this code; and	✓	
3. Are consistent with applicable adopted design review guidelines.	✓	

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby APPROVE a Track 1 Design Review Referral for the conversion of a commercial rooftop to an accessible roof top deck for use by residential units. The scope of work includes new roof access, new waterproofing, installation of new railings, and installation of a new parapet cap. The project is located at San Carlos Street 2 northwest of 8th Avenue in the Residential and Limited Commercial (RC) District. APN: 010-145-021-000., subject to the following Conditions of Approval:

CONDITIONS OF APPROVAL	
No.	Standard Conditions
1.	Authorization. This approval of Design Review (DR 23-329, Minnich) authorizes the conversion of a commercial rooftop to an accessible roof top deck for use by residential units. The scope of work includes new roof access, new waterproofing, installation of new railings, and installation of a new parapet cap. The project is located at San Carlos Street 2 northwest of 8th Avenue in the Residential and Limited Commercial (RC) District, APN: 010-145-021-000, as depicted in the plans prepared by WRD Architects as approved by City of Carmel-by-the-Sea Planning Commission on February 13, 2024 unless modified by the conditions of approval contained herein.
2.	Codes and Ordinances. The project shall be constructed in conformance with all requirements of the RC zoning district. 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 when such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.
3.	Permit Validity. This Design Review approval remains valid for a period of 12 months from the date of action. During this time, the project must be implemented, or the approval becomes void. Implementation is effected by erecting, installing, or beginning the installation of the improvement authorized by the permit, as determined by the Director. Extensions to this approval may be granted consistent with CMC 17.52.170.C.
4.	Water Use. Approval of this application does not permit an increase in water use on the project site without adequate supply. Should the Monterey Peninsula Water Management District determine that adequate water is unavailable for this site, this permit will be scheduled for reconsideration, and appropriate findings will be prepared for review and adoption by the Planning Commission.
5.	Modifications. The Applicant shall submit in writing, with revised plans, to the Community Planning and Building staff any proposed changes to the approved project plans prior to incorporating those changes. If the Applicant changes the project without first obtaining City approval, the Applicant will be required to submit the change in writing, with revised plans, within two weeks of the City being notified. A cease work order may be issued at any time at the discretion of the Director of Community Planning and Building until a) either the Planning Commission or Staff has approved the change, or b) the property owner has eliminated the change and submitted the proposed change in writing, with revised plans, for review. The project will be reviewed for its compliance

	with the approved plans prior to the final inspection.
6.	Exterior Revisions to Planning Approval Form. All proposed modifications that affect the exterior appearance of the building or site elements shall be submitted on the “Revisions to Planning Approval” form on file in the Community Planning and Building Department. Any modification incorporated into the construction drawings not listed on this form shall not be deemed approved upon issuance of a building permit.
7.	<p>Conflicts Between Planning Approvals and Construction Plans. It shall be the responsibility of the Owner, Applicant, and Contractor(s) to ensure consistency between the project plans approved by the Planning Staff, the Planning Commission, or the City Council on appeal and the construction plans submitted to the Building Division as part of the Building Permit review. Where inconsistencies between the Planning approval and the construction plans exist, the Planning approval shall govern unless otherwise approved in writing by the Community Planning & Building Director or their designee.</p> <p>When changes or modifications to the project are proposed, the Applicant shall clearly list and highlight each proposed change and bring each change to the City’s attention. Changes to the project incorporated into the construction drawings that were not clearly listed or identified as a proposed change shall not be considered an approved change. Should conflicts exist between the originally approved project plans and the issued construction drawings that were not explicitly identified as a proposed change, the plans approved as part of the Planning Department Review, including any Conditions of Approval, shall prevail.</p>
8.	Indemnification. 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 proceedings to attack, set aside, void, or annul any project approval. The City shall promptly notify the Applicant of any legal proceeding and 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 resolving all such actions by the parties hereto.
9.	Hazardous Materials Waste Survey. If required by the Building Division, prior to the issuance of a demolition permit, the Applicant shall submit a hazardous materials waste survey to the Building Division in conformance with the Monterey Bay Unified Air Pollution Control District.
10.	Truck Haul Route. If required by the Building Division, prior to the issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building Director, in consultation with the Public Works and Public Safety Departments, a truck-haul route and any necessary 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.

11.	Conditions of Approval. Prior to the issuance of a building permit, the Applicant shall print a copy of the Resolution adopted by the Planning Commission and signed by the property owner(s) on a full-size sheet within the construction plan set submitted to the Building Safety Division.
12.	Tree Removal Prohibited. Throughout construction, the Applicant shall protect all trees identified for preservation by methods approved by the City Forester. Trees on or adjacent to the site shall only be removed upon the approval of the City Forester or Forest and Beach Commission.
13.	Drainage Plan. If required by the Building Division, prior to the issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments a drainage plan that meets the requirements of the City's drainage guidance, SOG 17-07. At a minimum, new and replaced impervious area drainage must be dispersed around the site rather than focused on one corner of the property; infiltration features must be sized appropriately and located at least 6 feet from neighboring properties. The drainage plan shall include information on drainage from new impervious areas and semi-pervious areas.
14.	BMP Tracking Form. Prior to issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments a completed BMP Tracking form.
Special Conditions	
15.	Conditions of Approval Acknowledgement. Prior to the issuance of a building permit revision, a completed Conditions of Approval Acknowledgment form shall be included in the construction drawings. The form shall be signed by the Property Owner, Applicant, and Contractor prior to the issuance of a building permit.
16.	Occupancy. The maximum occupancy of the roof deck shall be ten (10) persons. Prior to building permit issuance, a note shall be included on the project plans noting a proposed location of a maximum occupancy sign that indicates the maximum occupancy of the roof deck to be approved by the Building Inspector and/or the Building Official, and a detail callout provided in the plans. The subject maximum occupancy sign shall be posted in the approved location prior to final inspection.
17.	Flashing Color. Prior to building permit issuance, a note shall be included throughout the plans submitted to the building division for building permit review as applicable noting the new parapet flashing shall be painted or finished to match the color of the existing roof.
18.	Railing Color. Prior to building permit issuance, a note shall be included throughout the plans submitted to the building division for building permit review as applicable noting railing(s) shall be painted or finished to match the color of the existing roof.
19.	Roof Deck Lighting. No lighting of any kind shall be installed (temporary or permanent) that exceeds, or is located above, the height of the existing parapet wall.

