

**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 DESIGN REVIEW, DR 23-140 (ESPERANZA CARMEL COMMERCIAL – JB PASTOR BUILDING), USE PERMIT, UP 21-113 (ESPERANZA CARMEL COMMERCIAL – JB PASTOR BUILDING), LOT MERGER, LM 20-394 (ESPERANZA CARMEL COMMERCIAL – JB PASTOR BUILDING) AND ASSOCIATED COASTAL DEVELOPMENT PERMIT, FOR THE CONSTRUCTION OF A 13,428 -SQUARE-FOOT, TWO-STORY MIXED-USE DEVELOPMENT WITH 8 APARTMENT UNITS AND APPROXIMATELY 5,100 SQUARE FEET OF COMMERCIAL SPACE, WITH A 852-SQUARE-FOOT BASEMENT AND A SURFACE PARKING AREA AT THE REAR OF THE PROPERTY WITH A TOTAL OF 12 PARKING SPACES UTILIZING 5 PARKING LIFTS LOCATED AT DOLORES STREET 2 SOUTHEAST OF 7TH AVENUE IN THE SERVICE COMMERCIAL (SC) ZONING DISTRICT, APNS: 010-145-012/022/023**

WHEREAS, on October 25, 2019, International Design Group (“Applicant”) submitted an application on behalf of Esperanza Carmel Commercial LLC (“Owner”) requesting approval of Track 2 Design Review application for the JB Pastor Building (“Design Review”); and

WHEREAS, overtime, subsequent revisions and modifications to the project have been taken place and have been submitted under various Design Review Permit number, each superseding the previous; and

WHEREAS, the various Design Review numbers, in sequential order, are as follows: DR 19-156, DR 19-427, DR 20-395, DR 22-157, DR 23-140; and

WHEREAS, the Design Review Application is accompanied by an associated Lot Merger Application (LM 20-394) and Use Permit application (UP 21-113); and

WHEREAS, the combination of the Use Permit, Lot Merger, and Design Review are described herein as (“Application”); and

WHEREAS, the Application has been submitted for a 12,000-square-foot lot located at Dolores Street 2 southeast of 7<sup>th</sup> Avenue in the Service Commercial (SC) Zoning District; and

WHEREAS, the Applicant is proposing the construction of a 13,428 -square-foot, two-story mixed-use development with 8 apartment units and approximately 5,100 square feet of commercial space; and

WHEREAS, parking is primarily proposed to provided on-site with the balance being provided through participation in the in-lieu parking program; and

WHEREAS, the project was considered by the City Council at the October 3, 2023 meeting where the Council overturned the July 2023 decision of the Historic Resources Board (Reso. 2023-009-HRB) and Issued a Determination of Consistency with the Secretary of the Interior’s Standards, with new findings and conditions (Resolution 2023-099); and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.58.030 (Commercial Design Review), the construction of new buildings requires approval of a Commercial Track Two Design Review Approval by the Planning Commission when a Use Permit is also required; and

WHEREAS, a Use Permit approved by the Planning Commission is required for each of the following four entitlements: *Increase in Commercial Floor Area, Commercial Spaces or Business* (CMC 17.14.050), Residential Density 22 du/ac –33 du/ac (CMC 17.14.030), *In Lieu Fees* (CMC 17.38.030.C), and *Underground Floors* (CMC 17.14.150.A); and

WHEREAS, a Coastal Development Permit is also required in accordance with CMC 17.52.090 (Coastal Development Permit Required); and

WHEREAS, in accordance with CMC 17.52.090.B.2, *a track two design review approval shall constitute a coastal development permit for any project subject to review under this section* (CMC 17.52.090.B); and

WHEREAS, on June 28, 2024, a notice of the public hearing scheduled for July 10, 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 June 30, 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 July 7, 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 July 10, 2024, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the Application, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the application; 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, the Planning Commission found that pursuant to CEQA regulations, the Application is categorically exempt under Section 15332 (Class 32) – In-Fill Developments, and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines as found in Attachment 2 of the associated staff report submitted by the Community Planning and Building Department; 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 find the following Resolutions are also associated the site and associated development history with the project: 2021-03-HRB, 2021-043, 2023-01-HRB, 2023-051, 2023-052, 2023-09-HRB, 2023-099, and the findings of the aforementioned resolutions shall be incorporated into this resolution 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**:

| <b>FINDINGS REQUIRED FOR DESIGN REVIEW APPROVAL</b>   |            |           |
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| 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. |            |           |
| <b>CMC 17.58.060, Findings for Design Review Approval</b>   | <b>YES</b> | <b>NO</b> |
| <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>   |            |           |
| 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.   | ✓          |           |

**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 **USE PERMITS** for Increase in Commercial Floor Area, Commercial Spaces or Business (CMC 17.14.050), Residential Density 22 du/ac –33 du/ac (CMC 17.14.030), and Underground Floors (CMC 17.14.150.A):

| <b>FINDINGS REQUIRED FOR USE PERMIT APPROVAL</b>  |            |           |
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| 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. |            |           |
| <b>CMC 17.64.010, Use Permit Findings for Approval</b>  | <b>YES</b> | <b>NO</b> |
| <i>In its review of applications for use permits, the Planning Commission shall evaluate each proposed use in order to consider its impact on the City. No use permit shall be granted unless all of these general findings can be made:</i>  |            |           |
| 1. That the proposed use will not be in conflict with the City's General Plan.  | ✓          |           |
| 2. That the proposed use will comply with all zoning standards applicable to the use and zoning district.   | ✓          |           |

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| 3. That granting the use permit will not set a precedent for the approval of similar uses whose incremental effect will be detrimental to the City, or will be in conflict with the General Plan.                      | ✓ |  |
| 4. That the proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection. | ✓ |  |
| 5. That the proposed use will not be injurious to public health, safety or welfare.  | ✓ |  |
| 6. That the proposed use will be compatible with surrounding land uses and will not conflict with the purpose established for the district within which it will be located.  | ✓ |  |
| 7. That the proposed use will not generate adverse impacts affecting health, safety, or welfare of neighboring properties or uses.   | ✓ |  |

**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 **Coastal Development Permit**:

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| <b>FINDINGS REQUIRED FOR COASTAL DEVELOPMENT PERMITS</b>  |            |           |
| 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. |            |           |
| <b>CMC 17.64.010.B, Coastal Development Permits</b>   | <b>YES</b> | <b>NO</b> |
| 1. The project, as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Carmel-by-the-Sea Local Coastal Program.   | ✓          |           |
| 2. If the project is located between the first public road and the sea, the project conforms with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections <a href="#">30200</a> of the Public Resources Code).  | ✓          |           |

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Carmel-by-the-Sea does hereby **APPROVE** the Design Review, DR 23-140 (Esperanza Carmel Commercial – JB Pastor Building), Use Permit, UP 21-113 (Esperanza Carmel Commercial – JB Pastor Building), Lot Merger, LM 20-394 (Esperanza Carmel Commercial – JB Pastor Building) and associated Coastal Development Permit, for the construction of a 13,428 -square-foot, two-story mixed-use development with 8 apartment units and approximately 5,100 square feet of commercial space, with a 852-square-foot basement and a surface parking area at the rear of the property with a total of 12 parking spaces utilizing 5 parking lifts located at Dolores Street 2 southeast of 7th Avenue in the Service Commercial (SC) Zoning District, APNs: 010-145-012/022/023, subject to the following Conditions of Approval:

| <b>CONDITIONS OF APPROVAL</b> |   |
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| <b>No.</b>                    | <b>Standard Conditions</b>  |
| 1.                            | <b>Authorization.</b> Approval of this Design Review, DR 23-140 (Esperanza Carmel Commercial – JB Pastor Building), Use Permit, UP 21-113 (Esperanza Carmel Commercial – JB Pastor Building), Lot Merger, LM 20-394 (Esperanza Carmel Commercial – JB Pastor Building) and associated Coastal Development Permit, authorizes the construction of a 13,428 -square-foot, two-story mixed-use |

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|           | <p>development with 8 apartment units and approximately 5,100 square feet of commercial space, with a 852-square-foot basement and a surface parking area at the rear of the property with a total of 12 parking spaces utilizing 5 parking lifts located at Dolores Street 2 southeast of 7th Avenue in the Service Commercial (SC) Zoning District, APNs: 010-145-012/022/023. The project shall be constructed and uses carried out in substantial conformance with the plans, and application materials considered by the Planning Commission as part of the July 10, 2024 Planning Commission hearing, unless modified by the Conditions of Approval herein.</p>  |
| <p>2.</p> | <p><b>Codes and Ordinances.</b> The project shall be constructed in conformance with all requirements of the Service Commercial (SC) 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 at the time such plans are submitted, such changes may require subsequent approval by the Planning Commission and additional environmental review.</p>  |
| <p>3.</p> | <p><b>Permit Validity.</b> This approval shall be valid for a period of eighteen (18) months from the date of action unless an active building permit has been applied for and maintained consistent with the requirements of the Building Division. Extensions to this approval may be granted consistent with CMC 17.52.170.C.</p>   |
| <p>4.</p> | <p><b>Water Use.</b> 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 not available for this site, this permit will be scheduled for reconsideration, and appropriate findings prepared for review and adoption by the Planning Commission.</p>   |
| <p>5.</p> | <p><b>Fire Sprinklers.</b> Installation of an automatic fire sprinkler system in accordance with the California Building and Fire Codes shall be required.</p>   |
| <p>6.</p> | <p><b>Water Supply – Fire Protection.</b> Prior to the issuance of a building permit, documentation must be provided which verifies sufficient water supply for the fire sprinkler system and the proposed location of the underground fireline(s).</p>  |
| <p>7.</p> | <p><b>Electrical Laterals.</b> All electrical service laterals to any new building or structure, or to any building or structure being remodeled when such remodeling requires the relocation or replacement of the main service equipment, shall be placed underground on the premises upon which the building or structure is located.</p>   |
| <p>8.</p> | <p><b>Sewer Laterals.</b> Sanitary sewer lateral connection shall be reviewed and approved by CAWD, an Encroachment Permit shall be obtained from the City of Carmel-by-the-Sea prior to installation.</p>   |
| <p>9.</p> | <p><b>Modifications Prior to Construction.</b> 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 into the project.</p> <p>Minor changes to the approved project, plans, or use (ex. change in locations of exterior light fixtures, or changes in landscape material) may be approved administratively by the Director of Community Planning and Building upon submittal of a Design Review Application.</p> <p>Major changes to the approved project, plans, or use (ex. changes in massing, roof forms, height, amendments to Conditions of Approval) shall be reviewed by the Planning Commission and/or Historic Resourced Board/City Council, as appropriate. All major changes shall require submittal of a Design Review Application.</p> |

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|     | The determination of what constitutes a Major or Minor change shall be made by the Director of Community Planning and Building. All approved major and minor changes shall require a Building Permit Revision to incorporate the change into the approved building plan set.  |
| 10. | <b>Modifications During Construction.</b> 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, as outlined in Condition of Approval #9. 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 2 weeks of the City being notified. A cease work order may be issued 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 to the approved plans prior to final inspection.  |
| 11. | <b>Exterior Revisions to Planning Approval Form.</b> All proposed modifications that affect the exterior appearance of the building, site elements, or associated Use Permits 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 that is not listed on this form, shall not be deemed approved upon issuance of a building permit.   |
| 12. | <b>Conflicts Between Planning Approvals and Construction Plans.</b> It shall be the responsibility of the Owner, Applicant, and Contractor(s) to ensure consistency between the project plans approved by 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.<br><br>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 that are 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. |
| 13. | <b>Indemnification.</b> 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. | <b>Hazardous Materials Waste Survey.</b> A hazardous materials waste survey shall be required in conformance with the Monterey Bay Air Resource District prior to the issuance of a demolition permit.  |

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| 15. | <b>Cultural Resources.</b> All new construction involving excavation shall immediately cease if cultural resources are discovered on the site, and the Applicant shall notify the Community Planning & 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 the 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. |
| 16. | <b>Encroachment Permit Required.</b> Any construction, reconstruction, or closure of the right of way shall require approval of an encroachment permit.  |
| 17. | <b>Truck Haul Route.</b> 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.  |
| 18. | <b>Noise from Electrical and Mechanical Equipment.</b> The fixed installation of any electrical or mechanical equipment shall be subject to the standards outlined in CMC 17.28.020.   |
| 19. | <b>USA North 811.</b> Prior to any excavation or digging, the Applicant shall contact the appropriate regional notification center (USA North 811) at least two working days, but not more than 14 calendar days, prior to commencing that excavation or digging. No digging or excavation is authorized to occur on-site until the Applicant has obtained a Ticket Number and all utility members have positively responded to the dig request. (Visit USANorth811.org for more information)  |
| 20. | <b>BMP Tracking Form.</b> 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.  |
| 21. | <b>Semi-Permeable Surfaces.</b> Prior to issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments cross-section details for semi-permeable surfaces.  |
| 22. | <b>Erosion and Sediment Control Plan.</b> Prior to issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments an erosion and sediment control plan that includes locations and installation details for erosion and sediment control BMPs, material staging areas, and stabilized access.   |
| 23. | <b>Drainage Plan.</b> 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.  |
| 24. | <b>Construction Management Plan.</b> Prior to the issuance of the first construction-related permit, the applicant shall submit a Construction Management Plan (CMP) for review and approval by the Community Planning and Building Director and Director of Public Works, and other relevant City departments as found necessary during the review of the CMP. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval such as dust control, construction emissions,  |

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|     | <p>hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management. The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project</p>   |
| 25. | <p><b>Landscape Plan.</b> All new landscaping shall be shown on a landscape plan and shall be submitted to the Community Planning &amp; Building Department and to the City Forester prior to the issuance of a building permit.</p>   |
| 26. | <p><b>Landscape Inspection and Maintenance.</b> All approved landscaping shall be installed on-site prior to a final inspection. All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way consistent with the approved landscape plan. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.</p>  |
| 27. | <p><b>Tree Removal.</b> Trees on the site shall only be removed upon the approval of the City Forester or Forest and Beach Commission, as appropriate; all remaining trees on site, or in the right-of-way immediately adjacent to the site shall be protected during construction by methods approved by the City Forester.</p>   |
| 28. | <p><b>Significant Trees.</b> 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. Six inches (6") of mulch shall be evenly spread across the inside the dripline of all trees prior to the issuance of a building permit.</p>  |
| 29. | <p><b>Tree Protection Measures.</b> Requirements for tree preservation shall adhere to the following tree protection measures on the construction site.</p> <ul style="list-style-type: none"><li>● Prior to grading, excavation, or construction, the developer shall clearly tag or mark all trees to be preserved.</li><li>● Excavation within 6 feet of a tree trunk is not permitted.</li><li>● No attachments or wires of any kind, other than those of a protective nature shall be attached to any tree.</li><li>● Per Municipal Code Chapter 17.48.110 no material may be stored within the dripline of a protected tree including the drip lines of trees on neighboring parcels.</li><li>● Tree Protection Zone -- The Tree Protection Zone shall be equal to dripline or 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line, whichever is greater. A minimum of 4-foot-high transparent fencing is required unless otherwise approved by the City Forester. Tree protection shall not be resized, modified, removed, or altered in any manner without written approval. The fencing must be maintained upright and taught for the duration of the project. No more than 4 inches of wood mulch shall be installed within the Tree Protection Zone. When the Tree Protection Zone is at or within the drip line, no less than 6 inches of wood mulch shall</li></ul> |

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|   | <p>be installed 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line outside of the fencing.</p> <ul style="list-style-type: none"> <li>• The Structural Root Zone -- Structural Root Zone shall be 6 feet from the trunk or 6 inches radially from the tree for every one inch of trunk diameter at 4.5' above the soil line, whichever is greater. Any excavation or changes to the grade shall be approved by the City Forester prior to work. Excavation within the Structural Root Zone shall be performed with a pneumatic excavator, hydro-vac at low pressure, or another method that does not sever roots.</li> <li>• If roots greater than 2 inches in diameter or larger are encountered within the approved Structural Root Zone the City Forester shall be contacted for approval to make any root cuts or alterations to structures to prevent roots from being damaged.</li> </ul> <p>If roots larger than 2 inches 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 and mitigation measures have been put in place.</p> |
| 30.   | <p><b>Conditions of Approval.</b> 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.</p>   |
| 31.   | <p><b>Condition of Approval Acknowledgement.</b> The Condition of Approval Acknowledgement form, available from the Community Planning and Building Department, shall be signed by the appropriate parties prior to the issuance of a building permit. A signed copy of the acknowledgement shall also be printed in the building plan set.</p>  |
| 32.   | <p><b>Pre-Construction Meeting.</b> Prior to the issuance of a building permit, the contractor overseeing the project shall schedule a pre-construction meeting with the Project Planner for the purpose of reviewing the conditions of approval and expectations during construction.</p>   |
| <p><b>Design Review (DR) Conditions of Approval</b></p> |  |
| 33.   | <p><b>Setback and Height Certifications.</b> A State licensed surveyor shall survey and certify the following in writing:</p> <ul style="list-style-type: none"> <li>• The footing locations are in conformance with the approved plans prior to footing/foundation inspection;</li> <li>• The roof heights and plate heights of each building are in conformance with the approved plans prior to roof sheathing inspection. Roofs and plates shall not exceed the elevation points as identified in the approved project plans and the roofs include an appropriate allowance for roofing material thickness.</li> </ul> <p>Written certifications prepared, sealed, and signed by the surveyor shall be provided prior to footing/foundation inspection and roof sheathing inspection. In the event that multiple footing/foundation pours are required, a survey letter shall be submitted for each separate section.</p>  |
| 34.   | <p><b>Exterior Lighting.</b> All light fixtures shall not be directed toward the public right-of-way. Lighting intensity shall not exceed eight-candlefoot power at a point two feet beyond the storefront windows as measured in a vertical or horizontal plane three feet above the ground or public walking surface. The manufacturer's specifications, including illumination information, for each exterior light fixture shall be included in the construction drawings submitted with the building permit application.</p>  |
| 35.   | <p><b>Interior Storefront Lighting.</b> Lighting intensity within the interior of the store space shall not exceed 30-candlefoot power at any point visible from the public right-of-way as measured in a</p>  |

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|     | vertical or horizontal plane three feet above the floor or walking surface. The manufacturer’s specifications, including illumination information, for each exterior light fixture shall be included in the construction drawings submitted with the building permit application.   |
| 36. | <b>Stone Facades (including chimneys).</b> Stone facades 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. All stonework shall be wrapped around building corners and terminated at an inside corner or a logical stopping point that provides a finished appearance. Termination of stonework shall be subject to review and approval by the Community Planning & Building Director or their designee. The masonry pattern shall be clearly identified in the construction drawings submitted with the building permit application. |
| 37. | <b>Aluminum-Clad Wood Frame Windows and Doors.</b> The Applicant shall submit product information for the aluminum-clad wood windows and doors prior to the issuance of a building permit. The window style shall be consistent with authentic wood windows and doors. When approved with divided lights, lights that appear to be true divided light including the use of internal and external mullions and muntins on insulated windows may be used. The painted finish shall be matte or low gloss. Removable, snap-in, or internal only mullions and muntins are prohibited.   |
| 38. | <b>Street Trees – Structural Cells.</b> New street trees shall be planted in within structural cells that provide at least 100 cubic feet of un-compacted soil volume for the long term viability of new trees. Prior to issuance of a building permit, the plans shall be revised to include a note on the landscape plans to indicate structural cells shall be used, as well as details provided for the proposed structural cells.  |
| 39. | <b>Roof Mounted Mechanical Equipment.</b> All roof mounted mechanical equipment shall be placed within a screened roof top enclosure or located below the parapet level and shall not be visible from the ground at any distance from the building.   |
| 40. | <b>Exterior Duct Work.</b> Ducting, line sets, conduit and similar features associated with mechanical or electrical equipment shall be run through the interior of the structure. If not feasible, these elements shall be located on building faces that are not visible from publically accessible areas and painted to match the color of the building wall upon which it is placed.  |
| 41. | <b>Exterior Lighting Location.</b> Prior to building permit issuance, the plans shall be revised so that the exterior light fixtures do not overhang into the public right-of-way. All light fixtures shall be located on the project site.   |
| 42. | <b>Exterior/Interior Lighting Intensity.</b> Prior to building permit issuance, the plans shall be revised so the exterior lighting intensity for the site complies with Condition of Approval #34.   |
| 43. | <b>Public Way Improvements – Public Works.</b> Prior to building permit issuance, the following shall be adequately addressed and/or revised in the project plans: <ul style="list-style-type: none"> <li>• The applicant shall be responsible for repair of any damage to the adjacent public right-of-way or improvements (including by not limited to the street, sidewalk, utilities) during construction.</li> <li>• All Public Way Improvements shall be constructed consistent with the requirements of the “Policy and Standards for Public Way Design”.</li> </ul>   |
| 44. | <b>Public Way Improvements – Planning.</b> Prior to Building Permit issuance, the following shall be adequately addressed, and/or revised in the project plans: <ul style="list-style-type: none"> <li>• The sidewalk paver(s) shall be clearly identified in the project plans. The sidewalk paver(s) shall:</li> </ul>  |

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|  | <ul style="list-style-type: none"> <li>○ Be constructed from sand-set pavers that facilitate percolation using square, rectangular, hexagonal, cobble or creased-keystone shapes;</li> <li>○ Use earthen, warm hues (tan, brown, warm grey);</li> <li>○ Use a single hue or a mix of not more than two similar hues in paving areas;</li> <li>● Driveway colors and/or materials should match the adjacent sidewalk.</li> </ul> <p>All Public Way Improvements shall be constructed consistent with the requirements of the “Policy and Standards for Public Way Design”.</p> |
| 45.  | <p><b>Final Inspection.</b> A final certificate of occupancy for any individual building or structure shall only granted upon completion of the entire project. All landscaping shall be installed, inspected, and approved prior to issuance of a final certificate of occupancy for the project. Construction and installation of all public way improvements approved as part of the proposed project shall be completed, inspected, and approved prior to issuance of a final certificate of occupancy of the project.</p>  |
| 46.  | <p><b>Fire Department Connections.</b> All fire department connections (FDC) required for the project must be located on the exterior of buildings. They may not be covered or hidden, nor may they be located inside buildings. Fire risers, and other service equipment may be screened as required by Condition of Approval #47.</p>   |
| 47.  | <p><b>Utility Screening.</b> All utilities, including but not limited to, fire service equipment, gas meters, electrical meters, and associated equipment shall be screened from public view in a location and method approved by the Community Planning and Building Department and Fire Department.</p>   |
| 48.  | <p><b>Master Sign Program.</b> Prior to Final Inspection, the Applicant shall submit an application for a Master Sign Program. The purpose of the Master Sign Program shall be to coordinate the installation and location of signage on the subject site in an orderly and equitable manner among commercial tenants.</p>  |
| 49.  | <p><b>Exterior Business Uses.</b> This approval does not authorize or pre-approve any land use or business to operate exterior business uses, such as outdoor seating, in conjunction with a proposed business. Any use not proposed to be located within an enclosed business space shall be reviewed for consistency with CMC 17.14, as applicable.</p>   |
| 50.  | <p><b>Garage Enclosure Location.</b> Prior to building permit issuance, the plans submitted to the building division shall be revised such that the garbage enclosure is relocated to an area outside of the “Preservation Buffer” as established in Resolution 2023-099.</p>   |
| 51.  | <p><b>Interaccessibility between Buildings.</b> Prior to building permit issuance, the applicant shall revise the plans such that there no shared roof connection between buildings over, or across, the second floor egress balcony to ensure consistency with CMC 17.14.140.C which requires no single building contain more than 10,000 square feet of floor area.</p>   |
| <p><b>Use Permit (UP) Conditions of Approval</b></p> |   |
| 52.  | <p><b>Refuse Storage.</b> The Property Owner shall provide readily accessible areas that serve all occupants and tenants of all buildings on the site and are identified for the storage and collection of recyclable materials container and organic materials container materials, consistent with the three-container collection program offered by the City, or comply with provision of adequate space for recycling for multi-family residential dwelling premises and commercial business premises pursuant to the California Green Building Standards Code.</p>       |
| 53.  | <p><b>Refuse Collection.</b> The property owner shall subscribe to and pay for City’s three-container collection services and comply with requirements of those services for all recyclable materials, organic materials, and solid waste generated by the commercial and residential uses at the project site. The city shall have the right to review the number and size containers and frequency</p>  |

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|  | of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials. The property owner shall adjust the service level for collection services as requested by the City or its designee to maintain an appropriate level of collection.   |
| 54.  | <b>Transient Rentals Prohibited.</b> No residential unit shall be occupied on a transient rental basis. Any unit rented, leased, or offered for occupancy to any party for any form of remuneration shall be for a period of not less than 30-calendar days.  |
| 55.  | <b>Second Floor Commercial Uses.</b> Commercial use may not take place or be occupied in any space above the ground floor except as allowed for home occupations within residential units as may be permitted by the Carmel Municipal Code.   |
| 56.  | <b>Residential Unit Subdivision.</b> No residential unit shall be further subdivided into any additional unit or units without review and approval by the Planning Commission.  |
| 57.  | <b>Timeshare Prohibition.</b> No apartment unit shall be sold, leased, rented, used, or occupied on any form of timeshare or interval basis.  |
| 58.  | <b>Commercial Square Footage/Density.</b> To ensure the required minimum on-site parking is maintained, a maximum of 9,000 square feet of commercial floor area and 15 commercial tenants is permitted.   |
| 59.  | <b>Future Commercial Tenants.</b> Future business will be reviewed through the standard Business License and/or Use Permit application process, as applicable. This approval does not approve or pre-authorize any land use or business to operate at the subject site. All future tenants shall also be required to comply with the Monterey Peninsula Water Management District requirements.   |
| 60.  | <b>Commercial Signage.</b> Commercial tenants shall be subject to the provisions of the Master Sign Program, identified in Condition of Approval DR#48.   |
| 61.  | <b>In Lieu Parking Fees.</b> Prior to Building Permit issuance, the applicant shall remit payment to the Community Planning and Building Department and Finance Department, as appropriate, for all fees related to the 4.8 parking spaces provided through payment into the city’s in-lieu fee program.<br><br>Should the re-location of the garbage enclosure (as described in Condition of Approval #49) replace an on-site parking space, an allowance for up to 5.8 parking spaces may be provided as part of the in-lieu program without the need to return to the Planning Commission to amend the use permit. |
| <b>Lot Merger (LM) Conditions of Approval</b>                      |   |
| 62.  | <b>Nomenclature – Application Materials Revision.</b> Prior to recordation of the required lot merger, which shall be required prior to issuance of a building permit, the legal description (as indicated in Attachment A of the Lot Merger Application Materials) of the lot merged shall be revised to reflect the description of the merged site as “Merged Lot 6A” to be consistent with the city’s naming convention for merged lots, as opposed to “Merged Lot A”.   |
| 63.  | <b>Legal Description – Application Materials Revision.</b> Prior to recordation of the required lot merger, which shall be required prior to issuance of a building permit, the legal description of the lot merged shall be revised include reference to a “Lot Merger Map – Exhibit B” and referenced within the legal description of for the merged property. The legal description and map shall be prepared by a licensed land surveyor or engineer as appropriate.  |
| <b>Historic Preservation (HP) Conditions – From Reso. 2023-099</b> |   |
| 64.  | <b>Ornamented Concrete Wall.</b> The original ornamented concrete wall located at the southwest corner of the Community Room shall remain in its existing location and configuration. It shall remain unaltered and protected through construction. Site improvements shall not significantly   |

