

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

CITY COUNCIL RESOLUTION NO. 2024-080

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DENYING APPEAL APP 24188 (MARDANI) AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF DESIGN STUDY DS 21376 (MARDANI) AND ASSOCIATED COASTAL DEVELOPMENT PERMIT FOR ONE-STORY ADDITIONS TOTALING 333 SQUARE FEET TO A ONE-STORY 562-SQUARE-FOOT COTTAGE AND CONSTRUCTION OF A 230-SQUARE-FOOT DETACHED GARAGE IN THE FRONT YARD SETBACK LOCATED ON OCEAN AVENUE 4 NORTHEAST OF GUADALUPE STREET
APN 010-033-011-000**

WHEREAS, the project site is a 2,500-square-foot lot containing a 562-square-foot single-story cottage located on Ocean Avenue 4 northeast of Guadalupe Street in the Single-Family Residential (R-1) Zoning District (Block 64, Lot 6); and

WHEREAS, the project includes one-story additions totaling 333 square feet to a one-story cottage and the construction of a 230-square-foot detached garage in the front yard setback; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.58.040.B (Residential Track Two Design Study), 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 Section 17.58.040.B, Step Two: Design Concept Review, requires the Planning Commission to review the design concept plans at a public hearing prior to consideration of the final details review for project approval; and

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

WHEREAS, on February 13, 2024, the Planning Commission adopted Resolution 2024-012-PC accepting the concept design with conditions; and

WHEREAS, on June 11, 2024, the Planning Commission adopted Resolution 2024-043-PC approving the project; and

WHEREAS, in accordance with Carmel Municipal Code Section 17.54.080 (Appeals), any decision to approve, deny, or conditionally approve any permit made by the Planning Commission may be appealed by any aggrieved party; and

WHEREAS, in accordance with Carmel Municipal Code Section 17.54.040.C (Appeals to the City Council), decisions to approve or deny projects made by the Planning Commission may be

appealed to the City Council by filing a notice of appeal in writing in the office of the City Clerk within ten working days following the date of action and paying the required filing fee; and

WHEREAS, on June 24, 2024, Cathryn J Carlson (“Appellant”) submitted an appeal of the Planning Commission’s approval of Design Study DS 21376 (Mardani) and associated Coastal Development Permit; and

WHEREAS, the Appellant asserts the following: Project does not comply with the applicable requirements as set out under the Carmel Municipal Code and, therefore, should have never been presented to and/or considered by the Planning Commission; No recent, independent, land survey required or done; Lot does not qualify as a legal building site for two reasons; Non-conforming setbacks combined with demolition greater than 50% require entire cottage to be rebuilt up to current code; and Project entails more than 50% increase in floor area, among other contentions; and

WHEREAS, on August 30, 2024, a notice of the public hearing scheduled for September 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 August 31, 2024, City staff 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 September 6, 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 September 10, 2024, the City Council held a duly noticed public hearing to receive public testimony regarding the Appeal, including, without limitation, the information provided to the City Council 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, the City Council finds the Project categorically exempt from CEQA pursuant to Section 15301 (Class 1) – Existing Facilities and Section 15303 (Class 3) – New Construction or Conversion of Small Structures; and

WHEREAS, pursuant to CEQA Guidelines section 15300.2, no exceptions to the exemption exist; and

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

WHEREAS, the City Council 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 City Council of the City of Carmel-by-the-Sea does hereby DENY the appeal and uphold the Planning Commission's approval of Design Study application (DS 21376 - Mardani) and associated Coastal Development Permit.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 10th day of September 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

David Potter
Mayor

Nova Romero, MMC
City Clerk