

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

PLANNING COMMISSION RESOLUTION NO. 2024-012-PC

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA ACCEPTING A REVISED CONCEPT DESIGN STUDY 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**

WHEREAS, on October 29, 2021, Ngoc Pham, Engineer (“Applicant”) submitted an application on behalf of MARDANI SEYEDEH (“Owner”) requesting approval of Track 2 Design Study application DS 21-376 (Mardani) described herein as (“Application”); and

WHEREAS, the Application was submitted for a 2,500-square-foot lot located on Ocean Avenue 4 northeast of Guadalupe Street in the Single-Family Residential (R-1) District (Block 64, Lot 6); and

WHEREAS, the Applicant originally proposed a substantial alteration to an existing single-family residence, including demolition of more than 50 percent of the exterior walls, construction of a 363-square-foot one-story addition, construction of a 200-square-foot attached garage, and associated site improvements; 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, on April 12, 2023, the Planning Commission reviewed the Concept design and adopted Resolution 2023-019-PC, with conditions; and

WHEREAS, following the Concept hearing, the Owner decided not to move forward with the project as proposed and submitted a new Design Study application DA 23-221 (Mardani) for a second-story addition and detached garage in the front yard setback; and

WHEREAS, on June 26, 2023, the Owner submitted Tree Permit application TR 23-215 (Mardani) for the pruning of limbs on a significant Coast live oak tree located on the neighboring property to the west to accommodate the proposed second-story addition; and

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WHEREAS, on August 10, 2023, the Forest & Beach Commission reviewed Tree Permit application TR 23-215 (Mardani) and continued the item to a date uncertain, pending review of the revised Design Study application by the Planning Commission; and

WHEREAS, on November 8, 2023, the Planning Commission reviewed the revised Concept design for a second-story addition and denied the project; and

WHEREAS, following the denial, the Owner requested that the previous Design Study application DS 21-376 (Mardani) for a one-story addition be reinstated; and

WHEREAS, on January 23, 2024, the Owner submitted the current plans proposing a 333-square-foot one-story addition and 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 required in accordance with CMC 17.52.090 (Coastal Development Permit Required) and will be considered at the Final Details hearing; and

WHEREAS, on February 2, 2024, a notice of public hearing was published in the Carmel Pine Cone for the February 13, 2024, Planning Commission meeting 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 Owner 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 9, 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 Application, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the project; and

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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 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 "not be 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 that would result in a direct or indirect physical change in the environment; 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 ACCEPTANCE OF THE CONCEPT DESIGN STUDY		
For each required finding listed below, the staff has indicated whether the application supports adopting the findings, either as proposed or with conditions. 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 17.64.080.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 and/or variances consistent with the zoning ordinance.	✓	
2. The project is consistent with the City's design objectives for protecting and enhancing 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 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.	✓	

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4. As conditioned, 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 the 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 unless otherwise agreed upon by the City Forester.	✓	
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 add 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.	✓	

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby **ACCEPT** the revised Concept Design Study (DS 21-376, Mardani) for a substantial alteration to an existing single-family residence, including demolition of more than 50 percent of the exterior walls, construction of a 333-square-foot one-story addition, construction of a 230-square-foot detached garage in the front yard setback, and associated site improvements located on Ocean Avenue 4 northeast of Guadalupe Street (APN 010-033-011), subject to the following conditions:

Conditions for Concept Acceptance	
No.	
1.	Volume Study. Following acceptance of the Concept Design, the Applicant shall revise the plans to incorporate the Planning Commission’s recommendations/draft conditions, as applicable. Any revisions that may affect volume (changes in massing, heights, site planning, grading, etc.) shall be incorporated into the plans submitted for the volume study. The Applicant shall submit one full-size printed set of revised plans to the Planning Division to complete the volumetric study. Prior to scheduling the project for Final Details review, the project shall be found in compliance with volume standards.
2.	Required Tree Planting. Following acceptance of the Concept Design and prior to the final details review, the Applicant shall submit a revised preliminary landscape plan to the Community Planning and Building Department that includes the size, species, and location of one upper canopy tree.
3.	Tree Permit Required. Following acceptance of the Concept Design and prior to the final details review, the Applicant shall obtain approval from the City Forester or Forest & Beach Commission for the proposed removal of significant limbs on tree no. 5 OR remove the note on the plans.
4.	Composite Side Yard Setback. Following acceptance of the Concept Design and prior to conducting the volume study, the Applicant shall increase the side yard setbacks at the front addition to achieve the minimum required composite setback of 7 feet.
5.	Building Eaves within Side Setbacks. Following acceptance of the Concept Design and prior to the final details review, the Applicant shall submit revised plans to the Community Planning and Building Department that include an eave detail for those eaves within 2 feet of a property line. The eave shall be no more than 4 inches deep with solid blocking underneath.
6.	Stone Wall in the Public Right-of-Way. Following acceptance of the Concept Design and prior to the final details review, the Applicant shall submit revised plans to the Community Planning and Building Department that include a wall detail for the proposed stone wall in the public right-of-way for review and approval by the Public Works Department.
7.	Driveway Width in Public Right of Way. Following acceptance of the Concept Design and prior to the final details review, the Applicant shall submit revised plans to the Community Planning and Building Department that include a driveway width of no more than 14 feet as measured from the front property line to the street edge. A flare of a 30-inch radius is allowed at each side of the driveway at the street pavement edge connection.
8.	Paint Color Sample. Prior to the final details review, the applicant shall submit a sample of Sherwin Williams (SW7021) “Shimple White” to the Community Planning and Building Department for review.
9.	<u>Detached Garage – Safety.</u> <u>Prior to the final details review, the applicant shall provide findings to show the location of the proposed detached garage is safe for access to Ocean Avenue (e.g., whether shifting the garage north would allow a vehicle to turn around on-site and exit facing front).</u>
10.	<u>Rear Addition – Height.</u> <u>Prior to the final details review, the applicant shall provide additional information regarding the floor level and height of the proposed addition in the back (e.g., whether excavation to lower the addition is feasible).</u>

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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: ALLEN, DELVES, KARAPETKOV, LOCKE, LEPAGE

NOES:

ABSENT:

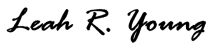
ABSTAIN:

APPROVED:

ATTEST:

DocuSigned by:

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Michael LePage
Chair

DocuSigned by:

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Leah Young
Planning Commission Secretary