





I have just arrived and I'm already impressed! They have values in this town! They recite the Pledge of Allegiance at every meeting.

They must value integrity, transparency, fairness, justice, and objectivity. Aren't those the values that most Americans share?

I hear they have a Carmel Municipal Code that is strictly enforced by the Planning and Building Department. You can even access it online so you are never at a loss when you need to refer to it.

It sounds like a perfect place. I wonder why this lady is appealing one of the Planning Commission's decisions.

I guess I'll find out!





I hear that that lady's house is just next door. She has a good view of this property from all different angles.

Just look at those trees next to the driveway on the left!! And the one in the front of the cottage.

At least that is the way they used to look!





WOW!!

Now that they're all gone,
there is so much room to
park in this driveway.

I've heard about something
called "Parking Pads" in
Carmel, but I see they don't
have one here.

They obviously don't need
one. The Code says parking
is **NOT REQUIRED** in this case
since this is a developed
building site and is simply
considered nonconforming.
They only need parking if
they are expanding the Floor
Area and they would need
approval for that of course.

Speaking of which...





I am a bit worried!

They DO want to expand this small cottage but, no matter how you slice it, this project would be subject to the California Environmental Quality Act.

I don't know much about it but I bet it takes a lot of time and effort to go through that process.

I wonder if people sometimes try to get around it.

I've got an idea!



Let's just dump a pile of gravel in front of the house and call it a "Parking Pad".

If we say it's 200 sq ft, we can be exempt from CEQA.

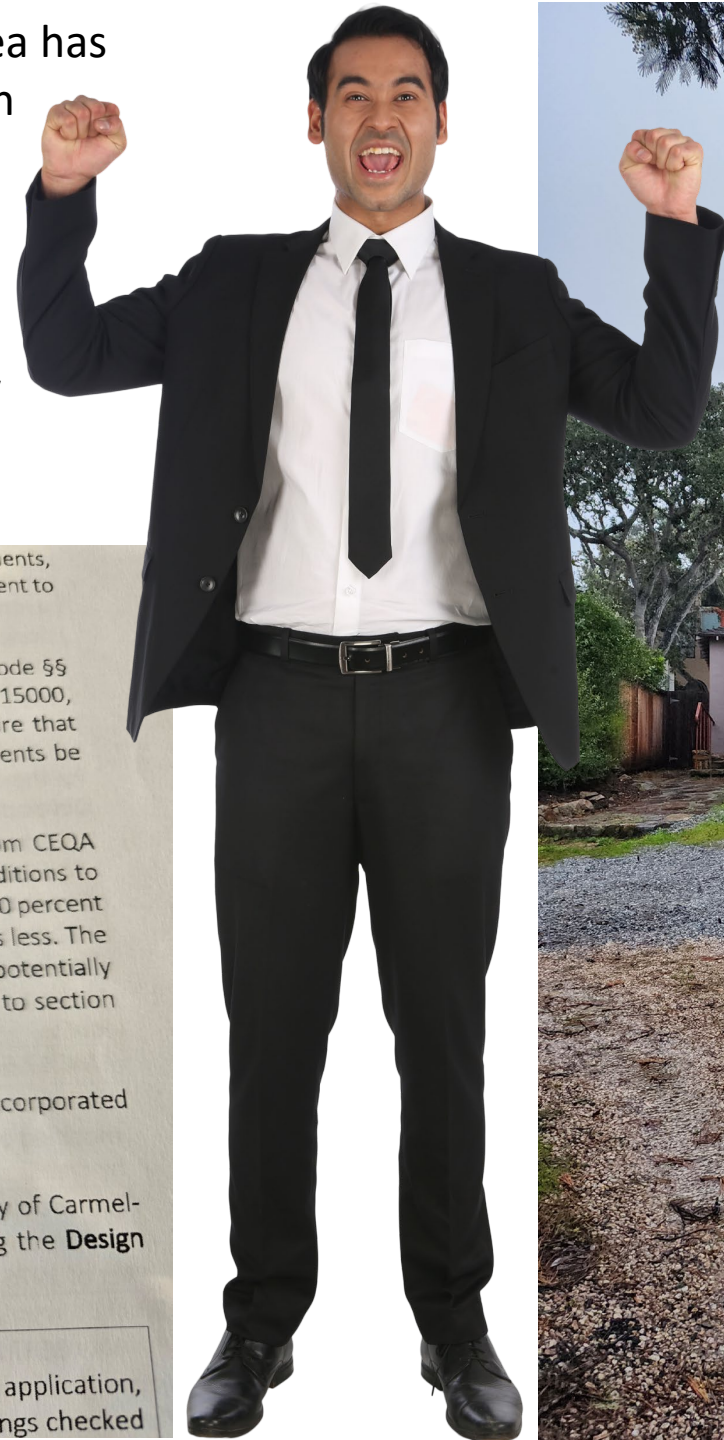
We can't put it on the plan because it's not approved – it's not even a Structure and it doesn't count as Floor Area - but I bet the City can sneak it in there somehow.

No one will notice!

Well, I must say, I'm feeling quite satisfied. My idea has been successfully parlayed into a final approval on June 11th.

Look at that!

I must be pretty smart! And to think that the City and the Planning Commission agree with me too.



...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, the Planning Commission finds the project categorically exempt from CEQA pursuant to Section 15301 (Class 1) – Existing Facilities. Class 1 exemptions include additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition or 2,500 square feet whichever is less. The proposed project does not present any unusual circumstances that would result in a potentially significant environmental impact and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines.; 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 Study**:

FINDINGS REQUIRED FOR DESIGN STUDY APPROVAL

For each of the required findings listed below, the staff has indicated whether the application, with or without conditions, supports adopting the findings. For all findings checked



Look at that “Parking Pad” now!
Someone has really been trying to
make it look REAL. I wonder why...

And why are the flags still up?

Maybe it has something to do with
that lady’s appeal.

She might be the only one who
doesn’t think this is a big coup!

Or she might be the only one who
realizes that a coup has taken
place.





Uh oh. What can we do?!!

Now that this lady has challenged the decision and the City knows she's right, they are coming up with a bunch of other creative ways to justify their cover up AFTER THE FACT! Class 1, Class 3, Class 1 – let's mix and match!

It's one thing to win fair and square...but to try to change everything AFTER the approval, this doesn't seem right.

Just the house itself is an expansion of over 50%. Even the City admits that!!



And if the City Council doesn't accept their first attempt to rectify their "oversight", Staff has another backup solution.

If they can justify it using that one, then there is not one single residential project in the City of Carmel-by-the-Sea that would be subject to CEQA!

Hey wouldn't that be great?!!

I wonder how the Planning Commission feels now that they know they have been hoodwinked into accepting something that just isn't true.

I know I'd be angry and I bet my fellow citizens would be too.



Now that I am looking into it, I see that this is not the only problem the City is trying to rectify AFTER the project has already been approved.

I guess the City didn't require a proper topographic survey done by a properly licensed surveyor PRIOR to presenting the project to the Planning Commission.

Now that this lady has appealed, they decided to require one AFTER the fact.



Better late than never!

Still, it's a good thing that no one figured that out BEFORE the Planning Commission conditionally approved it the first time around – they might not have been happy that the Planning and Building Department didn't do their homework.

The fact is that the owner's survey shows that setbacks meet current code, but the new one shows they don't – there's just no space on that small lot and everything is crooked (no pun intended).

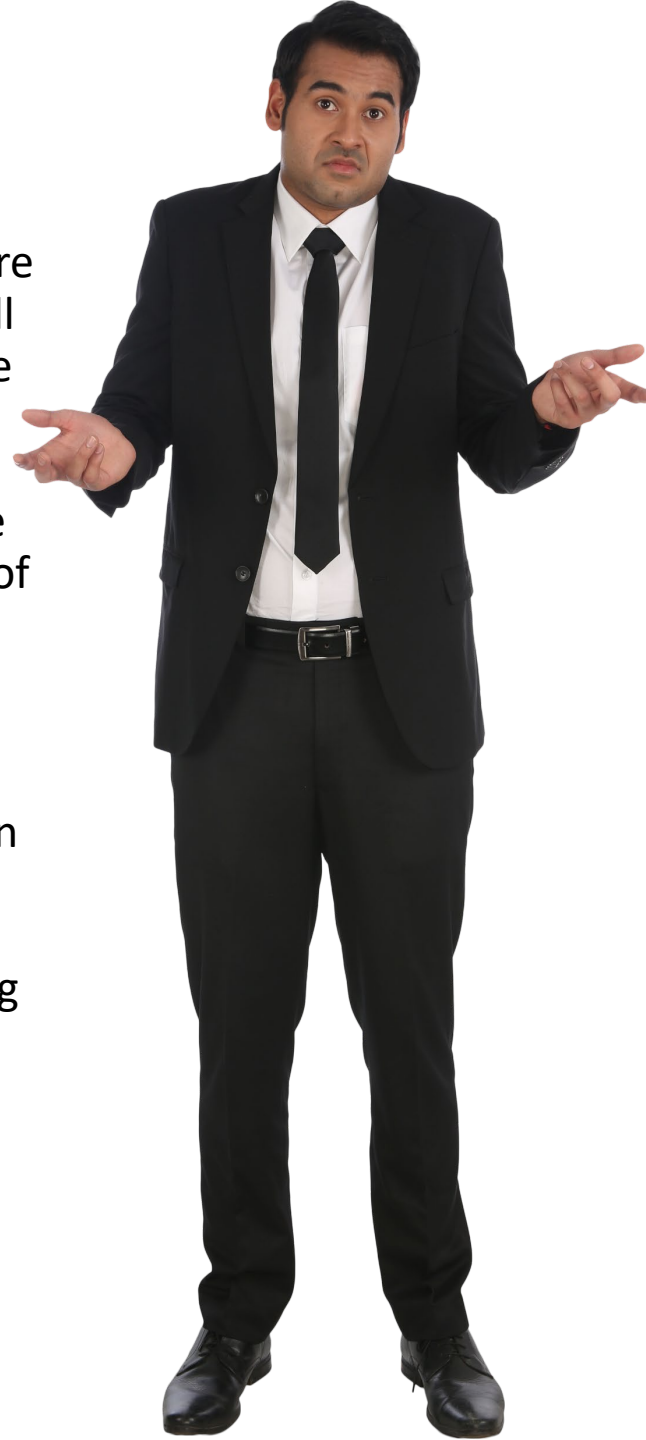


That brings me to setbacks and demolition.

I'm trying to figure out how the owner can demolish more than 50% of every single wall without rebuilding the entire cottage up to current Code.

A wall is a Structure, and the Code says she can't do that of course – everybody knows that.

I wonder how the Planning and Building Department can justify this. Wouldn't you think they would at least require a calculation showing what percentage of each of the nonconforming walls would be demolished? That way things would be clear.



These two bottom drawings give an idea of how much of both the east and west nonconforming walls will have to be demolished and rebuilt once all the windows and doors are moved and the new windows, doors, roof, insulation, cladding, and super duper fire protection, required due to the nonconforming setbacks, are added. And don't forget that this cottage was built in 1946! It won't be easy!

It sure looks greater than 50% to me!



Here's another surprise!

The owner's neighbor to the west was not allowed to renovate his house as he pleased due to the fact that the setbacks were nonconforming. Just look at this email from his designer who's been working in Carmel for more than 22 years.

Is there one set of rules for some people and another set for others? How do you know which one is the one that applies to you? Who decides and on what basis?

I am getting even more confused and I am beginning to sympathize with that lady. This is simply not fair!



From: Timothy Cass <trcass@comcast.net>
Sent: Thursday, June 1, 2023 7:49 AM
To: Cathryn
Subject: Fwd: DS 21-376 (Mardani) - Revised Project Plans 5/24/2023

Cathry, This just came from Marine on the 24th of May. John is my architece. Tim

Begin forwarded message:

From: John Mandurrago <john@mandurrago.com>
Subject: RE: DS 21-376 (Mardani) - Revised Project Plans 5/24/2023
Date: May 31, 2023 at 4:35:09 PM PDT
To: ""trcass@comcast.net"" <trcass@comcast.net>

Marnie :

At first glance it seems that the 35 ft long wall without an offset rule seems to not be followed. A 0'-2" offset on the east side and 0'-8" offset on the west side does not follow the intent of the rule. In the past I was told that a minimum offset would be 24" required. Also, a new roof, new overhang, and new window on the east side violates the existing non-conforming rule as to a min 3' rule. I was told by the Building Department that if we touch such a wall not meeting the minimum 3 ft setback (2.7' is the existing setback) we would have to move the wall back to the required setback.

JM

From: Marnie R. Waffle <mwaffle@ci.carmel.ca.us>
Sent: Wednesday, May 31, 2023 2:50 PM
To: Marnie R. Waffle <mwaffle@ci.carmel.ca.us>
Subject: DS 21-376 (Mardani) - Revised Project Plans 5/24/2023

Hello,

I am sending this email because you have expressed interest in the subject project. The attached plans were submitted to the City on **5/24/2023**. The plans still need to be reviewed by staff, and a hearing date has not been set for this project. The Planning Commission meets regularly on the 2nd Wednesday of each month. Once a hearing date has been scheduled, I will email you to let you know.

Best regards,



Finally, I remember what happened recently when some homeowners and the City got into a fight about demolition triggering the setback rule. That wasn't pretty and I hope the City won't let that happen again.

But the way things are headed, it doesn't look like the Planning and Building Department are taking this seriously. They seem to be allowing the homeowner to believe that she will be able to get by without tearing down the entire house and bringing it up to current Code.

The Carmel Pine Cone

Volume 110 No. 4

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January 26-February 1, 2024

TRUSTED BY LOCALS AND LOVED BY VISITORS SINCE 1915

Homeowners told to remove brand new foundation, framing

■ Demolition triggered setback rule

By MARY SCHLEY

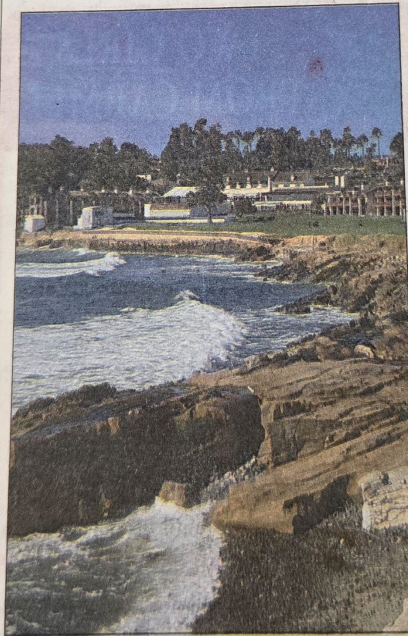
A HOUSE on Carmelo Street that ended up being dismantled and rebuilt far beyond what its permits allowed will have to be at least partially demolished again and redesigned, the Carmel Planning Commission unanimously decided Wednesday, because part of the home doesn't conform with current codes.

Jim and Marion Melani, who own a residence on Carmelo fourth southwest of Second, received approval in October 2021 for various exterior modifications, including new windows and doors, a new roof, lighting, paving and siding.

After the project was OK'd and before they started work, the property owners and their architect and contractor "were made aware in person and in writing" that certain parts of the home that didn't conform to existing law because they were too close to the property lines "must remain in place," planning director Brandon Swanson said in his Jan. 24 report for the commission. "The applicant

See WALLS page 10A

And now for something completely different ...



PHOTO/MICHAEL TROUTMAN, DMT IMAGING

Despite major changes in the format of the AT&T Pebble Beach Pro-Am this year, some things have stayed the same, including the course prep, the grandstands, the excitement — and the amazing scenery. For complete details of the tournament, which starts Thursday, see our special section inside.

Kaiser to open medical facility in Salinas

By KELLY NIX

HEALTHCARE giant Kaiser Permanente plans to start selling its medical services and open a facility in Monterey County, probably within a year, the company and other sources told The Pine Cone Wednesday morning.

It's long been rumored that Oakland-based Kaiser Permanente would make a move into Monterey County, which has four hospitals, including Community Hospital of the Monterey Peninsula and the county-run Natividad Medical Center.

In response to questions from The Pine Cone Tuesday, Kaiser first declined to confirm it was opening in Monterey County. On Wednesday, however, a spokesperson said it was indeed doing so and offered a revised statement.

Docs R Us

"We are very pleased to confirm that, pending regulatory approval, Kaiser Permanente is preparing to serve the residents of northern Monterey County, bringing our high-quality, integrated health plan and medical services to the community," Kaiser said.

A nearly 31,000-square-foot building on N. Davis Rd. in Salinas is already being renovated for what will be



I've been thinking... There must be a reason that these three cottages remain today substantially unchanged since they were built in 1946. I wonder if this lot qualifies as a legal building site. Let me check the Code.

It seems to be 2,500 sq ft but it WAS in the same ownership as one or more adjoining lots on Feb. 4, 1948...



Hmmm. That explains it!

According to the Code, this lot does NOT meet the requirements of a legal building site and that means that the Code permits demolition, repair, or maintenance, but nothing more.

Oh gosh. How are we going to get around that?

Maybe we should defer to the City on this.

FOLLOWING that lady's appeal, they have now produced a piece of paper from 1970 that says they feel that this lot IS a legal building site.

I'm feeling smart again! The City agrees with me – why bother with the Code when you can make up your own rules? You don't even have to read it. You can just say that, regardless of what the Code says, you know what the intention was when it was written and that's the only thing that matters. Very handy!

You mean they have had 54 years to change the Code to reflect what they believe to be true, but they haven't done it yet?

Maybe that's another reason that lady is appealing the decision of the Planning Commission. Maybe she wants to stick with what the Code actually says instead of what the City THINKS it is intended to mean.

By the way, that's the original map of Carmel from 1888. Nothing has changed in 136 years!! We all know that!



Mayor and Members of the City Council, Ladies and Gentlemen:

I'm that lady!

I am asking the Mayor and the members of the City Council to overturn the Planning Commission's approval of Design Study DS 21-376, Mardani and the approval of the categorical exemption from CEQA pursuant to Section 15301 (Class 1) – Existing Facilities.

The Project simply does not comply with the applicable requirements, as set out in the Carmel Municipal Code and California State regulation, and has not been properly vetted by the Planning and Building Department.

Where does YOUR allegiance lie? Is it to the overworked City staff who come and go on a regular basis? Or is it to the citizens of this town who are here to stay and whom you represent?

Thank you for your consideration.

