

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION

PLANNING COMMISSION RESOLUTION NO. 2024-066-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA APPROVING AN 18-MONTH TIME EXTENSION, EXTENDING THE PERMIT APPROVAL TO FEBRUARY 9, 2026, FOR DESIGN REVIEW APPLICATION DR 16-384 (FOUNTAIN), ASSOCIATED USE PERMITS AND ASSOCIATED COASTAL DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A MIXED-USE BUILDING ON A VACANT LOT AND ASSOCIATED SITE IMPROVEMENTS LOCATED ON 8TH AVENUE 2 NORTHWEST OF JUNIPERO AVENUE
APN 010-087-020-000

WHEREAS, on February 8, 2023, the Planning Commission adopted Resolution 2023-008-PC approving a Design Review, associated Use Permits, and a Coastal Development Permit for the construction of a mixed-use building on a vacant 2,000-square-foot lot consisting of offices and one residential unit and four on-site parking spaces located on 8th Avenue 2 northwest of Junipero Avenue in the Residential and Limited Commercial (RC) Zoning District (Block 89, Lot 26); and

WHEREAS, commercial design review approvals are valid for 18 months from the date of action;

WHEREAS, the approval of DR 16-384 (Fountain) was set to expire on August 8, 2024; and

WHEREAS, on April 14, 2024, Anthony Lombardo & Associates ("Agent") submitted a request for a time extension; and

WHEREAS, pursuant to CMC 17.50.170.C, the Planning Commission may administratively grant one extension for approvals originally subject to a public hearing. If, since the date of the original approval, the conditions surrounding the original approval have changed, or the General Plan, municipal code or Local Coastal Plan Program has been amended in any manner which causes the approval to be inconsistent with these plans or codes, no time extension or renewal shall be granted for any approval; and

WHEREAS, there have been no pertinent changes to the General Plan, Municipal Code, or Local Coastal Program since this project was approved on February 8, 2023, that would require the project to be reevaluated; and

WHEREAS, this extension also applies to the associated Use Permits and Coastal Development Permit; 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 the

review of certain projects for environmental impacts and preparation of environmental documents; and

WHEREAS, on February 8, 2023, the Planning Commission found that pursuant to CEQA regulations, the project is categorically exempt under Section 15303 (Class 3) – New Construction or Conversion of Small Structures, and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines; and

WHEREAS, on August 30, 2024, a notice of the public hearing scheduled for September 11, 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 September 1, 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 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 11, 2024, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the request for a time extension, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the final design of the project; 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 grant an 18-month time extension, extending the permit approval to February 9, 2026, for Design Review application DR 16-384 (Fountain), associated Use Permits, and associated Coastal Development Permit for the construction of a mixed-use building on a vacant 2,000-square-foot lot consisting of offices and one residential unit and four on-site parking spaces located on 8th Avenue 2 northwest of Junipero Avenue in the Residential and Limited Commercial (RC) Zoning District (Block 89, Lot 26).

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 11th day of September 2024, by the following vote:

AYES: ALLEN, DELVES, KARAPETKOV, LOCKE, LEPAGE

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Michael LePage
Chair

Leah Young
Planning Commission Secretary