

CITY OF CARMEL-BY-THE-SEA  
PLANNING COMMISSION

PLANNING COMMISSION RESOLUTION NO. 2024-XXX-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA  
APPROVING DESIGN REVIEW DR 24206 (CARMEL BEACH HOTEL & SPA) AND ASSOCIATED  
COASTAL DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A SECOND-STORY BALCONY ON  
BUILDING A OF THE CARMEL BEACH HOTEL & SPA LOCATED AT THE NORTHWEST CORNER OF  
SAN ANTONIO AVENUE AND 13<sup>TH</sup> AVENUE  
APN 010-286-015-000

WHEREAS, on August 16, 2024, Carmel Beach Hotel & Spa, LLC (“Applicant”) submitted an application on behalf of Esperanza Carmel Commercial, LLC (“Owner”) requesting approval of Design Review application DR 24206 (Carmel Beach Hotel & Spa) and associated Coastal Development Permit described herein as (“Application”); and

WHEREAS, the Application has been submitted for a ±34,000-square-foot lot located at the northwest corner of San Antonio Avenue and 13<sup>th</sup> Avenue in the Single-Family Residential (R-1) Zoning District (Block Y, Lot 7, 9, 10, 12, 14, & 16 & POR OF LOTS 8, 11, 18, & 20); and

WHEREAS, the Applicant is requesting to install a second-story balcony on the west elevation of Building A; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.58.040 (Residential Design Review), changes in windows and doors require a Track One Design Review; and

WHEREAS, in accordance with CMC Section 17.52.030 (Duties and Powers of the Director), the Director has the power and responsibility to refer any decision to an appropriate higher level, including the Planning Commission; and

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

WHEREAS, on September 27, 2024, a notice of the public hearing scheduled for October 9, 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 29, 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 October 4, 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 October 9, 2024, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the Final Design Study, 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 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 that pursuant to CEQA regulations, the Application is categorically exempt under Section 15301 (Class 1) – Existing Facilities and Section 15331 (Class 31) – Historical resource Restoration/Rehabilitation, and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines; 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 make the following findings and determinations regarding the **Track One Design Review**:

<b>FINDINGS REQUIRED FOR DESIGN STUDY APPROVAL</b>		
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," depending on the issues, may or may not be discussed in the report.		
<b>CMC 17.64.150, R-1 District-Remodeling, Reconstruction, or Alteration of R-1 Motels</b>	<b>YES</b>	<b>NO</b>
A. That all structures are compatible with the residential character of the surrounding neighborhood;	✓	

B. That upon reconstruction, remodeling or alteration the total site coverage of all buildings shall not exceed 35 percent of the total site area;	✓	
C. That the construction will not result in an increase in floor area beyond that existing when the original use permit was issued; and	✓	
D. That the construction will conform with all setback and height requirements applicable to the R-1 district.	✓	

**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**:

<b>FINDINGS REQUIRED FOR COASTAL DEVELOPMENT PERMITS</b>		
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," depending on the issues, may or may not be discussed in the report.		
<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 application DR 24206 (Carmel Beach Hotel & Spa) for the construction of a second-story balcony on Building A of the Carmel Beach Hotel & Spa located at the northeast corner of San Antonio Avenue and 13th Avenue in the Single-Family Residential (R-1) District (APN 010-286-015-000), subject to the following Conditions of Approval:

<b>CONDITIONS OF APPROVAL</b>	
<b>No.</b>	<b>Standard Conditions</b>
1.	<b>Authorization.</b> This approval of Design Review application DR 24206 (Carmel Beach Hotel & Spa) authorizes the construction of a second-story balcony on Building A of the Carmel Beach Hotel & Spa located at the northeast corner of San Antonio Avenue and 13th Avenue in the Single-Family Residential (R-1) District as depicted in the plans prepared by WRD Architects, LLP approved by the Planning Commission on October 9, 2024, and stamped approved and on file in the Community Planning & Building Department unless modified by the conditions of approval contained herein.
2.	<b>Codes and Ordinances.</b> The project shall be constructed in conformance with all requirements of the R-1 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 when such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.
3.	<b>Permit Validity.</b> In accordance with CMC Section 17.52.170 (Time Limits on Approvals and Denials), a residential design study approval remains valid for 12 months from the date of action. The project must be implemented during this time, or the approval becomes void. Implementation is effected by erecting, installing, or beginning the installation of the improvement authorized by the permit, as determined by the Director. Extensions to this approval may be granted consistent with CMC 17.52.170.C.
4.	<b>Modifications.</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. 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 two weeks of the City being notified. A cease work order may be issued at 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 with the approved plans prior to the final inspection.
5.	<p><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 the 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 &amp; Building Director or their designee.</p> <p>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 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.</p>
6.	<b>Windows &amp; Doors.</b> Prior to the issuance of a building permit, the Applicant shall include the manufacturer’s specifications for windows and doors in the construction drawings. Windows that have been approved with divided lights shall appear to be true divided lights, including the use of internal and external mullions and muntins on insulated windows. Any window pane dividers, which are snap-in or otherwise superficially applied, are not permitted. The painted finish shall be matte or low gloss.
7.	<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

	<p>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 proceedings to attack, set aside, void, or annul any project approval. The City shall promptly notify the Applicant of any legal proceeding and 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 resolving all such actions by the parties hereto.</p>
<p>8.</p>	<p><b>Cultural Resources.</b> Throughout construction, all activities involving excavation shall immediately cease if cultural resources are discovered on the site, and the Applicant shall notify the Community Planning &amp; 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 the 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 regarding origin and distribution pursuant to California Public Resources Code (PRC) Section 5097.98.</p>
<p>9.</p>	<p><b>Conditions of Approval.</b> Prior to the issuance of a building permit, the Applicant shall print a copy of the Resolution adopted by the Planning Commission and signed by the property owner(s) on a full-size sheet within the construction plan set submitted to the Building Safety Division.</p>
<p><b>Landscape Conditions</b></p>	
<p>10.</p>	<p><b>Tree Removal Prohibited.</b> Throughout construction, the Applicant shall protect all trees identified for preservation by methods approved by the City Forester. Trees on or adjacent to the site shall only be removed upon the approval of the City Forester or Forest and Beach Commission.</p>
<p>11.</p>	<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</li> </ul>

	<p>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 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>• Structural Root Zone. The 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> <li>• 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.</li> </ul>
<b>Special Conditions</b>	
12.	<p><b>Conditions of Approval Acknowledgement.</b> Prior to the issuance of a building permit revision, a completed <b>Conditions of Approval Acknowledgment</b> form shall be included in the construction drawings. The form shall be signed by the Property Owner, Applicant, and Contractor prior to the issuance of a building permit.</p>
13.	<p><b>Building Permit Required.</b> Prior to commencing work on-site, the applicant shall apply for and obtain a building permit from the Community Planning &amp; Building Department.</p>
14.	<p><b>Exterior Light Fixture.</b> If a new exterior light fixture is requested for the second-story balcony, it shall be compatible with other exterior light fixtures on the building. The fixture shall be located on the south side of the French doors. The fixture shall be shielded and direct light downwards. The maximum light emittance is 375 lumens.</p>

Acknowledgment and acceptance of conditions of approval.

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Applicant Signature

\_\_\_\_\_

Printed Name

\_\_\_\_\_

Date

\_\_\_\_\_

Property Owner/Agent Signature

\_\_\_\_\_

Printed Name

\_\_\_\_\_

Date

PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 9<sup>th</sup> day of October 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Michael LePage  
Chair

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Leah Young  
Planning Commission Secretary