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## Reconsideration of DR 16-384

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**Erin Allen** <eallen@ci.carmel.ca.us>  
To: Brandon Swanson <bswanson@ci.carmel.ca.us>  
Cc: "Marnie R. Waffle" <mwaffle@ci.carmel.ca.us>

Mon, Sep 30, 2024 at 8:51 PM

Hi Brandon and Marnie,  
Wanted to get back to you in regards to the petition to reconsider DR 16-384 Fountain. Please feel free to share this with the other commissioners and the applicant.

New information for discussion:

1. CEQA exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. And there are three historic resources within proximity.
2. Lot line adjustment findings and decisions of 2003 were dependent on a proposed residential concept design. Staff research needs to show when that was overturned.

Thanks so much for your help on this-  
Erin

[Quoted text hidden]

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**Fwd:**

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**Erin Allen** <eallen@ci.carmel.ca.us>

Tue, Oct 1, 2024 at 11:23 PM

To: Brandon Swanson <bswanson@ci.carmel.ca.us>, "Marnie R. Waffle" <mwaffle@ci.carmel.ca.us>

Hi Brandon,

In response to your email-

The three historic resources are the Scout House, the Sunset Center and I believe the dance studio is also a historic resource.

I've attached pictures below of a 2003 City Department of Community Planning and Building document that lays out the findings for decision in regards to the lot line adjustment. Could the team please research to find corresponding documents or information that may have amended these conditions of approval?

And lastly- if at some time in the future the city chose to continue a sidewalk along Eighth Avenue- what impact would that have on the applicant? I would like to have that discussion in order for everyone to be on the same page.

*Regards,*

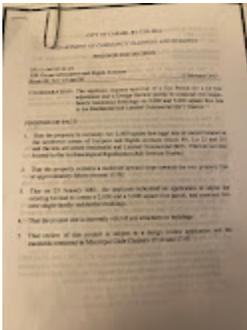
*Erin Allen*

*pronoun: she/her/hers*

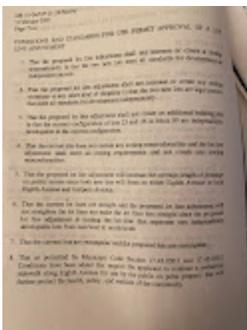
*Planning Commissioner*

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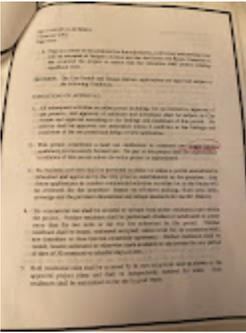
**6 attachments**



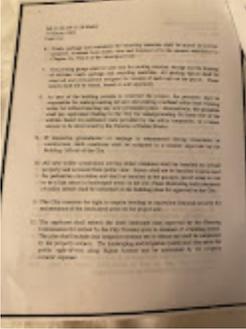
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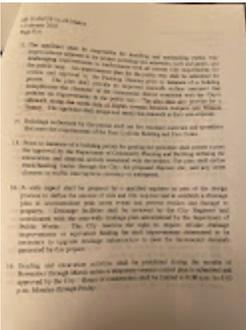
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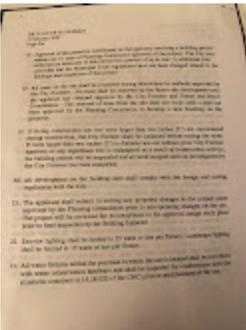
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CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR DECISION

DR 01-04/UP 01-24

NW Corner of Junipero and Eighth Avenues

Block 89: Lot: 25 and 26

5 February 2003

**CONSIDERATION:** The applicant requests approval of a Use Permit for a lot line adjustment and a Design Review permit to construct two single-family residential dwellings on 2,000 and 3,000 square foot lots in the Residential and Limited Commercial (RC) District.

**FINDINGS OF FACT:**

1. That the property is currently two 2,500 square foot legal lots of record located at the northwest corner of Junipero and Eighth Avenues (Block 89; Lot 25 and 26) and the lots are zoned Residential and Limited Commercial (RC). The lots are also located in the Archaeological Significance (AS) Overlay District.
2. That the property contains a moderate upward slope towards the rear property line at approximately fifteen percent (15%).
3. That on 25 January 2001, the applicant submitted an application to adjust the existing lot line to create a 2,000 and a 3,000 square foot parcel, and construct two new single-family residential dwellings.
4. That the project site is currently void of any structures or buildings.
5. That review of this project is subject to a design review application and the standards contained in Municipal Code Chapters 17.12 and 17.43.

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING  
DR 01-04/UP 01-24  
CONDITIONS AND STANDARDS FOR USE PERMIT APPROVAL OF A LOT  
LINE ADJUSTMENT

1. That the proposed lot line adjustment shall not increase or create a zoning nonconformity in that the two new lots meet all standards for development as independent parcels.
2. That the proposed lot line adjustment shall not increase or create any zoning violations or any other kind of illegality in that the two new lots are legal parcels that meet all standards for development independently.
3. That the proposed lot line adjustment shall not create an additional building site in that the current configuration of lots 25 and 26 in block 89 are independently developable in the current configuration.
4. That the current site does not contain any zoning nonconformities and the lot line adjustment shall meet all zoning requirements and not create any zoning nonconformities.
5. That the proposed lot line adjustment will increase the average length of frontage on public streets since both new lots will front on either Eighth Avenue or both Eighth Avenue and Junipero Avenue.
6. That the current lot lines are straight and the proposed lot line adjustment will not straighten the lot lines nor make the lot lines less straight since the proposed lot line adjustment is turning the lot line that separates two independently developable lots from east/west to north/south
7. That the current lots are rectangular and the proposed lots are rectangular.
8. That as permitted by Municipal Code Section 17.43.030.I and 17.43.030.J Conditions have been added that require the applicant to continue a pedestrian sidewalk along Eighth Avenue for use by the public on public property that will further protect the health, safety, and welfare of the community.

9. That as a result of the proposed lot line adjustment, a driveway and parking area will be relocated to Junipero Avenue and that the Forest and Beach Commission has reviewed the project to ensure that the relocation shall protect existing significant trees.

**DECISION:** The Use Permit and Design Review applications are approved subject to the following Conditions.

**CONDITIONS OF APPROVAL:**

1. All subsequent activities on either parcel including, but not limited to, approval of use permits, and approval of additions and alterations shall be subject to City review and approval according to the findings and conditions of this permit. No activity shall be approved nor undertaken unless it conforms to the findings and conditions of the use permit and design review application.
2. This permit constitutes a land use entitlement to construct two single-family residences on two newly formed lots. No part of this project shall be implemented in reliance of this permit unless the entire project is implemented.
3. No business activities shall be permitted on either lot unless a permit amendment is submitted and approved by the City prior to establishment on the premises. Any future applications to conduct commercial activities on either lot in the future will be reviewed for the proposals' impact on off-street parking, floor area ratio, coverage and the pertinent dimensional and design standards for the RC District.
4. No commercial use shall be allowed to operate from either residential unit within the project. Neither residence shall be partitioned, divided or subdivided to create more than the two units or the two lots authorized by this permit. Neither residence shall be leased, subleased occupied, rented or let for, in connection with, any timeshare or time interval ownership agreement. Neither residence shall be rented, leased, subleased or otherwise made available to any person for any period of time of 30 consecutive calendar days or less.
5. Both residential units shall be accessed by its own entry/exist door as shown on the approved project plans and shall be independently metered for water. Both residences shall be maintained on the site in good repair.

6. Trash, garbage and containers for recycling materials shall be stored on private property, screened from public view and disposed of in the manner established in Chapter 16, Title 8 of the Municipal Code.
7. The parking garage shall be used only for parking vehicles, storage and the housing of utilities, trash, garbage and recycling materials. All parking spaces shall be reserved and permanently assigned for tenants of each unit on the parcel. These spaces shall not be rented, leased or sold separately.
8. As part of the building permits to construct the project, the permittee shall be responsible for undergrounding all new and existing overhead utility lines fronting either lot without erecting any new permanent poles. Alternatively, the permittee shall pay equivalent funding to the City for undergrounding 50 linear feet of the utilities based on estimated costs provided by the utility companies, or a lesser amount to be determined by the Director of Public Works.
9. If excessive groundwater or seepage is encountered during excavation or construction, such conditions shall be mitigated in a manner approved by the Building Official of the City.
10. All new utility connections serving either residence shall be installed on private property and screened from public view. Meters shall not be installed in areas used for pedestrian circulation and shall be installed in the garages, paved areas on site or as a last resort in landscaped areas on the site. Plans illustrating such placement of utility meters shall be submitted on the building plans for approval by the City.
11. The City reserves the right to require bonding or equivalent financial security for maintenance of the landscaped areas on the project site.
12. The applicant shall submit the draft landscape plan approved by the Planning Commission for review by the City Forester prior to issuance of a building permit. The plan shall include drip irrigation systems set on timers and shall be maintained by the property owners. The landscaping and irrigation system shall also serve the public right-of-way along Eighth Avenue and be maintained by the property owners' expense.

13. The applicant shall be responsible for installing and maintaining public way improvements adjacent to the project including new sidewalks, curb and gutter, and landscaping improvements in conformance with all current City requirements for the public way. An improvement plan for the public way shall be submitted for review and approval by the Planning Director prior to issuance of a building permit. The plan shall provide an improved sidewalk surface treatment that compliments the character of the commercial district consistent with the City's policies on improvements in the public way. The plan shall also provide for a sidewalk along the south side of Eighth Avenue between Junipero and Mission Streets. The applicant shall design and install this sidewalk at their sole expense.
14. Buildings authorized by this permit shall use fire retardant materials and sprinklers that meet the requirements of the State Uniform Building and Fire Codes.
15. Prior to issuance of a building permit for grading the permittee shall submit a plan for approval by the Department of Community Planning and Building defining the excavation and disposal activity associated with the project. The plan shall define truck/hauling routes through the City, the proposed disposal site, and any street closures or traffic interruptions necessary or anticipated.
16. A soils report shall be prepared by a qualified engineer as part of the design process to define the amount of cuts and fills required and to establish a drainage plan to accommodate peak storm events and prevent erosion and damage to property. Drainage facilities shall be reviewed by the City Engineer and coordinated with the area-wide drainage plan administered by the department of Public Works. The City reserves the right to require off-site drainage improvements or equivalent funding for such improvements determined to be necessary to upgrade drainage infrastructure to meet the incremental demands generated by this project.
16. Grading and excavation activities shall be prohibited during the months of November through March unless a temporary erosion control plan is submitted and approved by the City. Hours of construction shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday.

17. Approval of this permit is conditioned on the applicant receiving a building permit within one (1) year of Planning Commission approval of the project. The City may authorize an extension of this permit for a period of up to one (1) additional year provided that the Municipal Code regulations have not been changed related to the findings and conditions of this permit.
18. All trees on the site shall be protected during demolition by methods approved by the City Forester. No trees shall be removed by the future site development until the applicant has obtained approval by the City Forester and Forest and Beach Commission. The removal of trees from the site shall not occur until a plan has been approved by the Planning Commission to develop a new dwelling on the property.
19. If during construction any tree roots larger than two inches (2") are encountered during construction, the City Forester shall be contacted before cutting the roots. If roots larger than two inches (2") 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.
20. All development on the building sites shall comply with the design and zoning regulations with the City.
21. The applicant shall submit in writing any proposed changes to the project plans approved by the Planning Commission prior to incorporating changes on the site. The project will be reviewed for its compliance to the approved design study plans prior to final inspection by the Building Inspector.
22. Exterior lighting shall be limited to 25 watts or less per fixture. Landscape lighting shall be limited to 15 watts or less per fixture.
23. All water fixtures within the premises in which the use is located shall be retrofitted with water conservation hardware and shall be inspected for conformance with the standards contained in 15.28.020 of the CMC prior to establishment of the use.