

MAR 03 2025

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Office of the City Clerk



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March 3, 2025

VIA HAND DELIVERY

City of Carmel-by-the-Sea
PO Box CC
Carmel-by-the-Sea, CA 93921

Re: Proposed Construction on Mission Street 2, 3, and 4 NE of First Avenue
[DS 24207, DS2408, and DS2409 (Hermle-Collins)]

My Clients: Residents in the Forest Hill Park neighborhood of Carmel

Dear Mayor Byrne, City Council Members, and Planning Commissioners,

I represent residents in the Forest Hill Park neighborhood of Carmel. My clients are very concerned about the three adjacent modern designed houses proposed for construction on Mission Street 2, 3, and 4 NE of First Avenue [DS 24207, DS2408, and DS2409 (Hermle-Collins)], which includes the demolition of three existing old single-story homes. The detailed points that my clients articulated in formal public comments they submitted on these three proposed homes still stand.

The City of Carmel has established an illegal pattern of not implementing the California Environmental Quality Act (CEQA) for project permit applications that clearly should have triggered it. If you fail to implement CEQA again in this case I will file a lawsuit on behalf of my clients to force you to do so and to seek damages.

My clients concerns came to a head at the November 13, 2024 Planning Commission hearing regarding conceptual design consideration for the third house. The Commission acknowledged that they did not receive my client's written public comments that were submitted, and receipt verified, before the hearing. They acknowledged that they "had no chance to read it." This put my client's at a decided disadvantage, particularly with regard to specific CEQA requirements. After hearing my client's oral public comment, the Commission approved the motion to "continue to a date uncertain." Key Commissioner expectations were stated, as follows:

- "I think you have to start over here."
- "There are 12 objections you can't overcome."
- "Should be consistent with the neighborhood."
- "I think you have to do a do-over and include the community."
- "Think seriously about single-story."
- "Reflect character of the neighborhood."
- "Some work needs to be done here between the neighborhood and the applicant."
- "Give the applicant time to work something out that everyone can live with, that will be an asset to the neighborhood, and continue quality of life."

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To date, the applicant has not adequately responded to the expectations and direction of the Commission. The applicant has not implemented any semblance of a project “do-over” and has ignored the other two proposed homes.

The three proposed homes constitute a single development and must not be segmented. Each home was submitted simultaneously under a separate land use permit application, but they are:

- Proposed by the **same owner**,
- Designed by the **same architect**,
- Constructed by the **same builder**,
- Coordinated in terms of **design, landscaping, and construction schedule**,
- and **adjacent to each other, side by side**.

Under CEQA Guidelines § 15378(a), “the whole of the action must be considered which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” including “activity involving the issuance of a permit.” Agencies cannot improperly segment a single project into smaller parts to avoid environmental review. The City’s approach to processing the homes as three separate individual projects is an illegitimate attempt to evade CEQA.

Unfortunately, “conceptual approval” of two of the three houses was granted by the Planning Commission on October 9, 2024. As addressed above, Planning Commission approval of the third home has been delayed due to extensive feedback from my clients. Consistent with CEQA and Planning Commission direction, conceptual approval of the first two homes must be reassessed along with the third home. The final decision to approve or reject the three homes must not take place until after legitimate CEQA documentation is completed.

CEQA documentation must encompass the whole project, meaning all three homes must be considered a single project, and must identify, assess, and mitigate potential environmental and public health and safety impacts resulting from the construction phase of the project, and potential impacts to the resident’s view sheds and privacy, the elementary school a tenth of a mile away, and the traditional character of the neighborhood having 9 historically significant homes. CEQA documentation must also address cumulative impacts, particularly the project’s contribution to potential adverse effects associated with numerous foreseeable construction activities in Carmel.

Regrettably, there has been no CEQA consideration, analysis, or activity to date. I strongly encourage you to reverse this and avoid potentially protracted legal actions that will put the City at risk of liability.

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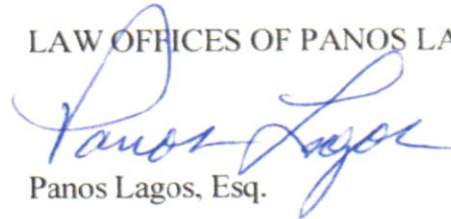
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Your cooperation is appreciated.

Very truly yours,

LAW OFFICES OF PANOS LAGOS



Panos Lagos, Esq.

PL/ah