

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

CITY COUNCIL RESOLUTION NO. 2025-035

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), STATE CEQA GUIDELINES AND LOCAL ENVIRONMENTAL REGULATIONS, PURSUANT TO SECTION 15301 (CLASS 1) – EXISTING FACILITIES, AND NONE OF THE EXCEPTIONS TO THE EXEMPTION IN SECTION 15300.2 CAN BE MADE, DENYING THE APPEAL BY DOROTHY JERNSTEDT, AND UPHOLDING THE PLANNING COMMISSION’S DECISION TO APPROVE A COMBINED CONCEPT AND FINAL DESIGN STUDY (DS 24164, BROWN), AND ASSOCIATED COASTAL DEVELOPMENT PERMIT FOR SUBSTANTIAL ALTERATIONS TO AN EXISTING SINGLE-FAMILY RESIDENCE, AND VARIANCE (VA 24263, BROWN) FOR MODIFICATIONS TO MAXIMUM SITE COVERAGE REGULATIONS LOCATED AT SCENIC ROAD 3 SOUTHEAST OF 12TH AVENUE LOCATED IN THE SINGLE FAMILY RESIDENTIAL (R-1) ZONING DISTRICT, BEACH AND RIPARIAN (BR) OVERLAY, AND PARK (P) OVERLAY (APN: 010-292-011), AS FOUND IN RESOLUTION 2025-04-PC.

WHEREAS, June 2, 2022, Carla Hashimoto, of Eric Miller Architects INC, (“Applicant”) submitted an application on behalf of BROWN STEVE & ANDERSON DONNA (“Owner”) requesting approval of Track 2 Design Study application (DS 24164, Brown) and Variance (VA 24263) described herein as (“Application”); and

WHEREAS, the Application has been submitted for a 5,762 square-foot lot located at Scenic Road 3 SE 12th Avenue located in the Single Family Residential (R-1) Zoning District, Beach and Riparian (BR) Overlay, and Park (P) Overlay; and

WHEREAS, the Applicant is requesting a substantial alteration to an existing two story single family residence; and

WHEREAS, in accordance with Carmel-by-the-Sea Municipal Code (CMC) Section 17.58.040 (Residential Design Review), the construction of new dwellings, rebuilds, and substantial alterations requires approval of a Residential Track Two Design Study by the Planning Commission; and

WHEREAS, in accordance with CMC Section 17.52.070.A, the Planning Commission may grant a variance for maximum site coverage and minimum open space regulations when the findings listed in CMC Section 17.64.210 can be supported; and

WHEREAS, the project is requires a Coastal Development Permit in accordance with CMC Section 17.52.100.D (Limits on Exemptions for Single-Family Residences and other Improvements) as the project is for located within the Beach and Riparian Overlay District; and

WHEREAS, in accordance with CMC Section 17.58.040.B.2, the Director may authorize concept review and final details review to occur at the same meeting; and

WHEREAS, the project was scheduled by the Director for a Combined Concept and Final details review, to be considered with the Coastal Development Permit and Variance at a public

hearing taking place on January 15, 2024; and

WHEREAS, the Planning Commission approved a Combined Concept and Final Design Study (DS 24164), and associated Coastal Development Permit for substantial alterations to an existing single-family residence, and Variance (VA 24263) for modifications to maximum site coverage regulations located at Scenic Road 3 southeast of 12th Avenue located in the Single Family Residential (R-1) Zoning District, Beach and Riparian (BR) Overlay, and Park (P) Overlay (APN: 010-292-011) with Conditions of Approval, as provided in Resolution 2025-04-PC; and

WHEREAS, on January 28, 2025, Dorothy Jernstedt ("Appellant") submitted a timely appeal (APP 25031, Brown) of the Planning Commission's decision to approve the Design Study, associated Coastal Development Permit, and Variance; and

WHEREAS, the appeal hearing was scheduled for the City Council's April 1, 2025 meeting; and

WHEREAS, on March 21, 2025, a notice of the public hearing scheduled for April 1, 2025, 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 March 22, 2025, city staff 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 March 26, 2025, 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 April 1, 2025, the City Council held a duly noticed public hearing to receive public testimony regarding the Appeal, including, without limitation, the information provided to the City Council by City staff and through public testimony on 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 City Council found that pursuant to California Environmental Quality Act CEQA regulations, the project is Categorically Exempt according to Section 15301 (Class 1) of CEQA Guidelines and no exceptions to the exemption in Section 15300.2 can be made; and

WHEREAS, this Resolution and its findings are made based upon the evidence presented to the Council at the hearing date, including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the City Council 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 City Council of the City of Carmel-by-the-Sea does hereby **FIND** the project categorically exempt from the California Environmental Quality Act (CEQA), State CEQA guidelines and local environmental regulations, pursuant to Section 15301 (Class 1) – Existing Facilities and no exceptions to the exemption in Section 15300.2 can be made, **DENY** the appeal by Dorothy Jernstedt, and uphold the Planning Commission’s decision to **APPROVE** the a Combined Concept and Final Design Study (DS 24164, Brown), and associated Coastal Development Permit for substantial alterations to an existing single-family residence, and Variance (VA 24263, Brown) for modifications to maximum site coverage regulations located at Scenic Road 3 southeast of 12th Avenue located in the Single Family Residential (R-1) Zoning District, Beach and Riparian (BR) Overlay, and Park (P) Overlay (APN: 010-292-011), as found in Resolution 2025-04-PC on January 15, 2025; and

BE IT FURTHER RESOLVED, that the City Council of the City of Carmel-by-the-Sea does hereby incorporate the findings of Planning Commission Resolution 2025-04-PC into this resolution to the a Combined Concept and Final Design Study (DS 24164, Brown), and associated Coastal Development Permit for substantial alterations to an existing single-family residence, and Variance (VA 24263, Brown):

FINDINGS REQUIRED FOR CONCEPT DESIGN STUDY ACCEPTANCE		
For each of the required design study findings listed below, staff has indicated whether the concept plans submitted support adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate decision-making by the Planning Commission. Findings checked "yes" may or may not be discussed in the staff report depending on the issues.		
CMC Section 17.64.080.A – Concept Phase Approval Findings	YES	NO
1. The project conforms with all zoning standards applicable to the site, or has received appropriate use permits or variances consistent with the Zoning Ordinance.	✓	
2. The project is consistent with the City’s design objectives for protection and enhancement of the urbanized forest, open space resources and site design. The project’s use of open space, topography, access, trees and vegetation will maintain or establish a continuity of design both on-site and in the public right-of-way that is characteristic of the neighborhood.	✓	
3. The project avoids complexity using simple building forms, a simple roof plan and a restrained employment of offsets and appendages that are consistent with neighborhood character yet will not be viewed as repetitive or monotonous within the neighborhood context.	✓	
4. The project is adapted to human scale in the height of its roof, plate lines, eave lines, building forms, and in the size of windows doors and entryways. The development is similar in size, scale, and form to buildings on the immediate block and neighborhood. Its height is compatible with its site and surrounding development and will not present excess mass or bulk to the public or to adjoining properties. Mass of the building relates to the context of other homes in the vicinity.	✓	
5. The project is consistent with the City’s objectives for public and private views and will retain a reasonable amount of solar access for neighboring sites. Through the placement, location and size of windows, doors and balconies the design respects the rights to reasonable privacy on adjoining sites.	✓	
6. The design concept is consistent with the goals, objectives and policies related to residential design in the general plan.	✓	

7. The development does not require removal of any significant trees unless necessary to provide a viable economic use of the property or protect public health and safety. All buildings are set back a minimum of six feet from significant trees.	✓	
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FINDINGS REQUIRED FOR DESIGN STUDY APPROVAL

For each of the required findings listed below, the staff has indicated whether the application, either as proposed or with conditions, supports adopting the findings. For all findings checked "no," the staff report discusses the issues to facilitate the Planning Commission's decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.

CMC Section 17.64.080.A, Final Details Phase Approval	YES	NO
1. The proposed architectural style and detailing are simple and restrained in character, consistent and well-integrated throughout the building, and complementary to the neighborhood without appearing monotonous or repetitive in context with designs on nearby sites.	✓	
2. The proposed exterior materials and their application rely on natural materials, and the overall design will add to the variety and diversity along the streetscape.	✓	
3. Design elements such as stonework, skylights, windows, doors, chimneys, and garages are consistent with the adopted design guidelines and will complement the character of the structure and the neighborhood.	✓	
4. Proposed landscaping, paving treatments, fences, and walls are carefully designed to complement the urbanized forest, the approved site design, adjacent sites, and the public right-of-way. The design will reinforce a sense of visual continuity along the street.	✓	

FINDINGS REQUIRED FOR A VARIANCE (CMC Section 17.64.210):	YES	NO
1. That due to special physical circumstances applicable to the property, the strict application of the Zoning Ordinance will deprive the property of privileges enjoyed by other properties in the vicinity which were developed under the same limitations of the Zoning Ordinance.	✓	
2. That the variance will not constitute a grant of special privilege inconsistent with limitations on other property in the vicinity and within the same zone.	✓	
3. That the variance will not be detrimental to adjacent property or injurious to public health, safety, or welfare.	✓	
4. That the condition or situation of the property for which the variance is sought is not so general or recurrent in nature as to make reasonable or practical the formulation of a general regulation to address such condition or situation.	✓	
5. That the situation or condition for which the variance is sought was not the result of actions of the existing or any prior owner of the property.	✓	
6. That granting the variance will not be in conflict with the General Plan, or the general zoning objectives of the district within which the affected property lies.	✓	

FINDINGS REQUIRED FOR COASTAL DEVELOPMENT PERMITS

For each of the required findings listed below, the staff has indicated whether the application, either as proposed or with conditions, supports adopting the findings. For all findings checked "no," the staff report discusses the issues to facilitate the Planning Commission's decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.

CMC Section 17.64.010.B, Coastal Development Permits	YES	NO
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 30200 of the Public Resources Code).	N/A	N/A
#2 Finding: The proposed development is not located between the first public road and the sea.		

BE IT FURTHER RESOLVED, that the City Council of the City of Carmel-by-the-Sea does hereby incorporate the Conditions of Approval of Planning Commission Resolution 2025-04-PC into this resolution to approve the a Combined Concept and Final Design Study (DS 24164, Brown), and associated Coastal Development Permit for substantial alterations to an existing single-family residence, and Variance (VA 24263, Brown):

CONDITIONS OF APPROVAL	
No.	Standard Conditions
1.	<p>Authorization. This approval of Design Study (DS 24164, Brown), Variance (VA 24263), and associated Coastal Development Permit for substantial alterations to an existing single-family residence located at Scenic Road 3 southeast of 12th Avenue located in the Single Family Residential (R-1) Zoning District, Beach and Riparian (BR) Overlay, and Park (P) Overlay as depicted in the plans prepared by Eric Miller Architects approved by the Planning Commission on January 15, 2025, unless modified by the conditions of approval contained herein.</p> <p>Variance Authorization. This approval of Variance (VA 24263) authorizes 261 square feet of additional permeable/semi-permeable site coverage for the site (i.e. 526 sf allowed; 756 sf allowed with permeability bonus + 261 sf additional provided permeability bonus requirements are met = 1,017 sf maximum). This Variance authorization does not waive or lessen the Conditions of Approval listed below and other requirements of the city’s zoning code, local coastal program conditions are applicable and enforceable as part of the project.</p> <p>This variance shall become null and void if the existing residential structure is voluntarily or involuntarily demolished (as defined in the Carmel Municipal Code). Any future redevelopment or reconstruction on the subject property shall comply with the current zoning standards in effect at the time of application unless a new variance is granted.</p>
2.	<p>Codes and Ordinances. The project shall be constructed in conformance with all requirements of the R-1 zoning district and all applicable overlay districts. 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.</p>
3.	<p>Permit Validity. In accordance with CMC Section 17.52.170 (Time Limits on Approvals and Denials), a residential design study approval remains valid for a period of 12 months from the date of action. During this time, the project must be implemented, 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.</p>
4.	<p>Water Use. Approval of this application does not permit an increase in water use on the project site without adequate supply. Should the Monterey Peninsula Water Management District determine that adequate water is unavailable for this site, this permit will be scheduled for reconsideration, and appropriate findings will be prepared for review and adoption by the Planning Commission.</p>

5.	<p>Setback and Height Certifications. If requested by the Community Planning and Building Department, a State licensed surveyor shall survey and certify the following in writing:</p> <ul style="list-style-type: none"> • The footing locations are in conformance with the approved plans prior to footing/foundation inspection; • The roof heights and plate heights of each building are in conformance with the approved plans prior to the roof sheathing inspection. Roofs and plates shall not exceed the elevation points as identified in the approved project plans, and the roofs include an appropriate allowance for roofing material thickness. <p>Written certifications prepared, sealed, and signed by the surveyor shall be provided prior to footing/foundation inspection and roof sheathing inspection. In the event that multiple footing/foundation pours are required, a survey letter shall be submitted for each separate section.</p>
6.	<p>Service Laterals. Prior to final inspection, all electrical service laterals to any new building or structure, or to any building or structure being remodeled when such remodeling requires the relocation or replacement of the main service equipment, shall be placed underground on the premises upon which the building or structure is located. Undergrounding will not be required when the project valuation is less than \$200,000, or the City Forester determines that undergrounding will damage or destroy significant trees(s) (CMC 15.36.020).</p>
7.	<p>Fire Sprinklers - Residential. Additions, alterations, or repairs to existing structures that involve the addition, removal, or replacement of 50 percent or more of the linear length of the walls (interior and exterior) within a 5-year period shall require the installation of an automatic residential fire sprinkler system in accordance with the California Building and Fire Codes (CMC 15.08.135).</p>
8.	<p>Modifications. 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.</p>
9.	<p>Exterior Revisions to Planning Approval Form. All proposed modifications that affect the exterior appearance of the building or site elements shall be submitted on the "Revisions to Planning Approval" form on file in the Community Planning and Building Department. Any modification incorporated into the construction drawings not listed on this form shall not be deemed approved upon issuance of a building permit.</p>
10.	<p>Conflicts Between Planning Approvals and Construction Plans. 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 & 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</p>

	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.
11.	<p>Exterior Lighting. Prior to the issuance of a building permit, the Applicant shall include in the construction drawings the manufacturer's specifications, including illumination information, for all exterior light fixtures. All fixtures shall be shielded and down-facing.</p> <p>Exterior wall-mounted lighting shall be limited to 25 watts or less (incandescent equivalent or 375 lumens) per fixture and shall be installed no higher than 10 feet above the ground or walking surface.</p> <p>Landscape lighting shall not exceed 18 inches above the ground nor more than 15 watts (incandescent equivalent or 225 lumens) per fixture and shall be spaced no closer than 10 feet apart. Landscape lighting shall not be used as accent lighting, nor shall it be used to illuminate trees, walls, or fences. The purpose of landscape lighting is to safely illuminate walkways and entrances to the subject property and outdoor living spaces.</p>
12.	<p>Skylights & Skylight Shades. Prior to the issuance of a building permit, the Applicant shall include in the construction drawings the manufacturer's specifications for all skylights and skylight shades. Skylights shall be low-profile and use non-reflective glass to minimize light and glare visible from adjoining properties. Skylight flashing shall match the roof color. Manual or automatic shades shall be installed in each skylight to reduce visible light transmission during the hours of darkness.</p>
13.	<p>Stone Facades (including chimneys). Prior to the issuance of a building permit, the Applicant shall clearly identify in the construction drawings the masonry pattern for all stonework. Stone facades shall be installed in a broken course/random or similar masonry pattern. Setting the stones vertically on their face in a cobweb pattern shall not be permitted. All stonework shall be wrapped around building corners and terminated at an inside corner or a logical stopping point that provides a finished appearance. Termination of stonework shall be subject to review and approval by the Community Planning & Building Director or their designee.</p>
14.	<p>Asphalt Shingle Roofing. Prior to the issuance of a building permit, the Applicant shall include the manufacturer's specifications for the approved asphalt shingle roofing. The material shall convey color and texture similar to that of wood shingles.</p>
15.	<p>Indemnification. 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 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>
16.	<p>Driveway. Prior to the issuance of a building permit, the Applicant shall clearly identify on the construction drawings the driveway material and asphalt connection to the paved street edge. The driveway material shall be extended beyond the property line into the public right-of-way to connect to the paved street edge. A minimal asphalt connection at the street edge may be required by the Superintendent of Streets or the Building Official, depending on site conditions, to accommodate the drainage flow line of the street. If the driveway material is proposed to be</p>

	sand set, a dimensioned construction detail showing the base material shall be included in the construction drawings.
17.	Hazardous Materials Waste Survey. Prior to the issuance of a demolition permit, the Applicant shall submit a hazardous materials waste survey to the Building Division in conformance with the Monterey Bay Unified Air Pollution Control District.
18.	Cultural Resources. 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 & 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.
19.	Truck Haul Route. Prior to the issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building Director, in consultation with the Public Works and Public Safety Departments, a truck-haul route and any necessary traffic control measures for the grading activities. The Applicant shall be responsible for ensuring adherence to the truck-haul route and implementation of any required traffic control measures.
20.	USA North 811. Prior to any excavation or digging, the Applicant shall contact the appropriate regional notification center (USA North 811) at least two working days, but not more than 14 calendar days, prior to commencing that excavation or digging. No digging or excavation is authorized to occur on-site until the Applicant has obtained a Ticket Number and all utility members have positively responded to the dig request. (Visit USANorth811.org for more information)
21.	Conditions of Approval. 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.
Landscape Conditions	
22.	<p>Landscape Plan Required. Prior to the issuance of a building permit, the Applicant shall submit a landscape plan for review and approval by the Community Planning & Building Department and the City Forester. The landscape plan shall be included in the construction drawings and will be reviewed for compliance with the landscaping standards contained in the Zoning Code, including, but not limited to, the following:</p> <ul style="list-style-type: none"> 1) Meeting the landscape requirements for the Beach Overlay (CMC 17.20.160.B.5); 2) All new landscaping shall be 75% drought-tolerant; 3) Landscaped areas shall be irrigated by a drip/sprinkler system set on a timer; and 4) The project shall meet the City's recommended tree density standards unless otherwise approved by the City based on on-site conditions. <p>The landscape plan shall identify the location where new trees will be planted when new trees are required to be planted by the City code, the Forest and Beach Commission, or the Planning Commission.</p>
23.	Tree Planting Requirements. Prior to issuance of a building permit, the Applicant shall identify on the landscape plan the location, size, and species of required tree plantings. All new trees shall be installed prior to the final inspection. Trees shall be recorded and monitored for at least five years

	to ensure their establishment and growth to maturity. Trees that do not survive or are removed shall be replaced with new trees that are equivalent in size to the measured or projected growth of the original trees and shall be planted in the same location unless otherwise directed by the City Forester or Forest & Beach Commission.
24.	Tree Removal Prohibited. 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.
25.	<p>Tree Protection Measures. Requirements for tree preservation shall adhere to the following tree protection measures on the construction site.</p> <ul style="list-style-type: none"> • Prior to grading, excavation, or construction, the developer shall clearly tag or mark all trees to be preserved. • Excavation within 6 feet of a tree trunk is not permitted. • No attachments or wires of any kind, other than those of a protective nature, shall be attached to any tree. • 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. • 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 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. • 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. • 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. • 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.
26.	Foundation Work Near Significant Trees. All foundations within 15 feet of significant trees shall be excavated by hand. If any tree roots larger than two inches (2") are encountered during construction, the City Forester shall be contacted before cutting the roots. The City Forester may require the roots to be bridged or may authorize the roots to be cut. 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. Six inches (6") of mulch shall be evenly spread across the inside the dripline of all trees prior to the issuance of a building permit.
Environmental Compliance Conditions	

27.	Drainage Plan. Prior to the issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments a drainage plan that meets the requirements of the City's drainage guidance, SOG 17-07. At a minimum, new and replaced impervious area drainage must be dispersed around the site rather than focused on one corner of the property; infiltration features must be sized appropriately and located at least 6 feet from neighboring properties. The drainage plan shall include information on drainage from new impervious areas and semi-pervious areas.
28.	BMP Tracking Form. Prior to issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments a completed BMP Tracking form.
29.	Semi-Permeable Surfaces. Prior to issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments cross-section details for all semi-permeable surfaces.
30.	Erosion and Sediment Control Plan. Prior to issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments an erosion and sediment control plan that includes locations and installation details for erosion and sediment control BMPs, material staging areas, and stabilized access.
Special Conditions	
31.	Conditions of Approval Acknowledgement. Prior to the issuance of a building permit revision, a completed Conditions of Approval Acknowledgment 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.
32.	Copper Gutters & Downspouts Not Permitted. Prior to the issuance of a building permit, the applicant shall submit a revised plan for review and approval by the Planning Division, identifying a the material for the gutters and downspouts. Copper gutters and downspouts shall not be permitted.
33.	Construction Management Plan. Prior to the issuance of a building permit, the Applicant shall submit a Construction Management Plan for review and approval by the Community Planning & Building Director and Director of Public Works.
34.	<p>Plan Modification for Tree Protection. Prior to building permit issuance, the plans shall be revised throughout such that the new walls and areas of cut and fill are revised so they are located at least six (6) feet away from the significant cypress tree.</p> <p>Additionally, a Tree Protection Plan shall be included in the plan showing a six (6) foot tree protection zone and the structural root zone (SRZ), described in Condition of Approval (CoA) #25. A note shall be included on the cover page, site plan, and Tree Protection Plan stating: <i>"All compaction of soils, construction of building walls, or placement of impermeable surfaces must be setback a minimum of six feet from all significant trees. Grading, ruts, and fills around significant trees shall be limited to areas outside the structural root zone. Cutting and filling around the base of trees shall be done only after consultation with the City Forester, and then only to the extent authorized by the City Forester. City Forester: (831)620-2073"</i></p>
35.	Demolition and Nonconformities. All exterior demolition shall be in substantial compliance with the approved demolition plan as shown on Sheet 5a of the Design Study Plans Approved by the Planning Commission on January 15, 2025. Changes to the demolition plan shall be approved in writing by the Community Planning and Building Department prior to commencement of any additional demolition work. If during construction the exterior demolition exceeds what has been approved, a cease work order may be issued any time at the discretion of the Director of Community Planning and Building and with revised plans submitted to the Department of

	Community Planning and Building that correct the non-conformities in respect to the buildings floor area and building height.
36.	<p>Removal of Existing Site Coverage. All site coverage not shown on the approved (proposed) site plan shall be removed from the site prior to final inspection. Questions regarding the inclusion or exclusion of site coverage shall be directed to the Community and Planning Department (831-620-2010).</p> <p>Areas where site coverage have been removed may be landscaped with new landscaping shown on the proposed landscape plan (refer to CoA #22), mulched, or left in an natural state except when conflict with CMC Section 17.34.090 would exist (see CoA #22, #1).</p>
37.	<p>Non-conforming fences/gates. If the non-conforming fences and driveway gate proposed to remain located within the front setback (i.e fences exceeding 4' tall) are removed, new proposed fences within the front setback shall comply with the height standards outlined in Table 17.10-G. New fences and driveway gates and similar associated features shall require approval from the Community Planning and Building Department as appropriate.</p>
38.	<p>Roof Color. Prior to building permit issuance, the applicant shall work with Planning Staff to select an alternative roof color that complies with the Residential Design Guidelines, as provided in CoA #14.</p>
39.	<p>Window and Door Consistency. Prior to building permit issuance, the applicant shall revise the window and door schedule, elevations, and plans throughout, such that the windows and doors maintain a consistent appearance as provided in Residential Design Guideline 9.11.</p> <p>The windows and doors shall maintain a consistent appearance throughout and shall not be a mix of different colors, styles, and/or materials.</p>
40.	<p>Retaining Wall/Encroachments. Prior to building permit issuance, the plans shall be revised such that the stone wall at the northwest corner of the property visible from Scenic Road located along the front property line is proposed to be repaired in-kind. The wall shall be relocated entirely onto private property, or if necessary, an encroachment permit for the wall shall be applied for and obtained prior to commencement of work.</p>

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 1st day of April 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dale Byrn
Mayor

Nova Romero
City Clerk

