

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

RESOLUTION NO. 2025-030

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA APPROVING THE APPEAL (APP 25032) BY MARY AND JOHN JENSEN FIND THE PROJECT CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15301 OF THE CEQA GUIDELINES AND NO EXCEPTION TO THE EXEMPTION CAN BE MADE IN THIS CASE AND APPROVE THE APPEAL BY JOHN JENSEN & MARY UNKOVIC TRUST (APP 25032), UPHOLD THE JANUARY 15, 2025 PLANNING COMMISSION’S APPROVAL OF THE TRACK 1 DESIGN STUDY (DS 24321, JENSEN) AND ASSOCIATED COASTAL DEVELOPMENT PERMIT TO ALLOW THE REPLACEMENT OF THE WOOD SHAKE ROOF OF A TWO-STORY SINGLE-FAMILY RESIDENCE LOCATED ON SANTA LUCIA 2 NE OF SCENIC (PLANNING COMMISSION RESOLUTION 2025-003-PC), AND DELETE CONDITION OF APPROVAL NO. 20 REQUIRING THE APPLICANT TO SUBMIT REVISED PLANS IDENTIFYING AN ALTERNATE ROOFING MATERIAL IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT AND BEACH/RIPARIAN (BR) OVERLAY AS FOUND IN RESOLUTION 2025-003-PC. APN: 010-293-013-000

WHEREAS, on October 21, 2024, Matt Hanner (“Applicant”) submitted an application on behalf of John Jensen Trust (“Owners”) requesting approval of Track 1 Design Study application DS 24321 (Jensen) described herein as (“Application”); and

WHEREAS, the Application has been submitted for a 7,409-square-foot located on Santa Lucia Avenue 2 NE of Scenic Road in the Single-Family Residential (R-1) Zoning District; and

WHEREAS, the Applicant is requesting approval of the Design Study for the replacement of the wood shake roof of a two-story single-family residence with a vertical standing seam metal roof; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.58.040 (Residential Design Review), changes in exterior materials of structures are subject to a Track One Design Review and may be approved by the Director if the project complies with the Zoning Ordinance and all applicable residential design guidelines; and

WHEREAS, in accordance with CMC 17.58.030.A.3 the Director shall refer for action by the Planning Commission any application for a project that does not comply with applicable adopted design guidelines and design criteria; and

WHEREAS, on January 3, 2025, a notice of public hearing was published in the Carmel Pine Cone for the January 15, 2025, Planning Commission meeting 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 January 5, 2025, 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 January 10, 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 January 15, 2025, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the Applications, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the project; and

WHEREAS, on January 27, 2025, a timely appeal was filed with the City Clerk (APP 25032) by Mary & John Jensen (“Applicant”) on behalf of property owner, John Jensen & Mary Unkovic Trust (“Owner(s)”) and (“Appellant”), requesting reconsideration by the City Council of the Planning Commission’s Approval with Conditions of the Application; and

WHEREAS, on March 4, 2025, the City Council held a de novo hearing to consider the appeal and Application; and

WHEREAS, on March 4, 2024, the City Council held a duly noticed public hearing to receive public testimony regarding the appeal, including without limitation, information provided to the City Council by City staff and through public testimony on the project; and

WHEREAS, this Resolution and its findings are made based upon evidence presented to the City Council at the hearing date including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; 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 finds that pursuant to CEQA regulations, the Application is categorically exempt under Section 15301 (Class 1) – Existing Facilities and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines; and

WHEREAS, consideration of a Coastal Development Permit is required in accordance with Carmel Municipal Code Section 17.52.100.D.2 (Limits on Exemptions for Single-Family Residences and other Improvements) as the subject property is located in the Beach and Riparian Overlay District and is located west of Carmel Street; and

WHEREAS, the facts set forth in the recitals are true and correct and are incorporated

herein by reference.

WHEREAS, the City Council of the City of Carmel-by-the-Sea considered the application at the March 4th, 2025 City Council meeting, and requested a revised resolution be brought back before the Council for final consideration; and

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 environmental review pursuant to Section 15301 of the CEQA Guidelines and no exception to the exemption can be made in this case and **APPROVE** the appeal by John Jensen & Mary Unkovic Trust (APP 25032), **UPHOLD** the January 15, 2025 Planning Commission’s approval of the Track 1 Design Study (DS 24321, Jensen) and associated Coastal Development Permit to allow the replacement of the wood shake roof of a two-story single-family residence located on Santa Lucia 2 NE of Scenic (Planning Commission Resolution 2025-003-PC), and **DELETE** Condition of Approval No. 20 requiring the applicant to submit revised plans identifying an alternate roofing material.

FINDINGS REQUIRED FOR DESIGN STUDY APPROVAL		
For each of the required findings 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" may or may not be discussed in the report depending on the issues.		
CMC Section 17.58.060.B, Findings for Design Review Approval	YES	NO
1. The project conforms to the applicable policies of the General Plan and the Local Coastal Program.	✓	
2. The project complies with all applicable provisions of the Carmel Municipal Code.	✓	
3. The project is consistent with the applicable adopted design review guidelines.	✓	
CMC Section 17.58.060.C, Additional Findings for Design Study Approval	YES	NO
1. The project conforms with all zoning standards applicable to the site or has received appropriate use permits, variances, or exceptions consistent with the Zoning Ordinance.	N/A	N/A
2. The project contributes to neighborhood character, including the type of forest resources present, the character of the street, the response to local topography, and the treatment of open space resources such as setbacks and landscaping.	✓	
3. The project is compatible with and sensitive to the natural features and built environment of the site and of the surrounding area. The project respects the constraints of the site and avoids excessive grading, cuts and fills. Construction on steep slopes is minimized to the extent feasible and abrupt changes in grade is minimized or mitigated.	N/A	N/A
4. The project maintains the City’s principles of modesty and simplicity and preserves the City’s tradition of simple homes set amidst a forest landscape. The project uses simple building forms and simple roof forms without complexity that would attract undue attention to the site.	✓	
5. The project does not present excess visual mass or bulk to public view or to adjoining properties. The project relates to a human scale in form, elements, and in the detailing of doors, windows, roofs, and walkways.	✓	
6. Project details and materials (e.g., windows, doors, chimneys, roofs, and stonework)	✓	

are fully integrated and consistent throughout the design. Building materials are used in a manner that is visually consistent with the proposed architecture. All fenestration is appropriate in size and consistent with a human scale.		
7. The project is consistent with the City's design objectives for protection and enhancement of the urbanized forest and open space resources. Open space is distributed around buildings to provide visual relief from structural bulk and a distinct separation from buildings on adjacent sites.	N/A	N/A
8. All demolitions, remodels, and substantial alterations are consistent with the following findings: a. The design uses simple/modest building forms and a limited number of roof planes, and a restrained employment of offsets and appendages consistent with the City's design objectives. b. The mass of the building relates to the context of other homes in the vicinity that are in conformance with the City's design guidelines related to mass and scale. c. The development is similar in size, scale, and form to buildings on the immediate block and neighborhood. d. 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 moderately significant trees have been protected to the maximum extent feasible. All buildings and structures will be set back at least six feet from significant trees.	N/A	N/A

CONDITIONS OF APPROVAL	
No.	Standard Conditions
1.	<p>Authorization. The approval of an Appeal (APP 25032) for the reroof of an existing two-story single-family residence located at the southeast corner of Junipero Avenue and 10th Avenue in the Single-Family Residential (R-1) Zoning District, APN 010-293-013-000, the work includes;</p> <ol style="list-style-type: none"> 1. Removal of the wood shake roof from the main house; 2. Installation of a new roof on the main house; 3. Replace existing copper gutters with medium bronze noncopper gutters; <p>as depicted in the specifications and pictures submitted by Matt Hanner as approved by City of Carmel-by-the-Sea City Council on March 31, 2025 unless modified by the conditions of approval contained herein.</p>
2.	<p>Codes and Ordinances. 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.</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</p>

	<p>date of action. During this time, the project must be implemented, or the approval becomes void. Implementation is affected 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>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>
5.	<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>
6.	<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>
7.	<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 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>
8.	<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</p>

	all such actions by the parties hereto.
9.	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.
10.	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.
11.	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	
12.	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.
13.	<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.
Environmental Compliance Conditions	
14.	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.
15.	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.
16.	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.
17.	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	
18.	Conditions of Approval Acknowledgement. Prior to the issuance of a building permit, 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.
19.	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.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 31st day of March, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dale Byrne
Mayor

Nova Romero
City Clerk