

**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 FINDING THE PROJECT QUALIFIES AS A CLASS 2 CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELNES SECTION 15302 AND A CLASS 3 CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELNES SECTION 15303 AND THAT NONE OF THE EXCEPTIONS TO THE EXEMPTION CONTAINED IN SECTION 15300.2 APPLY IN THIS CASE, AND APPROVING A COASTAL DEVELOPMENT PERMIT AND FINAL DESIGN STUDY ALLOWING THE DEMOLITION OF AN EXISTING 1595-SQUARE FOOT ONE-STORY SINGLE-FAMILY RESIDENCE AND THE CONSTRUCTION OF A NEW 2102-SQUARE FOOT TWO-STORY SINGLE-FAMILY RESIDENCE, INCLUSIVE OF A 250-SQUARE FOOT DETTACHED GARAGE. THE PROPERTY IS LOCATED AT MISSION STREET 3 NORTHEAST OF 1ST AVENUE IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT, APN 010-112-013-000.

WHEREAS, on July 9, 2024, Erik Dyar (“Applicant”) submitted an application on behalf of Collins Hermle Family Trust (“Owners”) requesting approval of Track 2 Design Study application DS 24208 (Hermle- Collins) and associated lot line adjustment described herein as (“Application”); and

WHEREAS, the Application has been submitted for a 4,000-square-foot lot located at Mission Street 3 NE of First Avenue in the Single-Family Residential (R-1) Zoning District (Block 6, Lot 8); and

WHEREAS, the Applicant is requesting approval of a Final Design Study and Coastal Development Permit for the demolition of an existing 1,595-square-foot, one-story single-family residence and the construction of a 2,102-square-foot, two-story single-family residence, inclusive of a 250-square-foot detached garage; and

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

WHEREAS, CMC Section 17.58.040.B, Step Two: Design Concept Review, requires the Planning Commission to review the design concept plans at a public hearing prior to consideration of the final details review for project approval; and

WHEREAS, on June 14, 2024, the Department of Community Planning and Building provided the applicant with a Preliminary Site Assessment for the property located at Mission Street 4 northeast of 1st Avenue outlining zoning and Land Use Plan standards; and

WHEREAS, on October 9, 2024, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the Application, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the project and accepted the Concept Design through adoption of Resolution 2024-085-PC; and

WHEREAS, on May 2, 2025, a notice of public hearing was published in the Carmel Pine Cone for the May 14, 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 May 4, 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 May 9, 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 May 14, 2025, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the Application, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the project; 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 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 Section 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, discussion, analysis and supporting evidence demonstrate that the projects fall under both the Class 2 and Class 3 categorical exemptions in CEQA Guidelines sections 15302 and 15303; and

WHEREAS, Planning Commission found that there are three separate projects with independent utility and even if they were required to be considered as parts of a single project they still fall under the Class 3 categorical exemption as CEQA Guidelines Section 15303(a) covers up to 3 single-family residences in urbanized areas

WHEREAS, the Planning Commission found that pursuant to CEQA regulations, the Application is categorically exempt under Section 15302 (Class 2) – Replacement or Reconstruction and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines; and

WHEREAS, the Planning Commission found that pursuant to CEQA regulations, the Application is categorically exempt under Section 15303 (Class 3) – New Construction or Conversion of Small Structures and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines; and

WHEREAS, the cumulative impact, unusual circumstances and historical resources exceptions do

not apply due to the fact the project is a permitted use within the site’s designated residential zoning district and due to the size of the city, it is not usual for construction projects to occur in proximity to other active projects or historic resources; 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 **Final Design Study**:

FINDINGS REQUIRED FOR DESIGN STUDY ACCEPTANCE (CMC 17.64.80 and LUP Policy P1-45)		
For each of the required design study findings listed below, staff has indicated whether the plans submitted, and/or as conditioned, 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.B – Final Details Phase Approval Findings	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.	✓	
LUP Policy P1-45	YES	NO
1. 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.	✓	
2. Mass of the building relates to the context of other homes in the vicinity	✓	
3. The development is similar in size, scale, and form to buildings on the immediate block and neighborhood.	✓	
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 and structures will be setback a minimum of 6 feet from significant trees.	✓	

BE IT FURTHER 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:

FINDINGS REQUIRED FOR COASTAL DEVELOPMENT PERMITS
For each of the required findings listed below, the staff has indicated whether the proposed project or the addition of conditions supports the adoption of 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 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).	✓	

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby **FIND** the project qualifies as a Class 2 categorical exemption pursuant to CEQA Guidelines Section 15302 and a Class 3 categorical exemption pursuant to CEQA Guidelines Section 15303 and none of the exceptions to the exemptions in Section 15300.2 apply in this case, and **APPROVE** the Final Design Study and Coastal Development Permit (DS 24208, Hermle-Collins) for the demolition of an existing 1,595-square-foot, one-story single-family residence and the construction of a 2,102-square-foot, two-story single-family residence, inclusive of a 250-square-foot detached garage and associated site improvements. The property is located on Mission Street 3 NE of 1st Avenue (APN 010-112-013-000). Approval of the Final Design Study and Coastal Development Permit is subject to the following Recommendations/Draft Conditions:

CONDITIONS OF APPROVAL	
No.	Standard Conditions
1.	Authorization. The approval of Design Study (DS 24208) and associated lot line adjustment for the demolition of an existing 1,595-square-foot, one-story single-family residence and the construction of a 2,102-square-foot, two-story single-family residence, inclusive of a 250-square-foot detached garage and associated site improvements located on Mission Street 3 NE of 1 st Avenue in the Single-Family Residential (R-1), Archaeological Significance (AS) Overlay, and Very High Fire Severity Zone, APN: 010-112-013-000 as depicted in the plans prepared by Dyar Architecture as approved by City of Carmel-by-the-Sea Planning Commission on May 14, 2025 unless modified by the conditions of approval contained herein.
2.	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.
3.	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 Section 17.52.170.C.

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. 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 Section 15.36.020).</p>
7.	<p>Utility Meter Locations. The placement of all utility meters shall consistent with the locations identified in the approved plans. Changes to the location of any utility meter location shall require written approval of the Community Planning and Building Department prior to the change of the location.</p>
8.	<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 Section 15.08.135).</p>
9.	<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>
10.	<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</p>

	incorporated into the construction drawings not listed on this form shall not be deemed approved upon issuance of a building permit.
11.	<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>
12.	<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>
13.	<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 (new and/or replaced) 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>
14.	<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. Brickwork shall be finished the same manner as stonework described above.</p>

15.	Windows and Doors. Prior to the issuance of a building permit, the Applicant shall include the manufacturer's specifications for the approved windows and doors.
16.	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.
17.	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 sand set, a dimensioned construction detail showing the base material shall be included in the construction drawings.
18.	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.
19.	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.
20.	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.
21.	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)

22.	<p>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.</p>
<p>Landscape Conditions</p>	
23.	<p>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.</p>
24.	<p>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.</p>
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 Section 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 an alternative material for the gutters and downspouts.
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.

PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 14th day of May 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Michael LePage
Chair

Leah Young
Planning Commission Secretary