

**CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION**

PLANNING COMMISSION RESOLUTION NO. 2020-XX-PC

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA
APPROVING A TRACK 1 DESIGN STUDY FOR THE CONSTRUCTION OF A NEW DRIVEWAY AND
PEDESTRIAN GATE LOCATED IN THE SHARED DRIVEWAY EASEMENT OF A PROPERTY LOCATED
AT 26162 LADERA DRIVE (APN 009-331-019)**

WHEREAS, Craig Holdren (“Applicant”) submitted an application requesting approval of a Track 1 Design Study application (“DS 20-319, Leatherberry”) described herein (“Application”); and

WHEREAS, the application has been submitted for the property located at 26162 Ladera Drive, in the Single-Family, 20,000 square foot minimum lot size (R-1-C-20), Park Overlay (P), and Archaeological Significance (AS) Overlay Zoning Districts. (Block MA, Lots 2 & 4); and

WHEREAS, the Application was deemed complete on October 26, 2020; and

WHEREAS, the Applicant is requesting to construct a new 5’-6” tall western red cedard driveway and pedestrian gate mounted to three stucco columns in accordance with Chapter(s) 17.58.040 of the Carmel Municipal Code, which allows staff to refer Track 1 Design Study applications to the Planning Commission for review when the project complies with zoning regulations but does not comply with the design objectives or residential design guidelines; and

WHEREAS, a Coastal Development Permit is not required in accordance with CMC 17.52.090.

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, pursuant to CEQA regulations, the Application is categorically exempt under Section 15303 (Class 3) of the State CEQA Guidelines– Construction or modification of a limited number of new or existing small structures; and

WHEREAS, notice of the public hearing was published in compliance with State law (California Government Code 65091), as well as hand-delivery of the public notice by the Applicant to each property owner within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on November 10, 2020, the Planning Commission held a public hearing to receive public testimony regarding the Application, including without limitation, information provided to the Planning Commission by City staff and public testimony on the Track 1 Design Study referral in accordance with CMC 17.64.210 and CMC 17.10.030; and

WHEREAS, this Resolution and its findings are made based upon evidence presented to the Commission at the November 10, 2020 hearing date including, without limitation, the staff report submitted by the Community Planning and Building Department; and

WHEREAS, the Planning Commission did hear and consider all said reports, recommendations and testimony herein above set forth and used their independent judgement 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 Planning Commission of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the Design Study:

FINDINGS REQUIRED FOR DESIGN STUDY APPROVAL (CMC 17.64.80 and LUP Policy P1-45)		
For each of the required design study findings listed below, staff has indicated whether the submitted plans support adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate the Planning Commission decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
Municipal Code Finding	YES	NO
1. The project conforms with all zoning standards applicable to the site, or has received appropriate use permits and/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 the site and in the public right of way that is characteristic of the neighborhood.	✓	
3. The project avoids complexity using simple/modest building forms, a simple roof plan with a limited number of roof planes 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. As conditioned, 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 setback a minimum of 6 feet from significant trees unless otherwise agreed upon by the City Forester.	✓	
8. 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.	✓	
9. 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.	✓	
10. 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.	✓	
11. 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.	✓	
12. Any deviations from the Design Guidelines are considered minor and reasonably relate to good design principles and specific site conditions.	✓	

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby APPROVE the, Design Study (DS 20-319) for the construction of a new 5'-6" tall driveway and pedestrian gate supported by 3 stucco columns located in the shared driveway easement of a property located at 26162 Ladera Drive (APN 009-331-019), subject to the following Conditions of Approval:

CONDITIONS OF APPROVAL		
No.	Standard Conditions	
1.	Authorization. This approval of Design Study (DS 20-319) authorizes: 1) The construction of a new 5'-6" tall, Class A fire retardant western red cedar, horizontal board driveway gate located in the shared driveway easement of this lot. The driveway gate will be approximately 12'-4" in width, and will be mounted to two 5'-6" tall, 1'-4" wide, stucco pillars. The driveway gate will be constructed 38'-7" back from the front property line. 2) A 5'-6" tall, 3' wide pedestrian gate	✓

	<p>and 5'-6" tall, 1' wide stucco pillar which will connect to the driveway gate and pillars. The pedestrian gate will match the style of the western red cedar horizontal board driveway gate. 3) The re-paving of the existing driveway with new asphalt and the installation of a new planter area adjacent to the new driveway pedestrian gate.</p> <p>This project scope is proposed for a residence located at 26162 Ladera Drive in the Single-Family, 20,000 square foot minimum lot size (R-1-C-20), Park Overlay (P), and Archaeological Significance (AS) Overlay Zoning Districts, as depicted in the plans prepared by Craig Holdren and dated received by Community Planning & Building on October 26, 2020 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 at the time such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.</p>	✓
3.	<p>Permit Validity. This approval shall be valid for a period of one year from the date of action unless an active building permit has been issued and maintained for the proposed construction.</p>	✓
4.	<p>Landscape Plan. All new landscaping, if proposed, shall be shown on a landscape plan and shall be submitted to the Department of Community Planning and Building and to the City Forester <u>prior to the issuance of a building permit</u>. The landscape plan will be reviewed for compliance with the landscaping standards contained in the Zoning Code, including the following requirements: 1) all new landscaping shall be 75% drought-tolerant; 2) landscaped areas shall be irrigated by a drip/sprinkler system set on a timer; and 3) the project shall meet the City's recommended tree density standards, unless otherwise approved by the City based on-site conditions. The landscaping plan shall show where new trees will be planted when new trees are required to be planted by the Forest and Beach Commission or the Planning Commission.</p>	✓
5.	<p>Tree Removal. Trees on the site shall only be removed upon the approval of the City Forester or Forest and Beach Commission, as appropriate; all remaining trees shall be protected during construction by methods approved by the City Forester.</p>	✓
6.	<p>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. Twelve inches</p>	✓

	(12") of mulch shall be evenly spread inside the dripline of all trees prior to the issuance of a building permit.	
7.	Modifications. The applicant shall submit in writing to the Community Planning and Building staff any proposed changes to the approved project plans prior to incorporating changes. If the applicant changes the project without first obtaining City approval, the applicant will be required to either: a) submit the change in writing and cease all work on the project until either the Planning Commission or staff has approved the change; or b) eliminate the change and submit the proposed change in writing for review. The project will be reviewed for its compliance to the approved plans prior to final inspection.	✓
8.	Exterior Lighting. Exterior lighting shall be limited to 25 watts or less (incandescent equivalent, i.e., 375 lumens) per fixture and shall be no higher than 10 feet above the ground. Landscape lighting shall not exceed 18 inches above the ground nor more than 15 watts (incandescent equivalent, i.e. 225 lumens) per fixture and shall be spaced no closer than 10 feet apart. Landscape lighting shall not be used for tree, wall, fence or accent lighting of any type. The purpose of landscape lighting is to safely illuminate walkways and entrances to the subject property. All fixtures shall be shielded and down facing. The manufacturer's specifications, including illumination information, for each exterior light fixture shall be included in the construction drawings submitted with the building permit application.	✓
9.	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 proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall 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 the resolution of all such actions by the parties hereto.	✓
10.	Driveway. The driveway material shall extend beyond the property line into the public right of way as needed 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. The driveway material and asphalt connection shall be clearly identified on the construction drawings submitted with the building permit application. If a driveway is proposed to be sand set a dimensioned construction detail showing the base material shall be included in the construction drawings.	✓

11.	Cultural Resources. All new construction involving excavation shall immediately cease if cultural resources are discovered on the site, and the applicant shall notified the Community Planning and 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 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 excavation, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and distribution pursuant to California Public Resources Code (PRC) Section 5097.98.	✓
12.	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)	✓
13.	Conditions of Approval. All conditions of approval for the Planning permit(s) shall be printed on a full-size sheet and included with the construction plan set submitted to the Building Safety Division.	✓
SPECIAL CONDITIONS		
14.	Provision of Gate or Access Code and/or Key to Neighbors. Upon installation of the new driveway gate, the applicant shall provide the access code and/or gate key to Ms. Casella and any current or future owner of any property legally granted access to this easement as recorded by property's Grant Deed. Staff shall verify that this was completed before issuance of the final certificate of occupancy for this project.	✓

PASSED, ACCEPTED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA THIS 10TH DAY OF NOVEMBER 2020, BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Michael LePage
Chair

Margi Perotti
Planning Commission Secretary

Property Owner Signature

Printed Name

Date

Once signed, please return the original to the project Planner at the Community Planning and Building Department.