

**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL  
RESOLUTION NO. 2022-005**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DENYING THE  
APPEAL BY ROBERT CARVER (APP 21-415) AND UPHOLDING THE PLANNING COMMISSION'S  
DECISION TO APPROVE DESIGN REVIEW APPLICATION DR 21-114 AND USE PERMIT UP 21-226  
AS ADOPTED IN PLANNING COMMISSION RESOLUTION 2021-60-PC; APN: 010-147-006**

WHEREAS, Robert Carver ("Applicant") on behalf of property owner, Dolores & 7<sup>th</sup>, LLC, submitted an application requesting approval of a Design Review application "DR 21-114" and Use Permit application "UP 21-226" described herein ("Application"); and

WHEREAS, the project is located on Dolores 2 Northwest 7<sup>th</sup> Avenue (Block: 75, Lot: 19) in the Central Commercial (CC) Zoning District and Downtown Conservation District (CD) Overlay; and

WHEREAS, the Applicant is requesting approval of a Design Review Application and a Conditional Use Permit for a seismic retrofit and remodel of the building into a multi-story, private music recording studio, which includes the addition of a glass "sound lock" entry to the exterior of the building; and

WHEREAS, on August 16, 2021, the Historic Resources Board held a public hearing to receive public testimony regarding the Application, including without limitation, the information provided to the Planning Commission by City staff and public testimony on the Design Review application and adopted Resolution 2021-007-HRB issuing a Determination of Consistency with the Secretary of the Interior's Standards; and

WHEREAS, on October 13, 2021, the Planning Commission held a public hearing to receive public testimony regarding the Application, including without limitation, the information provided to the Planning Commission by City staff and public testimony on the Design Review Application and Use Permit application; and

WHEREAS, on October 13, 2021, the Planning Commission continued the application with direction the applicant to explore relocating the sound lock to the interior of the existing structure; and

WHEREAS, on November 10, 2021, the Planning Commission held a public hearing to receive public testimony regarding the Application, including without limitation, the information provided to the Planning Commission by City staff and public testimony on the Design Review Application and Use Permit application; and

WHEREAS, on November 10, 2021, the Planning Commission adopted Resolution 2021-60-PC, approving the Application contingent upon the addition of Special Condition of Approval #27 that states, *The proposed glass sound attenuating vestibule shall be relocated to the interior*

*of the building with no modifications made to the primary building elevation on Dolores Street. The existing wood gates shall remain, however, may be minimally repositioned to meet exiting (egress) requirements as required by the Building and Fire Codes; and*

WHEREAS, on November 11, 2021, a timely appeal of the approval of the Application was filed with the City Clerk by Robert Carver objecting specifically to the inclusion of Special Condition of Approval #27; and

WHEREAS, the appeal (APP 21-415), filed by Robert Carver, stated the grounds for the appeal are, in part, *“One Commissioner (who appeared to be supportive of the project at the first hearing) was absent. The City’s Historian, the HRB, 2 of the 4 Commissioners present and the Staff all supported the design as submitted. The interior sound lock will not work for all the reasons outlined at the hearing”*; and

WHEREAS, on January 4, 2022, the City Council held a de novo hearing to consider the appeal and Application; and

WHEREAS, on January 4, 2022, the City Council held a duly noticed public hearing to receive public testimony regarding the appeal and Use Permit, including without limitation, information provided to the City Council by City staff and through public testimony on the conceptual design of the project; and

WHEREAS, this Resolution and its findings are made based upon 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, a Coastal Development Permit is not required pursuant to CMC 17.52.100.C, Developments Excluded from Coastal Permit Requirements –Other Improvements; 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, 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, notice of the public hearing was published on December 24, 2021, 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, the City Council did hear and consider all said reports, attachments, 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 City Council of the City of Carmel-by-the-Sea does hereby **DENY** the appeal by Robert Carver (APP 21-415) and uphold the November 10, 2021 Planning Commission's decision to approve Design Review application "DR 21-114" and Use Permit application "UP 21-226" with the inclusion of Special Condition of Approval #27 for the establishment of a music recording studio located on Dolores 2 Northwest 7<sup>th</sup> Avenue in the Central Commercial (CC) Zoning District, APN: 010-147-006, as found in Planning Commission Resolution: Resolution 2021-60-PC adopted on November 10, 2021.

Findings for Denial of Appeal	
No.	
1.	<p>With the sound lock on the exterior of the building, certain required findings for Design Review approval could not be made. This deliberation led to the inclusion of Special Condition of Approval #27. The findings which the Commission determined could not be made with the sound lock on the exterior of the building are:</p> <ul style="list-style-type: none"> <li>• Inconsistencies with Commercial Design Guidelines Cited Commercial Design Guidelines: <ul style="list-style-type: none"> <li>○ <i>These guidelines establish a series of design statements intended to conserve the historical village character and pedestrian orientation of Carmel's central commercial district. The emphasis of this document is architectural, with special attention to building facades.</i> <ul style="list-style-type: none"> <li>▪ <i>The pedestrian wall should not be without relief; it should be punctuated by occasional offsets produced by entries, window projections, small planters, and entrances to courtyards and intra-block walkways.</i></li> <li>▪ <i>Large sheets of glass, unbroken by divisions, can appear too urban or modern and should be avoided.</i></li> <li>▪ <i>Conserve or create recessed entries. Should two business entries be close to one another in the same building, a single recess may be designed to accommodate both.</i></li> <li>▪ <i>Entrances to stores are typically recessed from the façade by creating a small alcove. This establishes a more definitive sense of entry and affords an alternative view of merchandise in display windows.</i></li> </ul> </li> </ul> </li> </ul> <p>In addition to the findings made addressing the Commercial Design Guidelines, the following findings were made regarding the proposed project.</p>

	<ul style="list-style-type: none"><li>• Dolores Street maintains the highest concentration of Historic Resources in the Downtown Conservation District within a one-block area.</li><li>• Additions to historic structures are required to be differentiated, however, new materials and architectural styles to be more compatible with the historic structure.</li><li>• The historic character of the property will be retained and preserved. Distinctive materials, features, spaces, and spatial relationships that characterize the property will be preserved. This (the vestibule) is not being preserved.</li></ul>
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PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 4<sup>th</sup> day of January, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Dave Potter  
Mayor

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Ashlee Wright  
Acting City Clerk