

Chapter 17.10

R-1 DISTRICT DESIGN REGULATIONS¹

Sections:

17.10.010 Purpose and Design Objectives.

17.10.020 Dimensional Standards – Lots, Parcels and Building Sites.

17.10.030 Site Development and Building Standards.

17.10.040 Lot Mergers.

17.10.050 Floodplain Development.

17.10.060 Residential Design Guidelines.

17.10.070 Review of Plans.

17.10.080 Additional Use Regulations.

17.10.010 Purpose and Design Objectives.

The purpose of this chapter is to establish standards and requirements for physical development in the R-1 single-family residential district. To implement the General Plan and the Coastal Land Use Plan, the following design objectives for the R-1 district are established.

A. The Urban Forest. Site improvements and the public right-of-way should be designed to preserve significant trees and to perpetuate the established urban forest in each neighborhood where it exists. Each site should contribute to the urban forest or other vegetation characteristic of the neighborhood, by harboring an appropriate number and mix of trees and/or shrubs consistent with the neighborhood context and the neighborhood streetscape.

B. Neighborhood Design. Each site shall contribute 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. It is intended by this objective that diversity in architecture be encouraged while preserving the broader elements of community design that characterize the streetscape within each neighborhood.

C. Site Design. Good site design is essential to good building design. Site improvements shall be compatible with, and sensitive to, the natural features and built environment of the site and of the

surrounding area. Design solutions should relate to and take advantage of site topography, vegetation and slope. Designs shall recognize the limitations of the land and work with these limitations, rather than ignoring them or trying to override them.

D. Mass and Bulk. Residential designs shall maintain Carmel's enduring principles of modesty and simplicity and preserve the City's tradition of simple homes set amidst a forest landscape. Buildings shall not present excess visual mass or bulk to public view or to adjoining properties. Large box-like buildings and buildings with large, continuous, unrelieved surfaces can appear massive. Designing building and roof planes with just a few, simple forms and keeping floor levels and plate heights close to grade help reduce mass and bulk. The use of natural materials such as wood or stone and the creative use of landscaping can also help to avoid excess mass by introducing texture, variety and screening.

E. Scale. Buildings shall relate to a human scale in their forms, elements and in the detailing of doors, windows, roofs and walkways. Oversized design elements make structures appear dominating and monumental. This out-of-scale character represents a poor fit to the human form, vitiates the more intimate, rural charm and village character of Carmel-by-the-Sea and shall be avoided.

F. Boxed-in Neighbors. Designs should preserve reasonable access to light, air and open space for surrounding properties when considered cumulatively with other buildings in the neighborhood. Designs incorporating tall or bulky building elements located near an adjoining site that is already partially boxed-in by previous development should be avoided.

G. Privacy. Designs should respect the privacy of neighbors. The placement of windows, doors, balconies and decks should be sensitive to similar improvements on neighboring properties.

H. Open Space. The design of structures shall be coordinated with open space to enhance the park-like environment of the City. Open space should be distributed around buildings to provide visual relief from structural bulk and a distinct separation from buildings on adjacent sites. Open space is a shared community resource and some front yard open space on each site should remain visible from the street when this is consistent with the context established by neighboring sites.

I. Landscaping. Designs should coordinate structural elements with landscaping to achieve a pleasing overall site design. Landscaped open space on-site can help enhance the urban forest, or other vegetation characteristic of the neighborhood, by coordinating with open space on neighboring sites and roadside vegetation. Landscaping also can aid in achieving other design objectives such as breaking up mass and bulk and protecting privacy, but such use of landscaping should not substitute for good building design.

J. Public Views. Buildings shall be located and designed to preserve significant coastal views from the public right-of-way in conformance with Section 30251 of the California Coastal Act. The protection of public views should not prevent reasonable development of the site, yet development shall not preclude reasonable protection of any significant coastal view.

K. Private Views. Designs should respect views enjoyed by neighboring parcels. This objective is intended to balance the private rights to views from all parcels that will be affected by a proposed building or addition. No single parcel should enjoy a greater right than other parcels except the natural advantages of each site's topography. Buildings which substantially eliminate an existing significant view enjoyed on another parcel should be avoided.

L. Solar Access. Designs should preserve the rights to reasonable solar access on neighboring parcels. Excessively tall buildings, particularly those near a north property line, which would block the free passage of the sun onto neighboring solar collectors or south-facing windows on neighboring sites, should be avoided.

M. Equity. Design controls and conditions of approval should be reasonable and fair. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.10.020 Dimensional Standards – Lots, Parcels and Building Sites.

A. Legal Building Site Required. Parcels not meeting the criteria for legal building sites shall not be issued any building permits, other than permits for demolition, repair or maintenance, until the parcel has been brought into compliance with this section. A parcel of land within the R-1 land use district shall meet one of the following standards to be considered a legal building site:

1. At Least 2,500 Square Feet. A single, independent lot of record in existence on February 4, 1948, with at least 2,500 square feet of land area that was not in the same ownership as one or more adjoining lots of record on that date; or

2. Two Thousand Five Hundred Square Feet or More. Any lot of record of 2,500 square feet or more, that on February 4, 1948, was in the same ownership as one or more adjoining lots of record and qualifies under one of the criteria below:

a. A parcel of land in the form of a rectangle having at least 3,700 square feet, composed of 2,500-square-foot lots of record and/or portions thereof that existed on February 4, 1948, and which have been reconfigured either by a lot line adjustment or by a merger of lots in conformance with CMC [17.10.040](#), Lot Mergers.

b. A parcel of land in the form of a rectangle having at least 5,000 square feet, composed of two or more whole 2,500-square-foot lots of record that existed on February 4, 1948, and which has been formed by a merger of lots in conformance with CMC [17.10.040](#), Lot Mergers.

3. At Least 4,000 Square Feet. A parcel of land having at least 4,000 square feet in area that is composed of one or more whole lots of record, or was composed of portions of lots of record but has been reconfigured through a lot line adjustment, or by a merger of lots, and recorded as one or more whole lot of record.

4. At Least 6,000 Square Feet. A parcel of land having an area of not less than 6,000 square feet which is not in the form of a rectangle conforming to the standards below:

a. All irregularly shaped lots must contain a minimum 20-foot frontage on a public right-of-way, except for parcels of land abutting a public street which shall have a minimum frontage of 40 feet, and except for parcels of land abutting a public cul-de-sac, which shall have a minimum frontage of 30 feet.

b. Any right-of-way used for ingress and egress to buildable portions of irregularly shaped lots shall be unobstructed and shall have a minimum width of 20 feet, and the 20-foot right-of-way shall not be considered for purposes of building site area or building site coverage.

5. Multiple Lots on One Building Site. No developed building site composed of more than one lot of record shall be reduced in size by establishing one of the component lots as a separate site if such action would create or increase nonconformity with respect to the allowable site coverage, floor area ratio, parking, setbacks, site area or other zoning standards for any site involved.

B. Fragment Lots. Lot fragments are portions of lots that do not meet minimum standards for building site area. Some existing parcels and building sites contain one or more lot fragments resulting from past activities such as:

1. Lot line adjustments or subdivisions in which preexisting lot lines, interior to the property, were not removed;

2. Private transactions involving land transfers between parties as in gifts, exchanges, deed transfers, inheritance, etc., which also left lot lines, interior to the property intact; or

3. Designated remainders not divided for the purpose of sale, lease, or financing that were not counted as a parcel for the purpose of fulfillment of requirements for subdivision improvements.

Lot fragments shall not qualify as legal building sites unless joined to whole lots or other fragments to meet minimum building site criteria for size, as established above in this section and recorded as one or more lots of record.

C. Steep Slope Areas. For areas with an average slope greater than 30 percent, the minimum lot size required for new subdivisions shall increase by the following percentages:

1. Slopes Between 30 and 40 Percent. The minimum lot size requirements shall increase by 50 percent.
2. Slopes Between 40 and 50 Percent. The minimum lot size requirements shall increase by 75 percent.
3. Slopes Greater than 50 Percent. The minimum lot size requirements shall increase by 100 percent.

D. Certificates of Compliance. Any person owning real property or vendee pursuant to a contract of sale of real property may request, and a local agency shall determine, whether the real property complies with all applicable City ordinances and the Subdivision Map Act regarding the formation of legal lots. Upon finding that a parcel complies with the requirements for a legal lot under the Subdivision Map Act and local ordinances adopted pursuant to formation of legal lots, the Department of Community Planning and Building shall issue for recordation a certificate of compliance. If the Department determines that the property does not comply with applicable State and City requirements, the Director may impose any conditions that would have been applicable to the division of the property at the time the applicant acquired his or her interest. Upon making a determination of noncompliance and establishing conditions, the City shall cause a conditional certificate of compliance to be filed for recordation with the County Recorder. In addition, the lot configuration described in the conditional certificate of compliance shall be subject to the coastal development permit requirements of Chapter [17.52](#) CMC. Furthermore, any lot configuration described in a [unconditional] certificate of compliance shall be subject to the coastal development permit requirements of the Local Coastal Program (Chapter [17.52](#) CMC) if the division of land that created that configuration occurred subsequent to January 1, 1977, or February 1, 1973, in the case of a division subject to Proposition 20. Compliance with these conditions shall be required prior to City action on any permit for development of the parcel except as otherwise provided in this section. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.10.030 Site Development and Building Standards.

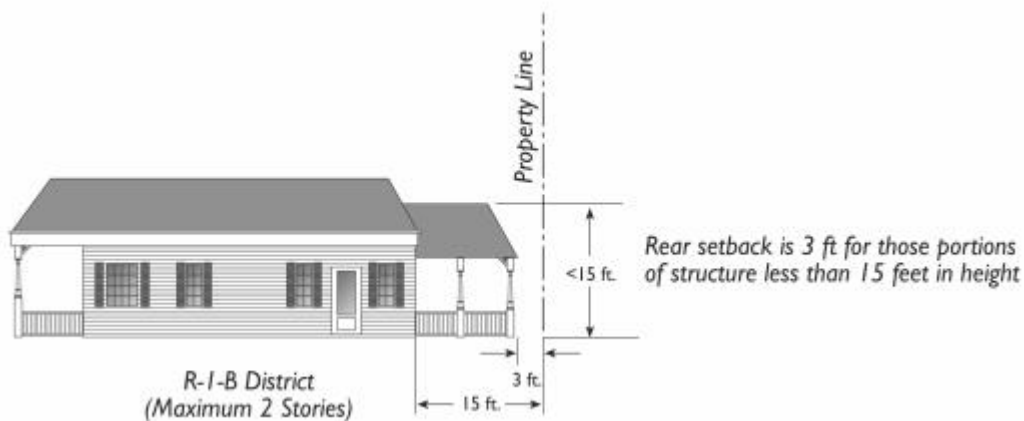
A. Setbacks. Minimum building setbacks shall conform to the standards in Table 17.10-A: Setback Standards for R-1 District.

Table 17.10-A: Setback Standards for R-1 District					
Lot Type	Front Setback (in feet)	Rear Setback* (in feet)	Side Setbacks		
			Composite** (both sides)	Minimum Setbacks (in feet)	
				Interior Side	Street Side
Interior Site	15	15	25% of site width	3	N/A
Corner Site	15	15	25% of site width	3	5
Resubdivided Corner Site	10	15	25% of site width	3	9
Double-Frontage Site	15	N/A	25% of site width	3	5 (if applicable)

* The rear setback is three feet for those portions of structures less than 15 feet in height.

** See CMC [17.10.030\(A\)\(1\)](#) and [17.06.020](#), Rules of Measurement.

Figure II-1: Rear Setback Exception



1. Detached Garages and Carports. To encourage variety and diversity in neighborhood design, detached garages and carports may be authorized by the Planning Commission within rear yard setbacks or front or side yard setbacks facing a street, subject to the following standards:

a. Front or Side Yard Setback Facing a Street. The Planning Commission may authorize a single-car, detached garage or carport not exceeding 12 feet in width, 250 square feet in floor area and 15 feet in height in either the front yard setback or a side yard setback facing a street (but not both) if:

i. At least 50 percent of the adjacent right-of-way is landscaped or preserved in a natural and forested condition to compensate for the loss of open space;

ii. The proposed setback encroachment would not impact significant or moderately significant trees;

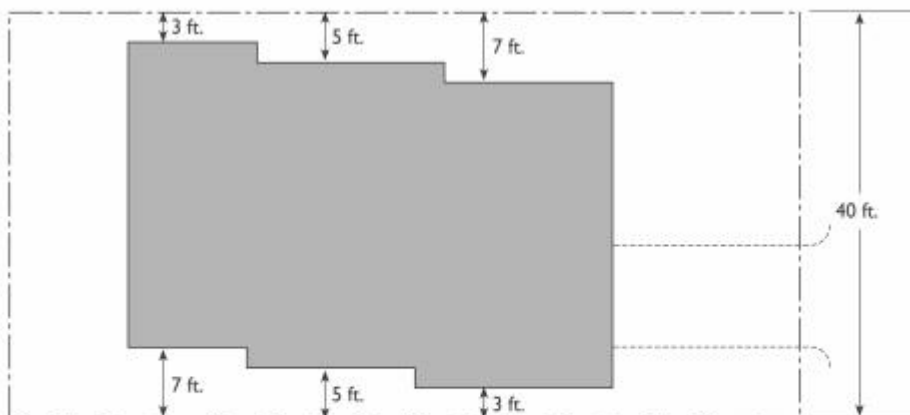
iii. Free and safe movement of pedestrians and vehicles in adjacent rights-of-way is protected;

iv. All development on site will be in scale with adjacent properties and the neighborhood context consistent with adopted design guidelines; and

v. Placement of the garage or carport in the setback will add diversity to the neighborhood streetscape.

b. Interior Side Yard Setback and/or Rear Setback. Detached garages may encroach into an interior side yard setback, rear yard setbacks, or both, if limited to 15 feet in height, the setback encroachment would not impact significant or moderately significant trees, and the garage location/design complies with design guidelines.

Figure II-2: Composite Side Yard Setbacks



Sideyards setbacks may vary throughout the depth of the lot, but shall not be less than 3 feet on either side or equal to less than 25 percent of the lot width on both sides. The above example shows a variety of setback combinations that equal 25 percent of a 40 foot wide lot.

2. Setback Exceptions. The following table identifies allowed exceptions to setbacks in the R-1 district:

Table 17.10-B: Setback Exceptions in R-1 District						
Design Element	Front Setback		Rear Setback		Side Setback	
	Allowed	Limits	Allowed	Limits	Allowed	Limits
Chimneys	Yes	24 in.	No	N/A	No	N/A
Driveway	Yes	N/A	Yes	N/A	Yes	18 in.
Eaves	Yes	24 in.	Yes	18 in.	Yes	18 in.*
Entryway/Porch	No	N/A	No	N/A	Yes	18 in. street side only, uncovered
Fences/Walls/Arbors	Yes	Refer to Table 17.10-G	Yes	Refer to Table 17.10-G	Yes	Refer to Table 17.10-G
Garage/Carport	Yes	Refer to CMC 17.10.030(A) (1)	Yes	Refer to CMC 17.10.030(A) (1)	Yes	Interior side of corner lots only
Garbage Enclosure	No	N/A	Yes	3 ft. from property line	Yes	3 ft. from property line
Ramps	Yes	Max. 4 ft. width	Yes	Max. 4 ft. width	Yes	Max. 4 ft. width
Masonry Stoops and Stairs	No	N/A	No	N/A	Yes	First floor only
Walkways	Yes	Max. width into setback: 4 ft.	Yes	Max. width into setback: 4 ft.	Yes	Max. width into setback: 4 ft.
Terraces	Yes	N/A	Yes	N/A	Yes	N/A
Window Wells	No	N/A	Yes	3 ft. from property line**	Yes	3 ft. from property line**

* Eaves shall not encroach into any minimum side yard for more than 20 linear feet per side.

** All window wells that encroach into setbacks shall meet the minimum length, depth, and width requirements for egress and access to light.

B. Height Limits. The following height standards apply to the R-1 district. Where conflicts between two or more of these standards occur, the more restrictive limits shall apply.

Table 17.10-C: Maximum Height Standards			
	R-1 District	R-1-BR District	R-1-PO District
Number of Stories Allowed	2	2	1*
Roof Height of First Story (in feet)	18	18	18
Plate Height of First Story (in feet)	12	12	12
Roof Height of Second Story (in feet)	24	18	24*
Plate Height of Second Story (in feet)	18	18	18*

* See CMC [17.20.100](#), Required Planning Commission Review, and CMC [17.20.110](#), Review Criteria.

Figure II-3: Maximum Heights



1. Chimneys. Fireplace chimneys and vents, including caps, shall be no higher than required by the UBC and shall not exceed four feet in height above the building height. Chimneys, vents or chimney enclosures which project above a roofline, flat deck or parapet wall shall also be subject to the following standards.

a. Maximum horizontal dimension: three feet and four inches. No cap or ornament shall exceed 24 inches in any horizontal dimension.

i. Exception: three feet and six inches for double-flue chimneys.

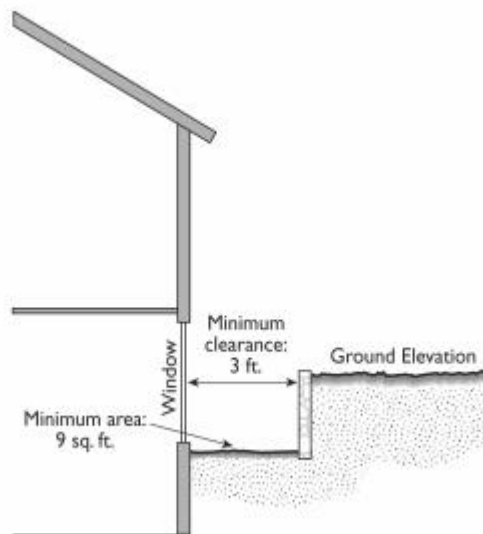
b. Chimneys shall not contain any storage space, access openings or other uses unrelated to the vent function of the chimney.

C. Site Coverage. Impermeable site coverage, as defined in Chapter [17.70](#) CMC, shall be limited to a maximum of 22 percent of the base floor area allowed for the site (Note: on a 4,000 square-foot site this equals 396 square feet or 10 percent of the site).

1. Exemptions.

a. Building Projections. Structural elements that project out from building walls including oriel windows, eaves, balconies, overhangs and similar structural elements are exempt from site coverage calculations if limited to a projection of 18 inches or less. Window wells providing emergency egress shall provide at least three feet of clearance from the window opening and nine square feet in area unless otherwise determined by the Building Official. The ground area of each window well shall be fully counted as site coverage.

Figure II-4: Window Well



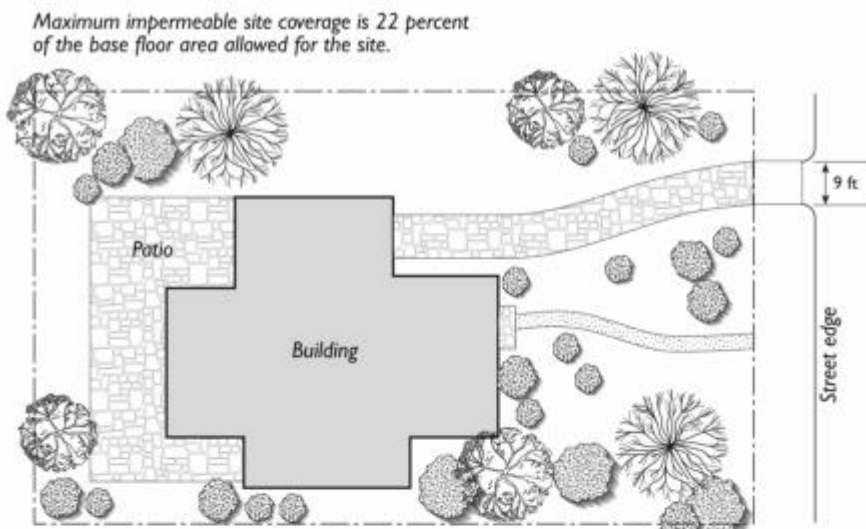
b. Additional Site Coverage for Driveways. If at least 50 percent of all site coverage on the property is made of permeable or semi-permeable materials, an additional amount of site coverage of up to four percent of the site area may be allowed for use in a single driveway of up to nine feet in width.

c. Flag Lots. The paving of private roads or the paving on the “pole” of a flag lot are exempt from site coverage limits.

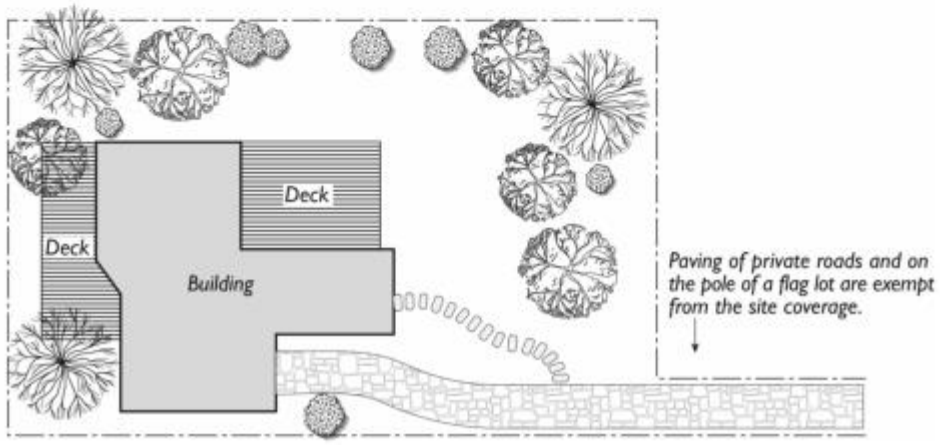
2. Nonconforming Site Coverage. Sites not in compliance with site coverage limits shall not be authorized to increase site coverage. Sites with excess coverage may add floor area consistent with subsection (D)(3) of this section, Exterior Volume, only when:

- a. The site complies with the R-1 district tree density provisions established in CMC [17.48.080\(A\)](#) and all existing and new trees have sufficient space to protect the root zones and provide for new growth; and
- b. Excess site coverage will be reduced at a rate equal to two times the amount of floor area added to the site, or to an amount that complies with the site coverage limits, whichever is less.

Figure II-5: Maximum Site Coverage



An additional amount of site coverage (up to 4 percent of the site area) may be allowed for a driveway up to 9 feet in width if at least 50 percent of all site coverage on the property is made of permeable or semi-permeable materials.



D. Floor Area Ratio and Exterior Volume.

1. Floor Area. "Floor area" means the total gross square footage included within the surrounding exterior walls of all floors contained within all enclosed buildings on a building site whether finished or unfinished. In above-ground spaces, floor area is measured at the exterior of the enclosing walls. In basement spaces, floor area is measured at the interior of the enclosing walls. Floor area shall include, but shall not be limited to, all floors of all enclosed spaces within all building, basements, mezzanines, guesthouses, studios, garages and carports. All attic, basement and storage shed spaces with five or more feet of clearance between the floor or walking surface and the ceiling or roof surface shall be counted as floor area. All required parking shall be counted as floor area, whether supplied by garage, carport or other means.

2. Maximum Floor Area. The maximum potential floor area on a site is the sum of the base floor area plus any bonus floor area. The actual floor area that will be permitted on each site is dependent on site constraints and compliance with the design objectives for the R-1 district. The maximum floor area will not be achievable on sites with constraints such as slopes, significant trees, unusual shape or difficult access. For sites with an average slope greater than 30 percent, the maximum allowed base floor area and exterior volume shall be reduced by two percent for each one percent increase in average slope above 30 percent up to a maximum reduction of 50 percent (See CMC [17.06.020\(D\)](#), Determining Buildable Area).

a. Sites Less Than 4,000 Square Feet. On sites of 4,000 square feet or less in area, the maximum base floor area shall not exceed 45 percent of the area of the building site.

b. Sites Between 4,000 and 10,000 Square Feet. On sites between 4,000 square feet and 10,000 square feet, the base floor area shall be calculated as follows:

Building Site Area	X	0.45 –	$\frac{((\text{Sq. Ft. Over } 4,000) \times 0.02)}{1,000}$	=	Base Floor Area
--------------------	---	--------	--	---	-----------------

c. Sites Larger Than 10,000 Square Feet. For sites larger than 10,000 square feet the base floor area shall be as stated in Table 17.10-D. For building sites of a size between two entries in the table, the base floor area shall be prorated using a straight, arithmetic

projection between entries. The maximum allowed floor area on any building site 22,000 square feet or larger shall not exceed 6,000 square feet.

Table 17.10-D lists base floor area for common lot sizes.

Table 17.10-D: Base Floor Area and Bonus Floor Area Standards for Typical Lots			
Site Area	Base Floor Area	Maximum Bonus Floor Area	Maximum Total Floor Area*
4,000	1,800	600	2,400
5,000	2,150	717	2,867
6,000	2,460	820	3,280
7,000	2,730	910	3,640
8,000	2,960	987	3,947
9,000	3,150	1,050	4,200
10,000	3,300	1,100	4,400
11,000	3,450	1,150	4,600
12,000	3,600	1,200	4,800
13,000	3,735	1,245	4,980
14,000	3,870	1,290	4,160
15,000	4,005	1,335	5,340
16,000	4,140	1,380	5,520
17,000	4,255	1,418	5,673
18,000	4,370	1,457	5,827
19,000	4,485	1,495	5,980
*The "maximum total floor area" equals the base floor area plus the bonus floor area. The numbers in this column would require half of the total floor area to be located in a basement.			

d. Other Provisions.

i. Required Parking. On each site, a minimum of 200 square feet of base floor area and 2,200 cubic feet of exterior volume shall be reserved for each required parking space whether provided by means of a garage, carport or parking pad. Inability to provide on-

site parking shall not authorize more floor area or exterior volume for other purposes in lieu of parking.

ii. Unbuildable Areas. Those portions of a property that are not counted as part of the building site or that are unbuildable (i.e., exclusive easements, private roads, the “pole” of a flag lot, etc.) shall first be deducted from the site lot area when calculating base floor area.

iii. Interior Stairways. Interior stairways connecting a first story with a second story shall be counted as floor area on only one of the two floors the stair connects. This floor area shall be considered two-story for purposes of determining volume.

iv. Bonus Floor Area – Basement Incentive. Each site shall be allowed 100 square feet of floor area, located in a basement that is exempt from the floor area limit established in this section. This basement floor area shall be in addition to the allowed base floor area total.

3. Exterior Volume.

a. General Provisions. The maximum allowable exterior volume is the total allowed base floor area for the site multiplied by the volume factors in Table 17.10-E. (See also CMC [17.06.020](#) (G), Exterior Volume).

Table 17.10-E: Exterior Volume Factors for R-1 District		
	Maximum Exterior Volume (Cubic Feet) Per Square Foot of Floor Area	
	One-Story Elements of the Building	Two-Story Elements of the Building
Located under a pitched or sloping roof greater than 3:12 pitch	12	11
Located under a flat roofed area of the building 3:12 or less pitch	11	10

b. Volume Option for Additions. It is recognized that existing homes built prior to 2003 may not have been designed to comply with volume standards. For these homes the following option is available: additions of floor area, whether attached or detached, may be approved through design review without determining compliance with the exterior volume standard for

the entire site. Instead, the addition(s) shall comply with the applicable volume factor (from the table above), only for the specific floor area contained in the addition(s). This option applies only to the specific location of the addition. No alteration affecting other parts of the building shall be approved through this option. Projects for which applicants have not chosen this option shall be reviewed using volume limits for the entire site.

c. Changes in Design with Limited Affect on Volume. The Director may waive the requirement for a determination of total exterior volume for any changes in design if the volume being added by all of the proposed changes would not exceed two percent of the total allowed volume for the site. The cumulative total volume of changes constructed after February 6, 2003, using such waivers shall not exceed this two percent limit.

4. Bonus Floor Area. The City provides an incentive to use some of the base floor area and exterior volume in a basement. The result of this incentive is to reduce above-ground floor area and reduce exterior volume for sites awarded bonus floor area in basements. Under this incentive program, the area required for a minimal stairway from the first floor to the basement shall not be counted as floor area on either floor the stair connects.

a. One-Story. For each one square foot of the base floor area constructed in a basement and 12 cubic feet of allowed exterior volume not built above average grade, one additional square foot of bonus floor area may be constructed in a basement.

b. Two-Story. For each one square foot of the base floor area constructed in a basement and 11 cubic feet of allowed exterior volume not built above average grade, one additional square foot of bonus floor area may be constructed in a basement. (See bonus basement floor area as shown in Table 17.10-F).

c. The limits on the amount of volume that may be built in a basement are the defined interior ceiling height for basements and the requirement that all basement space shall be located within the perimeter established by the exterior, above-ground walls of the primary dwelling on the site. A basement shall not extend into any open space or yard area outside the building footprint without it counting as above-ground floor area.

d. On some sites, or areas within a site, excavation may be inappropriate due to tree roots or other constraints and the bonus floor area will not be achievable. Bonus floor area is not available to sites nonconforming with respect to any floor area or parking regulation.

Floor Area Above Ground	Base Floor Area in Basement	Bonus Basement Floor Area	Maximum Exterior Volume**		Total Floor Area
			One Story	Two Story	
1,800	0	0	21,600	19,800	1,800
1,600	200	200	19,200	17,600	2,000
1,500	300	300	18,000	16,500	2,100
1,400	400	400	16,800	15,400	2,200
1,300	500	500	15,600	14,300	2,300
1,200	600	600	14,400	13,200	2,400

* For 4,000 square foot site where base floor area equals 1,800 square feet.

** Exterior volumes for the two-story column assume both floors are of equal size. The allowed exterior volume of a building that is partially one story and partially two stories will have a value that is between the one and two story columns and will be unique for each design based on how much is one story and how much is two story (See Bonus Basement Floor Area Worksheet).

E. Fences and Walls.

1. Height. Fences and walls meeting the standards in Table 17.10-G may be approved through track one design review. Approval of taller fences and walls require approval from the Planning Commission.

Design Element	Setback Location			
	Front Setback	Side Setback	Side Setback Facing Street	Rear Setback
Fence	4 feet*	6 feet	4 feet*	6 feet
Garden Wall	3 feet*	6 feet	3 feet*	6 feet
Retaining Wall	3 feet**	6 feet	3 feet**	6 feet
Pillars and Gates	6 feet	N/A	6 feet	N/A
Arbor/Trellis	7 feet	7 feet	7 feet	7 feet

* These limits shall not be altered through Design Review by the Planning Commission.

** Up to six feet may be allowed for retaining walls that are not visible from the street. See CMC [17.10.030\(E\)](#) (4).

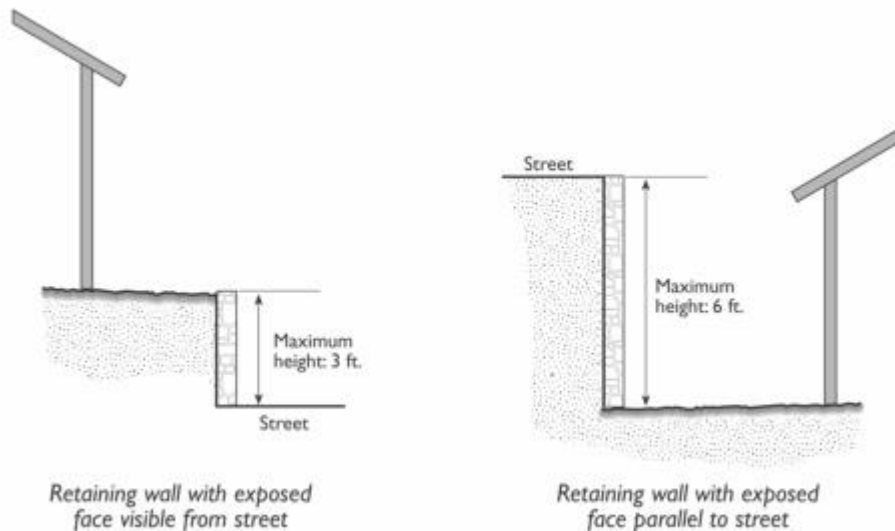
2. Reconstruction of Nonconforming Fences and Walls. Existing fences and walls may be rebuilt if damaged or deteriorated without conforming to current height limits upon submittal of plans and photographs documenting existing heights and materials prior to demolition. The director may approve the rebuilding as long as heights are not increased.

3. New Fences and Walls. New fences and walls on corner lots shall be reviewed by the Building Official in consultation with the Police Department to ensure a safe line of sight for intersecting lanes of traffic.

4. Retaining Walls. Retaining walls in front setbacks or side setbacks facing a street are permitted as follows:

- a. Retaining walls with the exposed face visible from the street shall have a maximum height of three feet.
- b. Retaining walls with the exposed face parallel to the street and facing the interior of the property site shall have a maximum height of six feet.
- c. Exceptions to these height limits shall require Planning Commission approval.

Figure II-5: Retaining Walls



F. On-Site Parking Requirements. Required parking spaces shall be provided by a garage, carport or parking pad measuring at least 10 feet by 20 feet having practical ingress and egress for a vehicle.

Tandem parking is allowed in this district. All required parking shall be provided on-site and shall be counted as floor area and exterior volume.

1. Required Parking Spaces.

a. Dwellings. One parking space per primary dwelling on sites of 8,000 square feet or less in area. Two parking spaces per primary dwelling on sites larger than 8,000 square feet in area.

b. Guesthouses. One space per guesthouse.

c. Accessory Dwelling Units. Sites with Class II accessory dwelling units shall provide a minimum of one parking space on-site at the time of approval. Upon enlargement or improvement of a Class II unit there shall be one parking space each for the primary dwelling on the site and for the accessory dwelling unit. Improvements to accessory dwelling units are allowed even if one or both parking spaces encroaches into a setback. Sites with Class III or IV accessory dwelling units shall provide one parking space behind all setbacks for the accessory dwelling unit and shall comply with all parking requirements established in Chapter [17.38](#) CMC, Off-Street Parking Requirements, for other development on the site.

2. Additional Requirements.

a. Parking required for conditional uses shall be established when the use permit is issued, but shall be no less than for equivalent uses in the commercial district;

b. Each required parking space shall conform to setback standards unless an exception or variance applies. Driveways may encroach into setbacks;

c. On sites of less than 6,000 square feet, only a single-car width garage door shall face the street. Wider garage doors on such lots may be authorized if the door is integrated into the house and adjacent wall surfaces (i.e., same materials and color) or set back at least 50 percent into the depth of the lot;

d. Developed building sites not meeting parking standards shall be considered nonconforming. No building permits authorizing any demolition, floor area addition or increase in exterior volume exceeding two percent of allowed volume shall be issued unless one or more of the following applies:

i. The proposed plans for construction will achieve compliance with all parking standards; or

ii. The building permit is for repairs only, or is for alterations involving no expansion of floor area and the valuation of the work would not exceed 25 percent of current construction costs for replacement of the building.

G. Outdoor Antennas. Except as provided in Chapter [17.46](#) CMC, Telecommunications and Wireless Facilities, all outdoor antennas, including satellite dishes, shall conform to the following:

1. Maximum Number. One antenna per building site.
2. Maximum Height. No part of any antenna shall exceed the height limits in the underlying land use district or overlay zone. Roof-mounted antennas serving a single property are allowed if they are mounted below the ridgeline and are not visible from any street.
3. Minimum Setbacks. Ground-mounted antennas and support structures shall be at least three feet from any property line. No antennas or support structure shall be located in any setback facing a street.
4. Screening. All ground- or wall-mounted antennas shall be screened or camouflaged by walls, color, fences or landscaping. (Ord. 2017-10 § 2, 2017; amended during 8/09 update; Ord. 2009-07 Att. A, 2009; Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.10.040 Lot Mergers.

A. Mergers Initiated by the City. As provided for in the Subdivision Map Act of the State of California, the City may merge two or more contiguous parcels or units of land that are under the same ownership if any one of the parcels or units does not conform to the building site standards contained in this chapter and all of the following requirements are met:

1. At least one of the parcels is undeveloped by any structure, or is developed only with one or more accessory structures, or is developed with a single structure other than an accessory structure that is also partially sited on a contiguous parcel or unit.
2. With respect to any affected parcel or unit, one or more of the following conditions exist. The parcel or unit:
 - a. Is comprised of less than 5,000 square feet in area at the time of the determination of merger; or
 - b. Was not created in compliance with the applicable laws and ordinances in effect at the time of its creation; or

- c. Does not meet standards for water supply (See Chapter [17.50](#) CMC, Water Management Program); or
- d. Has a slope in excess of 30 percent; or
- e. Has no legal access adequate for vehicular and safety equipment access and maneuverability; or
- f. If developed would create health or safety hazards; or
- g. Is inconsistent with the General Plan Coastal Land Use Plan, or any applicable specific plan, other than minimum lot size or density standards.

3. Regulatory Merger Procedure. The procedures for mergers shall follow the requirements established in the Subdivision Map Act of the State of California at the time of the merger.

B. Mergers Requested by Property Owners.

1. Merger of Substandard Lots and/or Lot Fragments. A property owner may request a merger to consolidate lots and/or lot fragments as defined by this code to create a single parcel that meets the requirements for a legal building site in the district where the property is located. Such request shall be in writing and shall be accompanied by such information as required by the Director and a fee established by the City Council. The Director may approve a request for merger without public notice or a hearing. Approvals shall be subject to conditions necessary to achieve compliance with the General Plan and other applicable regulations. The Director's decision may be appealed to the Planning Commission as provided for in Chapter [17.54](#) CMC, Appeals, and the Subdivision Map Act. Upon approval, the City shall cause to be filed a determination of merger with the County Recorder.

2. Other Owner-Initiated Mergers. The City encourages the merger of small lots into larger lots to promote diversity in design and housing size and to preserve open space. Two or more contiguous lots of record, each of which would individually meet the standards for development as a building site, may be merged through the filing of a voluntary merger request by the owner(s). Upon approval of such a merger by the Department of Community Planning and Building, and recording of merger documents or maps with the County Recorder, the following incentives become available to the property:

- a. Allowed base floor area may be increased by three percent of site area, beyond the standard specified in CMC [17.10.030\(D\)](#), Floor Area Ratio and Exterior Volume. A

commensurate amount of additional exterior volume also shall be allowed.

b. Guesthouses or accessory dwelling units may be built with 100 square feet more floor area than is specified in CMC [17.08.050](#)(C), Guesthouses and [17.08.050](#)(G), Accessory Dwelling Units.

c. Up to 2.5 percent of additional site coverage is allowed if the site complies with the City's tree density standards.

d. One additional accessory structure is allowed for a total of three accessory structures on the site.

C. Voluntary Waiver of Subdivision Rights. Any owner of a lot of record that is two or more times the minimum lot size for the underlying land use district may grant a permanent easement to the City, voluntarily waiving all future rights to apply for, and receive approval for, any subdivision of land to create additional building sites. Upon approval by the Department of Community Planning and Building and proper recording of easement documents with the County Recorder, the incentives established in this section for merged lots become available to the property. (Ord. 2017-10 § 2, 2017; Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.10.050 Floodplain Development.

A. Parcels shown on Plate 2 of Floodplain Information, Carmel River, Monterey County, California (U.S. Army Corps of Engineers, San Francisco District, May 1967), are considered to be in a floodplain.

B. Any new building or addition to an existing building located in a floodplain shall establish the first floor level at least one foot higher than the elevation of the standard project flood, or in the case of nonresidential structures, the elevation to which the building has been flood protected. Documentation verifying compliance shall be certified by a civil engineer registered in the State and shall accompany the building permit for the proposed construction. All elevations shown on the plans shall be referenced to mean sea level. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.10.060 Residential Design Guidelines.

The City Council shall maintain design guidelines to implement the design objectives outlined in CMC [17.10.010](#), Purpose and Design Objectives. The Planning Commission and the Department of Community Planning and Building shall use these Guidelines to review proposed construction. Designs that conflict with municipal code standards or which fail to achieve reasonable compliance with the adopted R-1 design objectives shall not be approved. (Amended during 8/09 update; Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.10.070 Review of Plans.

All proposed site development, exterior alterations, rebuilding, rehabilitation and new construction shall require design review. The dimensional standards established in this chapter (e.g., height, setbacks, coverage, floor area) represent maximum or minimum limits and will not be achievable on every site. Design review involves discretion and judgment regarding the appropriateness of each design within the context of site constraints and neighborhood character. See Chapter [17.58](#) CMC, Design Review. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.10.080 Additional Use Regulations.

Development, as defined in Chapter [17.70](#) CMC, shall not interfere with the public's right of access to the sea by eliminating free public beach parking along San Antonio Avenue between 2nd Avenue and Santa Lucia or along any street rights-of-way west of San Antonio. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

¹ Prior legislation: Ords. 85-18, 85-35, 86-3, 87-14, 87-22, 87-24, 87-28, 88-22 (urgency), 88-24, 89-2, 89-13, 89-17, 89-20 (urgency), 89-37, 89-39, 90-8, 90-13, 91-9, 91-10, 91-13, 91-14, 93-3, 93-4, 93-25, 95-7, 97-6, 98-8, 98-14, 2001-03, 2002-10 and 2003-01.

The Carmel-by-the-Sea Municipal Code is current through Ordinance 2022-03, passed November 1, 2022.

Disclaimer: The city clerk's office has the official version of the Carmel-by-the-Sea Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://ci.carmel.ca.us/>

City Telephone: (831) 620-2000

[Code Publishing Company](#)