



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

Mayor Dale Byrne, Councilmembers Jeff Baron, Hans Buder, Bob Delves, and Alissandra Dramov
Contact: 831.620.2000 www.ci.carmel.ca.us

All meetings are held in the City Council Chambers
East Side of Monte Verde Street
Between Ocean and 7th Avenues

REGULAR MEETING Tuesday, April 1, 2025

HYBRID MEETING ATTENDANCE OPTIONS

This meeting will be held in person and via teleconference ("hybrid"). The public is welcome to attend the meeting in person or remotely via Zoom, however, the meeting will proceed as normal even if there are technical difficulties accessing Zoom. The City will do its best to resolve any technical issues as quickly as possible. To view or listen to the meeting from home, you may also watch the live stream on the City's YouTube page at: <https://www.youtube.com/@CityofCarmelbytheSea/streams>. To participate in the meeting via Zoom, copy and paste the link below into your browser.

<https://ci-carmel-ca-us.zoom.us/j/86890317537> Webinar ID: 868 9031 7537 Passcode: 100836 Dial in: (253) 215-8782

HOW TO OFFER PUBLIC COMMENT

The public may give public comment at this meeting in person, or using the Zoom teleconference module, provided that there is access to Zoom during the meeting. Zoom comments will be taken after the in-person comments. The public can also email comments to cityclerk@ci.carmel.ca.us. Comments must be received at least 2 hours before the meeting in order to be provided to the legislative body. Comments received after that time and up to the beginning of the meeting will be made part of the record.

OPEN SESSION 4:30 PM

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

EXTRAORDINARY BUSINESS

- A. Carmel High School Report Out (Estimated time - 5 min)
- B. Non-Profit Spotlight - Healing Waters (Estimated time - 10 min)

PUBLIC APPEARANCES

Members of the public are entitled to speak on matters of municipal concern not on the agenda during Public Appearances. Each person's comments shall be limited to 3 minutes, or as otherwise established by the Chair. Persons are not required to provide their names, however, it is helpful for speakers to state their names so they

may be identified in the minutes of the meeting. Under the Brown Act, public comment for matters on the agenda must relate to that agenda item and public comments for matters not on the agenda must relate to the subject matter jurisdiction of this legislative body. If a member of the public attending the meeting remotely violates the Brown Act by failing to comply with these requirements of the Brown Act, then that speaker will be muted.

ANNOUNCEMENTS (Estimated time - 5 min)

- A. City Administrator Announcements
- B. City Attorney Announcements
- C. Councilmember Announcements

ORDERS OF BUSINESS

Orders of Business are agenda items that require City Council, Board or Commission discussion, debate, direction to staff, and/or action.

1. Draft Agreement with Carmel Public Library Foundation Regarding Harrison Memorial Library Centennial Restoration Project and Draft Agreement with Architectural firm Moore Ruble Yudell
2. Receive Staff presentation regarding street addresses; the presentation will include an overview of a draft street address system implementation plan and a draft community engagement plan, a legal analysis by the City Attorney regarding street identification and City Options, and estimated costs and timelines for elections (ballot measure); Discussion item only and no action by City Council is proposed at this meeting.
3. Receive the Fiscal Year 2025-2026 Fee Schedule for Administrative Services, Community Planning and Building, Public Safety, Public Works, Community Activities and Library services

PUBLIC HEARINGS

4. Consideration of an Appeal (APP 25034 (Faia) of the Planning Commission's decision to Approve a Track 1 Design Study referral (DS 24203, 24216, 24217 (Faia)) with conditions for the replacement of the wood shake roof of a two-story single-family residence located on the Northeast corner of Torres and 2nd Avenue in the Single-Family Residential (R-1) District. APN: 010-101-021, 010-101-020, & 010-101-012.
CEQA Action: Find denying of the Appeal and upholding the Planning Commission's approval of a Track 1 Design Study categorically exempt from environmental review pursuant to CEQA Guidelines Section 15301 and no exceptions listed under Section 15300.2 can be made in this case.
5. Consideration of an Appeal (APP 25038, Brown) by Dorothy Jernstedt, for the Approval of a Combined Concept and Final Design Study (DS 24164, Brown), and associated Coastal Development Permit for substantial alterations to an existing single-family residence, and Variance (VA 24263, Brown) for modifications to maximum site coverage regulations located at Scenic Road 3 southeast of 12th Avenue located in the Single Family Residential (R-1) Zoning District, Beach and Riparian (BR) Overlay, and Park (P) Overlay (APN: 010-292-011).
6. **APP 25038 (Lim):** Consideration of an Appeal (APP 25038, Lim) by Hastings

Construction on behalf of Liyoong Lim, for the Denial of a Track 2 Design Study and associated Coastal Development Permit, DS 22-057 (Lim) for the demolition of an existing 1,053 square-foot, one-story single-family residence, inclusive of a 205 square-foot detached garage, and the construction of a 1,793 square-foot, two-story single-family residence, inclusive of a 288 square-foot attached garage, located at Casanova Street 2 southeast of Palou Avenue in the Single-Family Residential (R-1) District, Archaeological Significance (AS) Overlay, and Beach/Riparian (BR) Overlay. APN: 010-225-003-000

FUTURE AGENDA ITEMS

ADJOURNMENT

7. Correspondence Received After Agenda Posing

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7th Avenue, Harrison Memorial Library, located on the NE corner of Ocean Avenue and Lincoln Street, the Carmel-by-the-Sea Post Office, 5th Avenue between Dolores Street and San Carlos Street, and the City's webpage <http://www.ci.carmel.ca.us> in accordance with applicable legal requirements.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this agenda, received after the posting of the agenda will be available for public review at City Hall located on Monte Verde Street between Ocean and Seventh Avenues during regular business hours.

SPECIAL NOTICES TO PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 831-620-2000 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102-35.104 ADA Title II).



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

April 1, 2025
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Brian Pierik, City Attorney
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Draft Agreement with Carmel Public Library Foundation Regarding Harrison Memorial Library Centennial Restoration Project and Draft Agreement with Architectural firm Moore Ruble Yudell

RECOMMENDATION:

1. Motion to approve Draft Agreement with Carmel Public Library Foundation Regarding Harrison Memorial Library Centennial Restoration Project ("Project").
2. Motion to approve Draft Agreement with Architect for Project Moore Ruble Yudell (if available).

BACKGROUND/SUMMARY:

I. HARRISON MEMORIAL LIBRARY

Library service in Carmel-by-the-Sea began in 1906, when the Carmel Free Library Association began lending books from a little redwood building. For a fee of one dollar per year, people could borrow any one of 500 books from the Association's "Reading Room" heated by a wood burning stove.

The Harrison Memorial Library building opened in 1928 and was built by local contractor M.J. Murphy with input from California architect Bernard Maybeck, and financed by a bequest from Ella Reid Harrison as a memorial to her husband, California Supreme Court Justice Ralph Chandler Harrison.

The Library has had two additions: one in 1949, followed by another expansion in the 1970's. In 1988, the Crocker Bank located on the corner of Mission Street and 6th Avenue, 3 blocks away from the Harrison Library was purchased by Mayor Clint Eastwood to serve as the Children's Library and Local History repository.

The Library is a City Department and as such adheres to all City policies and procedures. The Library is governed by the Harrison Memorial Library Board of Trustees, appointed by the City Council, who approve the annual operating budget, approve and enforce library specific policies, have oversight of both Library facilities.

The Library has three funding sources: (1) The City of Carmel-by-the-Sea which funds staff salaries and building maintenance for both library buildings; (2) The Friends of Harrison Memorial Library which formed in 1971 and raises funds to support operations; and (3) The Carmel Public Library Foundation which was established in 1990 and provides for the majority of the Library's operating budget and additional special projects from time to time.

II. CARMEL PUBLIC LIBRARY FOUNDATION

The Carmel-By-The-Sea Public Library Foundation (“Foundation”) was established in 1989 with the mission to keep the library open, relevant and thriving and to ensure free library service in perpetuity by providing funding for books, materials, programs, equipment and services.

In 1992, the City recognized the Carmel Public Library Foundation as an official City Support Group which are defined in Policy C89-47 as “associations of individuals who have voluntarily joined together in a unit whose sole or primary purpose is to provide assistance – monetary, social, cultural or otherwise – but not political – to the City or one of its departments.”

Over time, the Foundation, in collaboration with the City and the Harrison Memorial Library Board of Trustees, has played a significant role in nurturing a thriving public library. This partnership has been crucial in meeting the diverse informational, educational, and cultural needs of Carmel’s residents.

Additionally, the Foundation has funded special projects such as the Gathering Place project which provided a free meeting space for the community for the first time in many years (Cost estimated at approximately \$400,000) and Park Branch lobby renovation project (Cost estimated at approximately \$40,000 with contributions from the Rotary Club).

The Foundation is currently proposing to fund the Harrison Memorial Library Centennial Restoration Project (“Project”). The Project is intended to provide seismic, accessibility, technology and systems upgrades for the Harrison Memorial Library. It is staff’s understanding that the estimated Project costs including Architect Services and Construction Costs will be in the range \$15 million to \$20 million. However, the City has not entered into a contract with the Architect or the Construction Contractor so the Project costs are not known at this time. The Architect will be requested to prepare an Engineer’s estimate which will help inform the Construction Costs, but the bids the City receives for the Construction work could be less, or more, than the Engineer’s estimate.

III. CITY COUNCIL ACTIONS

January 8, 2024: A Staff Report was presented to the Council with a proposed Resolution reaffirming the City’s public-private partnership with the Carmel Public Library Foundation. At that meeting, the Council adopted Resolution No. 2024-02 A Resolution of the City Council of the City of Carmel-by-the-Sea Reaffirming the City’s Public-Private Partnership with the Carmel Public Library Foundation (Attachment 1).

July 8, 2024: A Staff Report was presented to the Council to receive and review the Request for Proposal for Architectural Services for the Harrison-Memorial Library. The City Council approved a Motion for Library Director Wright to return in August with a list of the Library Master Plan RFP evaluators, amend the RFP specifically in the criteria section calling out the necessity of a library consultant for the Project, and an agreement between the City and the Foundation outlining the Project funding obligations for Council approval.

August 6, 2024: A Staff Report was presented to the Council to Review the Request for Proposals (RFP) for Architect Services for the renovation of the Harrison Memorial Library and the list for the Architect Selection Committee. The Council approved a Motion to release the RFP for Architect Services for the renovation of the Harrison Memorial Library; approve the list of 19 people on the Architect Selection Committee; that the Foundation will enter into an agreement with the City to secure funding for the Project once the architect is selected; and acknowledge that the Foundation has committed to funding \$250,000 towards the initial architectural services agreement.

August 8, 2024: Request for Proposals for Architectural Services For The Harrison Memorial Library Renovation Project (RFP) was issued by the City. The City received six Proposals in response to the RFP. The City has not entered into a contract with any of the Proposers who responded to the RFP pending the City and Foundation entering into an Agreement as directed by the City Council on July 8, 2024.

February 4, 2025: A Staff Report was presented to the Council for discussion of a Draft Agreement presented by the Foundation regarding the Project. At that meeting, the Council gave direction regarding proposed revisions to the Draft Agreement to be discussed with the Foundation.

IV. DRAFT AGREEMENT REGARDING HARRISON MEMORIAL LIBRARY CENTENNIAL RESTORATION PROJECT

Since the City Council meeting on February 4, 2025, as directed by the City Council, there have been

discussions with the Foundation regarding revisions to the Draft Agreement. Attached is a revised Draft Agreement with the Foundation (Attachment 2). This Draft Agreement with the Foundation includes provisions regarding contract administration, approval processes, funding for the services of the Architect, funding for the Construction Contractor and other terms. This Draft Agreement addresses the issues that were present in the previous Draft Agreement that was presented to the Council at its meeting on February 4, 2025.

V. HARRISON MEMORIAL LIBRARY BOARD OF TRUSTEES

On March 20, 2025, there was a special meeting of the Harrison Library Board of Trustees to discuss the draft Agreement with the Foundation. The Board was requested to provide any comments to the City Council regarding the draft Agreement.

There was a discussion at this Board meeting about the relocation of the library during the Project construction work. Due to the potential for relocation during construction, the Board previously formed an ad hoc Committee to study relocation. At this time, the Committee has not yet determined a location or the cost to relocate, but the Committee is continuing its work. The Draft Agreement with the Foundation does provide in Section 11.1 as follows: Relocation Cost. Project Costs shall include relocations costs for an alternate library location during construction, if the Parties make a final decision that relocation is required during construction.

At the Board meeting on March 20, 2025, the Board unanimously approved a motion to forward the Draft Agreement with the Foundation to the City Council.

VI. DRAFT AGREEMENT WITH MOORE RUBLE YUDELL ARCHITECTS

The Architectural firm of Moore Ruble Yudell Architects was one of many firms which responded to the Request for Proposal that was issued by the City on August 8, 2024. The Moore firm has been recommended for selection as the Architect for the Project by the Architect Selection Committee which included local residents, City and Foundation representatives and experts in architecture and history. The Proposal submitted by the Moore firm notes that for over forty years, the Moore firm has completed a wide array of renovations and restorations of important historic architecture. These have included award winning libraries in Tacoma, Los Angeles, and Berkeley as well as many civic and educational buildings which were essential to their communities. In each case, a legacy building was revitalized to become a treasured focus of civic life.

Buzz Yudell is the proposed Design Partner for the Project. As a member of the Society of Architectural Historians, Mr. Yudell has had a longstanding commitment to the preservation and renewal of Moore's cultural legacy. As a Trustee of the British Architecture Library Trust, Mr. Yudell has been able to support the world's pre-eminent collection of architectural books, drawings, and ephemera, assisting with outreach, fundraising and the dissemination of the collection.

Mr. Yudell will be working in close collaboration with Chris Hamilton as Principal-in-Charge, Clover Linne as Project Manager, and Kaoru Orime as Project Designer who are nearing completion on the very sensitive renovation of the 1929 UCLA Powell library historic main library. This technically complex and aesthetically sensitive project is tracking under budget. It represents an extension of Moore's original renovation of 1987. The City and the Foundation are currently in discussions regarding a Draft Agreement with the Moore firm for the Project. If time permits, the Draft Agreement with the Moore firm will be presented to the City Council for approval at its meeting on April 1, 2025.

If the Draft Agreement with the Moore firm is not available by the April 1, 2025 City Council meeting, then the Draft Agreement will be presented to the City Council at a future Council meeting.

VII. RECOMMENDATIONS

1. Motion to approve Draft Agreement with Carmel Public Library Foundation Regarding Harrison Memorial Library Centennial Restoration Project ("Project").
2. Motion to approve Draft Agreement with Architect for Project Moore Ruble Yudell (if available).

FISCAL IMPACT:

No direct fiscal impact for this action.

PRIOR CITY COUNCIL ACTION:

January 8, 2024: City Council Adoption of Resolution No. 2024-002

July 8, 2024 through February 4, 2025: City Council direction to staff as described above in this Staff Report

ATTACHMENTS:

Attachment 1 - Council Resolution 2024-002 A Resolution of the City Council of the City of Carmel-by-the-Sea Reaffirming the City's Public-Private Partnership with the Carmel Public Library Foundation.

Attachment 2 - Draft Agreement with Carmel-by-the-Sea Public Library Foundation

Attachment 3 - Resolution 2025-033

Attachment 4 - Presentation materials BOT 02-2025

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

RESOLUTION NO. 2024-002

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
REAFFIRMING THE CITY'S PUBLIC-PRIVATE PARTNERSHIP WITH THE CARMEL PUBLIC
LIBRARY FOUNDATION**

WHEREAS, preservation of the local and renowned architectural, literary and cultural heritage and environment is a City priority; and

WHEREAS, the Library is both a major contributor to and symbol of the special and highly distinctive quality of life and aesthetics found in Carmel; and

WHEREAS, the Carmel Public Library Foundation has historically joined with the City of Carmel-By-The-Sea, and the Harrison Memorial Library Board of Trustees to create a thriving public library to meet the research, information, education, cultural and literary needs of the residents of Carmel; and

WHEREAS, the residents of Carmel depend on the reliability and robustness of the City's investment in a first-class public library, with such public funding continuously augmented by support from individuals, foundations, and businesses; and

WHEREAS, the raison d'être of the Foundation's funding is to complement and augment public funding in a public-private partnership for the advancement of the Library and further enhancement and preservation of Carmel; and

WHEREAS, the Foundation has continuously worked to raise increased private sector funds on an annual basis to support ongoing core needs of the Library's book collections; created permanent endowments for books and programs; and funded capital projects as appropriate; and

WHEREAS, the Foundation is about to embark on the largest fund-raising project in its history to meet major needs of the Library; and

WHEREAS, funds raised for the Library will continue to be use-restricted and Foundation investments in Library facilities/equipment will not in any way diminish or alter the City's ongoing responsibility for proper Library maintenance and upkeep; and

WHEREAS, the City reaffirms its dedication to having an exemplary public library and acknowledges the Foundation and private donors for their philanthropic contributions for the betterment of library services and facilities.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:

1. Reaffirm the City's public-private partnership with the Carmel Public Library Foundation

2. Recognize the Carmel Public Library Foundation for its commitment to keeping the library open, relevant, and thriving in past, present, and into the future
3. Assure the Carmel Public Library Foundation and its generous donors of the City's dedication to having an exemplary public library
4. Ensure that funds raised for the Library will continue to be use-restricted and that Foundation investments in Library facilities/equipment will not in any way diminish or alter the City's ongoing responsibility for proper Library maintenance and upkeep

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
this 8th day of January, 2024, by the following roll call vote:**

AYES: Councilmembers Baron, Dramov, Ferlito, Richards, and Mayor Potter

NOES: None

ABSENT: None

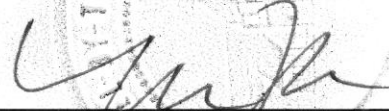
ABSTAIN: None

SIGNED:



Dave Potter, Mayor

ATTEST:



Nova Romero, MMC, City Clerk



CPLF 3.26.25 CLEAN DRAFT

**AGREEMENT BETWEEN THE CITY OF CARMEL-BY-THE-SEA
AND THE CARMEL-BY-THE-SEA PUBLIC LIBRARY FOUNDATION
REGARDING HARRISON MEMORIAL LIBRARY**

This Agreement between the City of Carmel-by-the-Sea and the Carmel-by-the-Sea Public Library Foundation Regarding Harrison Memorial Library (“Agreement”) is entered into by the City of Carmel-by-the-Sea (“City”), a municipal corporation, and the Carmel-by-the-Sea Public Library Foundation (“Foundation”), a 501 (c)(3) nonprofit organization and shall be effective on the date this Agreement is signed by all of the Parties hereto (the “Effective Date”).

RECITALS

A. The City and the Foundation shall hereinafter collectively be referred to as the “Parties” and individually as a “Party.”

B. The purpose of this Agreement is to set forth the terms, covenants and conditions regarding the Parties rights and obligations concerning the project commonly known as the Centennial Restoration of the Harrison Memorial Library (the “Project”).

C. Preservation of the local and renowned architectural, literary, and cultural heritage and environment is a City priority.

D. The Harrison Memorial Library (the “Library”) is both a major contributor to and symbol of the special and highly distinctive quality of life and aesthetics found in Carmel.

E. Pursuant to the City per the City’s Memorandum of Agreement with the Carmel Public Library Board of Trustees (the “Trustees”), the City is responsible for the maintenance and upkeep of the Library.

F. The Project will be funded largely by private contributions to the Foundation, both restricted and unrestricted, which contributions will be utilized by the Foundation to pay for project costs, including architectural design, engineering and construction (the “Project Costs”).

G. The Foundation is committed to utilizing best efforts to raise funds for the restoration and renovation of the historic Harrison Memorial Library and will be embarking on the largest fund-raising campaign in its history to meet major needs of the Library.

H. Funds raised by the Foundation for the Project shall be separately identified by the Foundation for use in connection with payment of Project Costs. The City will support the Foundation’s fund-raising efforts.

I. The restoration and renovation of the Library will not affect or alter the City’s Memorandum of Agreement with the Trustees with regard to the City’s ongoing responsibility for maintenance and upkeep of the Library and will not affect the Foundation’s significant support of the Library’s ongoing operational funding.

J. The City reaffirms its dedication to having an exemplary public library and acknowledges the Foundation and private donors for their philanthropic contributions for the

betterment of library services and facilities and the City affirms that the Project is a high priority for the City Council.

K. It is the intention of the Parties to cooperate in good faith throughout the course of the Project as partners dedicated to achieving the goals of the Project and to establish effective lines of communication in connection therewith.

NOW, THEREFORE, in consideration of the terms and conditions set forth below, the Parties hereby agree as follows:

1. RECITALS

The Parties agree that the foregoing Recitals are true and correct and hereby incorporate these Recitals as though set forth in full here.

2. RELATIONSHIP OF THE PARTIES AND APPROVAL RIGHTS

2.1 The City and the Foundation agree to act in good faith throughout the course of the Project as partners to achieve the goals of the Project, in accordance with the express intent of City Resolution No. 2024-002 as recited in Section 3, below.

2.2 The City and the Foundation agree to act in good faith throughout the course of the Project as partners to achieve the goals of the Project, in accordance with the express intent of City Resolution No. 2024-002 as recited in Section 3, below.

2.3 The Foundation shall create such committees as the Foundation deems necessary and appropriate to assist the Foundation and the City in fulfilling their obligations as set forth in Sections 2.1 and 2.2, above and as set forth in this Agreement (the "Foundation Committees"). The City shall establish an Ad Hoc Committee consisting of two members of the City Council to work with the Foundation Committees in order to achieve the obligations of the Parties as set forth in Sections 2.1 and 2.2, above.

2.4 The following matters shall be subject to approval by the City and the Foundation.

2.4.1 Project Design.

2.4.2 Changes in Project Design.

2.4.3 The Contract with Project Architect and any changes thereto.

2.4.4 The Contract with Construction Contractor for the Project and any changes thereto, including, without limitation, any change orders arising during the course of construction, the Contract Contingency as said term is defined in Section 6.1, below, and the Construction Contingency, as said term is defined in Section 6.8, below.

2.4.5 The Engineer's Estimate and the Engineer's Contract if the Engineer is directly contracted with the City pursuant to Section 4.8.4, below.

2.4.6 Notice Inviting Bids

- 2.4.7 Award of Contract for Construction (Lowest Responsible and Responsive Bidder).
- 2.4.8 Phases for Construction Work if found feasible by Architect.
- 2.4.9 The convening of community engagement meetings during the Phase One of the Architect's services described in Section 4.4.1, to obtain input from community stakeholders related to design development.
- 2.4.10 Cost Overruns.
- 2.4.11 Final design and final schematics.
- 2.4.12 Phase One Deliverables, Phase Two Deliverables and Phase Three Deliverables.
- 2.4.13 Planning and Permit applications and submittals to Community Planning and Building Department, the Historic Resources Board, the Planning Commission and the City Council.
- 2.4.14. Any modifications to City applications and submittals.
- 2.4.15 Communications and public relation protocols.
- 2.4.16 Donor recognition and naming rights.
- 2.4.17 The Project schedule for Architectural Services, Construction and achieving completion of the Project and any changes thereto.
- 2.4.18 Any additional approval rights granted to the Foundation in this Agreement that are not set forth in Sections 2.4.1 through 2.4.17, above.

3. CITY RESOLUTION NO 2024-002

3.1 As a material part of this Agreement, the City reaffirms its resolution of January 8, 2024, ("Resolution 2024-002"), which Resolution: (1) Reaffirms the City's public-private partnership with the Foundation, (2) Recognizes the Foundation for its commitment to keeping the Library open, relevant and thriving in the past, present and future, (3) Assures the Foundation and its generous donors of the City's dedication to having an exemplary public library, and (4) Ensures that funds raised for the Library facilities/equipment will not in any way diminish or alter the City's ongoing responsibility for the proper Library maintenance and upkeep.

3.2 In reaffirming Resolution 2024-002, the City agrees and acknowledges that the Project will be pursued and funded in compliance with each of the resolutions of the City Council as set forth in Section 3.1 above.

4. ARCHITECT SERVICES

4.1 Under the terms of the City's August 6, 2024, RFP, the architect for the project (the "Project Architect") shall be responsible for conceptual and schematic design, design development, engineers, creation of construction documents, plans and specifications

and respond to questions from the Foundation Representative, City Project Manager and Contractor prior to and during the construction of the Project and provide such other services as described in the Professional Services Agreement to be entered into by and between the City and the Project Architect as approved by the City and the Foundation.

4.2 Selection of a qualified candidate responding to the City's RFP was made by the Architect Selection Committee (the "ASC") which included local residents, City and Carmel Public Foundation representatives and experts in architecture and history.

4.3 The ASC selection of the Project Architect was based, in part, on the Parties' full confidence that the Project Architect will adhere to the Restoration Aesthetic Design Guidelines for the Harrison Memorial Library Building (the "Guidelines"), which Guidelines are attached hereto as Exhibit "A" and incorporated for all purposes herein. The Project Architect shall be contractually bound to perform all services in connection with the Project in accordance with the Guidelines.

4.4 The contract with the Project Architect (the "Design Professional Contract") shall be approved by the Foundation and the City Council. The Design Professional Contract shall be divided into the following three distinct phases:

4.4.1 Phase One: Phase One deliverables from the Project Architect pursuant to the Design Professional Contract shall consist of an Historic Structures Report and Community Engagement and Schematics/Conceptual Design as approved by the Foundation and the City.

4.4.2 Phase Two: Phase Two deliverables from the Project Architect pursuant to the Design Professional Contract shall consist of Design Development, Engineering and Construction Drawings/Documents and specifications as approved by the Foundation and the City.

4.4.3 Phase Three: Phase Three of the Design Professional Contract shall consist of services to be provided by the Project Architect for support and consultation during construction. Phase Three services shall specifically include certification by the Project Architect that all progress payments issued by Construction Contractor are for completed work conforming to plans and specifications for the Project.

4.5 The Project Architect's services shall be provided pursuant to a deliverable schedule that will allow for completion of the Project by no later than December 31, 2028, subject to extensions approved by the Parties in writing.

4.6 During the Project Architect selection process and each of the three phases of the Design Professional Contract, the City shall share copies of all written communications from and to the Project Architect with the Foundation.

4.7. The pace of the Foundation's fundraising shall dictate the ability to move to the next phase of the Design Professional Contract.

4.8 Payment for Design Professional Invoices.

4.8.1 The Foundation has already raised all or most of the anticipated cost of the Phase One deliverables and services. The Foundation will pay for Phase One

deliverables and services in accordance with the terms of the approved Design Professional Contract within 30 days of the City's submission of a Design Professional invoice to the Foundation Representative, accompanied by a certification by the City Finance Director that the invoice is due and payable in accordance with the approved Design Professional Contract (the "Approved Design Contract") and is in compliance with the payment procedures set forth therein.

4.8.2 In order for the Project to progress to Phase Two, the City shall obtain a written acknowledgment from the Foundation that the Foundation has raised sufficient funds to pay for the cost of Phase Two Design Professional Service. If the Project proceeds to Phase Two, the Foundation shall pay for Phase Two deliverables and services within 30 days of the City's submission of a Design Professional invoice to the Foundation Representative accompanied by a certification from the City Finance Director that the invoice is due and payable in accordance with the Approved Design Contract and is in compliance with the payment procedures set forth therein.

4.8.3 Upon completion of Phase Two services, the Project Architect shall provide the City and Foundation an estimate by an engineer (which engineer shall be subject to the approval by the Foundation) of the cost for construction of the Project ("Engineer's Estimate").

4.8.4 Upon completion of Phase Two services, the Project Architect will be requested to provide to the City and Foundation, if reasonably feasible, with a description of phases for the Construction of the Project ("Construction Phases"). Each of the Construction Phases must be discreet work meaning that if the work on a Phase is completed that the Library will be fully functional even if later Phases are not constructed due to lack of funding or other causes. If the Project Architect does provide the City and Foundation with a description of the Construction Phases, then the Project Architect will also be requested to provide an Engineer's Estimate for the cost of each Construction Phase. The cost of the Engineer providing the Engineer's Estimate, shall be paid by the Foundation either (i) within 30 days of the City's submission of the Design Professional invoice to the Foundation accompanied by a certification by the City Finance Director that the invoice is due and payable in accordance with the Approved Design Contract and is in compliance with the payment procedures set forth therein, if the Engineer providing the Engineer's Estimate is contracted through the Project Architect, or, (ii) within 30 days of the City's submission of the Engineer's invoice to the Foundation Representative accompanied by a certification by the City Finance Director that the invoice is due and payable in accordance with the terms of the approved Engineer's Contract if the Engineer is engaged directly by the City and is in compliance with the payment procedures set forth therein.

4.8.5 In order for the City to progress to Phase Three, the City shall obtain from the Foundation a written acknowledgement from the Foundation that the Foundation has raised sufficient funds to pay for the Phase Three services. The Foundation shall pay for Phase Three deliverables in accordance with the terms of the Approved Design Contract within 30 days of the City Finance Director's submission to the Foundation Representative of a Design Professional invoice accompanied by a certification from the City Finance Director that the invoice is due and payable in accordance with the Approved Design Contract and is in compliance with the payment procedures set forth therein.

4.8.6 The City acknowledges that all fundraising by the Foundation for the Project shall be done on a best-efforts basis and that at the time of entering into this

Agreement, the only funding formally available for the Design Professional Contract is the funding for Phase One of the Design Professional Contract identified in Section 4.4.1 above.

5. FOUNDATION REPRESENTATIVE

The Foundation shall select and pay for a Foundation Representative (the "Foundation Representative") who shall act as the Foundation's representative in connection with all aspects of the Project. During the term of this Agreement, the Foundation Representative shall work and consult with the City, the Project Architect, the City Project Manager, the Engineer preparing the Engineer's Estimate and the Contractor.

6. CONSTRUCTION COSTS

6.1 The costs for the construction of the Project shall be in the amount specified in the Construction Agreement between the City and the Contractor selected for the construction of the Project for the base amount ("Base Amount") and shall include a contingency for unforeseen or unexpected costs above the Base Amount ("Contract Contingency") as provided in the final construction Contract (the "Construction Agreement"). In no event shall the Contract Contingency exceed 15% of the Base Amount (the "Maximum Contingency Percentage").

6.2 The City and the Foundation shall agree to the terms and conditions of a Notice Inviting Bids ("Notice Inviting Bids") for the Construction of the Project and the Construction Agreement that will constitute a material part of the Notice Inviting Bids.

6.3 Prior to the City issuing a Notice Inviting Bids for the construction of the Project, the City shall obtain an acknowledgment from the Foundation that the Foundation has raised sufficient funds to pay the Base Amount as estimated in the Engineer's Estimate plus a Contingency Amount, as defined in Section 6.8, of 15%. Funding for the Construction Costs shall be pursued by the Foundation on a best-efforts basis.

6.4 Engineer's Estimate. If the Project Architect has provided the City and Foundation with Construction Phases and an Engineer's Estimate for each phase, then the City shall obtain an acknowledgment from the Foundation that the Foundation has raised sufficient funds to pay the Base Amount of each Construction Phase in order of the Construction Phases as set forth in the Engineer's Estimate plus a Contingency Amount, as defined in Section 6.8, of 15%. Funding for the Construction Costs shall be pursued by the Foundation on a best-efforts basis.

6.5 Upon obtaining the Foundation's acknowledgment(s) as set forth in Sections 6.3 and 6.4, above, the City shall issue a Notice Inviting Bids for the Project in compliance with the California Public Contract Code.

6.6 After receiving the bids on the Project, the City and the Foundation Representative will review the bids and decide whether to award a contract to the lowest responsible and responsive bidder or to re-bid the Project or take other actions as the City and the Foundation determines appropriate as provided by law. The City agrees to consult with the Foundation and obtain the Foundation's agreement regarding how to proceed following the receipt of bids and obtain the Foundation's agreement as to the selection of the Contractor for the Project, which shall be, if a contract is awarded, the lowest responsible and responsive bidder.

6.7 If the Construction Contract is awarded and a Construction Agreement is entered into between the City and the Contractor (the “Approved Construction Contract”), the process for payment of invoices of the Contractor shall be as follows:

6.7.1 The Foundation shall pay a progress payment to the Contractor for Construction Costs within 30 days of the City’s submission of a progress payment invoice to the Foundation Representative accompanied by a certification from the City Finance Director that the progress payment invoice is due and payable in accordance with the Approved Construction Contract and is in compliance with the payment procedures set forth therein, which certification shall be accompanied by the certification from the Project Architect that all Construction Costs covered by the project payment invoice are for completed work that has been performed in accordance with construction plans and specifications for the Project.

6.7.2 The Foundation Representative shall provide the City Finance Director with a monthly accounting of progress payments made pursuant to Section 6.7.1 above prior to end of the month for all invoices paid in the preceding month.

6.8 Funding Contingency Amount.

The Parties agree that the term Contingency Amount shall mean the sum of the Contract Contingency and the Construction Contingency. The Contingency Amount shall not exceed 15% of the Base Amount. The term Construction Contingency shall mean the difference between the Maximum Contingency Percentage (15% of the Base Amount) and the Contract Contingency, but not less than zero. By way of illustration, if the Contract Contingency is 10%, then the Construction Contingency will be 5% (15% - 10% = 5%). By way of further illustration, if the Contract Contingency is 0%, then the Construction Contingency will be 15%. The Foundation shall acknowledge, in writing, that it has raised sufficient funds to pay the Contingency Amount if it becomes due and payable to the Contractor pursuant to the Approved Construction Contract.

7. TERMINATION OF AGREEMENT

7.1 Termination by the City

7.1.1 The City reserves the right to terminate this Agreement upon written notice to the Foundation if the Foundation breaches any of the material terms of this Agreement.

7.1.2 Any termination of this Agreement by the City based upon the Foundation’s breach of any of the material terms of this Agreement must be in writing communicated by the City Project Manager (designated pursuant to Section 11.1 of this Agreement) to the Foundation Representative (designated pursuant to Section 5 of this Agreement) by electronic mail and entitled “Notice of Intended Termination” and state the grounds for termination and provide any documentation in support of the termination. The Foundation shall have 30 days within which to cure the breach as provided for in the Notice of Intended Termination (the “Cure Period”).

7.1.3 The termination date shall occur on the first business day after the Cure Period, if the breach as provided for in the Notice of Intended Termination has not been cured during the Cure Period (“Termination Date”).

7.1.4 If the City terminates this Agreement, then the City agrees to release the Foundation for any payment to the Architect, Contractor and/or City Project Manager which has not been paid or is not payable to the Architect, Contractor and/or City Project Manager in accordance provisions and procedures as set forth herein.

7.2 Termination by Foundation

7.2.1 The Foundation reserves the right to terminate this Agreement upon written notice to the City if the City breaches any of the material terms of this Agreement. only until the date the City awards a contract to the Contractor for the construction of the Project except as otherwise provided in this Agreement.

7.2.2 Any termination of this Agreement by the Foundation based upon the City's breach of any of the material terms of this Agreement must be in writing communicated by the Foundation Representative (designated pursuant to Section 5 of this Agreement) to the City Project Manager (designated pursuant to Section 11.1 of this Agreement) by electronic mail and entitled "Notice of Intended Termination" and state the grounds for termination and provide any documentation in support of the termination. The City shall have 30 days within which to cure the breach as provided for in the Notice of Intended Termination (the "Cure Period").

7.2.3 The termination date shall occur on the first business day after the Cure Period, if the breach as provided for in the Notice of Intended Termination has not been cured during the Cure Period ("Termination Date").

7.2.4 If the Foundation terminates the Agreement as provided herein, then the City agrees to release the Foundation for any payment to the Architect, Contractor and/or City Project Manager which has not been paid, or is not payable to the Architect, Contractor and/or City Project Manager in accordance provisions and procedures set forth herein.

8. INDEMNITY

8.1 The City shall indemnify, defend and hold harmless the Foundation and the Foundation's employees, officers, directors, representatives, members, and agents (collectively the "Foundation's Affiliates") from any costs, expenses, damages, judgments, actions, attorneys' fees, liabilities, claims, court costs, expert witness costs, appellate costs, or losses (collectively, the "Claims") with respect to, or arising from any conduct of the City which is in breach of this Agreement. The City shall further indemnify, defend and hold harmless the Foundation and the Foundation's Affiliates from any Claims with respect to, or arising in connection with any third-party Claims relating to the Project; provided, however, no such indemnity shall apply in connection with the Foundation's failure to pay the Project Architect or the Contractor in accordance with the Foundation's obligations to make such payments as provided for herein.

8.2 The Foundation shall indemnify, defend and hold harmless the City and the City's employees, officers, directors, representatives, members, and agents (collectively the "City's Affiliates") from any costs, expenses, damages, judgments, actions, attorneys' fees, liabilities, claims, court costs, expert witness costs, appellate costs, or losses (collectively, the "Claims") with respect to, or arising from conduct of the Foundation which is in breach of this Agreement.

9. DISPUTE RESOLUTION.

9.1 The Parties agree that any disputes, claims or controversies arising out of or relating to a termination of this Agreement by the City pursuant to the provisions of Section 7.1, above or a termination of this Agreement by the Foundation pursuant to the provisions of Section 7.2, above, shall be submitted to JAMS, or its successor, for mediation. and if the matter is not resolved through mediation, then it shall be submitted to JAMS , or its successor, for final and binding arbitration pursuant to the provisions set forth in Section 9.5 below.

9.2 Either Party may commence mediation by providing JAMS and the other Party a written request for mediation, setting forth the subject of the dispute and the requested relief.

9.3 The Parties will cooperate with JAMS and with one another in selecting a mediator from the JAMS panel of neutrals and in scheduling the mediation proceedings. The Parties agree that they will participate in the mediation in good faith and that they will share equally in its costs.

9.4 All offers, promises, conduct and statements, whether oral or written, made in the course of the mediation by any of the Parties, their agents, employees, experts and attorneys, and by the mediator or any JAMS employees, are confidential, privileged and inadmissible for any purpose, including impeachment, in any arbitration or other proceeding involving the Parties, provided that evidence that is otherwise admissible or discoverable shall not be rendered inadmissible or non-discoverable as a result of its use in the mediation.

9.5 Either Party may initiate arbitration with respect to the matter submitted to mediation by filing a written demand for arbitration at any time following the initial mediation session or at any time following 45 days from the date of filing the written request for mediation whichever occurs first ("Earliest Initiation Date"). The mediation may continue after the commencement of arbitration if the Parties so desire.

9.6 At no time prior to the Earliest Initiation Date shall either side initiate arbitration or litigation related to this agreement except to pursue a provisional remedy that is authorized by law or by JAMS rules or by agreement of the Parties. However, this limitation is inapplicable to a Party if the other Party refuses to comply with the requirements of Section 9.3 above.

9.7 All applicable statutes of limitation and defenses based upon the passage of time shall be tolled until 15 days after the Earliest Initiation Date. The Parties will take such action, if any, required to effectuate such tolling.

10. LIMITATION ON FOUNDATION LIABILITY.

Notwithstanding any other provision of this Agreement, in no event shall the City have recourse to any assets of the Foundation above the amount of funds which the Foundation has acknowledged that the Foundation has raised for the specific purposes described in Recital G to this Agreement.

11. GENERAL PROVISIONS

11.1 City Project Manager. The City shall designate, with the approval of the Foundation, a qualified independent contractor to represent the City in connection with the Project. Subject to the Foundation's approval of the City Project Manager and the terms and conditions of the City's contract with the City Project Manager, the Foundation will reimburse the City for the City Project Manager.

11.2 Records

11.2.1 Architect

11.2.1.1 The City Project Manager shall promptly make available to the Foundation electronic copies of the plans, including draft plans ("Plans") submitted to the City by the Project Architect and all information required to be made available by the Parties pursuant to this Agreement.

11.2.1.2 The City will include a provision in the contract between the City and the Architect that the Architect consents to the provisions of Section 11.2.1.1.

11.2.2 Engineer's Estimate. The City Project Manager shall promptly make available to the Foundation Representative an electronic copy of the Engineer's Estimate.

11.2.3 Construction Contractor. The City Project Manager shall promptly make available to the Foundation Representative an electronic copy of the records submitted to the City by the Contractor for the construction of the Project.

11.3 Headings. The headings in this Agreement do not govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of this Agreement. The headings are for convenience only.

11.4 Entire Agreement. This Agreement constitutes the entire agreement between the Parties hereto with respect to the terms and conditions governing the Project and supersedes any and all prior proposals, understandings, communications, representations and agreements, whether oral or written, relating to the subject matter thereof.

11.5 Counterparts and Electronic Signatures. This Agreement may be executed in one or more counterparts, each of which will be deemed an original, and may be signed in counterparts, but all of which together will constitute one and the same Agreement. This Agreement may also be executed and transmitted electronically and shall have the same force and effect as a signed original.

11.6 Authority. Any individual executing this Agreement represents and warrants hereby that he or she has the requisite authority to enter into this Agreement on behalf of such party and bind the party to the terms and conditions of this Agreement.

11.7 Severability. If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions will not be impaired thereby. Limitations of liability and indemnities will survive termination of the Agreement for any cause. If a part of the Agreement is valid, all valid parts that are severable from the invalid part remain in effect. If a part of this Agreement is invalid in one or more of its

applications, the part remains in effect in all valid applications that are severable from the invalid applications.

11.8 Assignment of Interest. The duties under this Agreement are not assignable, delegable, or transferable by the Foundation without the prior written consent of the City. The duties under this Agreement are not assignable, delegable, or transferable by the City without the prior written consent of the Foundation.

11.9 Laws. The Foundation agrees that in the performance of this Agreement it will comply with all applicable federal, state and local laws and regulations. This Agreement will be governed by and construed in accordance with the laws of the State of California and the City of Carmel-by-the-Sea, including compliance with City design, permit and building approvals. To the extent applicable, the City shall pay all City fees and charges associated with the Project, including, without limitation, Planning and Permit applications and submittals to and approvals by the Community Planning and Building Department, the Historic Resources Board, the Planning Commission and the City Council. Should either party to this Agreement bring legal action against the other, the validity, interpretation and performance of this Agreement will be controlled by and construed under the laws of the State of California. Venue for any legal action relating to this Agreement will be in Monterey County.

11.10 Public Communications. Public communications regarding or relating to the Project shall be reviewed and approved by the Parties in advance of their release.

11.11. Relocation Cost. Project Costs shall include relocation costs for an alternate Library location during construction, if the Parties make a final decision that relocation of the Library is required during construction.

12. The Parties agree that the Foundation and its officers, employees, Board Members and volunteers will be named as additional insured on all City insurance policies applicable to the Project if the City's liability coverage provider agrees to do so. In addition, the Parties agree that the Contract with the Architect and the Contract with the Construction Contractor shall require the Architect and the Contractor to provide an endorsement naming the Foundation and its officers, employees, Board Members and volunteers as additional insureds in connection with all insurance policies required pursuant to the City's Contract with the Architect and Contract with the Construction Contractor.

IN WITNESS WHEREOF, the Parties enter into this Agreement effective on the date signed by all Parties.

CITY OF CARMEL-BY-THE-SEA

CARMEL-BY-THE SEA PUBLIC LIBRARY
FOUNDATION

Signature

Signature

Print Name: _____

Print Title: _____

Date: _____

ATTEST:

By: _____
Nova Romero, MMC, City Clerk

Date: _____

APPROVED AS TO FORM:

By: _____
Brian A. Pierik, City Attorney

Date: _____

By: _____
Brian Call, Attorney for Foundation

Date: _____

Exhibit "A"
Aesthetics & Design Guidelines

Aesthetics & Design Guidelines

“The universe – and this world – is a communion of subjects, not merely a collection of objects.”
~ *Bernard Maybeck*

Harrison Memorial Library, designed by Bernard Maybeck, opened in 1928, and is an irreplaceable, iconic community asset for Carmel. The nearly 100-year-old building is in vital need of restoration and upgrades that will significantly enhance the public’s experience—deferred maintenance, accessibility, replacement of deteriorated and obsolete systems including lighting inside and out and technology and updating of programmatic space layouts to meet user needs.

Carmel’s main public library is of great historical significance, an iconic building at the heart of a highly distinctive community with extraordinary architectural history and unique artistic and literary traditions. Through the Centennial Restoration, Harrison Memorial Library will itself become guardian of those cultural traditions once the archive of books, manuscripts, photographs, drawings and other historic materials that document Carmel’s values and traditions are relocated from the Park Branch. Harrison Memorial Library has a special responsibility to set the highest standards in its own building restoration project and further public understanding and appreciation of Carmel’s unique community character.

The Centennial restoration of Harrison Memorial Library will observe the following guidelines and principles, beginning with the architect selection process:

- The best design architect will be identified and selected. The architect will be a Californian.
- The same standard of excellence applies to the Library Specialist Consultant.
- As was the case when the library was originally constructed, the restoration design, work, materials and finishes will be of a standard not usually seen in municipal buildings.
- The design architect will have demonstrated great experience in similar restoration projects. Because of the special residential qualities of Carmel, and the domestic feel of the Harrison Library building, the architect’s professional experience will include restoration of important California homes built in the first half of the 20th century.
- There will be a universal, single standard regarding both interior and exterior spaces. The interior restoration will restore its original beauty through refurbishment and at the same time gain increased functionality.
- The project will increase public access and usage and appreciation of this important architectural treasure.
- There will be enhanced library user movement within the building.

- Requirements of both Public and Scholarly users will be served.
- The facility will be made fully ADA compliant.
- The natural setting around the Library will be enhanced.
- Digital/technological capabilities for patrons will be state-of-the-art.

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

Attachment 3

RESOLUTION NO. 2025-033

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AUTHORIZING A CONTRACT WITH THE CARMEL PUBLIC LIBRARY FOUNDATION REGARDING THE HARRISON MEMORIAL LIBRARY CENTENNIAL RESTORATION PROJECT

WHEREAS, the Carmel Public Library Foundation is a City Support Group that provides funds for the Library's operating budget; and

WHEREAS, the Harrison Memorial Library is nearly 100 years old and needs significant structural upgrades; and

WHEREAS, the Carmel Public Library Foundation is willing to undertake a significant capital campaign to raise funds for the restoration of the Harrison Memorial Library; and

WHEREAS, the City and community are grateful to the Carmel Public Library Foundation for their extraordinary show of support for the Library and its legacy.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:

Authorize entering into a contract with the Carmel Public Library Foundation for the Harrison Memorial Library Restoration Project.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 1st day of APRIL, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dale Byrne, Mayor

Nova Romero, MMC, City Clerk

THE VISIONARIES . . . unlikely companions

In 1885, when young Michael Murphy was born on the 480-acre family ranch in Mendon, Utah, 23-year-old Bernard Maybeck¹, somewhat newly graduated from École des Beaux-Arts, Paris², was working in New York for Thomas Hastings, École classmate, participating in Hastings projects, which included the Ponce de Leon and Alcazar Hotels in Florida.³

In 1895, Maybeck, 33, had worked his way to San Francisco and was well on his way to a distinguished career. Michael Murphy, 10, was on his way to helping his mother establish the second homestead on what is today known as the Curlew National Grasslands—a failed government homesteading location in Southern Idaho. The widowed Emma Murphy family had suddenly gone from riches to rags. Michael would help his mom with building the largest log house in the valley, cutting, transporting, and selling logs to other homesteaders building a dream.

In 1902, called to Carmel by James Franklin Devendorf, young Michael, age 17,⁴ built his first Carmel-by-the-Sea structure—a modest home for his mom and five of her youngest (of 12) children, Michael one of them. He would fetch the bathwater, fill the tub, and take first dibs on using it.

In 1902, 40-year-old Bernard “Ben” Maybeck was designing homes in the Berkeley hills, an unbuilt structure for the University of California, and homes in San Francisco.⁵ Some extant—just as is the First Murphy—saved, in 1991, by the City of Carmel and a well-organized team of volunteers who donated both time and skills.

In 1910, 48-year-old Maybeck designed the extraordinary First Church of Christ Scientist in Berkeley.⁶ In 1917, 32-year-old M. J. Murphy designed and built the First Church of Christ Scientist at the corner of Santa Rita & 5th in Carmel.⁷

In 1918, Ralph Chandler Harrison, Associate Justice of the California Supreme Court, died. Judge Harrison had an extensive personal library—he served 27 years with San Francisco Library Board of Trustees.⁸ The Harrisons were passionate book collectors. Mrs. Harrison took comfort in having books about her—from collectors’ editions to just good reads.⁹ Ella Spencer Reid

¹ Woodbridge, Sally B.; *Bernard Maybeck Visionary Architect*; Abbeville Press Publishers, NY; 1992; Bernard Maybeck, b. 1862; p. 15. d. 1957.

² Woodbridge, Sally B.; *Bernard Maybeck Visionary Architect*; p. 15.

³ https://berkeleyheritage.com/berkeley_landmarks/maybeck_on_grove.html; accessed 22 February 2025.

⁴ Author’s personal knowledge

⁵ Woodbridge, Sally B.; *Bernard Maybeck Visionary Architect*; *Buildings & Projects*; pgs. 225 – 236.

⁶ Woodbridge, Sally B.; *Bernard Maybeck Visionary Architect*; p.89.

⁷ “A Diversity of Murphy’s, *Carmel Preservation Foundation*, tour guide, undated, approx. 1990-1995.

⁸ https://en.wikipedia.org/wiki/Ralph_C._Harrison, accessed 23 February 2025.

⁹ Sources: <https://californiarevealed.org/do/66a2fae4-9283-4762-bb10-b0691ba87aa2>; and, “History,” Neal Hotelling, *Carmel Pine Cone*, May 3 & 13, 2022.

Harrison donated land and funds for a new and larger library for the village she would adopt as her home. She had Jo Mora design a building because he was on the Library Board of TTEEs.¹⁰ Timing was poor – WWI and a flu pandemic.

In 1919, Mrs. Harrison, niece of Whitelaw Reid, Ambassador to England and publisher of the NY Herald Tribune, recent widow of Ralph Chandler Harrison, moved to Carmel. She and her lady friends had been visiting Carmel since 1914. She liked the pace.

Carmel's Board of TTEEs and the community were not of one mind. Mrs. Harrison's project proceeded slowly.

In 1919, M. J. Murphy was building Tor House for Robinson and Una Jeffers. M. J. and Edna Murphy loaned the Jeffers family the use of the Murphy twin's stroller. Twins Rosalee and Kathaleen Murphy were born in 1914. Donnan and Garth Jeffers were born in 1916.

And in 1919, Bernard Maybeck designed San Francisco's idyllic Forest Hill Neighborhood Association Building.¹¹

In 1922, Ella Spencer Reid Harrison died in a fire in her Carmel cottage. Her personal book collection and the Mora library plans, per Neal Hotelling, historian, died with her.¹²

Harrison Memorial Library did not proceed apace.

Mr. Maybeck's output is well-documented, universally known, revered and includes the Palace of Fine Arts (1913-15); Phoebe Hearst's Wynton (begun 1899); the Packard Automobile Showroom, San Francisco (1926); Byington Ford House (1922), Pebble Beach.¹³

AND . . .

Murphy went on to build, among many, the Highlands Inn, Monterey Peninsula Country Club, La Playa Hotel rebuild after a fire, Pine Inn, The Hacienda at the Santa Lucia Preserve, Carmel's first bank, and my favorite—the Kluegel home on N. Camino Real . . .¹⁴ Many were his design. "*Plans Drawn and Built by M. J. Murphy*" w his characteristic signature.¹⁵

THEN . . .

¹⁰ "History," Neal Hotelling, *Carmel Pine Cone*, May 13 & 20, 2022.

¹¹ <https://foresthill-association.com/clubhouse/about-clubhouse/>; accessed 23 February 2025.

¹² "History," Neal Hotelling, *Carmel Pine Cone*, May 13 & 20, 2022.

¹³ Woodbridge, Sally, *Bernard Maybeck Visionary Architect*, pgs.226-235.

¹⁴ Various sources, CBTS records, M. J. Murphy, Inc. records; Carmel Preservation; Rosalee Murphy Gladney; Seavey, Kent, *Carmel A History in Architecture*, Arcadia Publishers, 2007.

¹⁵ *Structures of the Period, Carmel-by-the-Sea, California*; Promotional Booklet, M. J. Murphy, Inc., approx. 1930.

In 1926, Chapel Judson, artist and retired Professor of Art who was instrumental in forming the art department at UC Berkeley, and husband of Sydney Yard's daughter, relocated to the Monterey Peninsula after the Judson's Bay Area home burned.¹⁶ Sydney Yard was the first professional artist to settle in Carmel-by-the-Sea, 1905.¹⁷ The Judsons hired M. J. Murphy to design and build their Pebble Beach home at 1456 Riata Road. The 1927 Harrison Memorial Library design imitates, using more modest materials and size, the 1926 Chapel Judson home. This is a not unusual design choice by many in the fields of architecture and building.

A year later, in 1927/28, Maybeck and Murphy, two successful men with backgrounds and education that didn't meet at any corner, would come together on the NE corner of Lincoln & Ocean Avenue in Carmel-by-the-Sea to create Ella Harrison's dream: the Ralph Chandler Harrison Memorial Library. B. R. Maybeck, Consulting Architect / M. J. Murphy Architectural Drawing.¹⁸

Notable characteristics of Murphy designed buildings often include multiple interior levels in which one passes through one room to stairs up or down to the next room. Built-in cabinetry may fill in sometimes wasted-space. Structures are typically placed well-back on the building site, entries uniquely placed not in the prominent exterior front, but through a chalkrock path and courtyard to an unobtrusive side of the structure and a welcoming front door. All these Murphy traditions are present in Harrison Memorial Library.

It could factually be stated of the above-mentioned talented and successful visionaries that all but one came from privileged upbringings, privileged lives. All but one had received the very best formal education. M. J. Murphy whose formal education ended when he was 10-ish, was an autodidact, a skilled designer of buildings varying from modest cottages to grand public structures. He and his wife, Edna, were workaholics. Edna worked at the business of M.J. Murphy, Inc. until the day she died in 1954. Young Michael Murphy began working at age 10. In 1940, when 55, M. J. retired to their home on the McKenzie River.

I would like to share this excerpt from pages 12 & 13 of the DPR for the Palace of Fine Arts, San Francisco. DPR's are not infallible, in fact, the DPR on the First Murphy contains more than one error.

“ . . . Willis Polk — a leading San Francisco architect . . . — was given the plum commission to design the Palace of Fine Arts. Overworked and unable to conceive a satisfactory solution for the

¹⁶ https://www.askart.com/artist/Charles_Chapel_Judson/3465/Charles_Chapel_Judson.aspx, accessed 24 February 2025.

¹⁷ https://en.wikipedia.org/wiki/Sydney_J._Yard; accessed 24 February 2025.

¹⁸ Blueprints on file, Harrison Memorial Library, History Room.

site, Polk invited the Exposition draftsmen to make suggestions. In her pioneering study *Five California Architects*, Esther McCoy recounts. . . .
 . . . With his usual loose and atmospheric approach to preliminary design, he sketched a gallery, an elliptical colonnade and rotunda in charcoal. . . The sketch was passed along by Polk to other members of the Architectural Commission; the person most impressed by the sketch was Henry Bacon of New York, designer of the Lincoln Memorial. 'You will hear of this some day [sic],' he promised Maybeck.³ [sic] Ignoring protests from some of the exposition directors **who wanted only recognized architects with a demonstrated record of major commissions**, Polk magnanimously turned over his assignment to Bernard Maybeck. Then 51 years old, the architect was chiefly known for residential and church design, as well as for his unworldly eccentricity. Despite Maybeck's education at the Ecole[sic] des Beaux-Arts and his influence as a teacher, many did not take him seriously; a colleague remarked. . ."¹⁹ [author emphasis]

Paraphrasing, I suggest that by giving Maybeck design credit for Harrison Memorial Library, many do not take M. J. Murphy seriously, deferring to the now widely and deservedly recognized Bernard Maybeck, who, himself, once was not taken seriously.

Murphy papers were destroyed. There are precious few. They share a Rubbermaid tub with the paternal side of Edna & MJ's grandson's father, Andy Gladney. So, I visited the Maybeck archives, Wurster Building, UC Berkeley. No structure plans. There are drawings for light fixtures, some furnishings, a fireplace. And letters. Three of them. The letters are in your packet.

James Franklin Murphy, M. J. and Edna's son, born 1904, took a leading part in the business following his 1924 graduation from U. C. Berkeley. Frank's "death bed," 1978, comment was, "Don't let them tell you Maybeck designed the library. Dad did." His sister Rosalee Murphy Gladney died in 2003. I have a note among my papers: "Don't let them tell you Maybeck designed the library. Dad did." Frank and Roe remembered watching their dad create plans late into the night, an oil lamp his light. Roe remembered her father would meet Maybeck at the Monterey Train Station, take him to Carmel to look at the project. Maybeck would sign-off, then M. J. would return him to the train station.

Maybeck died in 1957, age 95.²⁰ M. J. Murphy died in 1959, age 74.²¹

A timeline 1918 to 1928, of the design and development of Harrison Memorial Library is included in your packet.

My closing request:

¹⁹ DPR, 2013, Palace of Fine Arts.

²⁰ "Bernard Maybeck Dies in Berkeley," *Santa Cruz Sentinel*, 4 October 1957.

²¹ Oregon Death Index 1898-2008; Vida, Lane County; 5 March 1959;

Murphy descendants respectfully request approval to donate a small, approximately 5" or 6" x 12," bronze plaque for the library to be placed in an inconspicuous location at the main exterior entry that correctly states, as noted on the 1927 building plans:

B. R. Maybeck, Consulting Architect
M. J. Murphy Architectural Drawing & Superintendent of Construction
1927-1928

The plaque, if approved, would be in honor of William F. Beckett II. I met Bill, a first cousin in 2015 due to a Pine Cone article. I met with him then and would interview him several times. Until the pandemic. And then he died. May 2022. He was 98 years old and sharp. In Bill Beckett's younger years, M. J. Murphy acted the role of grandfather. I learned much of the nitty-gritty of our shared great uncle through Bill's happy memories. When Bill was 10, M. J. gave him his first library card. Harrison Memorial Library was Bill Beckett's steady companion during his twilight years. It is he who, a few years ago, suggested a plaque crediting M. J.

What, please, is the process for approval / acceptance of the proposal?

I note that at the 5 April 1994 City Council meeting, item H, VII, on the Consent Agenda states: *Adopt Resolution No. 94-47 agreeing to cosponsor the Maybeck Plaque Donor Acknowledgment on 15 May 1994 with the Camel Public Library Foundation.*²²

I have not seen the plaque and wonder if it correctly states the above information.

Thank you,

Robin Aeschliman on behalf of the Michael Murphy and Emma Hagle Wilkinson Murphy descendants.

26 February 2025

²² Agenda, Carmel City Council, *Carmel Pine Cone*, 31 March 1994, p.10.

Harrison Memorial Library

Timeline

rja 31 may 2019 / updated 31 july 2024/updated 25 february 2014

NOTE: Information on Board of Trustee meetings listed below provided by Douglas Schmitz, Carmel historian and former City Administrator. Doug and Margaret Pelikan, former HML Director, facilitated the two Maybeck archive visits. I was invited to join them.

- 20 May 1924 Board of TTEEs, plans drawn by Jo Mora presented, accepted; bids requested. TTEE Dennis requested the Board delay implementing the motion. Motion carried, Dennis voting NO.¹
- 1926/27 Chapel Judson home, Riata Road, Pebble Beach, M. J. Murphy designed & built. The Judson House, of costlier finish material and larger, is similar in design to HML. The design suggests the Murphy HML design was influenced by the Judson design.²
- 20 August 1926 Board of Trustee meeting, City of Carmel-by-the-Sea
 Nine design proposals from the following for HML were reviewed:
- A. Nastovec
 - Calvin Bates
 - A. Clay Otto,
 - Percy Parkes
 - M. J. Murphy
 - W. A. Beckett³
 - W. Hastings
 - R. G. Stanton
 - Hugh Comstock
- A Spanish type of building met with the most favor.
 None of the plans submitted were entirely satisfactory.
 A committee would be appointed to confer with Bernard Maybeck in San Francisco.⁴

¹ Copy, minutes, in author's possession, pg. 161.

² Archived plans, Pebble Beach Company; Claire O'Farrell, Archives Assistant Manager, phone conversation 17 February 2025. NOTE: County records indicate 1927; may indicate first tax assessment.

³ [Family Note: Beckett is not the Murphy descendant of the same name; believe Wheeler Beckett, Berkeley, for whom Maybeck designed a house in 1922, not built.]

⁴ Woodbridge, Sally, *Bernard Maybeck Visionary Architect*, pgs.226-235; 1920-1922 Maybeck designed or was involved with a few projects in Pebble Beach and Carmel: Community house, S.F.B. Morse, DMP; San Carlos de Borromeo Mission reconstruction, unbuilt; C. E. Floete house; J. A. Landsberger house; unbuilt; Byington Ford house; Frances Potter Thomas House; Del Monte Properties [unbuilt school]; J. A. Manning house, unbuilt.

- 23 September 1926 Board of Trustee meeting, City of Carmel-by-the-Sea. Reported that Maybeck could not take entire charge of the library plans and construction supervision, but would advise and consult with Mr. Murphy.
- 8 November 1926 Letter to Maybeck from M. J. Murphy.⁵ Requests the return of 'our' original sketch of proposed Carmel Library.
- 9 November 1926 Letter to Murphy from Maybeck & White, states drawings were sent "yesterday."⁶
- 23 November 1926 Board of Trustee meeting, City of Carmel-by-the-Sea. Murphy plans shown. Maybeck large color sketch. Murphy directed to provide probable cost of the building in accordance with the submitted plans.
- 16 December 1926 Board Meeting. Bill for Maybeck presented, 1st installment. Murphy told of the plans for the library and explained various details at length. Outside finish discussed, decision to let Maybeck decide. Heating discussed; decision made. Decision to have Murphy prepare blue prints and specifications in accordance with the ideas brought out by plans and discussions; such prints and specifications to be shown to Maybeck and passed by him.
- 31 December 1926 Letter, John B. Jordan to Maybeck.⁷ Request for fireplace drawing. Jordan owned the Pine Inn and was Mayor of Carmel.⁸
- 31 January 1927 Date of arched window architectural drawing.⁹ Document in personal file is a photo, not original, and not entirely legible. Drawing, per photo, by Maybeck or Murphy; credit ambiguous.

⁵ Maybeck Archives, Wurster Hall, UC Berkeley; Murphy signature followed by a small "E" [suggests Edna Murphy signed].

⁶ Ibid.

⁷ Ibid.

⁸ https://localwiki.org/montereycounty/List_of_mayors_of_Carmel-by-the-Sea%2C_California; accessed 23 February 2025.

⁹ Kent Seavey, Architectural Historian; photo captured during HML Foundation lecture, 16 February 2022; https://vimeo.com/629410258?embedded=true&source=video_title&owner=29018550, accessed 14 March 2022.

- 23 February 1927 Board of Trustees meeting, City of Carmel-by-the-Sea.
Discussion of library plans.
Lights: decision to install per Pacific Gas & Electric Company layout.
Specifications prepared by Murphy and approved by Maybeck were discussed—suggestion of several changes and additions made, two board members were requested to take up the modifications with Murphy.
- 8 July 1927 Informal meeting, unsigned note-taker.
Wood, Jordan, Murphy, Campbell and unnamed note-taker present.
Contract of HML signed; \$20,373.00; bonus of \$10,500 for faithful performance filed by Murphy.
- 14 July 1927 Permit issued to M. J. Murphy for Harrison Memorial Library. Item 10 on permit: “Time to be engaged in building.” Answer: *120 days*.¹⁰
- 14 December 1927 Board of Trustee Meeting, City of Carmel-by-the-Sea.
Murphy instructed to prepare a design for a wall around the lot, to give an estimate of the cost of a rain water gutter on the side of the building.
Cracks in concrete floor discussed, repairs completed according to the best practice of the day; examination scheduled.
Linoleum color discussed; decision made.
Lighting fixtures discussed in detail: decision to adopt Maybeck design and Murphy to construct and install.
- March 1928 Harrison Memorial Library completed.
NOTE: Kenneth H. Cardwell in his study of Maybeck, Artisan, Architect, Artist, states in the Chronological List of Executed Work and Projects: “*The dates listed represent as accurately as possible the **start** of the construction of a project.*” 1928 is listed as the date for Maybeck’s participation in HML. If accurate, there’s a conflict between the city information and the Maybeck information. The listing, [the only entry in the book for HML]: 1928 March / Harrison Memorial Library, Carmel, CA.¹¹[Author emphasis]

¹⁰ Application for Building Permit, No. 1918.

¹¹ Kenneth H. Cardwell, *Bernard Maybeck Artisan, Architect, Artist*; (Peregrine Smith Books, Salt Lake City, 1977), 239, 245. NOTE: Sally B. Woodbridge, Photography by Richard Barnes; *Bernard Maybeck Visionary Architect*; (Abbeville Press Publishers, New York London Paris, 1992); pgs. 225, 235; provides the same information and credits Cardwell.

hanison

BUILDING MATERIAL
BUILDER'S HARDWARE
SASHES, DOORS
PAINTS, GLASS
CABINET WORK

M. J. Murphy

Building Materials

Estimates on All Kinds of Work

YARD, SAN CARLOS BETWEEN OCEAN AND 7TH
OFFICE, 9TH AND MONTE VERDE ST.

Attachment 4

LUMBER
CHALK ROCK
SAND, GRAVEL
CEMENT, LIME
BRICK, TILE

P. O. Box 597, Carmel-by-the-Sea, California

November 8th. 1926

Mr. B. R. Maybeck,
c/o Messrs. Maybeck, Howard & White,
Lick Building,
San Francisco, Calif.

Dear Mr. Maybeck:-

We would thank you to kindly return to us our
original sketch of proposed Library to be built in Carmel.

Yours very truly,

M. J. MURPHY,

by



Nov. 9, 1926.

Mr. M. J. Murphy,
P.O. Box 597,
Carmel, Cal.

Dear Mr. Murphy:-

In response to your letter received this morning, I wish to state that I sent the drawings to you yesterday, so you will likely receive them today. Kindly advise us if you do not receive them.

Maybeck & White,

Per

Sec'y.

Open the Year Round
American Plan
JOHN B. JORDAN
Proprietor

PINE INN
CARMEL-BY-THE-SEA
CALIFORNIA



31st December, 1926.

Mr. B. R. Maybeck,
Tick Building,
San Francisco, Calif.

My dear Mr. Maybeck,

From our last call on your office I understood that you were to send us a detailed drawing of the fireplace. Mr. Murphy now has reached the point where he needs it and is calling upon me for it. Will you kindly let me know when we may expect it.

Wishing you a happy New Year,

Sincerely yours,

John B. Jordan



DRAWING NO. - 111

B.D. MAYBECK - Consulting Archt.

M.J. MURPHY - Architectural Drawing

~~Superintendent of Construction~~

DRAFTING - R. HOLMES

1/31/47

Extraordinary - Rec'd
Business
Attachment 4
2/26/2025
HML Board of
Trustees

Members of the Harrison Memorial Library Board of Trustees
% Harrison Memorial Library
Carmel-by-the-Sea, California

RE: Meeting of 26 February 2025, Extraordinary Business (A)
Presentation by Robin Aeschliman

Dear Members of the Board,

In his commencement address at Yale University in June 1962, President Kennedy commented "The great enemy of truth...(is) the myth---persistent, persuasive and unrealistic."

After ninety-eight years of myth, it is time to accept the truth: Michael J. Murphy was the principal designer of the Harrison Memorial Library. The record is clear and concise, abundant and available, factual vs. the reigning fiction.

There is a certain cache to a renown architect's name being attached to the Harrison Memorial, but it isn't a tenet loyal to our history. Bernard Maybeck's fingerprints touched segments of the design; Murphy's fist gripped the accepted plans.

One need to look no further than the Murphy scheme for the C. Chapel Judson house in Pebble Beach to notice the "identical twin" mirror to the HML. The Judson house was drawn and constructed less than one year before the City of Carmel-by-the-Sea sought proposals for the to-be-built HML.

But a century later, the written record tells us more, much more, than just the solo, singular photo of the Judson home.

In response to the call for design proposals issued by the City in July 1926, nine local Monterey Peninsula designers, architects and builders responded. On Friday, 20 August, the Board met at the home of Trustee George Wood to review the submittals—there was no Brown Act in 1926!

At the conclusion of the meeting, the Trustees expressed agreement for a "Spanish type of building...but none of the plans submitted were entirely satisfactory." (Footnote A)

Trustees Larouette and Fenton suggested that a committee be appointed "to confer with Architect Maybeck in San Francisco." (Footnote B) That proposal was accepted.

Within one month following the 20 August meeting, Wood and colleague John B. Jordan travelled to San Francisco and met with Maybeck at his office in the Lick Building. Of the nine submitted proposals, they took Murphy's to Maybeck.

Upon returning to Carmel, a Board meeting was called for Thursday, 23 September. At that session, Jordan reported that Maybeck "could not take entire charge of the library plans and construction supervision, but that he would advise and consult with Mr. Murphy at all stages of the proceedings..." (Footnote C) Note the reference to Murphy.

The Maybeck archives at UC Berkeley contain the plans of the various elements that the architect developed for the HML project--the fireplace, reading tables, lighting, interior and exterior color schemes, and the garden wall. There are no preliminary plans or construction drawings of the Harrison in the archival collection.

Documentation reveals that the two trustees (Wood, Jordan) took the Murphy plans on the trip to San Francisco between the August and September board meetings. Murphy wrote to Maybeck on 8 November 1926, asking for the return "to us of our original sketch of the proposed Library to be built in Carmel." (Footnote D)

On Tuesday, 23 November 1926, the Board met at 5 pm. The minutes of the Trustees meeting states "The plans of Mr. Murphy were shown, as was a large color sketch by Mr. Maybeck." (Footnote E)

Also at this meeting, Murphy, not Maybeck, was given authorization to proceed with developing "the probable cost of the building in accordance with the plans submitted, and that these plans be accepted tentatively as a basis for estimate." (Footnote F)

Interestingly, Murphy, and not Maybeck, was tasked with developing the cost of the building in accordance with the plans submitted. Murphy would not be selected as the contractor for the library until July 1927.

Jordan wrote Maybeck on 31 December 1926, penning "I understand that you were to send us detailed drawing of the fireplace. Mr. Murphy now has reached the point where he needs it and is calling upon me for it." The information in Jordan's correspondence is consistent with the Maybeck archives at UC Berkeley. Maybeck designed the fireplace to assimilate into the Murphy drawings.

In August 1927, during the construction of the library, Willard K. Bassett, owner-editor of The Carmel Cymal newspaper, proposed a series of questions to Murphy via an "open letter" in the publication, about the library project, including inquiries regarding the roles of Murphy and Maybeck.

Amongst the questions posed was “And who drew the plans for this building you are constructing? Bernard Maybeck, the noted architect, didn’t, did he? They were drawn in your office, weren’t they? Bernard Maybeck telling the Carmel city council that after your draftsman drew them, he wold (sic) ‘criticize’ them.” (Footnote G)

Even in 1927, the Maybeck role in the design of the Harrison Memorial Library was being questioned.

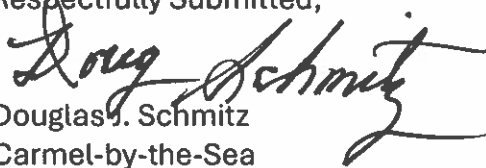
Murphy never responded to Bassett. Yet, Editor Bassett had it correct; the role of Maybeck was to review the plans drawn by Murphy and to assimilate a fireplace, lighting, and a garden wall into the project.

The promise of history is that eventually the truth prevails.

May the high court of Carmel history, that ultimate and eternal judge of your endeavors, find that this Board, at this meeting, in this chamber, on this date, ninety-eight years later, abolished the myth---and advanced and advocated—the truth.

Michael J. Murphy designed the Ralph Chandler Harrison Memorial Library.

Respectfully Submitted,


Douglas J. Schmitz
Carmel-by-the-Sea

24 February 2025

Attachment: Footnotes

HMLFOOTNOTESFEB25

- (A) Library Trustee Minutes, 20 August 1926
- (B) Ibid.
- (C) Library Trustee Minutes, 23 September 1926
- (D) MJ Murphy Letter to B.R. Maybeck, 8 November 1926
- (E) Library Trustee Minutes, 23 November 1926
- (F) Ibid.
- (G) Carmel Cymbal, 31 August 1927



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

April 1, 2025
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Emily Garay, Administrative Analyst
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Receive Staff presentation regarding street addresses; the presentation will include an overview of a draft street address system implementation plan and a draft community engagement plan, a legal analysis by the City Attorney regarding street identification and City Options, and estimated costs and timelines for elections (ballot measure); Discussion item only and no action by City Council is proposed at this meeting.

RECOMMENDATION:

Receive Staff presentation regarding street addresses; the presentation will include an overview of a draft street address system implementation plan and a draft community engagement plan, a legal analysis by the City Attorney regarding street identification and City Options, and estimated costs and timelines for elections (ballot measure); Discussion item only and no action by City Council is proposed at this meeting.

BACKGROUND/SUMMARY:

A Staff Report was submitted to the City Council on September 10, 2024 regarding street address identification with 8 Attachments. The September 10, 2024 Staff Report and the 8 Attachments is **Attachment A** to this Staff Report. The Minutes for the September 10, 2024 Council meeting are **Attachment B** to this Staff Report.

At the meeting on September 10, 2024, staff was requested to begin the presentation by outlining the City's options for holding a public vote before discussing implementation and public engagement. City Attorney Brian Pierik summarized the options outlined in the Staff Report of September 10, 2024 which included the following:

1. Council could direct the City Administrator to return to the City Council with an Ordinance for a First Reading (Introduction) regarding implementation of address identification. A copy of a Draft Ordinance was attachment 5 to the Staff Report.
2. Initiative Petition by the Voters – City Code already provides for directional addresses.
3. Referendum by Voters if the City adopted an Ordinance to implement street addresses

4. Advisory Ballot Measure – Suggested language: Should the City Council of the City of Carmel-by-the-Sea adopt an Ordinance for address identification as described in the California Fire Code?

On September 10, 2024, after public comments and Council discussion, the City Council approved a Motion to hold a public vote on street addresses in November 2025, with the type of vote to be determined, and hold more special council meetings for additional public input.

On February 27, 2025, at the City Council Strategic Priorities Workshop (Special Meeting), the City Council requested that staff return at a future date with a presentation on street addresses. The request to staff included a presentation consisting of a proposed street address system implementation plan, proposed community engagement plan, vote options, and estimated timeline and costs of a standalone election and consolidated (county/statewide) election.

On April 1, 2025, this will be an information item and will include a Staff presentation for a draft street address system implementation plan and a draft community engagement plan, the City Attorney will provide a legal analysis regarding street identification and City Options, and staff will provide an estimated timeline and costs of elections for a ballot measure (**Attachment C**); This will be a discussion item only and no action by City Council is proposed at this meeting.

FISCAL IMPACT:

No direct fiscal impact for this action.

PRIOR CITY COUNCIL ACTION:

September 10, 2024: The City Council approved a Motion to hold a public vote on street addresses in November 2025, with the type of vote to be determined, and hold more special council meeting for additional public input..

February 27, 2025: City Council Strategic Priorities Workshop (Special Meeting), the City Council requested that staff return at a future date with a presentation on street addresses.

ATTACHMENTS:

- Attachment A - Staff Report and Attachments for City Council meeting on September 10, 2024
- Attachment B - Minutes for City Council meeting September 10, 2024
- Attachment C - Estimated Elections Costs for a Ballot Measure



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

**September 10, 2024
ORDERS OF BUSINESS**

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Emily Garay, Administrative Analyst
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Staff presents overview for proposed street address system implementation plan and a community engagement plan; City Attorney will provide a legal analysis for street address identification discussing State and City codes, a draft Ordinance, public vote and City options, and related matters, for City Council consideration and direction.

RECOMMENDATION:

Receive staff presentation for an overview of the proposed street address system implementation plan, a community engagement plan, and the City Attorney's legal analysis on the subject of address identification, to include a discussion of the following: California Health & Safety Code, Title 24 of the California Code of Regulations, the City Municipal Code, a draft Ordinance, public voting and City options, for City Council's consideration and provide staff with direction.

BACKGROUND/SUMMARY:

On July 9, 2024, the City Council received a staff presentation explaining research, findings, communication with the USPS, review of the State Fire and Building Code, and critical elements considered during the street address exploration phase.

The street address exploration phase included communicating to residents and community members:

- The City's intentions in exploring street addresses while not compelling at-home mail delivery and its intention on keeping the downtown USPS Post Office operational.
- Researching and defining at-home mail delivery and street address assignment as two separate issues.
- Street addresses/address assignments will not compel at-home mail delivery; curbside mail boxes or Cluster Box Units (CBU's) will not be installed.
- Staff's research into the USPS established processes for mail delivery to PO Boxes (centralized delivery); confirmation from USPS that delivery to PO Boxes will continue to be the delivery method/system for Carmel-by-the-Sea (**Attachment 1**).
- Continued mail service through the established system of PO Box mail delivery means that USPS mail delivery vehicles will not be deployed into neighborhoods for at-home mail delivery, operation of USPS vehicles will remain in the established routes of regular operation for PO Box delivery to the 5th Ave. USPS Post Office.
- Ad Hoc Committee and staff's direct communication with USPS representatives.
- Questions and concerns received from residents.
- Overview of inconveniences reported by residents caused by the absence of the standard street addresses, including difficulties with financial institutions, government agencies, package delivery failures, frustration and confusion attempting to activate essential utilities.
- Research and review of the California Fire Code and Building Code compliance requirements.
- Interdepartmental review and discussion of the absence of standard street addresses, including the Fire Chief, Police Chief, Planning Director/Assistant City Administrator, City Administrator, City Attorney, and Administration staff.
- Public Safety concerns and recommendation from Fire Chief Miller and Police Chief Tomasi.

The extensive research during the exploration phase aligned with the City's Council direction to research the standard street address assignment system, explore other addressing/GPS systems, and engage with the USPS Growth Manager and USPS Address Management Systems Manager for direct information on how the USPS's systems and processes would apply to Carmel-by-the-Sea, should the City move forward implementation. Staff's research and breadth of considerations incorporated community input and questions from City Council Meetings, Strategic Priority Meetings, emails, letters, and phone calls to staff.

City Council Direction to Staff

On July 9, 2024, staff and the Ad Hoc Committee asked the City Council to provide direction on whether to maintain the status quo and conclude its research and/or consider the Ad Hoc Committee's recommendation to move forward with the assignment of street addresses in the City of Carmel-by-the-Sea and direct staff to create an implementation plan and return to City Council no later than September 2024. The City Council directed staff to return on September 10, 2024 with an implementation plan, community engagement plan, and for the City Attorney to return in September with an Ordinance to amend the municipal code removing the provision allowing directional addresses.

August 6, 2024 following City Attorney announcements, City Council directed staff to return in September with a discussion on whether street addresses should be put to the voters to decide on, and provide an analysis on the process to do so, in addition to the direction to staff that was given during the July 9, 2024 meeting.

The proposed implementation plan and community engagement plans work in synchrony to encourage community involvement and input as the process moves along. The goal of the proposed plans is to promote community participation, community education on the implementation and development of the street address system program, and City Council's guidance and direction throughout the process. The street address system program development is based in producing a street address identification system that adheres to CA Fire Code, CA Residential Code, and CA Building Code; "approved address identification". Approved Address Identification for CA Fire Code, CA Residential Code, and CA Building Code are defined as "acceptable to the fire code official," "acceptable to the chief of the fire authority or building official of the city" and "acceptable to the building official or enforcing agency", respectively.

The process begins with an introduction to the City staff that will work with community members through a series of workshops, community meetings, surveys, farmers market booth, and website resources and updates. Staff will explain the benchmarks for street address assignments by the Carmel-by-the-Sea Planning and Building Department, and how staff plans to reach those benchmarks with community input and City Council guidance to develop and implement a street address system program that meets standard street address identification requirements and the meets the community's expectations of a system representative of the City of Carmel-by-the-Sea.

Staff's presentation to City Council will include an overview of the multi-phased approach for an implementation plan (**Attachment 2**) and community engagement plan (**Attachment 3**), should the City Council decide to implement a standard street addressing system in the City of Carmel-by-the-Sea, following the City Attorney's explanation of his legal analysis.

City Attorney's Legal Analysis

A. OVERVIEW

In this portion of the Staff Report, the City Attorney provides a legal analysis with regard to the subject of address identification which includes a discussion of the following: California Health & Safety Code (B); Title 24 of the California Code of Regulations (C); History Regarding Section 502.1 Address Identification (D); Amendments to the California Code of Regulations (E); City Municipal Code (F); Draft Ordinance (G); Public Vote (H); Limitations on Initiative and Referendum (I); Cost and Timing of Election on an Advisory Vote Ballot Measure (J); Public Comment on the Building Standards Commission's Current Rulemaking Cycle for Title 24 (K) and City Options (L).

The City Options discussion (Section K) provides the City Council with options that are available in regard to the subject of address identification. The options include direction on a proposed Ordinance and public vote options (Initiative, Referendum and Advisory Vote).

The Health and Safety Code directs the California Building Standards Commission to adopt, revise, and maintain Title 24, which provides for statewide building standards ("California Building Standards Code"). Three different parts of Title 24, the Building Code (Part 2), the Residential Code (Part 2.5) and the Fire Code (Part 9) all include identical requirements for address identification for new and existing buildings which are numbered here for reference:

- (1) The address identification shall be legible and placed in a position that is visible from the street or road fronting the property.
- (2) Address identification characters shall contrast with their background.
- (3) Address numbers shall be Arabic numbers or alphabetical letters.
- (4) Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm).
- (5) Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response.
- (6) Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

(7) Address identification shall be maintained.

Attachment 1

The current City Municipal Code (Section 15.55.100 (16) provides in the first sentence the following amendment to the California Fire Code: "505.1 Address identification. Buildings and parcels shall be identified by a description of Parcel location relative to the nearest cross-street intersection as determined by the Community Planning and Building Department."

B. CALIFORNIA HEALTH & SAFETY CODE

There are many sections in the California Health & Safety Code which cover the subject of building standards including sections found in Division 13 "Housing", Part 1.5 "Regulation of Buildings Use for Human Habitation" and Part 2.5 "State Building Standards".

Health & Safety Code Section 17922 references building standards included in Part 2.5 and other rules and regulations in Title 24 of the California Code of Regulations.

Health & Safety Code Section 17958 provides that the provisions of the California Building Standards Code (Part 2.5) and other regulations shall become effective 180 days after the publication by the California Building Standards Commission subject to the ability of a City to make amendments under certain circumstances as provided by the Health & Safety Code.

C. CALIFORNIA CODE OF REGULATIONS – TITLE 24

California Health and Safety Code Section 18902 provides that all references to the State Building Standards Code, Title 24 of the California Code of Regulations shall mean the California Building Standards Code.

California Health and Safety Code Section 18931 provides that the duties of the California Building Standards Commission include the approval of building standards.

The International Code Council (ICC) is an organization that proposes model building standards codes. Every 3 years, the California Building Standards Commission reviews the ICC's codes, undertakes a rulemaking process to amend the ICC's model code for California-specific issues, and adopts the amended ICC model codes, which are Title 24 in the California Code of Regulations.

There are three locations in California Code of Regulations which relate to the requirement for address identification: California Building Code, California Residential Code and the California Fire Code.

The California Building Code set forth in the California Code of Regulations Title 24, Part 2, Section 502.1 reads as follows:

"502.1 Address identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained."

The California Residential Code set forth in California Code of Regulations Title 24, Part 2.5, Section R319.1 reads as follows:

"SECTION R319 SITE ADDRESS

R319.1 Address identification. Buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) in height with a stroke width of not less than 0.5 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained."

The California Fire Code set forth in the California Code of Regulations Title 24, Part 9, Section 505.1 reads as follows:

"PREMISES IDENTIFICATION

505.1 Address identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from

the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained." Attachment 1

D. HISTORY REGARDING SECTION 502.1 – ADDRESS IDENTIFICATION

There is the following 2018 Version and Commentary on the International Building Code regarding the history of Section 502.1 on address identification:

“International Building Code (IBC)
2018 Version and Commentary

2018 Version and Commentary

SECTION 502
BUILDING ADDRESS

[F] 502.1 Address identification.

New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. Address identification shall be maintained.

- The ability of fire, police and other emergency response personnel to identify both new and existing buildings is greatly aided by the proper placement of address identification. The size and color criteria are intended to aid visibility from the street. Where several structures are remotely located on a site or set back into a property, or at locations where multiple addresses are provided (e.g., strip malls) and the address is not readily visible from the public way, an approved method of identification will also be required, which will have characters posted in a location that will help in an emergency. The fire code official has the authority to require that address numbers be placed in all locations deemed necessary to properly identify the building by street address. The primary concern is for emergency personnel to find the building without going through a lengthy search procedure. In the case of a strip mall, identification could be provided for the backs of buildings that face alleys or roads since the emergency response unit may often be directed to the back entrance. The address numbers must be maintained in a readily visible condition to provide for continuous identification. This would include the repainting of faded numbers or the trimming of trees or other vegetation that may be obscuring visibility of the address.

2018 Notes
Code Change Details

2018 International Building Code (IBC)

[F] 502.1 Address identification.

Comprehensive background on each change including the original proposal, committee action, and final action documentation. Serves to simplify researching the history of a new, revised or deleted code section between cycles by showing approved changes in legislative format helping the understanding, interpretation and intent of the I-Code provisions.”

E. AMENDMENTS TO CALIFORNIA BUILDING CODES

Health & Safety Code Section 17958.5 provides that a city may make changes or modifications to the California Building Standards Code (Part 2.5) and other regulations which are “reasonably necessary because of local climatic, geological, or topographical conditions.”

Health & Safety Code Section 17958.7 provides that before making changes pursuant to Section 17958.5 that the City “shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions. These findings must be available as a public record and submitted to the California Building Standards Commission.

In addition to the changes or modifications referenced in Health & Safety Code Section 17958.5, there is Health & Safety Code Section 18941.5 (located in Part 2.5) which reads as follows:

Section 18941.5. Amendments, additions, deletions to standards; effective date; publication date; more restrictive standards

“(a)(1) Amendments, additions, and deletions to the California Building Standards Code, including, but not limited to, green building standards, adopted by a city, county, or city and county pursuant to Section 18941.5 or pursuant to Section 17958.7,

together with all applicable portions of the California Building Standards Code, shall become effective 180 days after publication of the California Building Standards Code by the commission, or at a later date after publication established by the commission. Attachment 1

(2) The publication date established by the commission shall be no earlier than the date the California Building Standards Code is available for purchase by the public.

(b) Neither the State Building Standards Law contained in this part, nor the application of building standards contained in this section, shall limit the authority of a city, county, or city and county to establish more restrictive building standards, including, but not limited to, green building standards, reasonably necessary because of local climatic, geological, or topographical conditions. The governing body shall make the finding required by Section 17958.7 and the other requirements imposed by Section 17958.7 shall apply to that finding. Nothing in this section shall limit the authority of fire protection districts pursuant to subdivision (a) of Section 13869.7. Further, nothing in this section shall require findings required by Section 17958.7 beyond those currently required for more restrictive building standards related to housing.”

Thus, there are two Sections in the Health and Safety Code which make reference to the ability for a city to make changes or modifications to the Standard Building Code and regulations. Section 17958.7 refers to findings that the changes or modifications are “reasonably necessary because of local climatic, geological or topographical conditions.” Section 18941.5 refers to “the authority of a city, county, or city and county to establish more restrictive building standards, including, but not limited to, green building standards, reasonably necessary because of local climatic, geological, or topographical conditions.”

According to the Preface to the 2022 California Building Code (California Code of Regulations, Title 24, Volume 1 of Part 2 July 2022), the California Legislature delegated authority to the various state agencies, boards, commissions and departments to create building regulations to implement the State’s statutes and these building regulations have the same force of law. The Preface also states that a city “may establish a more restrictive building standard reasonably necessary because of local climatic, geological or topographical conditions. “

An example of a city which adopted an amendment to the California Building Code is the City of Fremont which adopted Ordinance Nos. 2339 and 2344 on June 22, 1999 to require that apartment buildings of a certain size be retrofitted with automatic fire sprinklers. In the case of California Apartments Association v. City of Fremont (2002) 97 Cal. App. 4th 693, 697, the Court states:

“In enacting the fire sprinkler ordinances, the City made express findings that more stringent fire protection measures were required because of local conditions, such as the City’s proximity to the active Hayward earthquake fault, the high fire hazard exposure, and certain topographic features of the City.”

F. CITY MUNICIPAL CODE

Section 15.55.100 subsection (16) of the City of Carmel-by-the-Sea Municipal Code reads as follows:

“16. Section 505.1 is amended to read as follows:

505.1 Address identification. Buildings and parcels shall be identified by a description of Parcel location relative to the nearest cross-street intersection as determined by the Community Planning and Building Department. For multi-tenant buildings, unit identifiers shall be provided as follows:

1. Multi-family dwelling units (apartments, condominiums) – shall be designated using alphabetic characters (i.e. A, B, C...).
When the building contains multiple floors, the floor number shall precede the alphabetic unit designator (i.e. 1-A, 2-B, etc.)

2. Non-residential, multi-tenant buildings – individual tenant spaces shall be assigned numeric identification (i.e. 1, 2, 3, etc.)
When the building contains multiple floors, the floor number shall precede the numeric unit designator and shall be separated by the number “0” (i.e. first floor units: 10x; second floor units: 20x).

3. Mixed Use buildings – Residential units shall be designated as described in 1 above. Nonresidential units shall be designated as described in 2.” (Emphasis added)

The underlined text from City Municipal Code Section 15.55.100 subsection (16) is a codification of the portion of Ordinance No. 2018-003. Pertinent pages of this 69 page Ordinance are **Attachment “4”** which includes the Recitals and the text of the change to Section 505.1 of the California Fire Code.

The Recitals in Ordinance No. 2018-003 include this statement at the bottom of page 1: “The Findings of Fact contained herein shall address each of these situations and shall present the local situation, which either singularly or in combination causes the established amendments to be adopted.” However, it should be noted that:

(1) None of the “Findings of Fact” appear to relate to the amendment to the California Fire Code to replace address identification as described in the Fire Code Section 505.1 with the identification by a description of Parcel location relative to the nearest cross-street intersection as determined by the Community Planning and Building Department;

(2) It is not clear how the change to the California Fire Code in Ordinance No. 2018-003 is a more restrictive building standard reasonably necessary because of local climatic, geological or topographical conditions; and

(3) Ordinance No. 2018-003 is limited to a proposed amendment to the Fire Code and does not appear to amend the address identification requirements in the Building Code or the Residential Code. (See Municipal Code § 15.08.010(A) and (D) [adopting California Building and Residential Codes, unless amended by Chapter 15.04]; § 15.10.010 [adopting the 2022 California Residential Code].)

(4) Ordinance No. 2018-003 was emailed by the City to the California Building Standards Commission on October 29, 2018. However, the California Building Standards Commission has no record of receiving Ordinance No. 2018-003. Amendments to the California Building Standards Code are not effective until they have been filed with the California Building Standards Commission.

G. DRAFT ORDINANCE

If the City Council direction is for the City to use address identification as described in the California Building Standards Code, then the City would need to adopt an ordinance to amend Section 15.55.100 subsection (16) of the City of Carmel-by-the-Sea Municipal Code delete the first sentence which reads: "Address identification. Buildings and parcels shall be identified by a description of Parcel location relative to the nearest cross-street intersection as determined by the Community Planning and Building Department."

By removing this sentence from Section 15.55.100 subsection (16) the City would then be governed by the provisions of the California Building Standards Code in regard to address identification.

Attachment "5" is a draft Ordinance which, if adopted, would remove the referenced sentence from the City Municipal Code regarding a description of Parcel location relative to the nearest cross-street intersection and then the address identification provisions of California Fire Code Section 505.1, and elsewhere in the California Building Standards Code, would apply to the City.

H. PUBLIC VOTE

There are three types of public votes which are noted here: Initiative, Referendum and Advisory Vote. The following is a summary of some, but not all, of the laws pertaining to initiative, referendum and advisory votes.

This summary is not intended to provide legal advice to the public. If any voter is considering pursuing an initiative or referendum, then it is recommended that the voter seek legal advice from an attorney of their choice.

1. INITIATIVE

Initiative is "the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them." California Constitution Article II, Section 8 (a).

The statutory procedures for city initiatives are found in Sections 9200–9226 (Attachment 6) which include filing a notice of intent to circulate a petition, circulation of petition for signatures and filing the petition with the City with the required number of voter signatures.

The following are some, but not all, of the Sections in the Elections Code regarding initiatives.

Elections Code Section 9215. Petition signatures equal to 10 percent of vote; adoption of ordinance; submission to voters

"If the initiative petition is signed by not less than 10 percent of the voters of the city, according to the last report of registration by the county elections official to the Secretary of State pursuant to Section 2187, effective at the time the notice specified in Section 9202 was published, or, in a city with 1,000 or less registered voters, by 25 percent of the voters or 100 voters of the city, whichever is the lesser number, the legislative body shall do one of the following:

- (a) Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.
- (b) Submit the ordinance, without alteration, to the voters pursuant to Section 1405.
- (c) Order a report pursuant to Section 9212 at the regular meeting at which the certification of the petition is presented. When the report is presented to the legislative body, the legislative body shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b)."

Elections Code Section 1405. County, municipal or district initiatives

"(a) Except as provided in subdivision (b), the election for a county initiative that qualifies pursuant to Section 9118 shall be held at the next statewide election occurring not less than 88 days after the date of the order of election. The election for a municipal or district initiative that qualifies pursuant to Section 9215 or 9310 shall be held at the jurisdiction's next regular election occurring not less than 88 days after the date of the order of election.

(b) The governing body of a county, city, or district may call a special election for the purpose of submitting an initiative measure to the voters before the date on which the initiative measure would appear on the ballot pursuant to subdivision (a). If the

governing body calls a special election pursuant to this subdivision, the election shall be held not less than 88 days nor more than 103 days after the order of the election." Attachment 1

Elections Code Section 9222. Submission of proposition without petition

"The legislative body of the city may submit to the voters, without a petition therefor, a proposition for the repeal, amendment, or enactment of any ordinance, to be voted upon at any succeeding regular or special city election, and if the proposition submitted receives a majority of the votes cast on it at the election, the ordinance shall be repealed, amended, or enacted accordingly. A proposition may be submitted, or a special election may be called for the purpose of voting on a proposition, by ordinance or resolution. The election shall be held not less than 88 days after the date of the order of election."

2. REFERENDUM

Referendum is "the power of the electors to approve or reject statutes or parts of statutes except urgency statutes, statutes calling elections, and statutes providing for tax levies or appropriations for usual current expenses of the State." California Constitution Article II, Section 9 (a).

The statutory procedures for city initiatives are found in Sections 9235 to 9247 (**Attachment 7**) which include circulation of petition for signatures and filing the petition with the City with the required number of voter signatures.

The following are some, but not all, of the Sections in the Elections Code regarding referendum.

Elections Code Section 9237. Petition signed by 10 percent of voters

"If a petition protesting the adoption of an ordinance, and circulated by a person who meets the requirements of Section 102, is submitted to the elections official of the legislative body of the city in his or her office during normal office hours, as posted, within 30 days of the date the adopted ordinance is attested by the city clerk or secretary to the legislative body, and is signed by not less than 10 percent of the voters of the city according to the county elections official's last official report of registration to the Secretary of State, or, in a city with 1,000 or less registered voters, is signed by not less than 25 percent of the voters or 100 voters of the city, whichever is the lesser, the effective date of the ordinance shall be suspended and the legislative body shall reconsider the ordinance."

Elections Code Section 9241. Submission to voters; time for holding election; effect of adverse vote

"If the legislative body does not entirely repeal the ordinance against which the petition is filed, the legislative body shall submit the ordinance to the voters, either at the next regular municipal election occurring not less than 88 days after the order of the legislative body, or at a special election called for the purpose, not less than 88 days after the order of the legislative body. The ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it. If the legislative body repeals the ordinance or submits the ordinance to the voters, and a majority of the voters voting on the ordinance do not vote in favor of it, the ordinance shall not again be enacted by the legislative body for a period of one year after the date of its repeal by the legislative body or disapproval by the voters."

Elections Code Section 9242. Circulation time limit

"Signatures upon petitions, and sections thereof, shall be secured, and the petition, together with all sections thereof, shall be filed, within 30 days from the date of the adoption of the ordinance to which it relates. Petitions and sections thereof shall be filed with the elections official of the legislative body of the city in his or her office during normal office hours as posted. Petitions which are not filed within the time permitted by this section shall be void for all purposes."

3. ADVISORY VOTE

Elections Code Section 9603 authorizes the City to set an election on by use of an advisory vote.

Elections Code Section 9603. Advisory elections; local legislative bodies; advisory vote; indication and description on ballot; elections in territories outside local entity's jurisdiction; conditions; consolidation with other elections

"(a) Each city, county, school district, community college district, county board of education, and special district may hold, at its discretion, an advisory election on any date on which that jurisdiction is currently permitted to hold a regular or special election for the purpose of allowing voters within the jurisdiction, or a portion thereof, to voice their opinions on substantive issues, or to indicate to the local legislative body approval or disapproval of the ballot proposal.

(b) An advisory vote will be indicated as a ballot heading, above the ballot proposal, and by only the following description: "Advisory Vote Only."

(c) As used in this section, "advisory vote" means an indication of general voter opinion regarding the ballot proposal. The results of the advisory vote will in no manner be controlling on the sponsoring legislative body.

(d) An advisory election may be held in territory outside of the jurisdiction of the local entity calling the advisory election if the ballot proposal affects the residents of the territory. The sponsoring legislative body shall determine the territory in which the advisory election shall be held. However, the conduct of an advisory election in territory outside of the jurisdiction of the local entity shall only be held if all of the following conditions are met:

- (1) A regular election or special election is to be held in that territory.
- (2) The advisory election can be consolidated with it.
- (3) The board of supervisors of the county in which the outside territory is located approves the consolidation.

(e) An advisory election shall not be consolidated with an election if the ballot's capacity will be exceeded because of the addition of the advisory election."

I. LIMITATIONS ON USE OF INITIATIVE AND REFERENDUM

There are several limitations on the use of an initiative and referendum. One of those limitations is that the subject of the initiative and referendum cannot regulate matters preempted by state law.

As noted in the above-mentioned Preface to the 2022 California Building Standards Code (California Code of Regulations, Title 24, Volume 1 of Part 2 July 2022), and Health and Safety Code section 18941.5(b), a city may establish a more restrictive building standard reasonably necessary because of local climatic, geological or topographical conditions.

CMC Section 15.55.100 subsection (16) on address identification by a description of Parcel location relative to the nearest cross-street intersection is in conflict with the address identification requirements of the California Building Code, California Residential Code and California Fire Code set forth in the California Building Standards Code.

CMC Section 15.55.100 subsection (16) on address identification by a description of Parcel location relative to the nearest cross-street intersection is preempted by state law because CMC Section 15.55.100 subsection (16) in conflict with the California Building Code, California Residential Code and California Fire Code as set forth in the California Building Standards Code. California Constitution Article 11, Section 7 provides: "A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws."

Due to the issue of preemption by state law, and the law on amendments to the California Building Standards Code, the use of either an Initiative or a referendum raises legal issues. However, the use of an advisory vote as described below under City Options would not necessarily present these same legal issues.

J. COST AND TIMING OF ELECTION ON ADVISORY VOTE BALLOT MEASURE

City Clerk Nova Romero has checked with the County of Monterey for estimates on the cost of a special election on an advisory vote ballot measure. The cost for adding an advisory vote ballot measure to the ballot for a general regular election is estimated at \$8000. The cost for putting an advisory vote ballot measure on a ballot for special election is estimated to be \$39,000 to \$59,000.

In regard to timing for an election on an advisory vote, the next general regular election is scheduled for November 3, 2026. City Clerk Nova Romero checked with the County of Monterey and was informed that earliest date that a special election can be held for an advisory vote is March 4, 2025 if the City the City Council adopts a Resolution at the October 1, 2024 Council meeting to call for an election to be held March 4, 2025 for an advisory ballot measure and request the that the County provide the elections services. Then, there will be enough time for the City to request the County Board of Supervisors to add to their October 22, 2024 agenda to adopt a Resolution authorizing the County to call a special election in Carmel for March 4, 2025 and provide the services for a standalone election for an advisory vote.

Elections Code Section 1500 allows for the use of a mailed ballot election. However, this option is only available if there are no more than 1,000 registered voters eligible to participate in the election. The City of Carmel has 2,472 registered voters so the mailed ballot election is not an option.

K. PUBLIC COMMENT ON THE BUILDING STANDARDS COMMISSION'S CURRENT RULEMAKING CYCLE FOR TITLE 24.

The California Building Standards Commission is currently in the rulemaking process for the 2025 version of Title 24. The State Fire Marshal, the agency responsible for reviewing and updating the address identification requirements, has not proposed any amendments to the numerical address identification requirements in the Building Code, the Residential Code, and the Fire Code. Thus, the current address identification requirements will be carried over into the 2025 version of Title 24 unless, in response to public comments, the Fire Marshal to propose amendments to the address identification sections for the Building Standards Commissions' final approval and adoption.

The public comment period for Parts 2, 2.5, and 9 begins on September 6, 2024 and ends on October 24, 2024. There is no requirement that the Building Standards Commission or the Fire Marshal take any action (or even respond to) any public comments.

Additional information regarding the method and manner of submitting public comment will be found at the following link on September 6, 2024 when the public comment period opens: . Attachment 1

L. CITY OPTIONS

Based upon the discussion above, the City options include the following:

1. Ordinance.

Direct the City Administrator to return to the City Council with an Ordinance for a First Reading (Introduction) that would delete the first sentence in CMC Section 15.55.100 (16). This would mean that the City would be required to comply with the address identification requirements of the California Fire Code and other State Codes. A copy of a Draft Ordinance to delete the first sentence in CMC Section 15.55.100 (16) is **Attachment "5"**.

If the City Council gives direction to return to the Council with an ordinance to delete the first sentence in CMC Section 15.55.100 (16), then the Staff Report at that time will provide a discussion in regard to the California Environmental Quality Act.

2. Initiative Petition.

There could be an initiative petition by the voters who are opposed to the California Fire Code address identification requirements that would present an ordinance to the City Council for consideration. However, it is not clear how such an ordinance would read since the current CMC Section 15.55.100 (16) already amends the California Fire Code. Further, as noted, there is the issue of state preemption that would raise legal issues with such an initiative.

3. Referendum.

If the City Council votes to approve the Draft Ordinance, then voters could seek to challenge that Ordinance by a Referendum Petition. However, as with an Initiative, there is the issue of state preemption that would raise legal issues regarding a referendum petition.

4. Advisory Ballot Measure

As mentioned, Election Code Section 9603 allows for an advisory vote to obtain an indication of general voter opinion regarding the ballot proposal. A possible ballot proposal could read something like or following or whatever other wording the City Council may choose:

Should the City Council of the City of Carmel-by-the-Sea adopt an Ordinance for address identification as described in the California Fire Code?

The vote on an advisory measure is not binding on the City Council. The advisory measure could be placed on the ballot by a Resolution adopted by the City Council and would include the opportunity for arguments for and against the ballot measure to be submitted. The following could be the next steps in this process:

(1) Yes. If a majority vote on the ballot proposal is yes, then the City Council can then adopt an Ordinance (such as the Draft Ordinance) for address identification as required in the California Fire Code and other State Building Codes.

(2) No. If the majority vote on the ballot proposal is no, then there could be submitted to the City's State Assembly Member and/or State Senator a request to sponsor legislation to provide an exception for the City of Carmel-by-the-Sea in regard to the address identification requirements in the California Building Standards Code and to allow buildings and parcels to be identified by a description of Parcel location relative to the nearest cross-street intersection.

(a) Approved. If the Legislature amends State law to exempt Carmel-by-the-Sea from the address identification requirement within the California Building Standards Code, then the City would be in compliance with California law by the provisions of the current language in CMC Section 15.55.100 (16).

(b) Not Approved. If the state legislature does not change State law to exempt the City from the address requirement in the California Building Standards Code, then the City Council can consider at that time the Draft Ordinance for address identification as described in the California Fire Code.

Note: There is a procedure to request an amendment to the California Building Standards Code from the California Building Commission. However, one of the requirements is that the amendment be based on a statewide concern. See **Attachment "8"** for Petition to the California Building Standards Commission (DGS BSC-30).

5. Other Action.

The City Council can provide other direction to the City Administrator regarding the subject of street addresses. Attachment 1

FISCAL IMPACT:

None at this point.

PRIOR CITY COUNCIL ACTION:

On October 4, 2022, Council gave direction to staff to continue to do research on the topic and confirm if implementing a street address system will require mail delivery service.

On November 7, 2023, Council received a presentation on staff's research and the Ad Hoc Committee for street address exploration was formed.

On July 9, 2024 Council directed staff to return with an implementation plan and community engagement plan no later than September 2024.

August 6, 2024 following City Attorney announcements, City Council directed staff to return in September with a discussion on whether street addresses should be put to the voters to decide on, and provide an analysis on the process to do so, in addition to the direction to staff that was given during the July 9th meeting.

ATTACHMENTS:

[Attachment 1\) USPS Letter to the City \(Confirmation that delivery to PO Boxes will continue to be the delivery method\)](#)

[Attachment 2\) Draft Implementation Plan](#)

[Attachment 3\) Draft Community Engagement Plan](#)

[Attachment 4\) Ordinance No. 2018-003 Excerpts](#)

[Attachment 5\) Draft Ordinance](#)

[Attachment 6\) Elections Code Sections 9200 to 9226 regarding Initiative](#)

[Attachment 7\) Elections Code Sections 9235 to 9247 regarding Referendum](#)

[Attachment 8\) Petition to the California Building Standards Commission \(DGS BSC-30\)](#)

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

REGULAR MEETING MINUTES

Tuesday, September 10, 2024

TOUR OF INSPECTION - 3:30 PM

Prior to calling the regular meeting to order, Council conducted an on-site tour of inspection of the properties listed below:

- A. Ocean Avenue 4 northeast of Guadalupe Street, Carmel (APP 24188 - Mardani)
- B. Camino Real 4 Northwest of 11th Avenue, Carmel (APP 24117 - Rodriquez)

CALL TO ORDER AND ROLL CALL

Mayor Dave Potter called the meeting to order at 4:30 p.m.

Roll call: Councilmembers Jeff Baron, Alissandra Dramov, Karen Ferlito, Mayor Dave Potter. Mayor Pro Tempore Bobby Richards attended the meeting remotely via Zoom teleconference.

ANNOUNCEMENTS

City Attorney Pierik announced that Mayor Pro Tem Richards has requested to attend the meeting via zoom teleconference for "just cause" under AB 2449 due to a medical condition and stated that a motion by Council is needed to approve the request.

Mayor Potter made a motion to approve the request from Mayor Pro Tem Richards to attend the meeting for just cause under AB 2449, seconded by Councilmember Baron, and approved 5-0-0-0 by the following roll call vote:

AYES: Councilmembers Baron, Dramov, Ferlito, Richards, and Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

PLEDGE OF ALLEGIANCE

Councilmember Baron led the pledge of allegiance.

EXTRAORDINARY BUSINESS

A. Jacob's Heart - Childhood Cancer Awareness Month Proclamation

Mayor Pro Tem Richards read the proclamation which was presented to Kimberly from Jacob's Heart Cancer Support Services.

B. Ovarian Cancer Awareness Month Proclamation

Councilmember Dramov read the proclamation and presented it to Jenny Hart, Ovarian Cancer Research Alliance Advocate.

C. Carmel High School Report Out – None.

PUBLIC APPEARANCES

Nancy Twomey
Andi Carr
Brittany Schloss
Chuck Najarian
Jo Todd
Mike Buffo
Ken White
Bryan Rosen
Lorna Moffat

ANNOUNCEMENTS

Item 1 - City Attorney Announcements

City Attorney Brian Pierik announced there was no reportable action from closed session yesterday.

Item 2 - City Administrator Announcements

City Administrator Chip Rerig announced that City Hall will be closed this Friday for roof repairs, but staff will be working remotely or from the Harrison Memorial Library. He also noted a Rule 20A Ad Hoc Committee meeting on Monday, September 16, at 2:30 p.m. He added that the city received a structural engineer's report on the closed beach staircases at 10th and 12th Avenues, confirming they require professional repairs, and staff will request funding for the repairs at a future council meeting.

Item 3 - Councilmember Announcements

Mayor Pro Tem Richards – wished a happy birthday to former Mayor Ken White, and congrats to Carmel High Football for their recent win.

Councilmember Ferlito - announced she attended her first Tor House Foundation meeting and said that the tours offered by the Tor House are a wonderful asset to the community.

Councilmember Dramov – wished Ken White a happy birthday and thanked everyone involved with throwing the surprise party.

Councilmember Baron - announced that there is a California Coastal Commission meeting in Monterey and the public may attend in person to voice their opinion on the Surf! Busway Rapid Transit project.

Item 4 - Ad Hoc Committees Report Out – none.

ORDERS OF BUSINESS

Item 5 - Resolution 2024-077 Adopting the Community Wildfire Protection Plan completed for the Cities of Monterey, Pacific Grove, and Carmel-by-the-Sea

Fire Chief Andrew Miller and Fire Captain JD Sheldon presented the Community Wildfire Protection Plan (CWPP) and addressed questions from the Council. Captain Sheldon explained that the Monterey Fire Department, in collaboration with the cities of Monterey, Pacific Grove, and Carmel, developed the CWPP as a tool to reduce wildfire severity, mitigate impacts, and enhance community resilience.

Public comment:

Nancy Twomey

Hugo Ferlito

Bryan Rosen

Cindy Lloyd

Mayor Potter made a motion to adopt Resolution 2024-077 adopting the Community Wildfire Protection Plan, seconded by Councilmember Baron, and approved 5-0-0-0 by the following roll call vote:

AYES: Councilmembers Baron, Dramov, Ferlito, Richards, and Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

Item 6 - Staff presents overview for proposed street address system implementation plan and a community engagement plan; City Attorney will provide a legal analysis for street address identification discussing State and City codes, a draft Ordinance, public vote and City options, and related matters, for City Council consideration and direction.

Mayor Potter requested that staff begin the presentation by outlining the city's options for holding a public vote before discussing implementation and public engagement. City Attorney Pierik summarized the options outlined in detail in the staff report, which include: the Council could adopt an ordinance to update the municipal code to align with state regulations or hold a public vote on

street addresses. He also described different types of public votes—city initiative, citizen initiative, or advisory vote—and compared the costs of a special election in 2025 versus consolidating it with a 2026 statewide election.

Councilmembers Baron and Ferlito expressed a desire to hear the full staff presentation and make a decision tonight, noting the issue has been discussed for two years. Mayor Pro Tem Richards said he would like Council to at least decide on whether to proceed with a public vote. Mayor Potter and Councilmember Dramov opposed the matter as complex and suggested holding a special meeting or community workshop for a more in-depth discussion.

Public comment:

Laurel Pavesi
Michael McWalters
Ken White
Nancy Twomey
Constance Irish-Hess
Stacey Steele
Harvey Billig
Karyl Hall
Kim Cole
Kevin Ruess
Linda Calafiore
Kristi Reimers
Jana Schilling
Hugo Ferlito
Andi Carr
David O'Neil
Laurel Albright
Maria Ruess
Parker Logan
Carolyn White
Dale Byrne
JT Thomas
Lindamarie Rosier
Kelly Brezoczky
Shirley Moon
Melanie Billig

Council Ferlito reiterated that the role of ad hoc committees is to research and present findings to the Council, and then community outreach follows when council is presented the information and provides direction to staff. She said there is a lot of misinformation being spread around the community which is causing problems. Councilmember Dramov asked City Attorney Pierik to clarify the California Fire Code's requirements for address identification. Mr. Pierik summarized

the Fire and Building Code standards, noting that the Fire Chief and Building Official must approve address identification, which must be in compliance with the Building and Fire Code requirements.

Mayor Potter made a motion to hold a public vote on street addresses in November 2025, with the type of vote to be determined, and hold more special council meetings for additional public input, seconded by Mayor Pro Tem Richards.

Councilmember Ferlito supported a public vote sooner than November 2025, stressing the importance of compliance with state Fire and Building Codes for public safety. Councilmember Baron agreed, and said it's unfortunate that we did not get to hear the full staff presentation and research on this topic tonight. He said he would support a City Council initiative to adopt an ordinance requiring an address system compliant with postal service regulations and state codes and put to the voters to decide on in March 2025, and then the City could spend the following 6 months on public engagement based on what the voters decide.

Councilmember Baron made a substitute motion to direct the City Attorney to return at the October council meeting with a draft ordinance entitled 'The Assignment of Street Addresses that Comply with the California Fire Code and USPS Standard Addressing System' that does four things: repeals the old ordinance, adopts an address system that is compliant with the California Fire Code and is in the standard format desired by the USPS, and gives the City 6 months to complete those tasks. The motion was seconded by Councilmember Ferlito.

Mayor Potter opposed rushing the decision, emphasizing the need for more public input, while Councilmember Baron maintained that the issue had been discussed extensively over two years, and a public vote would let the voters decide and allow ample time for further public engagement following the outcome of the vote.

Motion by Councilmember Baron to direct the City Attorney to return at the October council meeting with a draft ordinance entitled 'The Assignment of Street Addresses that Comply with the California Fire Code and USPS Standard Addressing System' that does four things: repeals the old ordinance, adopts an address system that is compliant with the California Fire Code and is in the standard format desired by the USPS, and gives the City 6 months to complete those tasks, seconded by Councilmember Ferlito, failed 2-3-0-0 by the following roll call vote:

AYES: Councilmembers Baron, Ferlito

NOES: Councilmember Dramov, Richards, and Mayor Potter

ABSENT: None

ABSTAIN: None

Substitute motion failed 2-3. Council returned to the on the original motion on the floor.

Motion by Mayor Potter to hold a public vote on street addresses in November 2025, with the type of vote to be determined, and hold more special council meetings for additional public input, seconded by Mayor Pro Tem Richards and approved 3-2-0-0 by the following roll call vote:

AYES: Councilmember Dramov, Richards, and Mayor Potter

NOES: Councilmembers Baron, Ferlito

ABSENT: None

ABSTAIN: None

Mayor Potter called a recess at 7:12 p.m. for 15 minutes; the meeting resumed at 7:31 p.m.

Item 7 - Update on City Council Resolution 2024-062 to develop alternative sites and programs that would allow for an amendment to the City's adopted 6th cycle Housing Element to remove Vista Lobos and Sunset Center from the Housing Sites Inventory List.

Principal Planner Marnie Waffle gave a summary update on the development of alternative sites and programs that could potentially remove city sites from the Housing Element inventory list. She answered questions from Council, and members of the Affordable Housing Alternatives ("AHA") group also responded to questions.

Public comment:

Maria Ruess

Julia Christopher

Andi Carr

Councilmember Baron raised concerns about whether the ADU program would truly provide affordable housing or simply increase home values, and asked staff to look into how many ADU's approved are actually lived in. He viewed hotel conversions as a more viable option and wondered how the Housing and Community Development (HCD) department would assess the program. He also questioned the church property housing initiative due to the city's limited control over it. He responded to the downtown housing program, asking if it was essentially a subsidy for local business owners. He noted that after two years of working on the housing element, some of the AHA group's ideas might threaten the village's character. Councilmember Ferlito said she hopes that the AHA group is serious about producing affordable housing not hiring a consultant that will check boxes to get it approved with no intent of following through.

Update received; no action taken by Council.

Item 8 - Consider Adoption of Resolution 2024-078 approving a Permanent Encroachment Application (EN 240031) for the legalization of, and modification to, existing encroachments in the public right-of-way, adjacent to a single-family residence located at the northeast corner of Sterling Way and Perry Newberry Way. APN: 009-162-025- 000.

Assistant Planner Evan Kort gave a brief presentation on the item and requested direction from Council based on the August 6th discussion. He summarized that for a staff approval of an encroachment permit 5 findings must be made, however, Council has the discretion to approve an encroachment if they choose to do so without the 5 findings being met.

Public comment:
Jeanne McCulloch

Mayor Pro Tem Richards said that although he voted to approve the encroachment permit at the last meeting, he revisited the location and after speaking with the neighbors again he would like to see the stone wall on the Perry Newberry side removed.

Motion by Potter, to approve the Resolution 2024-078 approving a Permanent Encroachment Application (EN 240031) seconded by Councilmember Dramov.

Councilmembers Ferlito and Baron voiced disagreement with the decision that was made at the last meeting approving an encroachment which gives the property owner over 1,000 feet of public space without much consideration or discussion and sets a poor precedent for future permanent encroachment requests.

Councilmember Baron made a substitute motion to adopt 2027-078 to approve the encroachment permit with an amendment to remove the encroachment along the west side of the property on Perry Newberry, and that the homeowner must remove all of the stone wall on the Perry Newberry, seconded by Mayor Pro Tem Richards and approved 3-2-0-0 by the following roll call vote:

AYES: Councilmembers Baron, Ferlito, Richards

NOES: Councilmember Dramov, Mayor Potter

ABSENT: None

ABSTAIN: None

PUBLIC HEARINGS

Item 9 - APP 24117 (Rodriguez) - Consideration of an Appeal of the Historic Resources Board's decision to add an individual property known as the "Henry J. Ohloff House" located at Camino Real 4 northwest of 11th Avenue to the Carmel Inventory of Historic Resources. APN: 010-275-006.

Associate Planner Katherine Wallace presented the item and summarized the background of the Historic Resources Board decision to list the Henry J. Ohloff House as a historic home and the process and findings that led the Historic Resources Board (HRB) to come to that decision. She said that the homeowners have appealed the HRB's decision to deem the house historic.

Anthony Lombardo presented the appeal on behalf of the appellant, arguing that the house does not adhere to the Tudor Revival style and that the current homeowners purchased it after the city confirmed it was not historic. He pointed out that several renovations have been made, and the house lacks key elements to be considered historic.

Public Comment:

Mr. Seavey

Van Rodriguez

Motion by Councilmember Dramov to overturn the HRB's decision to list the house as historic, seconded by Mayor Potter.

Councilmember Baron said that the homeowner did their due diligence after purchasing it to confirm that it was not historic before making modifications, however, they went on to make further unpermitted modifications. Ms. Wallace said that the unpermitted work will be reviewed and processed as a separate matter, regardless of the outcome of the appeal. She noted that if the property is deemed historic that will have ramifications for the review of unpermitted work.

Motion by Councilmember Dramov to grant the appeal by Rodriguez to overturn the HRB's decision that the house is historic, seconded by Mayor Potter and approved 3-2-0-0 by the following roll call vote:

AYES: Councilmembers Dramov, Richards, and Mayor Potter

NOES: Councilmembers Baron, Ferlito

ABSENT: None

ABSTAIN: None

Council took a recess at 9:33 p.m. and resumed the meeting at 9:40 p.m.

Item 10 - APP 24188 (Mardani) - Consideration of an Appeal of the Planning Commission's approval of Design Study DS 21-376 (Mardani) and associated Coastal Development Permit for one-story additions totaling 333 square feet to a one-story 562-square-foot cottage and construction of a 230-square-foot detached garage in the front yard setback located on Ocean Avenue 4 northeast of Guadalupe Street. APN: 010-033- 011-000

Principal Planner Waffle summarized the item which is an appeal of the Planning Commission's June 11th decision to approve the design study and associated Coastal Development Permit for the Mardani cottage. Ms. Waffle gave a presentation including the staff's responses to the appellant's 5 contentions that the permit should not have been approved and provided reasons for upholding the Planning Commission's decision.

Cathryn Carlson, appellant, presented her reasons for the appeal questioning if the permit is in compliance with the City's Municipal Code, and whether the project exempt from CEQA.

Public Comment:

Thomas Trapani spoke on behalf of Mardani

Council voiced satisfaction with Staff's presentation supporting Planning Commission's decision to approve the permit.

Councilmember Baron made a motion to deny the appeal and uphold the Planning Commission's decision to approve DS 21-376 (Mardani) and associated Coastal Development Permit for the project located on Ocean Avenue 4 northeast of Guadalupe Street, seconded by Mayor Pro Tem Richards and approved 5-0-0-0 by the following roll call vote:

AYES: Councilmembers Baron, Dramov, Ferlito, Richards, and Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

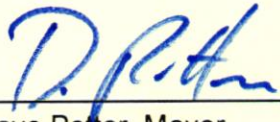
FUTURE AGENDA ITEMS

None

ADJOURNMENT

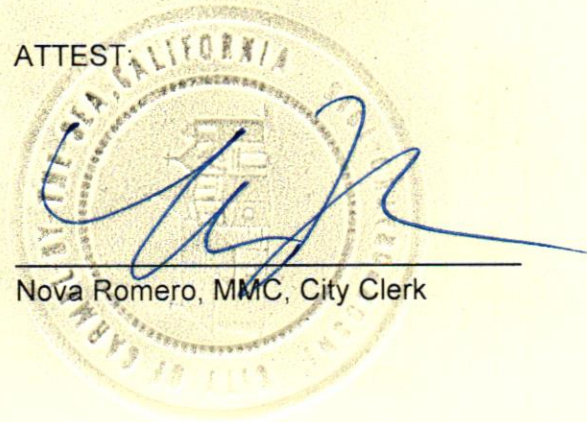
Council adjourned the meeting at 10:04 p.m.

APPROVED:



Dave Potter, Mayor

ATTEST



Nova Romero, MMC, City Clerk

Estimated Election Costs and Timelines for Ballot Measure

Timelines for an Election

2025 Special Election

The deadlines for a Special Election in an odd-numbered year are determined by California Elections Code section 9222. For a Special Election, the City would contract with the Monterey County Elections Office to conduct the election.

August 6, 2025	City adopts a Resolution calling for a special municipal election on November 4, 2025, for a street address ballot measure, requests that the Monterey County Elections Office conduct the election. The Resolution would contain the ballot measure language for the voters.
August 7, 2025	The Resolution is sent to the Monterey County Elections Office and County Board of Supervisors for approval. The election will be scheduled for 88-103 days from August 6th.
October 2025	The County will mail out ballots to Carmel-by-the-Sea registered voters.
November 4, 2025	Election day
December 4, 2025	Election results certified by the County

2026 General Election Timeline (estimated dates)

June 2, 2025	Adopt a Resolution calling for a general municipal election for Mayor, Councilmembers, and ballot measure, and requesting consolidation with the County.
August 9, 2025	Last date to withdraw a ballot measure.
October 2026	County will mail out ballots.
November 3, 2026	Election day
December 3, 2026	Election results certified by the County

Estimated Costs for Elections – Monterey County

The Monterey County Elections office has estimated that the cost of standalone election in an odd numbered year would be \$16-24 per registered voter. Carmel has about 2,500 registered voters, so the estimated cost to hold an election in 2025 is \$40,000 - 60,000.

However, the cost to hold an election during an even numbered year when consolidated with a county/statewide election, is about \$4-6 per registered voter when we have no ballot measures (only mayor and councilmember election), which is \$10,000 to \$15,000. If the City were to add a ballot measure an already planned election in 2026, the cost to add a ballot measure in 2026 would be estimated to be \$8,000 to \$10,000



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

April 1, 2025
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Jayme Fields, Finance Manager
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Receive the Fiscal Year 2025-2026 Fee Schedule for Administrative Services, Community Planning and Building, Public Safety, Public Works, Community Activities and Library services

RECOMMENDATION:

Receive the Fiscal Year 2025-2026 Fee Schedule for Administrative Services, Community Planning and Building, Public Safety, Public Works, Community Activities and Library services.

BACKGROUND/SUMMARY:

The City provides a variety of services that benefit specific customers, such as the issuance of business licenses, planning and building permits, and tree removal permits. In accordance with State law, the City is legally allowed to charge a fee to the user of a specific service to recover the cost of providing the service. To help determine the cost of providing certain services, as well as to develop alternative and more equitable ways to finance some services, the City hired Revenue and Cost Specialists, LLC to complete a cost of services study in March 2023. The proposed Fiscal Year 2025-2026 fee schedule is based on this study, reflects previous direction from Council regarding subsidies of certain services like tree permits, and incorporates an inflationary adjustment of 2.4 percent to all existing fees, with the exception of fees set by the State or courts and parking violations.

For Community Activities, this fee schedule also represents a catch-up of past CPI adjustments, as the fee schedule for Community Activities has not been adjusted for a number years. Previous adjustments have not been seen as material but the cumulative impact of increasing costs makes review and potential revision of these fees important.

Summary

The purpose of this agenda item is to provide an update regarding fees and for Council to receive and make recommendations to the proposed master fee schedule for the upcoming fiscal year. If Council approves, the fees will become effective on July 4, 2025. A summary matrix of the current and proposed fees is included as reference **Attachment 1**.

The proposed fees associated with the charges for services are intended to recover 100% of the City's cost of providing the service from the user, or beneficiary, of the service. However, Council may determine

that certain services have a community-wide benefit and choose to reduce fees associated with certain services. If fees are reduced to less than 100% of cost recovery, then the difference between the cost of the service and the fee charged to the user needs to be made up, or subsidized, by other General Fund revenues. This in turn means that there would be less General Fund revenue available for other community-wide services. Staff recommends that Council strive to achieve full cost recovery for all services.

FISCAL IMPACT:

Consistent with financial policy C94-01, the proposed fee schedule includes an annual adjustment based upon the San Francisco-Oakland Consumer Price Index (CPI), which was calculated by the Bureau of Labor and Statistics at 2.4 percent for the year ending December 2024. The Fiscal Year 2025-2026 Proposed Budget includes a 2.4 percent increase on the revenues known as “charges for services”.

The revenue from fees allows the City to recover its costs for providing a service from the direct recipient, or user, like property, sales and use and transient occupancy taxes, are needed to help offset the cost of services. This means that the overall General Fund revenues are not subsidizing user fees, then more of the General Fund is available to fund community-wide activities that have a public benefit, like libraries, public safety, and public works.

PRIOR CITY COUNCIL ACTION:

Council adopted the Fiscal Year 2024-2025 Fee Schedule on June 4, 2024.

ATTACHMENTS:

Attachment 1) Current and Proposed FY 25-26 User Fees

PROPOSED FEE SCHEDULE EFFECTIVE JULY 1, 2025 - JUNE 30, 2026		Current Fee	Proposed Fee	\$ Change
COMMUNITY PLANNING & BUILDING				
Design Study and Review				
TRACK 1 DESIGN REVIEW/STUDY - MINOR	\$725 per application	708.00	725.00	17.00
TRACK 1 DESIGN REVIEW/STUDY - MAJOR	\$1,040 per application	1,016.00	1,040.00	24.00
TRACK 1 DESIGN REVIEW/STUDY-STREAMLINE	\$373 per application	364.00	373.00	9.00
TRACK 1 DESIGN REVIEW/STUDY - REFERRAL TO PLANNING COMMISSION	\$1,875 per application in addition to the base Track 1 fee	1,831.00	1,875.00	44.00
TRACK 1 DESIGN REVIEW/STUDY-REFERRAL TO HISTORIC RESOURCES BOARD	\$1,875 per application in addition to the base Track 1 fee	1,831.00	1,875.00	44.00
TRACK 2 DESIGN REVIEW - MINOR	\$4,108 per application	4,012.00	4,108.00	96.00
TRACK 2 DESIGN REVIEW - MAJOR	\$6,235 per application	6,089.00	6,235.00	146.00
TRACK 2 DESIGN REVIEW - MAJOR NEW COMMERCIAL BUILDING	\$2,974 per application plus a deposit determined by staff with charges at the fully allocated hourly rates for Project Planner	2,904.00	2,974.00	70.00
PRELIMINARY SITE ASSESSMENT	\$1,571 per application	1,534.00	1,571.00	37.00
REASONABLE ACCOMODATION	\$205 per application, plus fee for associated Design Study/Design Review as applicable	200.00	205.00	5.00
VOLUMETRIC ANALYSIS	\$142 per application plus \$1,500 deposit with charges at the fully allocated hourly rates plus any outside costs.	139.00	142.00	3.00
Use Permit and Other Services				
USE PERMIT	\$3,215 per application	3,140.00	3,215.00	75.00
USE PERMIT AMENDMENT	\$2,905 per application	2,837.00	2,905.00	68.00
TEMPORARY USE PERMIT	\$173 per application	169.00	173.00	4.00
RESTRICTED COMMERCIAL USE TRANSFER REQUEST	\$594 per application	580.00	594.00	14.00
WATER CREDIT TRANSFER REQUEST	\$3,257 per application	3,181.00	3,257.00	76.00
VARIANCE	\$1,881 per application	1,837.00	1,881.00	44.00
PRELIMINARY APPLICATION REVIEW - STAFF	\$1,434 per application with 50% of this fee credited towards future planning fees for this project.	1,400.00	1,434.00	34.00
PRELIMINARY APPLICATION REVIEW - PUBLIC HEARING (PLANNING COMMISSION, CITY COUNCIL, ETC.)	\$3,940 per application with 50% of this fee credited towards future planning fees for this project.	3,848.00	3,940.00	92.00
COASTAL DEVELOPMENT PERMIT - DEVELOPMENT	\$184 per application - Added to other Planning fees	180.00	184.00	4.00
COASTAL DEVELOPMENT PERMIT - EVENT	\$777 per application	759.00	777.00	18.00
LANDSCAPE PLAN CHECK/INSPECTION	\$725 per plan/inspection	708.00	725.00	17.00
PLANNING TECHNICAL ASSISTANCE	Charge the fully allocated hourly rate for all personnel involved after 15 minutes.			
TOBACCO RETAIL LICENSE	Current fee as adopted by the Monterey County Board of Supervisors			
EXTRAORDINARY DEVELOPMENT	Deposit amount TBD based on scope of project, with charges at the fully allocated hourly rates plus any outside costs			
Amendments, Annexations and Agreements				
SPECIFIC PLAN/SPECIFIC PLAN AMENDMENT				
GENERAL PLAN AMENDMENT	\$5,253 deposit with charges at the fully allocated hourly rates plus outside costs	5,130.00	5,253.00	123.00
SPHERE OF INFLUENCE AMENDMENT				
ZONING CODE AMENDMENT				
ANNEXATION				
DEVELOPMENT AGREEMENT	\$10,503 deposit with charges at the fully allocated hourly rates plus outside costs	10,260.00	10,506.00	246.00
Environmental Review Maps and Lot Lines				
ENVIRONMENTAL REVIEW (IS/ND/EIR)	Contract cost plus 10%			
FILING ENVIRONMENTAL NOTICE OF EXEMPTION	\$520 per application plus associated Monterey County fees	508.00	520.00	12.00
MITIGATION MONITORING	\$3,152 deposit with charges at the fully allocated hourly rates plus outside costs.	3,078.00	3,152.00	74.00
TENTATIVE/FINAL MAP	\$4,202 deposit with charges at the fully allocated hourly rates plus any outside costs.	4,104.00	4,202.00	98.00
AMENDED FINAL MAP	\$1,051 deposit with charges at the fully allocated hourly rates plus any outside costs.	1,026.00	1,051.00	25.00
CERTIFICATE OF COMPLIANCE	\$788 per application plus actual contract cost	770.00	788.00	18.00
LOT LINE ADJUSTMENT/SUBDIV - PLANNING COMMISSION	\$1,108 per application plus actual contract cost	1,082.00	1,108.00	26.00
LOT MERGER	\$898 per application plus actual contract cost	877.00	898.00	21.00
Historic Evaluation				
PRELIMINARY PHASE 1 - INITIAL ASSESSMENT OF HISTORIC SIGNIFICANCE	\$326 per application	318.00	326.00	8.00
PHASE 1 - HISTORIC EVALUATION	\$426 per application plus actual cost for Historian review with \$1,500 deposit	416.00	426.00	10.00
PHASE 2 - HISTORIC EVALUATION (INCLUDES HISTORIC RESOURCES BOARD HEARING)	\$2,143 per application plus actual cost for Historian review with \$1,500 deposit	2,093.00	2,143.00	50.00
APPEAL TO HISTORIC RESOURCES BOARD	\$1,576 per application plus actual cost for Historian review with \$1,500 deposit	1,539.00	1,576.00	37.00
MILLS ACT CONTRACT APPLICATION	\$3,603 per application plus actual cost to record contract with County of Monterey	3,519.00	3,603.00	84.00

PROPOSED FEE SCHEDULE EFFECTIVE JULY 1, 2025 - JUNE 30, 2026		Current Fee	Proposed Fee	\$ Change
MILLS ACT MAINTENANCE PLAN REVIEW	\$1,051 deposit with charges at the fully allocated hourly rates plus any outside costs for qualified professional to review plan.	1,026.00	1,051.00	25.00
MILLS ACT 5-YEAR INSPECTION	\$525 deposit with charges at the fully allocated hourly rates plus any outside costs for qualified professional	513.00	525.00	12.00
MILLS ACT 10-YEAR MAINTENANCE PLAN REVIEW	\$1,051 deposit with charges at the fully allocated hourly rates plus any outside costs for qualified professional to review plan.	1,026.00	1,051.00	25.00
Determinations, Extensions and Appeals				
PLANNING COMMISSION CODE DETERMINATION	\$1,828 per application	1,785.00	1,828.00	43.00
ZONING COMPLIANCE DETERMINATION	Charge the fully allocated hourly rates for all personnel involved with a one hour minimum			
PERMIT TIME EXTENSION - STAFF	\$420 per application	410.00	420.00	10.00
PERMIT TIME EXTENSION - PLANNING COMMISSION	\$1,135 per application	1,108.00	1,135.00	27.00
PERMIT TIME EXTENSION - CITY COUNCIL	\$1,098 per application	1,072.00	1,098.00	26.00
PUBLIC HEARING CONTINUANCE - PLANNING COMMISSION	\$872 per continuance	852.00	872.00	20.00
PUBLIC HEARING CONTINUANCE - COUNCIL	\$878 per continuance	857.00	878.00	21.00
APPEAL TO PLANNING COMMISSION	\$2,044 per appeal - No charge for appeals of Coastal Development Permits (CDPs) within the Coastal Commission Appeal Jurisdiction (CMC 17.20.140)	1,996.00	2,044.00	48.00
APPEAL TO CITY COUNCIL	\$2,190 per appeal - No charge for appeals of Coastal Development Permits (CDPs) within the Coastal Commission Appeal Jurisdiction (CMC 17.20.140)	2,139.00	2,190.00	51.00
Sign and Banners				
SIGN APPLICATION	\$473 per application	462.00	473.00	11.00
SIGN REFERRAL TO PLANNING COMMISSION	\$1,581 per application	1,544.00	1,581.00	37.00
RELOCATE EXISTING SIGN	\$252 per application	246.00	252.00	6.00
TEMPORARY SIGN PERMIT	No permit fee required	0.00	0.00	0.00
BANNER APPLICATION	\$0 per application, applicant bears the fully burdened cost of installation through City approved third-party vendors			
Building Services				
BUILDING RELOCATION	Deposit determined by staff with charges at the fully allocated hourly rates for all personnel involved plus any outside costs			
LARGE FAMILY DAY CARE (RESIDENTIAL)	\$2,437 per application	2,380.00	2,437.00	57.00
GENERAL PLAN UPDATE	3.5% of all Building & Safety permits			
BUILDING PLAN CHECK	Based on Building and Safety Construction Valuation			
BUILDING INSPECTION	Based on Building and Safety Construction Valuation			
BUILDING RE-INSPECTION	\$153 per re-inspection	149.00	153.00	4.00
BUILDING PERMIT APPLICATION EXTENSION	\$99 per extension (maximum of 4)	97.00	99.00	2.00
BUILDING PERMIT EXTENSION	\$158 per extension (maximum of 2)	154.00	158.00	4.00
BUILDING PERMIT PRE-APPLICATION CONFERENCE	\$357 per application	349.00	357.00	8.00
BUILDING SINGLE TRADE PERMIT	\$173 per permit	169.00	173.00	4.00
ON-SITE DRIVEWAY PERMIT	\$415 per permit	405.00	415.00	10.00
SOLAR PLAN CHECK/INSPECTION PERMIT	Plan Check AND Inspection - \$473 plus \$15 per kW over 15kW (Per Assembly Bill 1414)	462.00	473.00	11.00
RE-ROOF PERMIT	\$273 per permit	267.00	273.00	6.00
BUILDING BOARD APPEAL	\$1,193 per appeal	1,165.00	1,193.00	28.00
DUPLICATE INSPECTION CARD	\$63 per card	62.00	63.00	1.00
BUILDING TECHNICAL ASSISTANCE	Charge the fully allocated hourly rate for all personnel involved after 15 minutes.			
STOP WORK INVESTIGATION	\$651 per investigation plus double all Building Permit fees	636.00	651.00	15.00
TEMPORARY CERTIFICATE OF OCCUPANCY	\$237 per application	231.00	237.00	6.00
ALTERNATE MATERIALS/METHODS REVIEW	\$231 per application plus actual cost of City Staff for all time over one hour.	226.00	231.00	5.00
BUILDING PHASED WORK REQUEST	\$331 per application	323.00	331.00	8.00
BUILDING TECHNOLOGY SURCHARGE	\$9 per permit	8.00	9.00	1.00
Bench Program				
NEW BENCH LOCATION	\$1,009 per application plus the actual cost of the bench and plaque (plus \$750 for future maintenance) plus \$2,005 if a public hearing is required.	985.00	1,009.00	24.00
ADOPTION OF EXISTING BENCH	\$399 per application plus the actual cost of the bench and plaque (plus \$750 for future maintenance) plus \$530 if a public hearing is required.	390.00	399.00	9.00
REPLACEMENT OF BENCH PLAQUE	\$515 per application plus the actual cost of the plaque plus \$530 if a public hearing is required.	503.00	515.00	12.00

PROPOSED FEE SCHEDULE EFFECTIVE JULY 1, 2025 - JUNE 30, 2026		Current Fee	Proposed Fee	\$ Change
Encroachment Permits				
TEMPORARY ENCROACHMENT PERMIT	\$362 per permit	354.00	362.00	8.00
STREET EXCAVATION	\$841 per permit, plus \$8.75/lineal foot of work being performed	821.00	841.00	20.00
PERMANENT ENCROACHMENT PERMIT	\$499 per permit plus \$8.75/lineal foot Plus cost of any damage to public right-of-way or street as determined by the Public Works Director Plus cost of and Design Study/Design Review as needed Plus cost of referral to City Council if needed.	487.00	499.00	12.00
TRAFFIC CONTROL PLAN REVIEW/INSPECTION	\$710 per review plus \$405 per each additional review	693.00	710.00	17.00
SIDEWALK VENDING PERMIT	\$469 per new applications	458.00	469.00	11.00
	\$231 per renewal	226.00	231.00	5.00
USE OF ONLINE ELECTRONIC PAYMENT - CP&B DEPARTMENT	3.5% OF CHARGED AMOUNT			
USE OF CREDIT CARD/ DEBIT CARD - CP&B DEPARTMENT	3.5% OF CHARGED AMOUNT			
PUBLIC WORKS/FORESTRY				
TREE EVALUATION	\$205 per application	200.00	205.00	5.00
TREE REMOVAL PERMIT - DEAD TREE	\$205 per permit	200.00	205.00	5.00
TREE REMOVAL PERMIT	\$698 per permit	682.00	698.00	16.00
TREE PRUNING PERMIT	\$268 per permit	262.00	268.00	6.00
APPEAL TO FOREST & BEACH COMMISSION	\$1,891 per appeal plus actual outside costs	1,847.00	1,891.00	44.00
APPEAL TO CITY COUNCIL	\$1,891 per appeal plus actual outside costs	1,847.00	1,891.00	44.00
REMOVAL OF PRIVATE TREE FALL IN PUBLIC RIGHT-OF-WAY	Charge the fully allocated hourly rate for all personnel involved plus any outside costs			
DAMAGE TO CITY PROPERTY	Charge the fully allocated hourly rate for all personnel involved plus any outside costs			
USE OF ONLINE ELECTRONIC PAYMENT- PUBLIC WORKS DEPT	3.5% OF CHARGED AMOUNT			
USE OF CREDIT CARD/ DEBIT CARD- PUBLIC WORKS DEPT	3.5% OF CHARGED AMOUNT			
PUBLIC SAFETY				
Police Services				
LOUD PARTY PUBLIC DISTURBANCE RESPONSE	First Response - No Charge	0.00	0.00	0.00
	Second Response the same day - \$229 per response	224.00	229.00	5.00
	Third Response within a calendar year - \$574 per response	561.00	574.00	13.00
POLICE FALSE ALARM RESPONSE	First Activation - \$115	112.00	115.00	3.00
	Second Activation - \$137	134.00	137.00	3.00
	Each Subsequent Activation in a calendar year - \$207	202.00	207.00	5.00
ALARM PERMIT	New - \$40 per permit	39.00	40.00	1.00
	Renewal - \$29 per permit	28.00	29.00	1.00
VEHICLE IMPOUND RELEASE	\$161 per vehicle	157.00	161.00	4.00
MISDEMEANOR BOOKING	Non-Carmel bookings - \$172 per booking	168.00	172.00	4.00
MISCELLANEOUS POLICE PERMIT	\$212 per application plus DOJ fees	207.00	212.00	5.00
FINGERPRINTING ON REQUEST	\$40 plus outside agency fees	39.00	40.00	1.00
CLEARANCE FORM TRAVEL LETTER	\$57 per letter	56.00	57.00	1.00
VIN VERIFICATION	\$57 per vehicle	56.00	57.00	1.00
CITATION SIGN-OFF	Non-Carmel citations - \$29 per citation	28.00	29.00	1.00
SIGN ABATEMENT	\$29 per sign	28.00	29.00	1.00
POLICE COURT WITNESS	Fees are set by the court			
POLICE REPORT COPY	1st 10 pages - No Charge, Each additional page - \$0.25	0.20	0.25	0.05
POLICE PHOTOGRAPH COPY	photo - \$6 per photo, digital - \$6 per disk	5.00	6.00	1.00
USE OF ONLINE ELECTRONIC PAYMENT	3.5% OF CHARGED AMOUNT			
USE OF CREDIT CARD/ DEBIT CARD	2.5% OF CHARGED AMOUNT			
Animal Services				
ANIMAL IMPOUND	Within a calendar year:			
	First impound - \$115	112.00	115.00	3.00
	Second impound - \$137	134.00	137.00	3.00
	Third and subsequent impounds - \$161	157.00	161.00	4.00
ANIMAL TRANSPORT	Local Transport - \$29 per transport	28.00	29.00	1.00
	To County Animal Shelter - \$104 per transport	102.00	104.00	2.00

PROPOSED FEE SCHEDULE EFFECTIVE JULY 1, 2025 - JUNE 30, 2026		Current Fee	Proposed Fee	\$ Change
Parking				
RESIDENT/EMPLOYEE PARKING PERMIT	\$35 per permit	34.00	35.00	1.00
	\$127 Misuse of Residential Permit	124.00	127.00	3.00
CONTRACTOR PARKING PERMIT	\$18 non specific	17.00	18.00	1.00
	\$29 space specific	28.00	29.00	1.00
NORTON COURT PARKING GARAGE	\$2,520 annually per space, \$630 quarterly per space	2,460.00	2,520.00	60.00
USE OF ONLINE ELECTRONIC PAYMENT	3.5% OF CHARGED AMOUNT			
Fire Services				
FIRE PLAN CHECK/ REVIEW/INSPECTIONS	Current fee schedule as adopted by City of Monterey Council			
USE OF ONLINE ELECTRONIC PAYMENT	3.5% OF CHARGED AMOUNT			
USE OF CREDIT CARD/ DEBIT CARD	2.5% OF CHARGED AMOUNT			
AMBULANCE TRANSPORT SERVICES	Current fee schedule as adopted by Monterey County ambulance transport			
ADMINISTRATIVE SERVICES				
NEW BUSINESS REGISTRATION PROCESS	Fixed Location - \$356 per application + \$4 State fee	348.00	356.00	8.00
	In & About - \$24 per application + \$4 State fee	23.00	24.00	1.00
	Home License - \$150 per application	146.00	150.00	4.00
BUSINESS REGISTER RENEWAL PROCESS	\$18 per renewal	17.00	18.00	1.00
DUPLICATE BUSINESS LICENSE	\$11 per license	10.00	11.00	1.00
CHANGE BUSINESS NAME	\$24 per business	23.00	24.00	1.00
USE OF ONLINE ELECTRONIC PAYMENT	3.5% OF CHARGED AMOUNT			
Finance				
NSF CHECK PROCESSING	\$46 per NSF check	45.00	46.00	1.00
City Clerk				
DOCUMENT REPRODUCTION/SCANNING	First 10 copies - No Charge	0.00	0.00	-
	Additional copies - \$0.25 per copy	0.20	0.25	0.05
	FPPC copies - \$0.15 per copy plus \$5 for retrieval of documents if more than five years old plus postage cost if mailed	0.10	0.15	0.05
ELECTRONIC FILE COPY	\$5 per device	5.00	6.00	1.00
DOCUMENT CERTIFICATION	\$11 per document	10.00	11.00	1.00
RECORD COMPILATION	Record Compilation/Creation - charge the fully allocated hourly rate for all personnel involved plus any outside costs.			
LOCAL CANDIDATE FILING	\$25 per candidate- Fee is set by the State	25.00	25.00	-
LOCAL INITIATIVE PROCESSING	\$200 per initiative- This fee is limited by the State Law - Elections Code Section 9202(b) - Fee is refundable to the filer, if within one year of filing the notice of intent, the elections official certifies the sufficiency of the petition.	200.00	200.00	-
USE OF ONLINE ELECTRONIC PAYMENT	3.5% OF CHARGED AMOUNT			
USE OF CREDIT CARD/ DEBIT CARD	2.5% OF CHARGED AMOUNT			
COMMUNITY ACTIVITIES				
BEACH SPECIAL EVENT PERMIT	Processing: Non-Profit/School - \$211 per permit	180.00	211.00	31.00
	Processing: Other - \$726 per permit	620.00	726.00	106.00
	Rental: Non-Profit/School - \$293 per rental plus \$500 refundable damage deposit	250.00	293.00	43.00
	Rental: Other - \$586 per rental plus \$500 refundable damage deposit	500.00	586.00	86.00
	Sounds Permit: Non-Profit/School - \$12 per permit	10.00	12.00	2.00
	Sounds Permit: Other - \$29 per permit	25.00	29.00	4.00
SPECIAL EVENT PERMIT	Processing: Non-Profit/School - \$211 per permit	180.00	211.00	31.00
	Processing: Other - \$726 per permit	620.00	726.00	106.00
	Rental: Non-Profit/School - \$293 per rental plus \$500 refundable damage deposit	250.00	293.00	43.00
	Rental: Other - \$586 per rental plus \$500 refundable damage deposit	500.00	586.00	86.00
	With Alcohol: Non-Profit/School - \$53 per permit	45.00	53.00	8.00
	With Alcohol: Other - \$211 per permit	180.00	211.00	31.00
	Sounds Permit: Non-Profit/School - \$12 per permit	10.00	12.00	2.00
	Sounds Permit: Other - \$29 per permit	25.00	29.00	4.00
SPECIAL EVENT OVERTIME SERVICES	Overtime Staff time: Non-Profit/School - Charge 25% of the fully allocated hourly rates for all personnel involved			
	Overtime Staff time: Other - Charge 100% of the fully allocated hourly rates for all personnel involved			
	Barricade Rental - \$1,171 Resident Block Party - No Charge	1,000.00	1,171.00	171.00
	Parking Stall Rental: Non-Profit/School - \$211 per permit plus \$100 per stall/day	180.00	211.00	31.00
	Parking Stall Rental: Other - \$861 per permit plus \$100 per stall/day	735.00	861.00	126.00
	Parking Stall Rental: Peak Demand Rental - \$200 per stall/day			
	Non-Profit/Student - \$129	110.00	129.00	19.00

PROPOSED FEE SCHEDULE EFFECTIVE JULY 1, 2025 - JUNE 30, 2026		Current Fee	Proposed Fee	\$ Change
FILM PERMIT	Other: Still Photo - \$328 Other: Motion Picture - \$691	280.00 590.00	328.00 691.00	48.00 101.00
COMMUNITY ACTIVITIES APPEAL	867 per appeal	740.00	867.00	127.00
FACILITY RENTAL	\$29 per hour plus \$125 refundable cleaning deposit	25.00	29.00	4.00
USE OF ONLINE ELECTRONIC PAYMENT	3.5% OF CHARGED AMOUNT			
USE OF CREDIT CARD/ DEBIT CARD	2.5% OF CHARGED AMOUNT			
Library				
INTERLIBRARY LOAN PROCESSING	\$3 per item	3.00	3.00	-
LOST/DAMAGED MATERIALS PROCESSING	Actual cost of lost or damaged materials			
SELF SERVE LIBRARY COPYING	Black and White - \$0.20 per copy	0.20	0.20	-



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

April 1, 2025
PUBLIC HEARINGS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Jacob Olander, Associate Planner

APPROVED BY: Chip Rerig, City Administrator

SUBJECT:

Consideration of an Appeal (APP 25034 (Faia)) of the Planning Commission's decision to Approve a Track 1 Design Study referral (DS 24203, 24216, 24217 (Faia)) with conditions for the replacement of the wood shake roof of a two-story single-family residence located on the Northeast corner of Torres and 2nd Avenue in the Single-Family Residential (R-1) District. APN: 010-101-021, 010-101-020, & 010-101-012.

CEQA Action: Find denying of the Appeal and upholding the Planning Commission's approval of a Track 1 Design Study categorically exempt from environmental review pursuant to CEQA Guidelines Section 15301 and no exceptions listed under Section 15300.2 can be made in this case.

RECOMMENDATION:

Staff recommends Council adopt a Resolution (**Attachment 2**):

- 1) Finding the project categorically exempt from the California Environmental Quality Act (CEQA), State CEQA guidelines and local environmental regulations, pursuant to CEQA Guidelines Section 15301 and no exceptions to the exemption listed in Section 15300.2 can be made; and
- 2) Denying the Appeal (APP 25034) by Brandi Faia and upholding the Planning Commission's decision to approve the Track 1 Design Study with Conditions (DS 24203, 24216, 24217 (Faia)) for the replacement of the wood shake roof of a two-story single-family residence located on NE Corner of Torres and 2nd Ave as found in Resolution 2024-087-PC.

BACKGROUND/SUMMARY:

EXECUTIVE SUMMARY

The applicant proposed the replacement of the wood shake roof of a two-story single-family residence with a vertical standing seam metal roof at a single-family residence (DS 24203, 24216, 24217 (Faia)) on a 12,000 square-foot building site. The project was referred to the Planning Commission for review due to the Residential Design Guidelines 9.8 stating that "Metal, plastic, and glass roofs are inappropriate in all neighborhoods". The Planning Commission approved the permit with special Condition of Approval No. 30, requiring the applicant submit revised plans for review and approval by the Planning Division, identifying an alternate roofing material. The applicant filed a timely appeal of the Planning Commission's action for

consideration by the City Council in accordance with Carmel-by-the-Sea Municipal Code (CMC) Section 17.54.040.C.

BACKGROUND/SUMMARY

The residence was designed by Ted Fehring and constructed in 1951 by the Lunts Brother, contractors from Salinas. Neither the Lunts Brother nor Ted Fehring are currently listed in Carmel's Historic Context Statement. On August 24, 2024, the property was reviewed for historic significance. It was determined to be ineligible for the Carmel Historic Inventory due to a lack of association with important events, people, builders, designers, or architects in the Historic Context Statement and the loss of integrity due to alterations. The property is comprised of three 4,000-square-foot lots at the Northeast corner of Torres Street and 2nd Avenue. The two parcels on 2nd Avenue (APNs 010-101-021-000 and 010-101-020-000) were reoriented in 2005 as part of a Lot Line Adjustment (LA 05-01). The three parcels make up one building site with the setbacks required of a resubdivided corner lot.

In 2013, BP# 13-151R was issued for interior remodeling, new doors, removing the brick surrounding the front entry and chimney, and site improvements. The site improvements included removing brick planters and the installation of timber railroad ties to replace the front staircase. Carmel stone was permitted to be installed around the front entry and on the chimney but was never installed.

A new standing seam metal roof was proposed, among other site changes, at the October 9, 2024 Planning Commission meeting. After consideration, public testimony and deliberation, the Planning Commission approved the Design Study and adopted Resolution 2024-087-PC (**Attachment 3**) incorporating Special Condition of Approval #30, requiring the applicant work with staff to identify an alternate roofing material that could be horizontal standing seam metal roof or complies with the City's code and guidelines. The staff report from the October 9, 2024 Planning Commission meeting provides a detailed analysis for the decision (click here for the October 9, 2024 Staff Report). The video of the hearing is also available online (click here for YouTube link).

After this decision, the applicant worked to find a horizontal standing seam metal roof that they believed would appropriately fit the style of the house and meet the affordability needs for incorporation into this project. Despite their efforts, the applicant has stated that they were not able to find a roof that meets their requirements. However, the applicant has proposed a modified vertical standing seam roof that has lowered the SRI below 25 (Was SRI of 31, now SRI of 22), is a more muted, brown/gray color (Sheffield "Vintage"), and which has a non-standard pattern for the height of the seam (was 1 ½", now 1") and the width of the 'pan' between seams (was 12" now 18").

The project went back to the Planning Commission with the modified vertical standing seam metal roof because the applicant couldn't find a horizontal standing seam metal roof that met their roofing needs. After consideration, public testimony and deliberation, the Planning Commission approved the Design Study and adopted a revised Resolution 2024-087-PC (**Attachment 4**) modifying Special Condition of Approval #30 requiring the applicant work with staff to identify an alternate roofing material that could be metal shingles or complies with the City's code and guidelines. The staff report from the December 11, 2024 Planning Commission meeting provides a detailed analysis for the decision (click here for the December 11, 2024 Staff Report). The video of the hearing is also available online (click here for YouTube link).

On January 29, 2025, Brandi Faia submitted a timely appeal (refer to **Attachment 5**) appealing the Planning Commission's decision on the metal roof (including Condition #30).

STAFF ANALYSIS

Design Guidelines and Zoning Standards

Residential Design Guideline 9.8 states, "Metal, plastic, and glass roofs are inappropriate in all neighborhoods". CMC Section 17.58.060.D covers the approval process for projects that deviate from the

Residential Design Guidelines. It states,

“Findings Required for Approval of Deviations from Design Guidelines. In addition to any other findings required by this code, before approving any project in the single-family residential (R-1) district that deviates from the City’s applicable adopted design guidelines, the Director, Historic Preservation Board, or the Planning Commission shall adopt specific findings based on information in the record to show how the proposed deviation from the design guidelines achieves all of the applicable design objectives of CMC 17.58.010, Purpose and Applicability, as well as, or better than, would be achieved by adherence to the adopted design guidelines. (Ord. 2009-07 Att. A, 2009; Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).”

The Design Objective in CMC Section 17.58.010 are,

1. Promote design that maintains the City’s intimate and human scale and complements, rather than overrides, natural constraints;
2. Ensure that the design of new homes, residential additions, and exterior alterations preserves the traditional characteristics of scale, good site design, and sensitivity to neighboring properties;
3. Encourage the construction of residences that are diverse and innovative in design yet compatible with the City’s forest setting as well as the site design and materials used in surrounding structures;
4. Promote residential design that respects the privacy, solar, access, and private views of neighboring properties;
5. Maintain a tradition of architectural diversity that enhances the character of the commercial district and adds a lively sense of history to Carmel’s village ambiance by promoting commercial building design that respect these traditions; and
6. Encourage originality and invention so long as the results encompass the unifying values of human scale and the use of natural materials and their role in preserving village character and avoid out-of-scale or bizarre building forms or incompatible design.

After discussion, the Commissions motion passed with a unanimous vote in favor of adopting the resolution with Condition of Approval #30 from the resolution.

Appeal

The Appellant has provided their grounds for their appeal in the appeal application (refer to **Attachment 5 and 6**). They stated, “standing seam metal roofs have been approved for similar homes but not mine.”

The project applicant was provided with the opportunity to discuss the merits of the project at two noticed public hearings, October 9, 2024 and December 11, 2024, held by the Planning Commission. In addition, testimony provided by staff, the project applicant, and homeowner were considered and discussed by the Planning Commission. No new information has been presented as part of the appeal that was not previously considered by the Planning Commission. Therefore, staff recommends the Council deny the appeal and uphold the Commission’s decision (see **Attachment 2**, draft resolution denying the appeal).

Alternatives

-
The architecture of the existing residence is ranch style, which a vertical standing seam metal roof would be architecturally appropriate. Therefore, Council could approve the style of roof proposed by the applicant. During the previous hearings, the Planning Commission considered two reroof permits for vertical standing seam metal roofs from the applicant. At a separate hearing, the Planning Commission talked at length during the roofing materials discussion agenda item about alternate roof designs; metal shingles, synthetic roofing, composite shingles, etc. The Council could direct the applicant to replace the existing wood shake roof with one of these alternate materials.

If the Council wishes to explore options for permitting a vertical standing seam metal roof, staff recommends providing specific findings and evidence supporting deviating from Residential Design Guidelines 9.8, how the project meets the Design Objectives contained in CMC Section 17.58.010 and modification of Condition of Approval #30 (see **Attachment 1**, draft resolution granting the appeal).

ENVIRONMENTAL REVIEW:

Staff recommends the project be found categorically exempt from the California Environmental Quality Act (CEQA), State CEQA guidelines, and local environmental regulations, pursuant to Section 15301 (Class 1) – Existing Facilities. Class 1 exemptions include minor alterations to private structures involving negligible or no expansion of existing or former use. The existing use is a single-family residence on a 7,409-square-foot building site. The project involves the replacement of the wood shake roof of a two-story single-family residence with a vertical standing seam metal roof at a single-family residence. The project will not change or expand the existing use of the property as a single-family residence.

The proposed project does not present any unusual circumstances that would result in a potentially significant environmental impact, and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines.

FISCAL IMPACT:

The applicant was charged the appeal to City Council fee of \$2,139 and paid the fee in a timely manner.

PRIOR CITY COUNCIL ACTION:

None for this action. The Council has not considered or acted upon the consideration of the subject reroofing Design Study. Additionally, to staff's knowledge, the Council has not independently considered policy direction on the matter of roofing materials. The Council's position on matters on appeal has been to side with the junior board or commission who is more familiar with the policy documents, findings, and evidence that informed the initial decision of the matter on appeal.

ATTACHMENTS:

- Attachment 1) Draft Resolution (Approval of Appeal)
- Attachment 2) Draft Resolution (Denial of Appeal)
- Attachment 3) Oct Planning Commission Adopted Resolution
- Attachment 4) Dec Planning Commission Adopted Resolution
- Attachment 5) Faia Appeal Form (Redacted)
- Attachment 6) Project Plans

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

RESOLUTION NO. 2025-034

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA APPROVING THE APPEAL (APP 25034) BY BRANDI FAIA OVERTURNING THE PLANNING COMMISSION'S DECISION TO CONDITION THE APPROVAL OF A TRACK 1 DESIGN STUDY (DS 24203, 24216, 24217, FAIA) FOR THE REMOVAL OF THE EXISTING WOOD SHAKE ROOF AND INSTALL A NEW ROOF ON AN EXISTING TWO-STORY SINGLE-FAMILY RESIDENCE LOCATED ON THE NORTHEAST OF TORRES STREET AND 2ND AVENUE IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT, APNs 010-101-021-000, 010-101-020-000, & 010-101-012-000.

WHEREAS, on July 3, 2024, Daniela de Sola ("Applicant") submitted an application on behalf of Brandi Faia ("Owners") requesting approval of Track 1 Design Study application DS 24203, 24216, 24217 (Faia) described herein as ("Applications"); and

WHEREAS, the Applications have been submitted for three 4,000-square-foot lots (one 12,000-square-foot building site) located at the northeast corner of Torres Street and 2nd Avenue in the Single-Family Residential (R-1) Zoning District; and

WHEREAS, the Applicant is requesting approval of the Design Studies for the remodel of an existing 2,235-square foot two-story single-family residence, the addition of new doors and windows, new fencing, a new vertical standing seam metal roof with associated changes in site coverage; and

WHEREAS, in accordance with Carmel-by-the-Sea Municipal Code (CMC) Section 17.58.030 (Residential Design Review), changes in site coverage, changes in windows, doors, chimneys, and skylights, and changes in fences and walls is subject to a Track One Design Review and may be approved by the Director if the project complies with the Zoning Ordinance and all applicable residential design guidelines; and

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

WHEREAS, on September 27, 2024, a notice of public hearing was published in the Carmel Pine Cone for the October 9, 2024, 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 September 29, 2024, 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 October 4, 2024, 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 October 9, 2024, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the Applications, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the project; and

WHEREAS, notice of the public hearing was published on November 29, 2024, in the Carmel Pine Cone 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

WHEREAS, on or before December 1, 2024, 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 December 11, 2024, 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 through public testimony on the project; and

WHEREAS, on January 29, 2025, a timely appeal was filed with the City Clerk (APP 25034) by Brandi Faia (“Applicant”), (“Owner(s)”), and (“Appellant”)), requesting reconsideration by the City Council of the Planning Commission’s Approval with Conditions of the Application; and

WHEREAS, notice of the public hearing was published on March 21, 2024, in the Carmel Pine Cone 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

WHEREAS, on or before March 22, 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 April 1, 2025, the City Council held a de novo hearing to consider the appeal and Application; and

WHEREAS, on April 1, 2024, the City Council held a duly noticed public hearing to receive public testimony regarding the appeal, including without limitation, information provided to the City Council by City staff and through public testimony on the project; and

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

WHEREAS, the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”), together with State Guidelines (14 California Code Regulations §§ 15000, *et seq.*, the “CEQA Guidelines”) and City Environmental Regulations (CMC 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the City Council finds that pursuant to CEQA regulations, the Application is categorically exempt under Section 15301 (Class 1) – Existing Facilities and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines; and

WHEREAS, 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 **APPROVE** the appeal by Brandi Faia (APP 25034) and overturn the December 11, 2024 Planning Commission decision to condition the approval of the Track 1 Design Study (DS 24203, 24216, 24217, Faia) for the replacement of the wood shake roof of a two-story single-family residence located the northeast corner of Torres Street and 2nd Avenue as found in Resolution 2024-087-PC.

FINDINGS REQUIRED FOR DESIGN STUDY APPROVAL		
For each of the required findings listed below, the staff has indicated whether the application supports adopting the findings, either as proposed or with conditions. For all findings checked "no," the staff report discusses the issues to facilitate the Planning Commission's decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
CMC Section 17.58.060.B, Findings for Design Review Approval	YES	NO
1. The project conforms to the applicable policies of the General Plan and the Local Coastal Program.	✓	
2. The project complies with all applicable provisions of the Carmel Municipal Code.	✓	
3. The project is consistent with the applicable adopted design review guidelines.		✓
CMC 17.58.060.C, Additional Findings for Design Study Approval	YES	NO
1. The project conforms with all zoning standards applicable to the site or has received appropriate use permits, variances, or exceptions consistent with the Zoning Ordinance.	N/A	N/A
2. The project contributes to neighborhood character, including the type of forest resources present, the character of the street, the response to local topography, and the treatment of open space resources such as setbacks and landscaping.	✓	
3. The project is compatible with and sensitive to the natural features and built environment of the site and of the surrounding area. The project respects the constraints of the site and avoids excessive grading, cuts and fills. Construction on steep slopes is minimized to the extent feasible and abrupt changes in grade is minimized or mitigated.	N/A	N/A
4. The project maintains the City's principles of modesty and simplicity and preserves the City's tradition of simple homes set amidst a forest landscape. The project uses simple building forms and simple roof forms without complexity that would attract undue attention to the site.	✓	
5. The project does not present excess visual mass or bulk to public view or to adjoining properties. The project relates to a human scale in form, elements, and in the detailing of doors, windows, roofs, and walkways.	✓	
6. Project details and materials (e.g., windows, doors, chimneys, roofs, and stonework) are fully integrated and consistent throughout the design. Building materials are used in a manner that is visually consistent with the proposed architecture. All fenestration is appropriate in size and consistent with a human scale.	✓	
7. The project is consistent with the City's design objectives for protection and enhancement of the urbanized forest and open space resources. Open space is distributed around buildings to provide visual relief from structural bulk and a distinct	N/A	N/A

separation from buildings on adjacent sites.		
<p>8. All demolitions, remodels, and substantial alterations are consistent with the following findings:</p> <p>a. The design uses simple/modest building forms and a limited number of roof planes, and a restrained employment of offsets and appendages consistent with the City’s design objectives.</p> <p>b. The mass of the building relates to the context of other homes in the vicinity that are in conformance with the City’s design guidelines related to mass and scale.</p> <p>c. The development is similar in size, scale, and form to buildings on the immediate block and neighborhood.</p> <p>d. The development does not require removal of any significant trees unless necessary to provide a viable economic use of the property or protect public health and safety. All moderately significant trees have been protected to the maximum extent feasible. All buildings and structures will be set back at least six feet from significant trees.</p>	N/A	N/A

CONDITIONS OF APPROVAL	
No.	Standard Conditions
1.	<p>Authorization. The approval of Design Studies (DS 24203, 24216, 24217, Faia) for the remodel of an existing 2235-square foot two-story single-family residence located at the Northeast corner of Torres Street and 2nd Avenue in the Single-Family Residential (R-1) Zoning District, APN 010-101-021, 010-101-020, & 010-101-012, the addition includes;</p> <ol style="list-style-type: none"> 1. Replacing existing steel and wood windows doors with aluminum windows and doors 2. Installing two new aluminum doors; 3. Installation of new horizontal wood fencing with on the North, South, and West sides of the property; 4. Installation of a new vertical standing seam metal roof; 5. Constructing two new concrete door landings; 6. Constructing a new concrete front staircase and landings; 7. Installing Carmel stone around the front entry and the chimney. <p>as depicted in the plans prepared by Daniela de Sola, as approved by City of Carmel-by-the-Sea City Council on April 1, 2025 unless modified by the conditions of approval contained herein.</p>
2.	<p>Codes and Ordinances. The project shall be constructed in conformance with all requirements of the R-1 zoning district. All adopted building and fire codes shall be adhered to in preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested when such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.</p>
3.	<p>Permit Validity. In accordance with CMC Section 17.52.170 (Time Limits on Approvals and Denials), a residential design study approval remains valid for a period of 12 months from the date of action. During this time, the project must be implemented, or the approval becomes void.</p>

	Implementation is affected by erecting, installing, or beginning the installation of the improvement authorized by the permit, as determined by the Director. Extensions to this approval may be granted consistent with CMC 17.52.170.C.
4.	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.
5.	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 15.36.020).
6.	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.
7.	Fire Sprinklers - Residential. Additions, alterations, or repairs to existing structures that involve the addition, removal, or replacement of 50 percent or more of the linear length of the walls (interior and exterior) within a 5-year period shall require the installation of an automatic residential fire sprinkler system in accordance with the California Building and Fire Codes (CMC 15.08.135).
8.	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.
9.	Exterior Revisions to Planning Approval Form. All proposed modifications that affect the exterior appearance of the building or site elements shall be submitted on the "Revisions to Planning Approval" form on file in the Community Planning and Building Department. Any modification incorporated into the construction drawings not listed on this form shall not be deemed approved upon issuance of a building permit.
10.	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. 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

	<p>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>
11.	<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>
12.	<p>Wood or Aluminum Wood Clad Frame Windows and Doors. Prior to the issuance of a building permit, the Applicant shall include the manufacturer's specifications for the approved wood windows and doors. The window style shall be consistent with authentic wood or aluminum wood clad windows and doors with divided lights that appear to be true divided light, including the use of internal and external mullions and muntins on insulated windows. Any window pane dividers, which are snap-in or otherwise superficially applied, are not permitted. The painted finish shall be matte or low gloss.</p>
13.	<p>Indemnification. The Applicant agrees, at his or her sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceedings to attack, set aside, void, or annul any project approval. The City shall promptly notify the Applicant of any legal proceeding and cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the Applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for resolving all such actions by the parties hereto.</p>
14.	<p>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.</p>
15.	<p>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.</p>
16.	<p>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</p>

	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.
17.	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.
18.	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)
19.	Conditions of Approval. Prior to the issuance of a building permit, the Applicant shall print a copy of the Resolution adopted by the Planning Commission and signed by the property owner(s) on a full-size sheet within the construction plan set submitted to the Building Safety Division.
Landscape Conditions	
20.	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.
21.	<p>Tree Protection Measures. Requirements for tree preservation shall adhere to the following tree protection measures on the construction site.</p> <ul style="list-style-type: none"> • Prior to grading, excavation, or construction, the developer shall clearly tag or mark all trees to be preserved. • Excavation within 6 feet of a tree trunk is not permitted. • No attachments or wires of any kind, other than those of a protective nature, shall be attached to any tree. • Per Municipal Code Chapter 17.48.110, no material may be stored within the dripline of a protected tree, including the drip lines of trees on neighboring parcels. • Tree Protection Zone. The Tree Protection Zone shall be equal to dripline or 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line, whichever is greater. A minimum of 4-foot-high transparent fencing is required unless otherwise approved by the City Forester. Tree protection shall not be resized, modified, removed, or altered in any manner without written approval. The fencing must be maintained upright and taught for the duration of the project. No more than 4 inches of wood mulch shall be installed within the Tree Protection Zone. When the Tree Protection Zone is at or within the drip line, no less than 6 inches of wood mulch shall be installed 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line outside of the fencing. • Structural Root Zone. The Structural Root Zone shall be 6 feet from the trunk or 6 inches radially from the tree for every one inch of trunk diameter at 4.5' above the soil line, whichever is greater. Any excavation or changes to the grade shall be approved by the City Forester prior to work. Excavation within the Structural Root Zone shall be performed with a pneumatic excavator, hydro-vac at low pressure, or another method

	<p>that does not sever roots.</p> <ul style="list-style-type: none"> • 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.
22.	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	
23.	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.
24.	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.
25.	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.
26.	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	
27.	Conditions of Approval Acknowledgment. Prior to the issuance of a building permit, a completed Conditions of Approval Acknowledgment form shall be included in the construction drawings. The form shall be signed by the Property Owner, Applicant, and Contractor prior to the issuance of a building permit.
28.	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 the materials for the gutters and downspouts.
29.	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.
30.	Fencing. Prior to issuance of a building permit, the applicant shall submit a revised plan for

	review and approval by the Planning Division with new fencing for the property that allows for an open feel, filtered light views into the yard, and complies with CMC 17.10.030.E.1 (fences in the front setback shall be below 4 feet, not alterable by the Planning Commission).
31.	Site Coverage. Prior to issuance of a building permit, the applicant shall submit a revised plan for review and approval by the Planning Division with updated site coverage that is compliant with CMC 17.10.030.C.1-2.
32.	Right-of-Way Encroachments. Prior to Building Permit Issuance, the applicant shall apply for and obtain a permanent encroachment permit for any existing unpermitted encroachments within the public right-of-way, and new improvements proposed to be located in the right-of-way. Any encroachments that are denied shall be noted for removal, as appropriate, on the plans submitted to the Community Planning and Building Department for an associated Building Permit. A right-of-way improvement plan (ex. landscaping) shall accompany the revised plan set, as appropriate.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 1st day of April, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dale Byrne
Mayor

Nova Romero
City Clerk

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

RESOLUTION NO. 2025-034

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DENYING THE APPEAL (APP 25034) BY BRANDI FAIA UPHOLDING THE PLANNING COMMISSION’S DECISION TO APPROVE A TRACK 1 DESIGN STUDY (DS 24203, 24216, 24217, FAIA) WITH CONDITIONS FOR THE REMOVAL OF THE EXISTING WOOD SHAKE ROOF AND INSTALL A NEW ROOF ON AN EXISTING TWO-STORY SINGLE-FAMILY RESIDENCE LOCATED ON THE NORTHEAST OF TORRES STREET AND 2ND AVENUE IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT, APNs 010-101-021-000, 010-101-020-000, & 010-101-012-000.

WHEREAS, on July 3, 2024, Daniela de Sola (“Applicant”) submitted an application on behalf of Brandi Faia (“Owners”) requesting approval of Track 1 Design Study application DS 24203, 24216, 24217 (Faia) described herein as (“Applications”); and

WHEREAS, the Applications have been submitted for three 4,000-square-foot lots (one 12,000-square-foot building site) located at the northeast corner of Torres Street and 2nd Avenue in the Single-Family Residential (R-1) Zoning District; and

WHEREAS, the Applicant is requesting approval of the Design Studies for the remodel of an existing 2,235-square foot two-story single-family residence, the addition of new doors and windows, new fencing, a new vertical standing seam metal roof with associated changes in site coverage; and

WHEREAS, in accordance with Carmel-by-the-Sea Municipal Code (CMC) Section 17.58.030 (Residential Design Review), changes in site coverage, changes in windows, doors, chimneys, and skylights, and changes in fences and walls is subject to a Track One Design Review and may be approved by the Director if the project complies with the Zoning Ordinance and all applicable residential design guidelines; and

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

WHEREAS, on September 27, 2024, a notice of public hearing was published in the Carmel Pine Cone for the October 9, 2024, 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 September 29, 2024, 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 October 4, 2024, 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 October 9, 2024, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the Applications, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the project; and

WHEREAS, notice of the public hearing was published on November 29, 2024, in the Carmel Pine Cone 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

WHEREAS, on or before December 1, 2024, 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 December 11, 2024, 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 through public testimony on the project; and

WHEREAS, on January 29, 2025, a timely appeal was filed with the City Clerk (APP 25034) by Brandi Faia (“Applicant”), (“Owner(s)”), and (“Appellant”), requesting reconsideration by the City Council of the Planning Commission’s Approval with Conditions of the Application; and

WHEREAS, notice of the public hearing was published on March 21, 2024, in the Carmel Pine Cone 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

WHEREAS, on or before March 22, 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 April 1, 2025, the City Council held a de novo hearing to consider the appeal and Application; and

WHEREAS, on April 1, 2024, the City Council held a duly noticed public hearing to receive public testimony regarding the appeal, including without limitation, information provided to the City Council by City staff and through public testimony on the project; and

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

WHEREAS, the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”), together with State Guidelines (14 California Code Regulations §§ 15000, *et seq.*, the “CEQA Guidelines”) and City Environmental Regulations (CMC 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the City Council finds that pursuant to CEQA regulations, the Application is categorically exempt under Section 15301 (Class 1) – Existing Facilities and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines; and

WHEREAS, 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 Brandi Faia (APP 25034) and uphold the December 11, 2024 Planning Commission decision to approve the Track 1 Design Study (DS 24203, 24216, 24217, Faia) with conditions for the replacement of the wood shake roof of a two-story single-family residence located the northeast corner of Torres Street and 2nd Avenue as found in Resolution 2024-087-PC.

FINDINGS REQUIRED FOR DESIGN STUDY APPROVAL		
For each of the required findings listed below, the staff has indicated whether the application supports adopting the findings, either as proposed or with conditions. For all findings checked "no," the staff report discusses the issues to facilitate the Planning Commission's decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
CMC Section 17.58.060.B, Findings for Design Review Approval	YES	NO
1. The project conforms to the applicable policies of the General Plan and the Local Coastal Program.	✓	
2. The project complies with all applicable provisions of the Carmel Municipal Code.	✓	
3. The project is consistent with the applicable adopted design review guidelines.		✓
CMC 17.58.060.C, Additional Findings for Design Study Approval	YES	NO
1. The project conforms with all zoning standards applicable to the site or has received appropriate use permits, variances, or exceptions consistent with the Zoning Ordinance.	N/A	N/A
2. The project contributes to neighborhood character, including the type of forest resources present, the character of the street, the response to local topography, and the treatment of open space resources such as setbacks and landscaping.	✓	
3. The project is compatible with and sensitive to the natural features and built environment of the site and of the surrounding area. The project respects the constraints of the site and avoids excessive grading, cuts and fills. Construction on steep slopes is minimized to the extent feasible and abrupt changes in grade is minimized or mitigated.	N/A	N/A
4. The project maintains the City's principles of modesty and simplicity and preserves the City's tradition of simple homes set amidst a forest landscape. The project uses simple building forms and simple roof forms without complexity that would attract undue attention to the site.	✓	
5. The project does not present excess visual mass or bulk to public view or to adjoining properties. The project relates to a human scale in form, elements, and in the detailing of doors, windows, roofs, and walkways.	✓	
6. Project details and materials (e.g., windows, doors, chimneys, roofs, and stonework) are fully integrated and consistent throughout the design. Building materials are used in a manner that is visually consistent with the proposed architecture. All fenestration is appropriate in size and consistent with a human scale.	✓	
7. The project is consistent with the City's design objectives for protection and enhancement of the urbanized forest and open space resources. Open space is distributed around buildings to provide visual relief from structural bulk and a distinct separation from buildings on adjacent sites.	N/A	N/A
8. All demolitions, remodels, and substantial alterations are consistent with the following findings:	N/A	N/A

a. The design uses simple/modest building forms and a limited number of roof planes, and a restrained employment of offsets and appendages consistent with the City’s design objectives.		
b. The mass of the building relates to the context of other homes in the vicinity that are in conformance with the City’s design guidelines related to mass and scale.		
c. The development is similar in size, scale, and form to buildings on the immediate block and neighborhood.		
d. The development does not require removal of any significant trees unless necessary to provide a viable economic use of the property or protect public health and safety. All moderately significant trees have been protected to the maximum extent feasible. All buildings and structures will be set back at least six feet from significant trees.		

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 1st day of April, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dale Byrne
Mayor

Nova Romero
City Clerk

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

PLANNING COMMISSION RESOLUTION NO. 2024-087-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA APPROVING A TRACK 1 DESIGN STUDY REFERRAL FOR THE REMODEL OF AN EXISTING 2235-SQUARE FOOT TWO-STORY SINGLE-FAMILY RESIDENCE, THE ADDITION OF NEW DOORS AND WINDOWS, NEW FENCING, AND A NEW ROOF WITH ASSOCIATED CHANGES IN SITE COVERAGE. THE RESIDENCE IS LOCATED AT THE NORTHEAST OF TORRES STREET AND 2ND AVENUE IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT, APN 010-101-021, 010-101-020, & 010-101-012.

WHEREAS, on July 3, 2024, Daniela de Sola (“Applicant”) submitted an application on behalf of Brandi Faia (“Owners”) requesting approval of Track 1 Design Study application DS 24203, 24216, 24217 (Faia) described herein as (“Applications”); and

WHEREAS, the Applications have been submitted for three 4,000-square-foot lots (one 12,000-square-foot building site) located at the northeast corner of Torres Street and 2nd Avenue in the Single-Family Residential (R-1) Zoning District; and

WHEREAS, the Applicant is requesting approval of the Design Studies for the remodel of an existing 2235-square foot two-story single-family residence, the addition of new doors and windows, new fencing, a new vertical standing seam metal roof with associated changes in site coverage; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.58.030 (Residential Design Review), changes in site coverage, changes in windows, doors, chimneys, and skylights, and changes in fences and walls is subject to a Track One Design Review and may be approved by the Director if the project complies with the Zoning Ordinance and all applicable residential design guidelines; and

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

WHEREAS, on September 27, 2024, a notice of public hearing was published in the Carmel Pine Cone for the October 9, 2024, 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 September 29, 2024, 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 October 4, 2024, the meeting agenda was posted in three locations in compliance with State law, indicating the date and time of the public hearing; and

DS 24203, 24216, 24217 (Faia)
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WHEREAS, on October 9, 2024, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the Applications, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the project; and

WHEREAS, 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 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the Planning Commission finds that pursuant to CEQA regulations, the Application is categorically exempt under Section 15301 (Class 1) – Existing Facilities and 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 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		
For each of the required findings listed below, the staff has indicated whether the application supports adopting the findings, either as proposed or with conditions. For all findings checked "no," the staff report discusses the issues to facilitate the Planning Commission’s decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
CMC 17.58.060.B, Findings for Design Review Approval	YES	NO
1. The project conforms to the applicable policies of the General Plan and the Local Coastal Program.	✓	
2. The project complies with all applicable provisions of the Carmel Municipal Code.	✓	
3. The project is consistent with the applicable adopted design review guidelines.	✓	
CMC 17.58.060.C, Additional Findings for Design Study Approval	YES	NO
1. The project conforms with all zoning standards applicable to the site or has received appropriate use permits, variances, or exceptions consistent with the Zoning Ordinance.	N/A	N/A
2. The project contributes to neighborhood character, including the type of forest resources present, the character of the street, the response to local topography, and the treatment of open space resources such as setbacks and landscaping.	✓	
3. The project is compatible with and sensitive to the natural features and built	N/A	N/A

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environment of the site and of the surrounding area. The project respects the constraints of the site and avoids excessive grading, cuts and fills. Construction on steep slopes is minimized to the extent feasible and abrupt changes in grade is minimized or mitigated.		
4. The project maintains the City’s principles of modesty and simplicity and preserves the City’s tradition of simple homes set amidst a forest landscape. The project uses simple building forms and simple roof forms without complexity that would attract undue attention to the site.	✓	
5. The project does not present excess visual mass or bulk to public view or to adjoining properties. The project relates to a human scale in form, elements, and in the detailing of doors, windows, roofs, and walkways.	✓	
6. Project details and materials (e.g., windows, doors, chimneys, roofs, and stonework) are fully integrated and consistent throughout the design. Building materials are used in a manner that is visually consistent with the proposed architecture. All fenestration is appropriate in size and consistent with a human scale.	✓	
7. The project is consistent with the City’s design objectives for protection and enhancement of the urbanized forest and open space resources. Open space is distributed around buildings to provide visual relief from structural bulk and a distinct separation from buildings on adjacent sites.	N/A	N/A
8. All demolitions, remodels, and substantial alterations are consistent with the following findings: a. The design uses simple/modest building forms and a limited number of roof planes, and a restrained employment of offsets and appendages consistent with the City’s design objectives. b. The mass of the building relates to the context of other homes in the vicinity that are in conformance with the City’s design guidelines related to mass and scale. c. The development is similar in size, scale, and form to buildings on the immediate block and neighborhood. d. The development does not require removal of any significant trees unless necessary to provide a viable economic use of the property or protect public health and safety. All moderately significant trees have been protected to the maximum extent feasible. All buildings and structures will be set back at least six feet from significant trees.	N/A	N/A

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby **APPROVE WITH CONDITIONS** Design Studies (DS 24203, 24216, 24217, Faia) for the remodel of an existing 2235-square foot two-story single-family residence, the addition of new doors and windows, new fencing, a new vertical standing seam metal roof with associated changes in site coverage at the Northeast corner of Torres Street and 2nd Avenue in the Single-Family Residential (R-1) Zoning District, APN 010-101-021, 010-101-020, & 010-101-012, subject to the following Conditions of Approval:

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CONDITIONS OF APPROVAL	
No.	Standard Conditions
1.	<p>Authorization. The approval of Design Studies (DS 24203, 24216, 24217, Faia) for the remodel of an existing 2235-square foot two-story single-family residence located at the Northeast corner of Torres Street and 2nd Avenue in the Single-Family Residential (R-1) Zoning District, APN 010-101-021, 010-101-020, & 010-101-012, the addition includes;</p> <ol style="list-style-type: none"> 1. Replacing existing steel and wood windows doors with aluminum windows and doors 2. Installing two new aluminum doors; 3. Installation of new horizontal wood fencing with on the North, South, and West sides of the property; 4. Installation of a new vertical-standing-seam-metal roof per condition #30; 5. Constructing two new concrete door landings; 6. Constructing a new concrete front staircase and landings; 7. Installing Carmel stone around the front entry and the chimney. <p>as depicted in the plans prepared by Daniela de Sola, as approved by City of Carmel-by-the-Sea Planning Commission on October 9, 2024 unless modified by the conditions of approval contained herein.</p>
2.	<p>Codes and Ordinances. The project shall be constructed in conformance with all requirements of the R-1 zoning district. All adopted building and fire codes shall be adhered to in preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested when such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.</p>
3.	<p>Permit Validity. In accordance with CMC Section 17.52.170 (Time Limits on Approvals and Denials), a residential design study approval remains valid for a period of 12 months from the date of action. During this time, the project must be implemented, or the approval becomes void. Implementation is affected by erecting, installing, or beginning the installation of the improvement authorized by the permit, as determined by the Director. Extensions to this approval may be granted consistent with CMC 17.52.170.C.</p>
4.	<p>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>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 15.36.020).</p>
6.	<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</p>

DS 24203, 24216, 24217 (Faia)

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October 9, 2024

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	require written approval of the Community Planning and Building Department prior to the change of the location.
7.	Fire Sprinklers - Residential. Additions, alterations, or repairs to existing structures that involve the addition, removal, or replacement of 50 percent or more of the linear length of the walls (interior and exterior) within a 5-year period shall require the installation of an automatic residential fire sprinkler system in accordance with the California Building and Fire Codes (CMC 15.08.135).
8.	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.
9.	Exterior Revisions to Planning Approval Form. All proposed modifications that affect the exterior appearance of the building or site elements shall be submitted on the “Revisions to Planning Approval” form on file in the Community Planning and Building Department. Any modification incorporated into the construction drawings not listed on this form shall not be deemed approved upon issuance of a building permit.
10.	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. 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.
11.	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.

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12.	Wood or Aluminum Wood Clad Frame Windows and Doors. Prior to the issuance of a building permit, the Applicant shall include the manufacturer’s specifications for the approved wood windows and doors. The window style shall be consistent with authentic wood or aluminum wood clad windows and doors with divided lights that appear to be true divided light, including the use of internal and external mullions and muntins on insulated windows. Any window pane dividers, which are snap-in or otherwise superficially applied, are not permitted. The painted finish shall be matte or low gloss.
13.	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.
14.	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.
15.	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.
16.	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.
17.	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.
18.	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

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	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)
19.	Conditions of Approval. Prior to the issuance of a building permit, the Applicant shall print a copy of the Resolution adopted by the Planning Commission and signed by the property owner(s) on a full-size sheet within the construction plan set submitted to the Building Safety Division.
Landscape Conditions	
20.	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.
21.	<p>Tree Protection Measures. Requirements for tree preservation shall adhere to the following tree protection measures on the construction site.</p> <ul style="list-style-type: none"> • Prior to grading, excavation, or construction, the developer shall clearly tag or mark all trees to be preserved. • Excavation within 6 feet of a tree trunk is not permitted. • No attachments or wires of any kind, other than those of a protective nature, shall be attached to any tree. • Per Municipal Code Chapter 17.48.110, no material may be stored within the dripline of a protected tree, including the drip lines of trees on neighboring parcels. • Tree Protection Zone. The Tree Protection Zone shall be equal to dripline or 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line, whichever is greater. A minimum of 4-foot-high transparent fencing is required unless otherwise approved by the City Forester. Tree protection shall not be resized, modified, removed, or altered in any manner without written approval. The fencing must be maintained upright and taught for the duration of the project. No more than 4 inches of wood mulch shall be installed within the Tree Protection Zone. When the Tree Protection Zone is at or within the drip line, no less than 6 inches of wood mulch shall be installed 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line outside of the fencing. • Structural Root Zone. The Structural Root Zone shall be 6 feet from the trunk or 6 inches radially from the tree for every one inch of trunk diameter at 4.5' above the soil line, whichever is greater. Any excavation or changes to the grade shall be approved by the City Forester prior to work. Excavation within the Structural Root Zone shall be performed with a pneumatic excavator, hydro-vac at low pressure, or another method that does not sever roots. • If roots greater than 2 inches in diameter or larger are encountered within the approved Structural Root Zone, the City Forester shall be contacted for approval to make any root cuts or alterations to structures to prevent roots from being damaged. • If roots larger than 2 inches in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the building permit will be suspended, and all work stopped until an investigation by the City Forester has been completed, and mitigation measures have been put in place.

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22.	<p>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.</p>
<p>Environmental Compliance Conditions</p>	
23.	<p>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.</p>
24.	<p>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.</p>
25.	<p>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.</p>
26.	<p>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.</p>
<p>Special Conditions</p>	
27.	<p>Conditions of Approval Acknowledgement. Prior to the issuance of a building permit, a completed Conditions of Approval Acknowledgment form shall be included in the construction drawings. The form shall be signed by the Property Owner, Applicant, and Contractor prior to the issuance of a building permit.</p>
28.	<p>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 the materials for the gutters and downspouts.</p>
29.	<p>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.</p>
30.	<p>Roofing Material. 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 alternate roofing. The applicant can propose a horizontal vertical standing seam metal roof that has an SRI below 25 or a different approvable roof material.</p>
31.	<p>Fencing. Prior to issuance of a building permit, the applicant shall submit a revised plan for review and approval by the Planning Division with new grapestake or picket fencing for the property that allows for an open feel, filtered light views into the yard, and complies with CMC</p>

DS 24203, 24216, 24217 (Faia)

Resolution 2024-XXX-PC

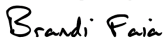
October 9, 2024

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	17.10.030.E.1 (fences in the front setback shall be below 4 feet, not alterable by the Planning Commission).
32.	Site Coverage. Prior to issuance of a building permit, the applicant shall submit a revised plan for review and approval by the Planning Division with updated site coverage that is compliant with CMC 17.10.030.C.1-2.
33.	Right-of-Way Encroachments. Prior to Building Permit Issuance, the applicant shall apply for and obtain a permanent encroachment permit for any existing unpermitted encroachments within the public right-of-way, and new improvements proposed to be located in the right-of-way. Any encroachments that are denied shall be noted for removal, as appropriate, on the plans submitted to the Community Planning and Building Department for an associated Building Permit. A right-of-way improvement plan (ex. landscaping) shall accompany the revised plan set, as appropriate.

Acknowledgment and acceptance of conditions of approval:

DocuSigned by:

 Brandi Faia
 10/22/2024
 FFBA66F7BF5D416...
 Property Owner Signature Printed Name Date

DocuSigned by:

 Daniela de Sola
 10/22/2024
 BA854E5E48DC49E...
 Applicant Signature Printed Name Date

PASSED, APPROVED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 9th day of October, 2024, by the following vote:

AYES: Allen, Delves, Karapetkov, Locke, LePage

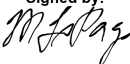
NOES:

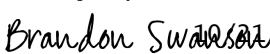
ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Signed by:

 12/5/2024
 4FF97D7E0A3D499...
 Michael LePage
 Chair

DocuSigned by:

 Brandon Swanson
 371EC7DDB19148A...
 Brandon Swanson
 Planning Commission Secretary

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

PLANNING COMMISSION RESOLUTION NO. 2024-087-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA APPROVING A TRACK 1 DESIGN STUDY REFERRAL FOR THE REMODEL OF AN EXISTING 2235-SQUARE FOOT TWO-STORY SINGLE-FAMILY RESIDENCE, THE ADDITION OF NEW DOORS AND WINDOWS, NEW FENCING, AND A NEW ROOF WITH ASSOCIATED CHANGES IN SITE COVERAGE. THE RESIDENCE IS LOCATED AT THE NORTHEAST OF TORRES STREET AND 2ND AVENUE IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT, APN 010-101-021, 010-101-020, & 010-101-012.

WHEREAS, on July 3, 2024, Daniela de Sola (“Applicant”) submitted an application on behalf of Brandi Faia (“Owners”) requesting approval of Track 1 Design Study application DS 24203, 24216, 24217 (Faia) described herein as (“Applications”); and

WHEREAS, the Applications have been submitted for three 4,000-square-foot lots (one 12,000-square-foot building site) located at the northeast corner of Torres Street and 2nd Avenue in the Single-Family Residential (R-1) Zoning District; and

WHEREAS, the Applicant is requesting approval of the Design Studies for the remodel of an existing 2235-square foot two-story single-family residence, the addition of new doors and windows, new fencing, a new vertical standing seam metal roof with associated changes in site coverage; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.58.030 (Residential Design Review), changes in site coverage, changes in windows, doors, chimneys, and skylights, and changes in fences and walls is subject to a Track One Design Review and may be approved by the Director if the project complies with the Zoning Ordinance and all applicable residential design guidelines; and

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

WHEREAS, on September 27, 2024, a notice of public hearing was published in the Carmel Pine Cone for the October 9, 2024, 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 September 29, 2024, 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 October 4, 2024, 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 October 9, 2024, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the Applications, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the project; and

WHEREAS, notice of the public hearing was published on November 29, 2024, in the Carmel Pine Cone 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

WHEREAS, on or before December 1, 2024, 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 December 11, 2024, 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 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 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the Planning Commission finds that pursuant to CEQA regulations, the Application is categorically exempt under Section 15301 (Class 1) – Existing Facilities and 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 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

For each of the required findings listed below, the staff has indicated whether the application supports adopting the findings, either as proposed or with conditions. For all findings checked "no," the staff report discusses the issues to facilitate the Planning Commission's decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.

CMC 17.58.060.B, Findings for Design Review Approval	YES	NO
1. The project conforms to the applicable policies of the General Plan and the Local Coastal Program.	✓	
2. The project complies with all applicable provisions of the Carmel Municipal Code.	✓	
3. The project is consistent with the applicable adopted design review guidelines.	✓	
CMC 17.58.060.C, Additional Findings for Design Study Approval	YES	NO
1. The project conforms with all zoning standards applicable to the site or has received appropriate use permits, variances, or exceptions consistent with the Zoning Ordinance.	N/A	N/A
2. The project contributes to neighborhood character, including the type of forest resources present, the character of the street, the response to local topography, and the treatment of open space resources such as setbacks and landscaping.	✓	
3. The project is compatible with and sensitive to the natural features and built environment of the site and of the surrounding area. The project respects the constraints of the site and avoids excessive grading, cuts and fills. Construction on steep slopes is minimized to the extent feasible and abrupt changes in grade is minimized or mitigated.	N/A	N/A
4. The project maintains the City’s principles of modesty and simplicity and preserves the City’s tradition of simple homes set amidst a forest landscape. The project uses simple building forms and simple roof forms without complexity that would attract undue attention to the site.	✓	
5. The project does not present excess visual mass or bulk to public view or to adjoining properties. The project relates to a human scale in form, elements, and in the detailing of doors, windows, roofs, and walkways.	✓	
6. Project details and materials (e.g., windows, doors, chimneys, roofs, and stonework) are fully integrated and consistent throughout the design. Building materials are used in a manner that is visually consistent with the proposed architecture. All fenestration is appropriate in size and consistent with a human scale.	✓	
7. The project is consistent with the City’s design objectives for protection and enhancement of the urbanized forest and open space resources. Open space is distributed around buildings to provide visual relief from structural bulk and a distinct separation from buildings on adjacent sites.	N/A	N/A
8. All demolitions, remodels, and substantial alterations are consistent with the following findings: a. The design uses simple/modest building forms and a limited number of roof planes, and a restrained employment of offsets and appendages consistent with the City’s design objectives. b. The mass of the building relates to the context of other homes in the vicinity that are in conformance with the City’s design guidelines related to mass and scale. c. The development is similar in size, scale, and form to buildings on the immediate block and neighborhood. d. The development does not require removal of any significant trees unless necessary to provide a viable economic use of the property or protect public health and safety. All	N/A	N/A

moderately significant trees have been protected to the maximum extent feasible. All buildings and structures will be set back at least six feet from significant trees.		
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BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby **APPROVE WITH CONDITIONS** Design Studies (DS 24203, 24216, 24217, Faia) for the remodel of an existing 2235-square foot two-story single-family residence, the addition of new doors and windows, new fencing, a new vertical standing seam metal roof with associated changes in site coverage at the Northeast corner of Torres Street and 2nd Avenue in the Single-Family Residential (R-1) Zoning District, APN 010-101-021, 010-101-020, & 010-101-012, subject to the following Conditions of Approval:

CONDITIONS OF APPROVAL	
No.	Standard Conditions
1.	<p>Authorization. The approval of Design Studies (DS 24203, 24216, 24217, Faia) for the remodel of an existing 2235-square foot two-story single-family residence located at the Northeast corner of Torres Street and 2nd Avenue in the Single-Family Residential (R-1) Zoning District, APN 010-101-021, 010-101-020, & 010-101-012, the addition includes;</p> <ol style="list-style-type: none"> 1. Replacing existing steel and wood windows doors with aluminum windows and doors 2. Installing two new aluminum doors; 3. Installation of new horizontal wood fencing with on the North, South, and West sides of the property; 4. Installation of a new vertical standing seam metal roof per condition #30; 5. Constructing two new concrete door landings; 6. Constructing a new concrete front staircase and landings; 7. Installing Carmel stone around the front entry and the chimney. <p>as depicted in the plans prepared by Daniela de Sola, as approved by City of Carmel-by-the-Sea Planning Commission on October 9, 2024 unless modified by the conditions of approval contained herein.</p>
2.	<p>Codes and Ordinances. The project shall be constructed in conformance with all requirements of the R-1 zoning district. All adopted building and fire codes shall be adhered to in preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested when such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.</p>
3.	<p>Permit Validity. In accordance with CMC Section 17.52.170 (Time Limits on Approvals and Denials), a residential design study approval remains valid for a period of 12 months from the date of action. During this time, the project must be implemented, or the approval becomes void. Implementation is affected by erecting, installing, or beginning the installation of the improvement authorized by the permit, as determined by the Director. Extensions to this approval may be granted consistent with CMC 17.52.170.C.</p>
4.	<p>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</p>

	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.
5.	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 15.36.020).
6.	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.
7.	Fire Sprinklers - Residential. Additions, alterations, or repairs to existing structures that involve the addition, removal, or replacement of 50 percent or more of the linear length of the walls (interior and exterior) within a 5-year period shall require the installation of an automatic residential fire sprinkler system in accordance with the California Building and Fire Codes (CMC 15.08.135).
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14.	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.
15.	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.
16.	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.
17.	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.
18.	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)
19.	Conditions of Approval. Prior to the issuance of a building permit, the Applicant shall print a copy of the Resolution adopted by the Planning Commission and signed by the property owner(s) on a full-size sheet within the construction plan set submitted to the Building Safety Division.
Landscape Conditions	
20.	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.
21.	<p>Tree Protection Measures. Requirements for tree preservation shall adhere to the following tree protection measures on the construction site.</p> <ul style="list-style-type: none"> • Prior to grading, excavation, or construction, the developer shall clearly tag or mark all trees to be preserved. • Excavation within 6 feet of a tree trunk is not permitted. • No attachments or wires of any kind, other than those of a protective nature, shall be attached to any tree. • Per Municipal Code Chapter 17.48.110, no material may be stored within the dripline of a protected tree, including the drip lines of trees on neighboring parcels. • Tree Protection Zone. The Tree Protection Zone shall be equal to dripline or 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line, whichever is greater. A minimum of 4-foot-high transparent fencing is required unless otherwise approved by the City Forester. Tree protection shall not be resized, modified, removed, or altered in any manner without written approval. The fencing must be maintained upright and taught for the duration of the project. No more than 4 inches of wood mulch shall be installed within the Tree Protection Zone. When the Tree Protection Zone is at or within the drip line, no less than 6 inches of wood mulch shall be installed 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line outside of the fencing. • Structural Root Zone. The Structural Root Zone shall be 6 feet from the trunk or 6 inches radially from the tree for every one inch of trunk diameter at 4.5' above the soil line, whichever is greater. Any excavation or changes to the grade shall be approved by the City Forester prior to work. Excavation within the Structural Root Zone shall be

	<p>performed with a pneumatic excavator, hydro-vac at low pressure, or another method that does not sever roots.</p> <ul style="list-style-type: none"> • 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.
22.	<p>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.</p>
<p>Environmental Compliance Conditions</p>	
23.	<p>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.</p>
24.	<p>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.</p>
25.	<p>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.</p>
26.	<p>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.</p>
<p>Special Conditions</p>	
27.	<p>Conditions of Approval Acknowledgement. Prior to the issuance of a building permit, a completed Conditions of Approval Acknowledgment form shall be included in the construction drawings. The form shall be signed by the Property Owner, Applicant, and Contractor prior to the issuance of a building permit.</p>
28.	<p>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 the materials for the gutters and downspouts.</p>
29.	<p>Construction Management Plan. Prior to the issuance of a building permit, the Applicant shall</p>

	submit a Construction Management Plan for review and approval by the Community Planning & Building Director.
30.	Roofing Material. 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 alternate roofing. The applicant can propose a metal shingle roof or a horizontal vertical standing seam metal roof that has an SRI below 25 or a different approvable roof material.
31.	Fencing. Prior to issuance of a building permit, the applicant shall submit a revised plan for review and approval by the Planning Division with new grapestake or picket fencing for the property that allows for an open feel, filtered light views into the yard, and complies with CMC 17.10.030.E.1 (fences in the front setback shall be below 4 feet, not alterable by the Planning Commission).
32.	Site Coverage. Prior to issuance of a building permit, the applicant shall submit a revised plan for review and approval by the Planning Division with updated site coverage that is compliant with CMC 17.10.030.C.1-2.
33.	Right-of-Way Encroachments. Prior to Building Permit Issuance, the applicant shall apply for and obtain a permanent encroachment permit for any existing unpermitted encroachments within the public right-of-way, and new improvements proposed to be located in the right-of-way. Any encroachments that are denied shall be noted for removal, as appropriate, on the plans submitted to the Community Planning and Building Department for an associated Building Permit. A right-of-way improvement plan (ex. landscaping) shall accompany the revised plan set, as appropriate.

Acknowledgment and acceptance of conditions of approval:

Property Owner Signature	Printed Name	Date
--------------------------	--------------	------

Applicant Signature	Printed Name	Date
---------------------	--------------	------

PASSED, APPROVED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 11th day of December, 2024, by the following vote:

AYES: Allen, Locke, LePage

NOES:

ABSENT:

ABSTAIN:

Amended by PC December 11, 2024

APPROVED:

ATTEST:

Michael LePage
Chair

Shelby Gorman
Planning Commission Secretary

CITY OF CARMEL-BY-THE-SEA APPEAL FORM

JAN 29 2025



Appeals to a Board or Commission must be made by completing and submitting an Appeal Form with the City Clerk. Appeals shall be filed **within 10 calendar days** following the date of action and paying the required filing fee as established by City Council resolution.

Appeals to the City Council must be made by completing and submitting an Appeal Form with the City Clerk. Appeals shall be filed **within 10 working days** following the date of action and paying the required filing fee as established by City Council resolution.

Office of the City Clerk
[Signature]

BRANDI FAIA

Name of Appellant

[Redacted]

CARMEL, CA 93921

Mailing Address of Appellant

[Redacted]

Phone

City of Carmel-By-The-Sea

Send correspondence to the following party (if different than Appellant):

JAN 29 2025

Name

Office of the City Clerk

Mailing Address

Phone Number

Email address

PLANNING COMMISSION

Commission, Board, Official or Department whose action is being appealed

Physical location of property involved (street location or address): NE CORNER TORRES x 2nd

14 16, 18, 20 010.101.012/010.101.020./010.101.021
Lot Block APN

Date of decision being appealed: DEC 11 & OCT 9 2024

Specific action or decision being appealed: METAL ROOF

Grounds for appeal (attach additional pages if necessary): SIMILAR HOMES HAVE BEEN APPROVED FOR METAL ROOFS BUT NOT MINE.

[Redacted Signature]

Signature of Appellant

BRANDI FAIA PROPERTY IMPROVEMENTS

NE CORNER TORRE & SECOND AVE.
CARMEL, CA 93921

de sola.barnes
architects
PO BOX 223386
CARMEL, CA 93922
831-624-2165



TORRES STREET/MAIN ENTRANCE- WEST VIEW



SOUTH VIEW



EAST VIEW



2ND AVENUE VIEW (SOUTH)



NORTH VIEW FROM APN 010-101-012



VIEW FROM APN 010-101-012 FROM TORRE STREET

PROJECT DATA

PROPERTY OWNER
Brandi Faia
CONTACT: Brandi Faia
PHONE: (415)290-5745
EMAIL: brandifaia@gmail.com

ARCHITECT:
de sola.barnes LLP
P.O. Box 223386, Carmel, CA 93922
Contact: Daniela de Sola
Phone: 831-238-2310
email: dani@desolabarnes.com
license: C 32218

APN	010-101-021 010-101-020 010-101-012
ZONING	R1
OCC. GROUP	R3/U
TYPE OF CONSTRUCTION	V-B
BLOCK	14
LOT	16,18, 20
LOT SIZE	4000 SQ FT (EACH)
EXISTING FLOOR AREA	2246 SQ FT
STORIES	2
WATER SOURCE	CAL AM
FIRE SPRINKLERS	NOT REQUIRED
SEWER SYSTEM	CAWD
TREES TO BE REMOVED	ZERO
TOTAL GRADING	0

DRAWING LIST

- A0.0 COVER SHEET- PROJECT DATA- PHOTOS OF EXISTING CONDITIONS
- A1.0 EXISTING (DEMO) AND PROPOSED SITE PLAN AND FENCE DESIGN
- A2.0 EXISTING AND PROPOSED EXTERIOR ELEVATIONS
- A2.1 EXISTING AND PROPOSED EXTERIOR ELEVATIONS
- A3.0 MATERIALS, FINISHES , EXHIBITS, STAIRS AND RAILING

SCOPE OF WORK

- △ 1. 010101021- REPLACE EXISTING WOOD SHAKE ROOF WITH CLASS "A" STANDING SEAM METAL ROOF WITH NEW LEAF GUARD GUTTERS AND DOWNSPOUTS (18" SEAM SPACING AND 1" SEAM HEIGHT. SEE A3.0
- 2. 010101021-REPLACE EXISTING STUCCO AT CHIMNEY, SITE WALL AND EXTERIOR ENTRY NICHE WITH CARMEL STONE.
- 3. 010101021- REPLACE ALL EXISTING WINDOWS AND EXTERIOR DOORS PER WINDOW/DOOR SCHEDULE.
- △ 4. 010101021-EXTEND EXISTING 3'-2" WIDTH SITE ENTRY STEPS TO 4'-0" WIDTH WITH RAILING.
- △ 5. 010101021- REPAIR AND REPLACE EXISTING 6'-6" TALL FENCE ON STREET FACING CORNER AND REPLACE WITH NEW PAINTED WOOD FENCE TO MATCH HOUSE COLOR. FENCE TO BE 6'-0" TALL PLUS 1'-0" TALL "LATTICE".
- 6. I010101021-INSTALL NEW 4' TALL WOOD FENCE PAINTED WHITE TO MATCH HOUSE ALONG TORRES STREET SIDE.
- △ 7. 010101012- INSTALL NEW PAINTED WOOD FENCE WITH GATE TO MATCH HOUSE COLOR ALONG TORRES STREET. FENCE & GATE TO BE 6'-0" TALL PLUS 1'-0" TALL "LATTICE".
- △ 8. 010101020- INSTALL NEW PAINTED WOOD FENCE WITH GATE TO MATCH HOUSE COLOR ALONG 2ND AVE FRONT SETBACK LINE. FENCE & GATE TO BE 6'-0" TALL PLUS 1'-0" TALL "LATTICE". FOR GARBAGE ENCLOSURE, INSTALL NEW 4' TALL WOOD FENCE PAINTED WHITE TO MATCH HOUSE.
- △ 9. 010101021-INSTALL CARMEL STONE SITE WALL -36" HIGH ON BOTH SIDES OF DRIVEWAY TO PREVENT EROSION. HEIGHT TO TAPER DOWN TO 8" AT TORRES STREET END.
- △ 10. 010101021-REPLACE A/C DRIVEWAY WITH PERVIOUS PAVERS.

11. NO CHANGES TO BUILDING FOOTPRINT OR ROOF HEIGHT OR SHAPE ARE BEING PROPOSED.

HOUSE AREA (NO CHANGES)

(E) GARAGE	LEVEL 0	344	SQ FT
(E) STORAGE & 1/2 BATH	LEVEL 0	257	SQ FT
(E) HOUSE	LEVEL 1	1057	SQ FT
(E) HOUSE	LEVEL 2	577	SQ FT.
(E) TOTAL		2235	SQ FT

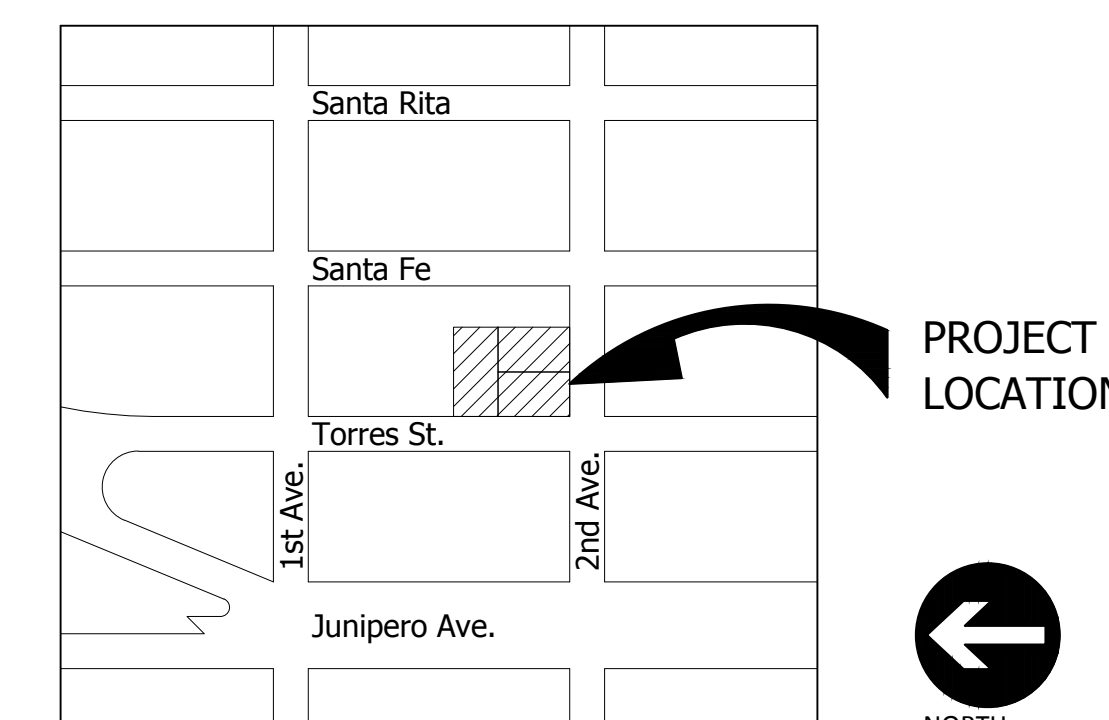
SITE COVERAGE

SEE A1.0

SITE WALLS < 36" TALL

35-LINEAR FEET (24' OF WHICH ENCROACH)
31-LINEAR FEET (31' OF WHICH ENCROACH)

VICINITY MAP



FAIA
RESIDENCE

NE CORNER TORRES & SECOND
CARMEL-BY-THE-SEA,
CALIFORNIA 93921

proj. no: 2301
drawn by: DdS
ch'd by:

submittals	date
PLANNING SUBMITTAL	08-16-24
PLANNING SUBMITTAL	11-21-24

sheet title

SITE PLAN

AS NOTED
sheet number

A0.0

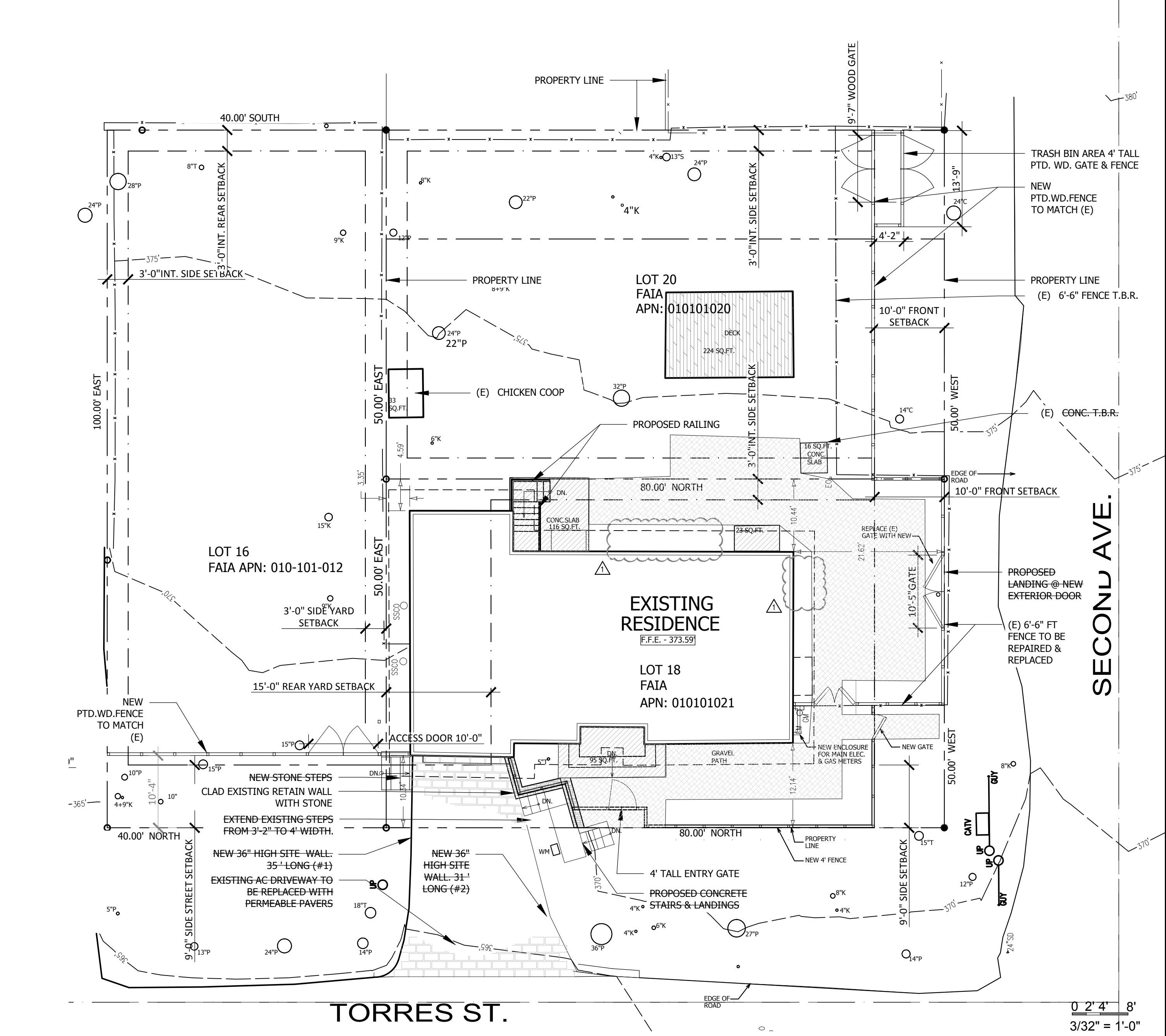
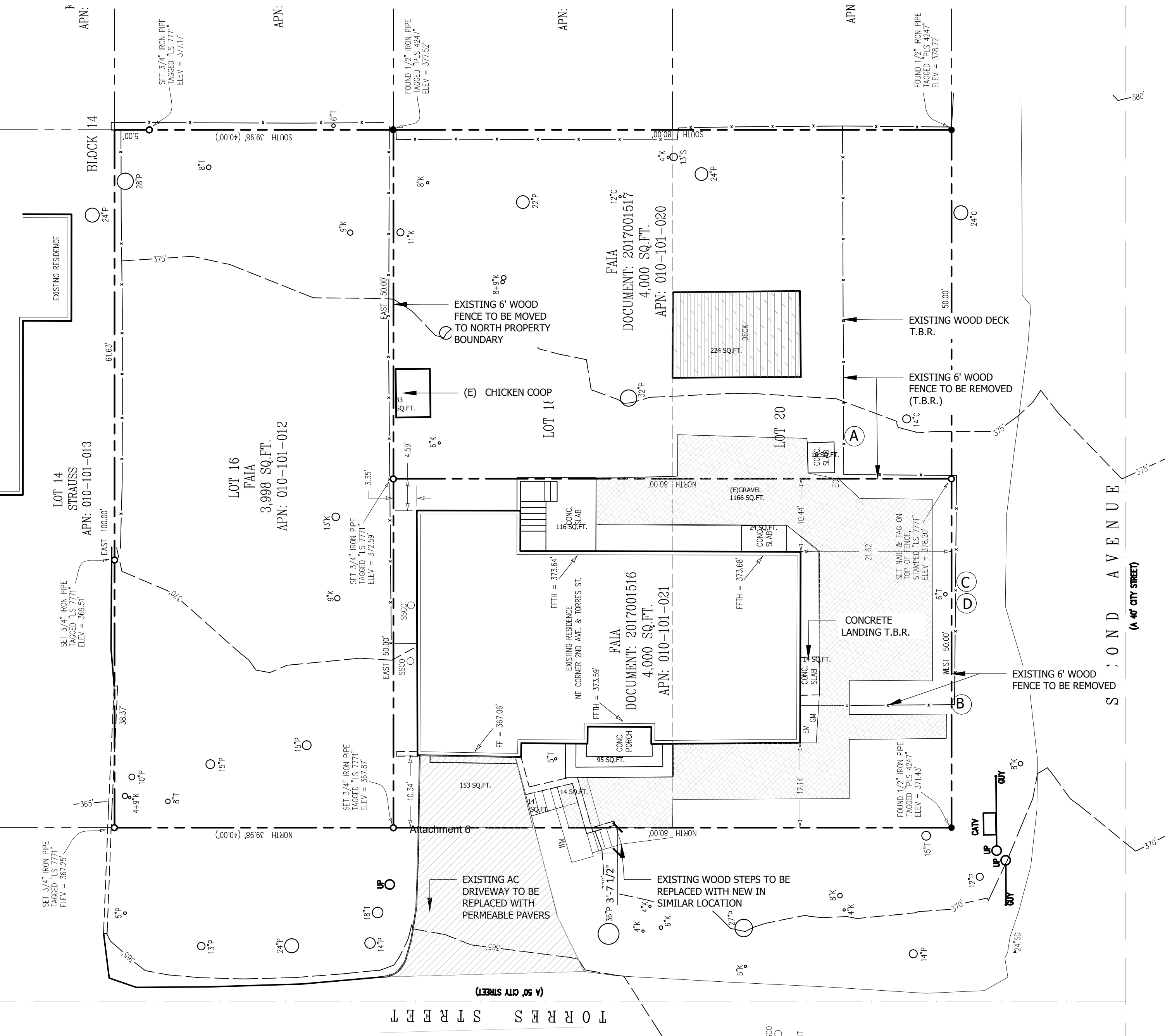
date printed: 11-21-2024

BRANDI FAIA PROPERTY IMPROVEMENTS

NE CORNER TORRES & SECOND AVE.
CARMEL, CA 93921

de sola.barnes
architects
PO BOX 223386
CARMEL, CA 93922
831-624-2165

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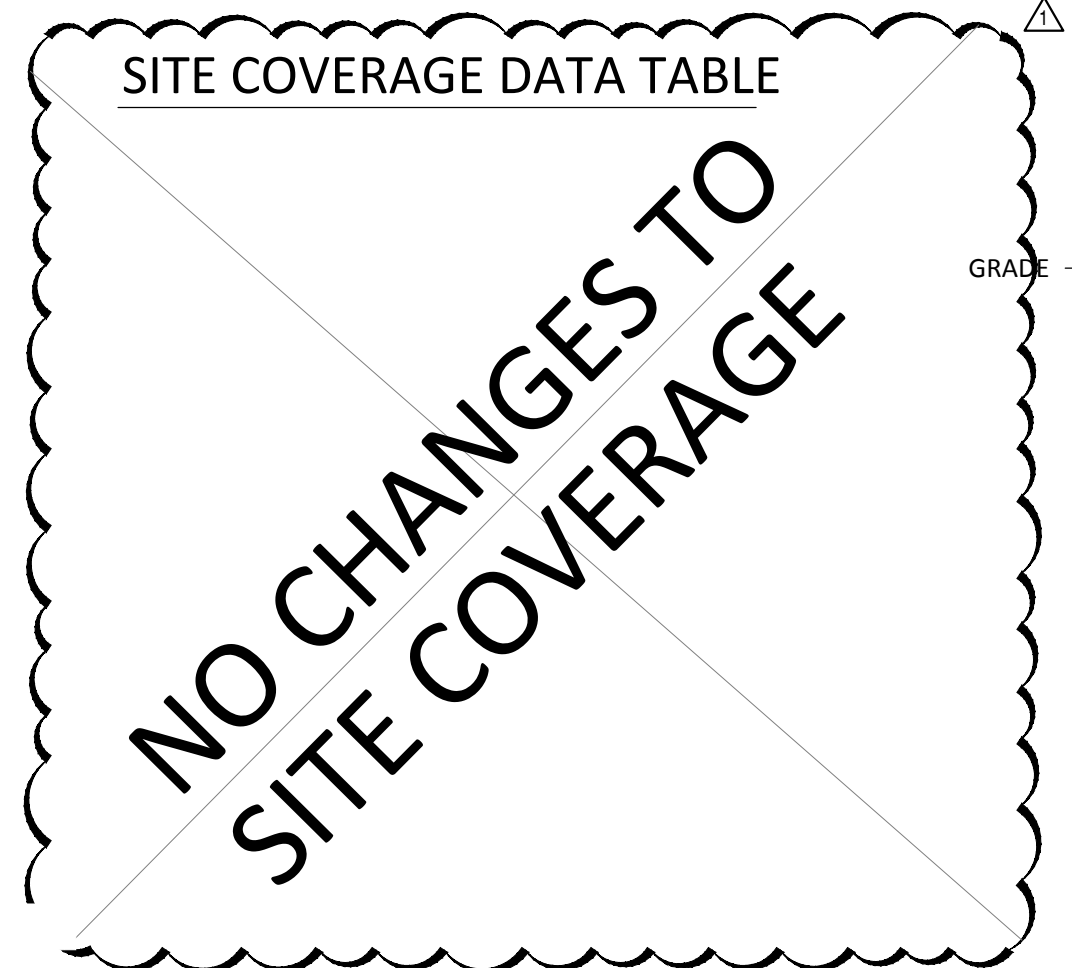


1 (E) & DEMO SITE PLAN
3/32"=1'-0"

2 PROPOSED SITE PLAN
3/32"=1'-0"

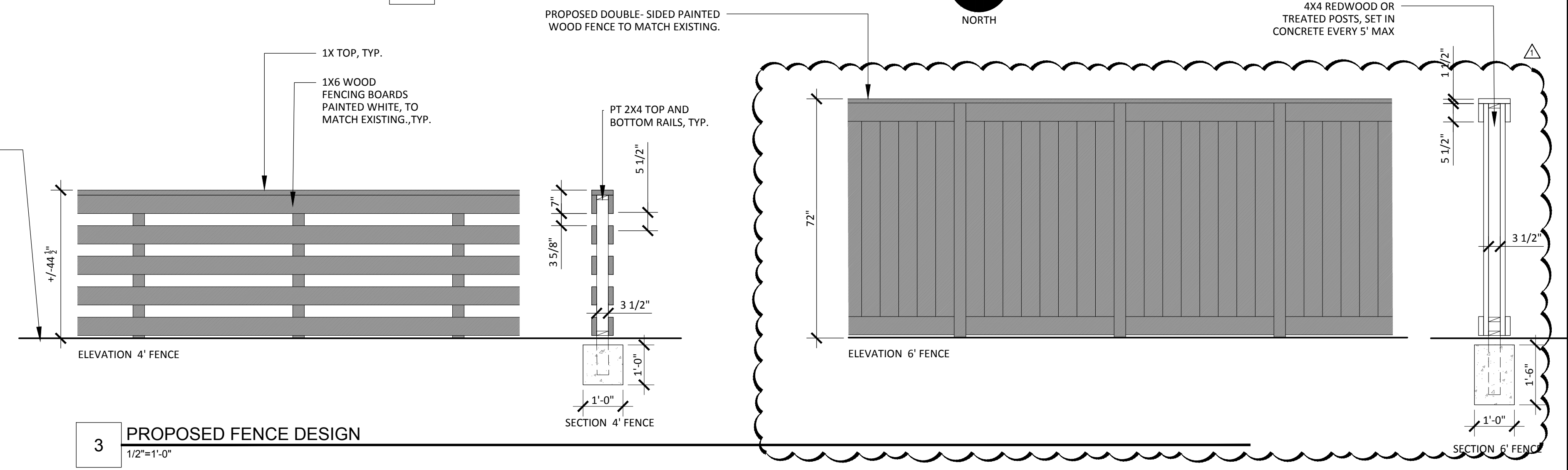
LEGEND

- PROPERTY LINE
- SETBACK LINE
- EXISTING STRUCTURES
- EXISTING CONC. WALL
- EXISTING IMPERVIOUS SURFACE
- PROPOSED IMPERVIOUS SURFACE
- PLANTED AREA
- EXISTING DECK
- GRAVEL
- DOUBLE SIDED WOOD FENCE
- GRAPE STAKE FENCE
- (E) TREE
- PHOTO EXHIBIT ON SHEET A3.0



NOTES

- (E) SITE PLAN BASED ON SURVEY FROM MONTEREY BAY ENGINEERS, INC. - FEB 2024



3 PROPOSED FENCE DESIGN
1/2"=1'-0"

FAIA RESIDENCE

NE CORNER TORRES & SECOND
CARMEL-BY-THE-SEA,
CALIFORNIA 93921

proj. no: 2301
drawn by: DdS
ch'd by:

submittals	date
PLANNING SUBMITTAL	08-16-24
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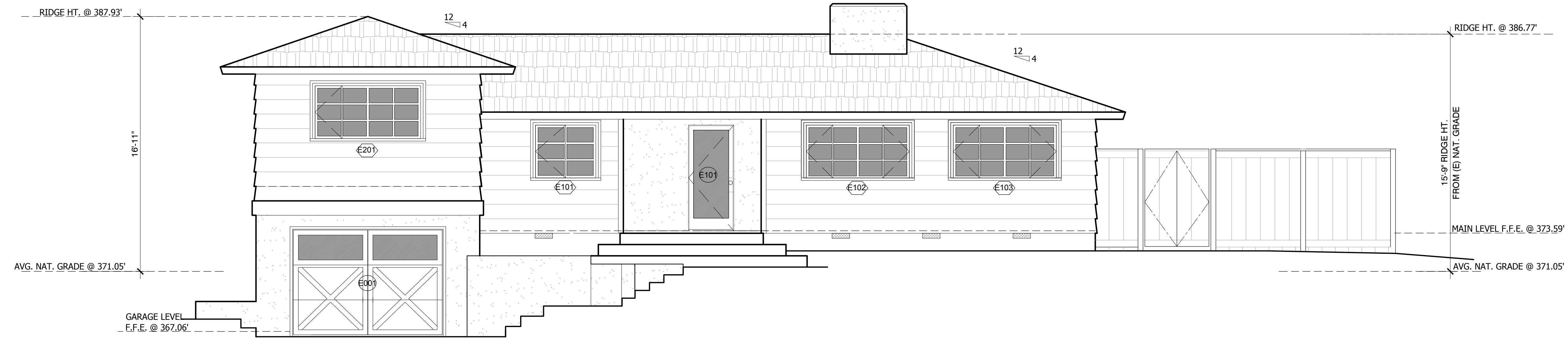
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SITE PLAN

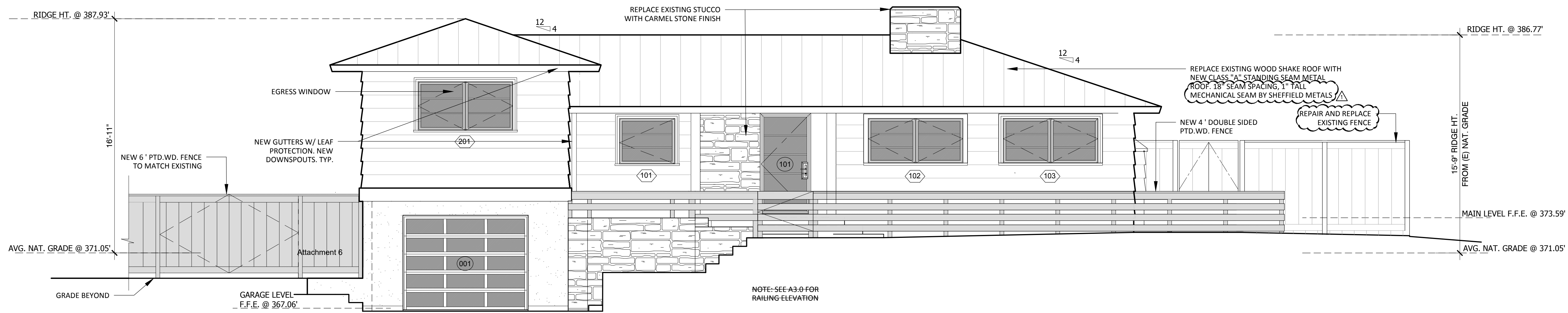
AS NOTED
sheet number

A1.0

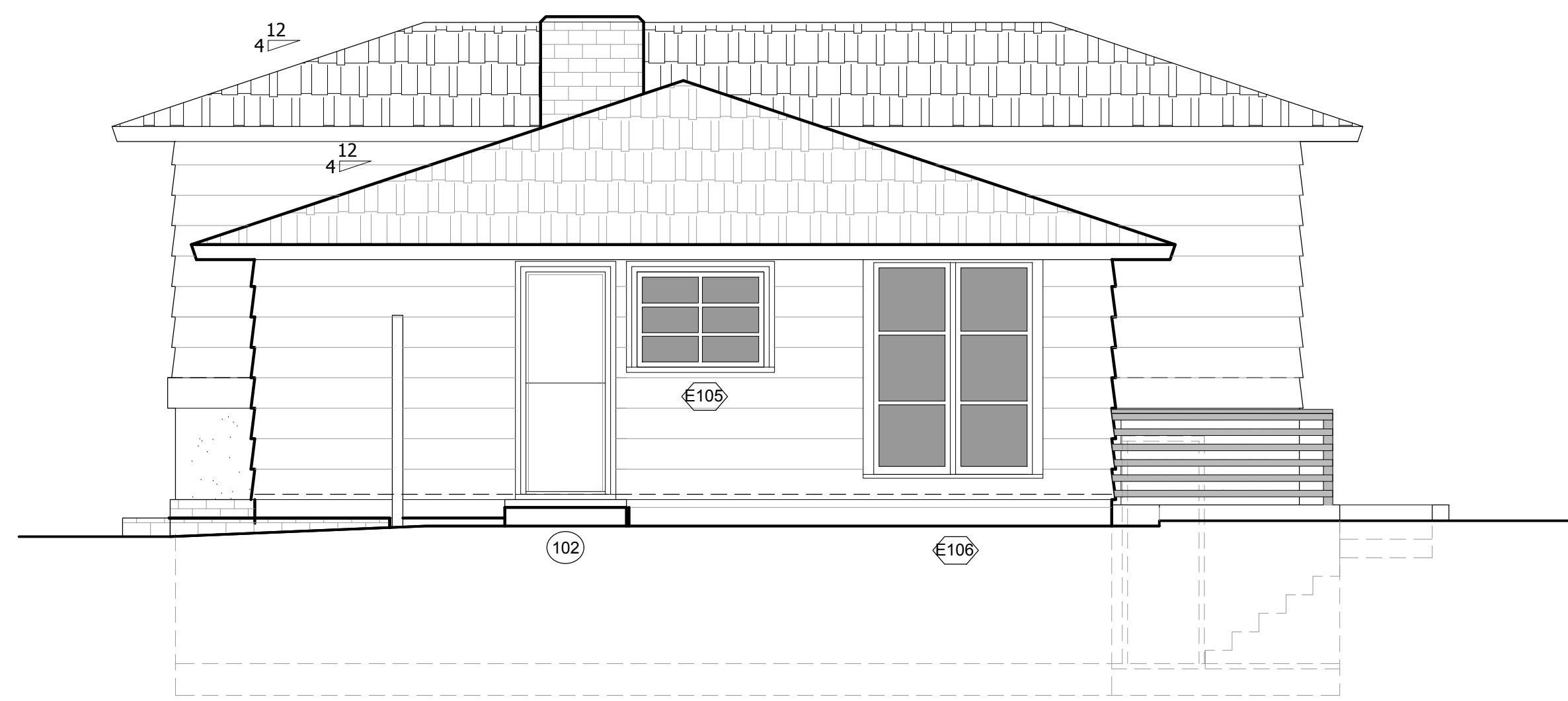
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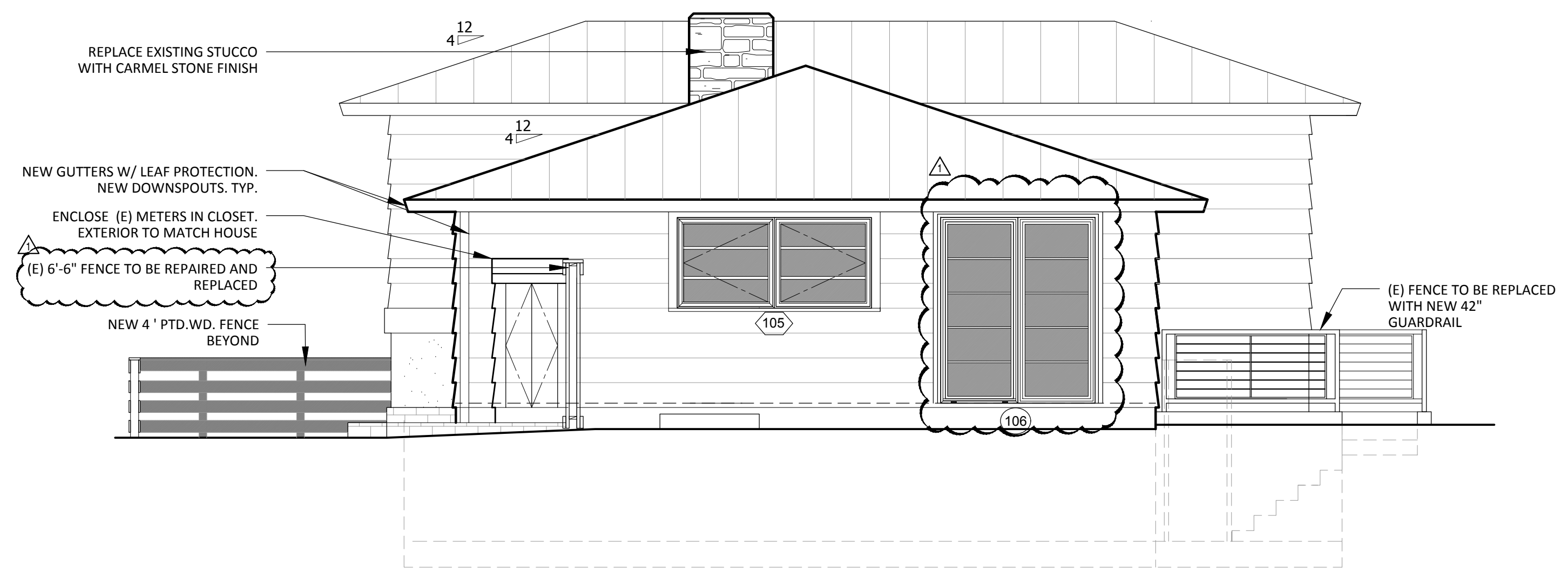
1 EXISTING WEST ELEVATION (TORRES STREET)
1/4"=1'-0"



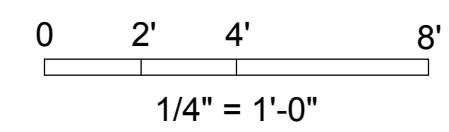
2 PROPOSED WEST ELEVATION (TORRES STREET)
1/4"=1'-0"



3 EXISTING SOUTH ELEVATION (2ND AVE)
1/4"=1'-0"



4 PROPOSED SOUTH ELEVATION (2ND AVE)
1/4"=1'-0"



FAIA
RESIDENCE

N/E CORNER TORRES & SECOND
CARMEL-BY-THE-SEA,
CALIFORNIA 93921

proj. no: 2301
drawn by: DdS
ch'd by:

submittals	date
PLANNING SUBMITTAL	08-16-24
PLANNING SUBMITTAL	11-21-24

sheet title

EXTERIOR
ELEVATIONS

AS NOTED

sheet number

A2.0

date printed: 11-21-2024

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EXISTING WINDOW SCHEDULE						
UNIT	SIZE	OPERATION	LOCATION	MANUFACTURER	MODEL	NOTES
E001	101" X 24"	FIXED	OFFICE	UNKNOWN	UNKNOWN	
E002	94" X 30"	FIXED	OFFICE	UNKNOWN	UNKNOWN	
E003	64" X 24"	FIXED	GARAGE	UNKNOWN	UNKNOWN	
E101	47" X 38 1/2"	FRENCH CASEMENT	BATHROOM 1	UNKNOWN	UNKNOWN	ONLY ONE SIDE OPERATIONAL
E102	86" X 38 1/2"	CASEMENT/FIXED LH	KITCHEN	UNKNOWN	UNKNOWN	
E103	86" X 38 1/2"	CASEMENT/FIXED RBH CASEMENT	KITCHEN	UNKNOWN	UNKNOWN	
E104	157 3/4" X 81 1/2"	FIXED	LIVING	UNKNOWN	UNKNOWN	
E105	48" X 38 1/2"	FRENCH CASEMENT	KITCHEN	UNKNOWN	UNKNOWN	ONLY ONE SIDE OPERATIONAL
E106	71 1/2" X 81 1/2"	FRENCH FIXED	DINING	UNKNOWN	UNKNOWN	
E201	79 3/4" X 38 1/2"	FRENCH CASEMENT	FRONT BEDROOM	UNKNOWN	UNKNOWN	
E202	78 1/2" X 41"	FRENCH CASEMENT	BACK BEDROOM	UNKNOWN	UNKNOWN	ONLY ONE SIDE OPERATIONAL
E203	93 1/2" X 24"	FIXED	BACK BEDROOM	UNKNOWN	UNKNOWN	
E204	39" X 37 1/2"	FRENCH CASEMENT	BATH 2	UNKNOWN	UNKNOWN	ONLY ONE SIDE OPERATIONAL
E205	93 1/2" X 24"	FIXED	FRONT BEDROOM	UNKNOWN	UNKNOWN	

PROPOSED WINDOW SCHEDULE						
UNIT	SIZE	OPERATION	LOCATION	MANUFACTURER	MODEL	NOTES
001	101" X 24"	AWNING LHPICTURE	OFFICE	QUARTZ	EDGE LINE	MULLED
002	94" X 30"	AWNING LHPICTURE	OFFICE	QUARTZ	EDGE LINE	MULLED
003	64" X 24"	AWNING AWNING	GARAGE	QUARTZ	EDGE LINE	MULLED
101	47" X 38 1/2"	FRENCH CASEMENT	BATHROOM 1	QUARTZ	EDGE LINE	
102	86" X 38 1/2"	FRENCH CASEMENT	KITCHEN	QUARTZ	EDGE LINE	
103	86" X 38 1/2"	FRENCH CASEMENT	KITCHEN	QUARTZ	EDGE LINE	
104	NOT USED					
105	86" X 38 1/2"	FRENCH CASEMENT	KITCHEN	QUARTZ	EDGE LINE	
201	79 3/4" X 38 1/2"	FRENCH CASEMENT	FRONT BEDROOM	QUARTZ	EDGE LINE	EGRESS
202	78 1/2" X 41"	FRENCH CASEMENT	BACK BEDROOM	QUARTZ	EDGE LINE	EGRESS
203	93 1/2" X 24"	AWNING PICTURE	BACK BEDROOM	QUARTZ	EDGE LINE	
204	39" X 37 1/2"	AWNING	BATH 2	QUARTZ	EDGE LINE	
205	93 1/2" X 24"	AWNING PICTURE	FRONT BEDROOM	QUARTZ	EDGE LINE	

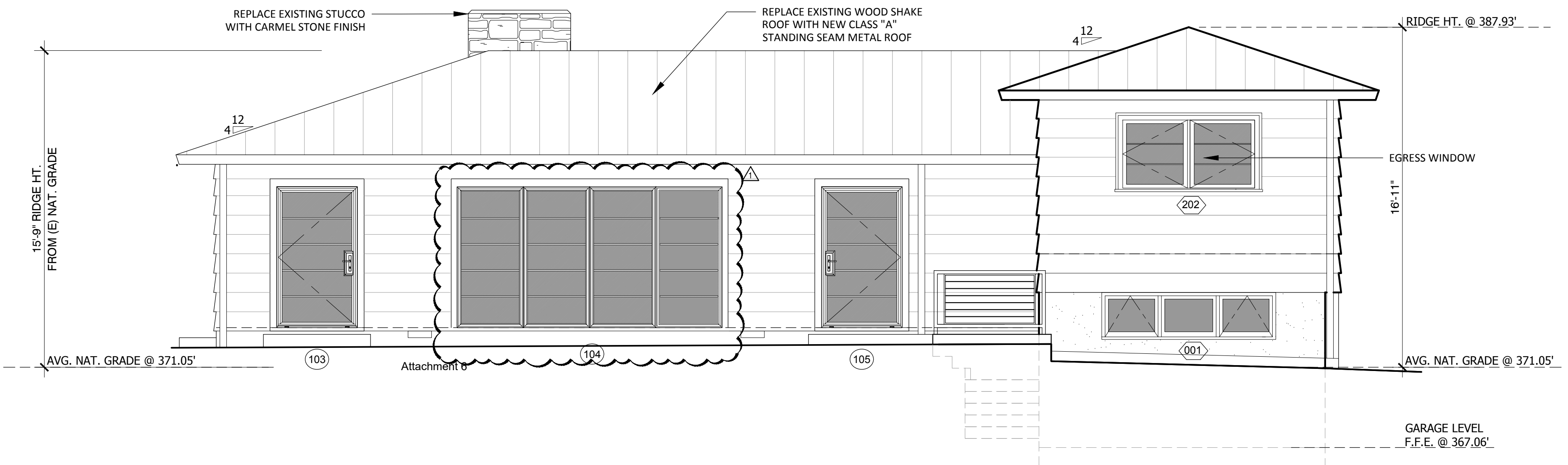
EXISTING DOOR SCHEDULE						
UNIT	SIZE	OPERATION	LOCATION	MANUFACTURER	MODEL	NOTES
001	109 1/2" X 83 1/2"	S SECTION 4 PANEL	GARAGE	UNKNOWN	UNKNOWN	
002	30" X 79"	FRENCH LH	OFFICE	UNKNOWN	UNKNOWN	
101	36" X 79"	FRENCH LH	ENTRY	UNKNOWN	UNKNOWN	
102	30" X 84"	FRENCH PAIR	DINING	UNKNOWN	UNKNOWN	
103	48 1/2" X 81 1/2"	FRENCH PAIR	DINING	UNKNOWN	UNKNOWN	
104	48 1/2" X 81 1/2"	FRENCH CASEMENT	FRONT BEDROOM	UNKNOWN	UNKNOWN	
105	48 1/2" X 79"	FRENCH PAIR	BEDROOM 1	UNKNOWN	UNKNOWN	

PROPOSED DOOR SCHEDULE						
UNIT	SIZE	OPERATION	LOCATION	MANUFACTURER	MODEL	NOTES
001	109 1/2" X 83 1/2"	S SECTION 4 PANEL	GARAGE	OVERHEAD DOOR	9910	FROSTED GLASS
002	30" X 79"	FRENCH LH	OFFICE	QUARTZ	EDGE LINE	
101	44" X 79"	FRENCH LH	ENTRY	QUARTZ	EDGE LINE	
102	71 1/2" X 81 1/2"	FRENCH PAIR PICTURE	DINING	QUARTZ	EDGE LINE	
103	48 1/2" X 81 1/2"	FRENCH LH	DINING	QUARTZ	EDGE LINE	
104	157 3/4" X 81 1/2"	FIXTURE PICTURE	LIVING	QUARTZ	EDGE LINE	MULLED
105	48 1/2" X 79"	FRENCH LH	BEDROOM 1	QUARTZ	EDGE LINE	

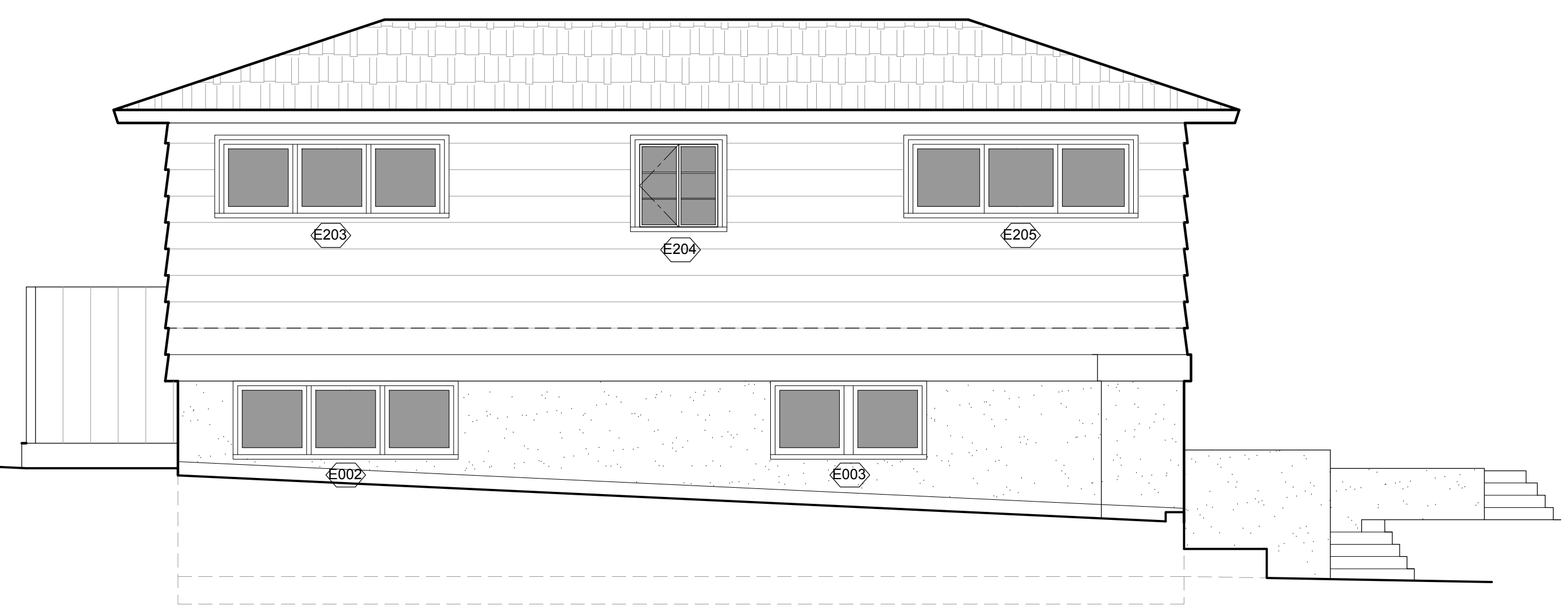
DOOR & WINDOW NOTES

- COORDINATE DOOR AND WINDOW SIZES WITH EXISTING WALL FRAMING/OPENING. THE ONLY CHANGES TO R.O. SIZES ARE DOOR 101 AND WINDOW 105
- EXTERIOR DOORS SHALL BE OF APPROVED NONCOMBUSTIBLE CONSTRUCTION, OR IGNITION-RESISTANT MATERIAL, SOLID CORE WOOD HAVING STILES AND RAILES NOT LESS THAN 1 3/8" THICK.
- ALL GLAZING TO BE DUAL GLAZED (SOLARBAN 60 OR EQUAL)
- EXTERIOR WINDOWS AND DOORS SHALL BE MULTIPANED WITH A MINIMUM OF ONE TEMPERED PANE, AND HAVE A FIRE RESISTANCE RATING OF 20 MINUTES IN ACCORDANCE WITH NFPA 257, OR MEET THE REQUIREMENTS OF SFM 12-7A-2.
- EXISTING WINDOWS TO BE REPLACED ARE ARE STEEL, SINGLE PANE, EXCEPT FOR GARAGE LEVEL WINDOWS, WINDOW 104 AND ALL DOORS, WHICH ARE WOOD

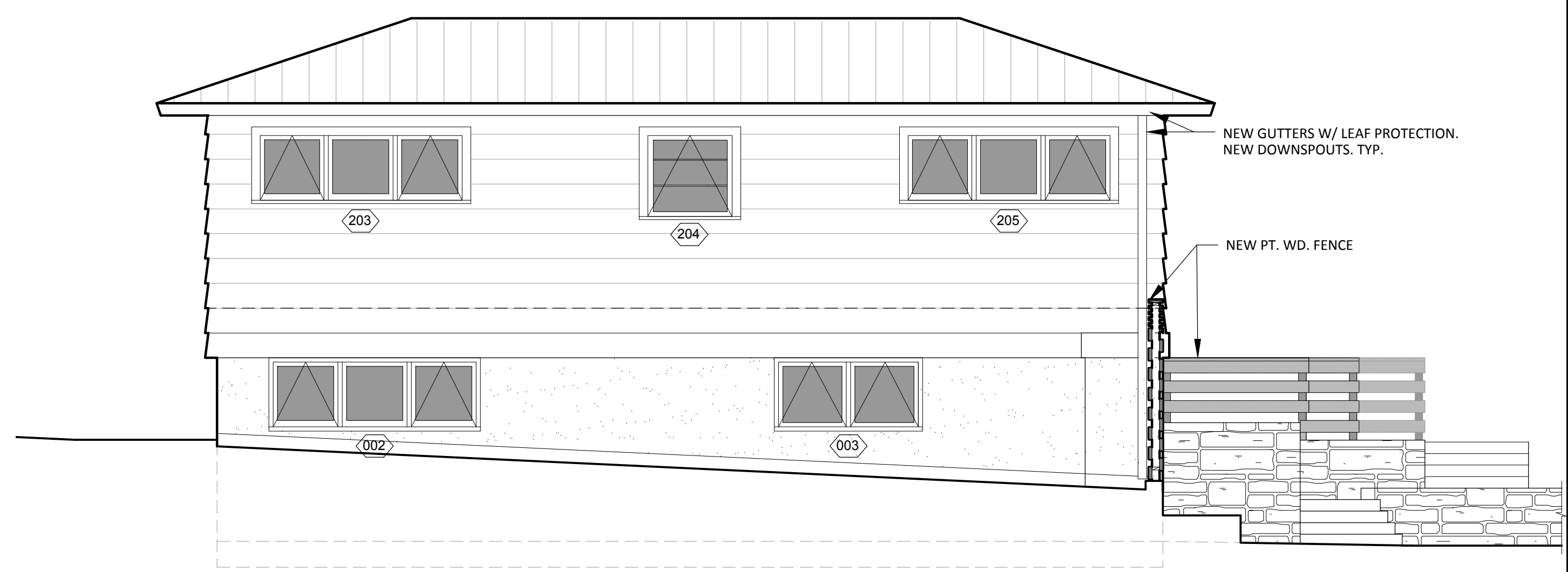
1 EXISTING EAST ELEVATION
1/4"=1'-0"



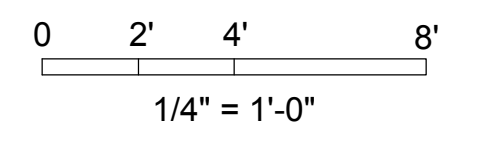
2 PROPOSED EAST ELEVATION
1/4"=1'-0"



3 EXISTING NORTH ELEVATION
1/4"=1'-0"



4 PROPOSED NORTH ELEVATION
1/4"=1'-0"



FAIA RESIDENCE

N/E CORNER TORRES & SECOND
CARMEL-BY-THE-SEA,
CALIFORNIA 93921

proj. no: 2301
drawn by: DdS
ch'd by:

submittals	date
PLANNING SUBMITTAL	08-16-24
PLANNING SUBMITTAL	11-21-24

sheet title

EXTERIOR ELEVATIONS

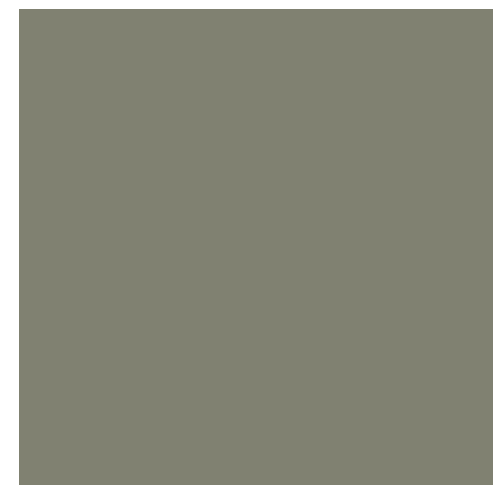
AS NOTED
sheet number

A2.1

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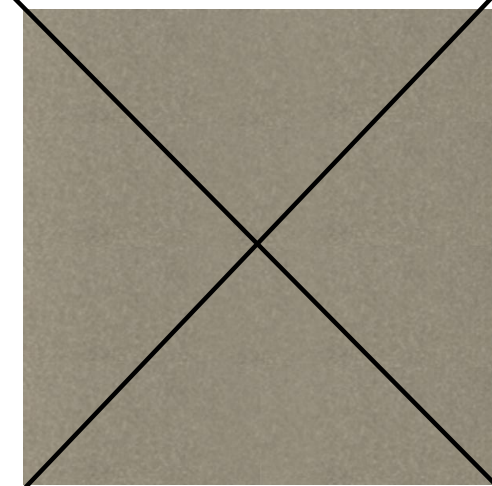
CARMELO STONE @ ENTRY AND CHIMNEY



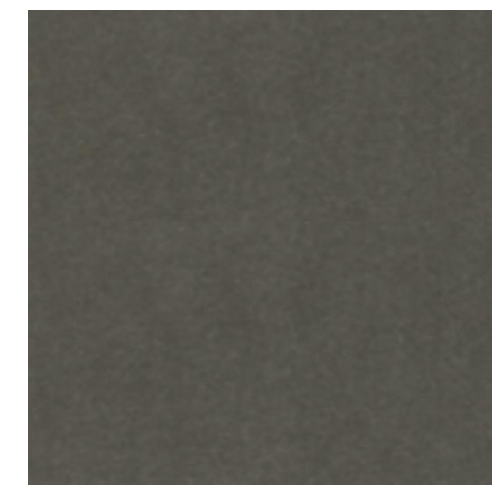
GARAGE DOOR COLOR: RAL 7030



QUARTZ LUXURY ALUMINUM WINDOWS COLOR: "CHAMPAGNE LIGHT RANGE"



SHEFFIELD METALS ROOF COLOR: "CHAMPAGNE" Cool-IR



SHEFFIELD METALS ROOF COLOR: "VINTAGE" SRI 22

1 PROPOSED FINISHES
N.T.S.



EXHIBIT "A"



EXHIBIT "B"



EXHIBIT "C"



EXHIBIT "D"

2 EXISTING HEIGHT & CONDITION OF FENCE
N.T.S.



3 PROPOSED NEW FENCE TO MATCH EXISTING & PAINTED TO MATCH EXISTING
N.T.S.

METAL ROOFING SYSTEMS

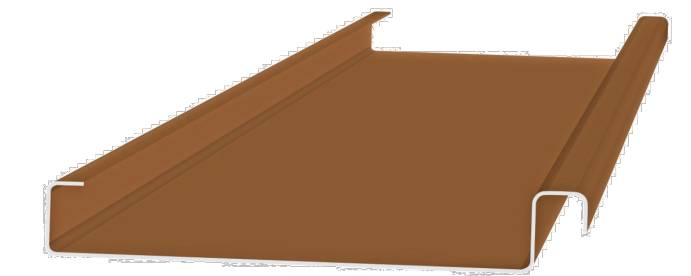
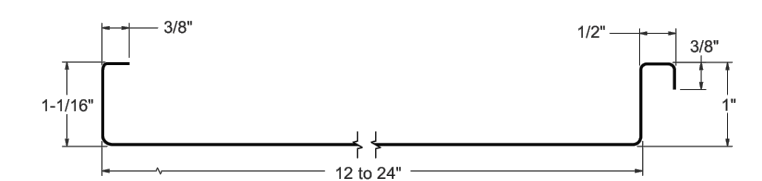
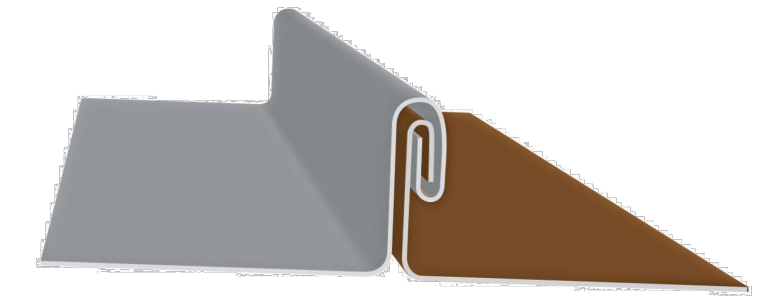
SMI 1.0" Mechanical Seam Standing Seam

Panel Information:
 Panel Type: Standing Seam
 Panel Seam: Mechanical
 Panel Width: 17"
 Seam Height: 1.0"
 Panel Material: 22 GA - 24 GA Min
 Panel Surface: Smooth / Embossed Optional
 Minimum Slope: 3/12

Panel Testing:
 Uplift Resistance: UL 580, UL 1897, UL 90
 Hail Rating: Class 4 Impact UL 2218
 Fire Rating: UL Class A
 FBC Non-HVHZ Approval: FL18316

Panel Notes:

- Maximum coil width for engineered systems is 20."
- This panel uses 3" of material to form the panel.
- Divide the coil width by the panel width to determine your roof multiplier. Take the square footage of the roof and multiply that by the roof multiplier to determine the amount of coil needed to manufacture the panels. This does not include estimated waste.
- Suitable for zinc and copper.



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Film Thickness: (ASTM D5796)	Top System Finish: 0.55 - 0.65 mil Bottom System Finish: Primer = 0.15 - 0.25 mil Backer = 0.30 - 0.40 mil
Specular Gloss: (ASTM D523)	60 Degree Specular Gloss = 20% - 40%
Hardness: (ASTM D3363)	2H - 4H
Cure Test: (ASTM D5402)	100 Double MEK Rubs Minimum
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Reverse Impact: (ASTM D2794)	No Tape Off, 80 inch-pounds of force
T-Bend Flexibility: (ASTM D4145)	2T No Tape Off
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FAIA RESIDENCE

NO. CORNER TORRES & SECOND
 CARMEL-BY-THE-SEA,
 CALIFORNIA 93921

proj. no: 2301
 drawn by: DdS
 and by:

submittals	date
PLANNING SUBMITTAL	08-16-24
PLANNING SUBMITTAL	11-21-24

sheet title

FINISHES, COLORS EXHIBITS STAIRS & RAILING

AS NOTED

sheet number

A3.0

date printed: 11-21-2024



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

April 1, 2025
PUBLIC HEARINGS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Evan Kort, Associate Planner

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Consideration of an Appeal (APP 25038, Brown) by Dorothy Jernstedt, for the Approval of a Combined Concept and Final Design Study (DS 24164, Brown), and associated Coastal Development Permit for substantial alterations to an existing single-family residence, and Variance (VA 24263, Brown) for modifications to maximum site coverage regulations located at Scenic Road 3 southeast of 12th Avenue located in the Single Family Residential (R-1) Zoning District, Beach and Riparian (BR) Overlay, and Park (P) Overlay (APN: 010-292-011).

RECOMMENDATION:

Staff recommends Council adopt Resolution 2025-035 (**Attachment 1**):

1. Finding the project categorically exempt from the California Environmental Quality Act (CEQA), State CEQA guidelines and local environmental regulations, pursuant to Section 15301 (Class 1) – Existing Facilities and no exceptions to the exemption contained in Section 15300.2 can be made; and
2. Denying the appeal by Dorothy Jernstedt, and upholding the Planning Commission's decision to approve the a Combined Concept and Final Design Study (DS 24164, Brown), and associated Coastal Development Permit for substantial alterations to an existing single-family residence, and Variance (VA 24263, Brown) for modifications to maximum site coverage regulations located at Scenic Road 3 southeast of 12th Avenue located in the Single Family Residential (R-1) Zoning District, Beach and Riparian (BR) Overlay, and Park (P) Overlay (APN: 010-292-011), as found in Resolution 2025-04-PC.

BACKGROUND/SUMMARY:

EXECUTIVE SUMMARY

On January 15, 2025, Planning Commission adopted Reso. 2025-04-PC (**Attachment 4**) approving a Design Study Application, Variance, and associated Coastal Development Permit for substantial alterations to an existing single-family residence and modifications to the maximum site coverage limitations to the site.

There was no proposed increase in height or floor area, however, the exterior appearance of the residence was proposed to substantially change, and therefore the project required a Track 2 Design Study and Coastal Development Permit. The proposed project also required the Planning Commission to consider a

Variance for site coverage.

The northern neighbor is aggrieved by the Planning Commission's decision to approve the project, specifically as it relates to the Variance and a proposed deck on the west (front) elevation, and has appealed the Commission's decision to the City Council. The neighbor has cited privacy from impacts a proposed deck at the front of the subject residence as their basis of the appeal (refer to **Attachment 2**) and the appellant's representative argues the variance finders were not made (refer to **Attachment 3**).

BACKGROUND/ PROJECT DESCRIPTION

The project site is a 5,762 square-foot lot developed with a 3,693 square-foot single-family residence, inclusive of a 483 square foot attached garage. The site is non-conforming in respect to floor area as it exceeds the maximum allowable for the building site (2,390 square feet allowed) and height as the existing building exceeds the height limit for the zone district (located within the Beach Overlay; 18' height limit. Current building is approximately 24'6" tall).

The existing structures are finished primarily with horizontal wood siding. The applicant is proposing to substantially alter the residence by replacing the existing exterior wood siding with stucco and stone elements; adding a new 461 square foot view deck off of the 2nd level; replacing windows and doors throughout; reroofing the residence; and making additional associated site modifications and repairs throughout.

While the applicant has not proposed any increase in floor area or height as part of the scope of work, as is typical with a Track 2 project that is reviewed by the Planning Commission, the project is considered a substantial alteration which qualifies for Track 2 processing in accordance with Carmel-by-the-Sea Municipal Code (CMC) Section 17.58.040.B.1. In accordance with CMC Section 17.52.90.B, the required Coastal Development Permit has been processed concurrent with the Track 2 review. An associated Variance for site coverage (discussed below) also requires approval at a public hearing. The project was approved by the Planning Commission at their January 15, 2025, hearing with findings and conditions adopted in Resolution 2025-04-PC (refer to Attachment 4).

- January 15, 2025 Hearing
 - [Click Here for Staff Report](#)
 - [Click Here for Video of Hearing](#)

On January 28, 2025, Dorothy Jernstedt submitted a timely appeal of the Planning Commission's decision to approve the project (see **Attachment 2**). The ground for appeal, as provided in the January 28th appeal, state, "I am attaching my letter to the Planning Commission. A Variance was granted to allow this large deck. When standing on [the deck], residents will be able to look into my kitchen/sitting area. I object vehemently."

On February 7, 2025, following the conclusion of the appeal period, a letter titled "Support for Appeal of Planning Commission Decision of January 15, 2025," prepared by Krista Ostoich, who has been retained by the appellant (**Attachment 3**).

This staff report discusses appeal documents submitted as the basis for the applicant's appeal as well as the support document received following the conclusion of the appeal period.

The project is located in the Beach and Riparian (BR) Overlay District (i.e. appeal jurisdiction) and therefore is appealable to the California Coastal Commission following a decision by the City Council.

The project plans for which the applicant is requesting approval of is the project which was presented at the

January 15, 2025 and with the amended Conditions of Approval adopted in Resolution 2025-04-PC. Staff recommends the Council review staff report and the video from the January 15, 2025 project for a detailed analysis and overview of the subject project as this report is centered on the appeal. The applicant has made minor modifications to the plans to address the tree protection measures as identified in the staff report and Planning Commission Condition of Approval #34. These plans are included as Attachment 6.

- January 15, 2025 Hearing
 - [Click Here for Staff Report](#)
 - [Click Here for Video of Hearing](#)

STAFF ANALYSIS

Analysis Summary:

The underlying questions for the Council to consider are:

Does the Variance comply with the findings for Variance Approval? Does the proposed deck result in a privacy impact?

The Planning Commission found that Variance meets the required findings for approval. The Commission also studied the potential privacy impacts and determined the deck was consistent with the Residential Design Guidelines pertaining to privacy.

The Appellant has appealed this decision and is requesting consideration by the Council. The Appellant asserts in their appeal documents that the proposed deck results in a privacy impact and the Variance findings were not substantiated.

Appeal Analysis

Grounds for Appeal (from submitted appeal): “I am attaching my letter to the Planning Commission. A Variance was granted to allow this large deck. When standing on [the deck], residents will be able to look into my kitchen/sitting area. I object vehemently”

Analysis: **The appeal form states,** “*State the specific basis for your appeal, such as errors or omissions you believe were committed by the Planning Commission in reaching their decision, etc. You may also submit a letter or other material to explain your appeal.*” The submitted grounds for appeal do not provide any specific errors or omissions to the Planning Commission’s decision, but rather re-state information already provided to and considered by the Planning Commission.

The referenced letter was provided to the Planning Commission ahead of the public hearing in the form of correspondence received after the posting of the agenda (late correspondence) and attached to the agenda as part of the record. A discussion regarding potential privacy impacts was provided in the Planning Commission staff report for the project for January 15, 2025, and the commission observed the potential privacy impacts at the tour of inspection prior to the public hearing. Staff also addressed the neighbor’s concerns as part of the staff report presentation at the public hearing.

The Planning Commission did hear and consider all said reports, attachments, recommendations, and testimony and used their independent judgment to evaluate the project and found the project consistent with the requisite requirements for approval.

Support for Appeal: “*...While all of the Variance findings are insufficient since they fail to address the view deck and patio. I have outlined specifically how Findings A, B, and F lack the substantial evidence necessary to legally support the granting of Variance to the Zoning Ordinance.*”

Analysis: The appellant’s representative asserts that all of the Variance findings are insufficient as they fail to address the deck and patio. While the appellant and the appellant’s representative has suggested the Variance was structured and/or intended to be used specifically for certain design features, the Variance approval by the Planning Commission was not structured, nor considered, for the Variance to be used specifically for specific design elements, but rather, the Variance allows for an additional amount of site coverage which may be used as the current or future property owner(s) sees fit for the site.

The appellant’s representative notes that, “According to the Staff Report, the site coverage consists of new driveways, new and replaced walkways, a new view deck, patio, new and replaced stairs and landings, and a new light well... None of the six legally required Variance findings discuss the view deck and patio in the analysis. Instead, each Variance finding only analyzes the need for safe access to the residence due to the unusual topography of the site.”

CMC Section 17.52.070.A, Variances, states that (emphasis added in **bold** and underline), “Only the development standards listed below shall be subject to modification through issuance of a Variance: A. **Maximum site coverage** and minimum open space **regulations**;...”.

This section (CMC 17.52.070.A) allows the maximum site coverage regulations to be modified through a Variance, however, there is no code, finding, or other standard which requires the modification be tied to or associated with a specific feature.

For the subject project (VA 24263), approval of the Variance allows an increase of the maximum allowable coverage of 756 square feet (with permeability bonus) to 1,017 square feet of coverage -an additional 261 square feet of permeable/semi-permeable coverage. This allowance was reflected in separate authorization which expressly separates the Variance approval out from the design features of the project (refer to Figure 1, below).

CONDITIONS OF APPROVAL	
No.	Standard Conditions
1.	<p>Authorization. This approval of Design Study (DS 24164, Brown), Variance (VA 24263), and associated Coastal Development Permit for substantial alterations to an existing single-family residence located at Scenic Road 3 southeast of 12th Avenue located in the Single Family Residential (R-1) Zoning District, Beach and Riparian (BR) Overlay, and Park (P) Overlay as depicted in the plans prepared by Eric Miller Architects approved by the Planning Commission on January 15, 2025, unless modified by the conditions of approval contained herein.</p> <p>Variance Authorization. This approval of Variance (VA 24263) authorizes 261 square feet of additional permeable/semi-permeable site coverage for the site (i.e. 526 sf allowed; 756 sf allowed with permeability bonus + 261 sf additional provided permeability bonus requirements are met = 1,017 sf maximum). This Variance authorization does not waive or lessen the Conditions of Approval listed below and other requirements of the city’s zoning code, local coastal program conditions are applicable and enforceable as part of the project.</p> <p>This variance shall become null and void if the existing residential structure is voluntarily or involuntarily demolished (as defined in the Carmel Municipal Code). Any future redevelopment or reconstruction on the subject property shall comply with the current zoning standards in effect at the time of application unless a new variance is granted.</p>

Figure 1. Excerpt from Planning Commission Resolution 2025-04-PC. Separate Variance authorization specifically allows for an additional 261 square feet of permeable/semi-permeable coverage.

In summary, the deck was not expressly referenced in the Variance findings as the deck feature was not part of the Variance request. The Variance request was for modification to the maximum site coverage regulations, as stated in the agenda title, resolution title, resolution recitals, and reflected in the "Variance Authorization" (Condition of Approval #1) as part of the Resolution (Reso. 2025-04-PC -see Figure 1, above).

The appellant's representative has also provided counter points to Findings A, B, and F. These points have been summarized below. The full response has been included as Attachment 3.

Finding A: *"...The existing site plan for the Project shows that there is already access to the residence via a long pathway with stairs and landings on the south side of the residence which is utilized to reach the entrance of the residence from Scenic Drive. (See Exhibit B). Access to the residence already exists in the same location as what is proposed in the project. What the Applicant is really seeking a Variance for is to add the view deck, patio and light well as no Variance is necessary access.*

...

Under the standard set by the Orinda Ass n. v. Bd. of Supervisors Court, the legal finding above is not sufficient since the City did not analyze how a strict application of the Zoning Ordinance, which would dictate a smaller view deck and patio. would deprive the Applicant of privileges enjoyed by other properties due to the special physical circumstances of the Applicant's own Property. The fact that the legal findings solely address access as a reason for needing a Variance and seemingly elect not to mention the view deck and patio is misleading and a clear attempt to circumvent the legally required Variance procedures."

Analysis: The applicant proposed to remove all the 2,236 square feet of existing site coverage improvements and requested approval of a Variance [AG1]to replace the site coverage with an amount of 1,017 square feet (526 sf allowed; 756 sf allowed with permeability bonus), 261 square feet above what would otherwise be permitted. In its existing state, the site is considered non-conforming.

Upon submission of the initial application, the applicant had proposed to reduce the site coverage from 2,236 square feet to 1,834 square feet, for a reduction of 351 square feet (6%). Through the review process staff and the applicant worked together to revise the project to reduce the proposed coverage to 1,017 square feet, for a reduction of 1,219 square feet (21.2%) with the additional amount of coverage being requested for the Variance (261 square feet) being quantified by identifying the area of the sloping area required for access to the rear of the site.

A strict application of the zoning code requires (from Residential (R-1) Base Floor Area & Site Coverage Handout)

Sites not in compliance with site coverage limits shall not be authorized to increase site coverage (CMC 17.10.030.C.2). Site coverage that was lawfully established but not in compliance with current zoning regulations may be maintained in its current state, however, shall be considered non-conforming. If a non-conforming element is removed, or substantially altered, it shall not be permitted to be rebuilt or re-established in the same location or elsewhere on the site (CMC 17.36.040.E).

For example: if a property has non-conforming site coverage and a patio is removed, new site coverage (such as a new deck, for example) could not be added to the property unless the remaining coverage for the site were brought into compliance with the site coverage limits.

As noted previously, as part of the project, the applicant proposed to remove all existing coverage,

however, sought relief from the site coverage limitations due to the topographic constraints of the site.

Variance finding “A” (CMC Section 17.64.210.A) relates to *“special physical circumstances applicable to the property, the strict application of the Zoning Ordinance will deprive the property of privileges enjoyed by other properties in the vicinity.”* The addition of the deck does not relate, impact, or contribute to a finding for “special physical circumstances,” however, as noted in the discussion above, granting of the Variance was not expressly limited to specific features, but rather a modification to the site coverage allowance for the whole site.

That is, building a deck is not a result of a hardship. In this case, the city granted a general site coverage Variance based on the special physical circumstances applicable to the property, and not one specific to the deck.

While the applicant has elected to pursue a Variance for which the Planning Commission approved, the Council may find the Variance is inappropriate as suggested by the appellant’s representative. While a much smaller deck could be constructed with the denial of the Variance, a deck of similar size could also be constructed should the applicant elect to not proceed with the site coverage alterations.

As referenced above, a strict application of the zoning code requires, *if a property has non-conforming site coverage and a patio is removed, new site coverage (such as a new deck, for example) could not be added to the property unless the remaining coverage for the site were brought into compliance with the site coverage limits.* However, if the site coverage is existing and is not removed, a structure could potentially be constructed above the existing feature since the site coverage is increasing and there is no net increase and site coverage is not “double counted” if elements are stacked above one another.

If the applicant had not proposed site coverage modifications, a deck would still be subject to a design study approval, and a deck could be considered regardless of site coverage regulations provided it is constructed above existing site coverage.

(Staff note: the discussion regarding the alternative to not pursue a Variance, to not remove existing site coverage, and still constructing a deck should not be construed to imply an actual project alternative, or an elective option for the applicant during construction, should the appeal be denied. The project before the Council *includes* the removal of existing site coverage and replacement of new site coverage, as provided in the project approval by the Planning Commission. Changes to the project shall require appropriate review and approval from the Community Planning and Building Department, as provided in the Conditions of Approval. This example was intended to illustrate that a deck of similar size could have been proposed without the application for a Variance.)

Finding B: *“Just like in Finding A above, here, the legal finding approved by the Planning Commission again completely omits that the Variance is not for access to the residence, as access already exists, but is actually a Variance to allow the Applicant to construct a 558 sq li view deck, as well as a patio...”*

...

The granting of the Variance is a special privilege the City denied my client whose residence is directly next door to the Project. when she remodeled the Jernsleedt Residence in 2006. The Jernstedt Residence was given Track I approval in 2006 the a remodel of an existing residence. Just like the Applicant, my client also desired to have an expanded "view deck" on the west end of the residence to take advantage of the oceanfront views. Unlike the 558 square foot deck proposed by the Applicant, my client was only asking for an approximately 13'x 6'(total of 78 sq. ft.) deck expansion- Just like the Applicant's project, the Jernstedt Residence would have exceeded standards for the zoning district...

...

The City's granting of the Variance on the Project is a special privilege the City refused to afford the Jernstedt Residence in 2006."

Analysis: The argument in respect to the omission of the deck and patio has already been discussed at length, above.

On July 18, 2005, the city received a Track 1 Design Study Application for minor alterations to the residence, adjacent to the subject property, located in the Residential (R-1) and Beach and Riparian (BR) Overlay Districts (the Jernstedt Residence -refer to **Attachment 5**). On August 3, 2005, staff provided a Completeness Review letter to the Applicant that included two corrections. One of the two corrections stated: *"The front setback is 15 feet from the front property line. The proposed deck expansion on the front of the residence encroaches into this front setback and needs to be reduced."*

There is no record of when revised plans were resubmitted, however, the project was subsequently approved on September 21, 2005. There is no application for a Variance on file, nor was a denial issued. The city maintains record of a correction letter being issued due (in part) to a setback violation, followed by an approval of the project (refer to **Attachment 5**).

The subject Design Study (DS 24164, Brown) includes the proposal for a deck which complies with setback standards, whereas, the deck described in the supporting appeal document (DS 05-98, Jernstedt) encroached into the front setback. The applicant for the Brown project also requested a Variance for modification to site coverage regulations, whereas the applicant for the Jernstedt project did not pursue a Variance for modification setback regulations.

The circumstances for which the two projects were considered are also not the same, therefore, the claim that approval of the Variance was a grant of special privilege because the neighbor's deck was not approved is without merit.

Finding F: *"...Since the current view deck design violates Residential Design Guideline 5.1. granting the Variance will be in direct conflict with the general zoning objectives of the R-1 district, Finding F is not supported by substantial evidence.*

The Project does not meet the City's Residential Design Guidelines and is inconsistent with Concept Finding Number 5.

...

As discussed above in the section regarding Variance Finding F, the approval of the Variance allows the Applicant to construct an extended view deck that looks into the kitchen of the Jernstedt Residence, in violation of Residential Design Guideline 5.1 . The location and size of the view deck does not afford the Jernstedt Residence reasonable privacy. As such. Concept Finding # 5 cannot be met."

Analysis: As previously discussed, approval of the Variance allows for modification to site coverage limits and is not specific to construction of the deck. The Variance application for additional site coverage was evaluated independently of the design study application for with the deck was considered.

The Residential Design Guidelines are used to implement the city's design objectives listed in CMC Section 17.10.010 (CMC 17.10.060). The design objectives listed in CMC Section 17.10.010 are those same objectives referenced in the Design Study Findings for Approval (finding #5 below, for example):

Concept Design Study Finding #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.

CMC 17.10.010 – Purpose and Design Objectives

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

This objective is implemented through Residential Design Guidelines 5.0, and 5.1 which state:

Residential Design Guideline 5.0 Privacy, Views, Light, and Air

- *Neighborhoods originally developed at relatively low densities and the amount of planted open space was extensive. Most blocks evolved with a reasonable degree of privacy for individual houses. Retaining this sense of privacy, in spite of higher densities, remains an objective.*
- *Objectives: To maintain privacy of indoor and outdoor spaces in a neighborhood*

Residential Design Guideline 5.1 Organize functions on a site to preserve reasonable privacy for adjacent properties

- *Position a building to screen active areas of adjacent properties when feasible.*
- *Locate windows and balconies such that they avoid overlooking active indoor and outdoor use areas of adjacent properties.*
- *Preserve significant trees that will help to screen views into adjacent properties.*
- *Screen patios, terraces and service areas.*

At their January 15, 2025 hearing, the Planning Commission was provided with the appellant's letter (refer to **Attachment 2**) ahead of the public hearing in the form of correspondence received after the posting of the agenda (late correspondence) and attached to the agenda as part of the record. The January 15, 2025 Planning Commission staff report included a discussion regarding potential privacy impacts. In addition, the commission observed the potential for privacy impacts at the tour of inspection prior to the public hearing. **Slides #5 (see Figure 2 below) and #10 of the staff report presentation specifically drew attention to potential privacy impacts to the southern neighbor**, and staff specifically requested the Commission consider privacy impacts in their decision making as part of the public hearing.

The Commission discussed the deck and potential impacts which included comments to the effect of a recommendation from one commissioner to add some kind of privacy screening on the deck railing to relieve the neighbor of any concerns, while another commissioner commented that the deck will not have a significant impact on the on the neighbor to the to the South. Another commissioner was not supportive of the deck nor Variance.

- [Click Here for Video of Hearing](#)

The Track 2 Design Study is a form of Design Review. As provided in CMC Section 17.10.070, *“Design review involves discretion and judgment regarding the appropriateness of each design within the context of site constraints and neighborhood character.”*

The Planning Commission did hear and consider all said reports, attachments, recommendations, and testimony and used their independent judgment to evaluate the project and found the project consistent

with the Residential Design Guidelines and consistent with the findings for concept acceptance as provided in their motion and resolved in the associated resolution (refer to Attachment 4). The deck was approved as proposed.

Privacy and Views



CITY OF CARMEL-BY-THE-SEA

5

Figure 2. Slide #5 from Staff Report Presentation to Planning Commission. Slide #5 specifically drew attention to potential privacy impacts to the southern neighbor (right-most residence in figure).

Late Correspondence

Southern Neighbor (email)

- Materials
 - Windows and doors should be wood or aluminum clad wood;
 - Roof should be a more natural color.
- Deck
 - Scale
 - Out of character with neighborhood
 - Privacy
 - Proximity to sitting room
 - Variance
 - Variance should not be authorized to allow deck

CITY OF CARMEL-BY-THE-SEA

10

Figure 3. Slide #10 from Staff Report Presentation to Planning Commission. Slide #10 specifically drew attention to the concerns of the southern neighbor.

Public Correspondence: At the time of writing this report, staff has not received any correspondence relating to the appeal aside from the “Support for Appeal of Planning Commission Decision of January 15, 2025,” prepared by Krista Ostoich, who has been retained by the appellant (**Attachment 3**) -discussed in detail above.

Alternatives: Staff recommends the City Council adopt a resolution denying the appeal, and upholding the Planning Commission’s decision (i.e. the project approval stands as approved by the Planning Commission). Should the council be inclined to grant the appeal, or adopt their own findings of approval/conditions of approval, staff recommends the following action:

- **Grant Appeal:** *The Council should make necessary findings and continue hearing with direction*

to staff to return with a revised resolution for adoption. The project would also need to be revised based on direction/findings. Design changes could be remanded back to Planning Commission.

- **Adopt New Findings/Conditions for Approval:** *The Council may not be inclined to grant the appeal but may wish to adopt their own findings/conditions which differ from the Planning Commission's approval. Should Council pursue this option, the Planning Commission's resolution could be used as a "template" for the approval and Council could add or strike conditions of approval, in an effort to take final action on the project at the April 1, 2025 hearing. Alternatively, the Council could provide findings/condition through their motion with direction to staff to return with a resolution for adoption at a later date.*

Environmental Review: Staff recommends the project be found categorically exempt from the California Environmental Quality Act (CEQA), State CEQA guidelines and local environmental regulations, pursuant to Section 15301 (Class 1) – Existing Facilities. Class 1 exemptions include, alterations to existing private structures involving negligible or no expansion of the existing or former use such as additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the existing floor area or 2,500 square feet, whichever is less. The project consists of interior and exterior alterations to an existing single-family residence. There is no proposed increase in floor area. The project does not change the existing or former use of the property as a single-family residence and the project does not present any unusual circumstances that would result in a potentially significant environmental impact, and no exceptions to the exemption exists pursuant to Section 15300.2 of the CEQA Guidelines.

FISCAL IMPACT:

None for this action. While no separate appeal fee was charged for this appeal application in accordance with CMC 17.54.050.A.4, the time and materials necessary for the processing of the application was previously allocated in the FY24/25 budget.

PRIOR CITY COUNCIL ACTION:

The City Council has not previously taken action on this Design Study, Coastal Development Permit, Variance, or this Appeal.

ATTACHMENTS:

Attachment 1) Resolution 2025-035

Attachment 2) Appeal Documents (Redacted)

Attachment 3) Supporting Appeal Documents

Attachment 4) Planning Commission Resolution - Resolution 2025-04-PC

Attachment 5) DS 05-98; Associated Correspondence and Materials

Attachment 6) Project Plans

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

CITY COUNCIL RESOLUTION NO. 2025-035

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), STATE CEQA GUIDELINES AND LOCAL ENVIRONMENTAL REGULATIONS, PURSUANT TO SECTION 15301 (CLASS 1) – EXISTING FACILITIES, AND NONE OF THE EXCEPTIONS TO THE EXEMPTION IN SECTION 15300.2 CAN BE MADE, DENYING THE APPEAL BY DOROTHY JERNSTEDT, AND UPHOLDING THE PLANNING COMMISSION’S DECISION TO APPROVE A COMBINED CONCEPT AND FINAL DESIGN STUDY (DS 24164, BROWN), AND ASSOCIATED COASTAL DEVELOPMENT PERMIT FOR SUBSTANTIAL ALTERATIONS TO AN EXISTING SINGLE-FAMILY RESIDENCE, AND VARIANCE (VA 24263, BROWN) FOR MODIFICATIONS TO MAXIMUM SITE COVERAGE REGULATIONS LOCATED AT SCENIC ROAD 3 SOUTHEAST OF 12TH AVENUE LOCATED IN THE SINGLE FAMILY RESIDENTIAL (R-1) ZONING DISTRICT, BEACH AND RIPARIAN (BR) OVERLAY, AND PARK (P) OVERLAY (APN: 010-292-011), AS FOUND IN RESOLUTION 2025-04-PC.

WHEREAS, June 2, 2022, Carla Hashimoto, of Eric Miller Architects INC, (“Applicant”) submitted an application on behalf of BROWN STEVE & ANDERSON DONNA (“Owner”) requesting approval of Track 2 Design Study application (DS 24164, Brown) and Variance (VA 24263) described herein as (“Application”); and

WHEREAS, the Application has been submitted for a 5,762 square-foot lot located at Scenic Road 3 SE 12th Avenue located in the Single Family Residential (R-1) Zoning District, Beach and Riparian (BR) Overlay, and Park (P) Overlay; and

WHEREAS, the Applicant is requesting a substantial alteration to an existing two story single family residence; and

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

WHEREAS, in accordance with CMC Section 17.52.070.A, the Planning Commission may grant a variance for maximum site coverage and minimum open space regulations when the findings listed in CMC Section 17.64.210 can be supported; and

WHEREAS, the project is requires a Coastal Development Permit in accordance with CMC Section 17.52.100.D (Limits on Exemptions for Single-Family Residences and other Improvements) as the project is for located within the Beach and Riparian Overlay District; and

WHEREAS, in accordance with CMC Section 17.58.040.B.2, the Director may authorize concept review and final details review to occur at the same meeting; and

WHEREAS, the project was scheduled by the Director for a Combined Concept and Final details review, to be considered with the Coastal Development Permit and Variance at a public

hearing taking place on January 15, 2024; and

WHEREAS, the Planning Commission approved a Combined Concept and Final Design Study (DS 24164), and associated Coastal Development Permit for substantial alterations to an existing single-family residence, and Variance (VA 24263) for modifications to maximum site coverage regulations located at Scenic Road 3 southeast of 12th Avenue located in the Single Family Residential (R-1) Zoning District, Beach and Riparian (BR) Overlay, and Park (P) Overlay (APN: 010-292-011) with Conditions of Approval, as provided in Resolution 2025-04-PC; and

WHEREAS, on January 28, 2025, Dorothy Jernstedt (“Appellant”) submitted a timely appeal (APP 25031, Brown) of the Planning Commission’s decision to approve the Design Study, associated Coastal Development Permit, and Variance; and

WHEREAS, the appeal hearing was scheduled for the City Council’s April 1, 2025 meeting; and

WHEREAS, on March 21, 2025, a notice of the public hearing scheduled for April 1, 2025, was published in the Carmel Pine Cone 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 March 22, 2025, city staff 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 March 26, 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 April 1, 2025, the City Council held a duly noticed public hearing to receive public testimony regarding the Appeal, including, without limitation, the information provided to the City Council by City staff and through public testimony on 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 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the City Council found that pursuant to California Environmental Quality Act CEQA regulations, the project is Categorically Exempt according to Section 15301 (Class 1) of CEQA Guidelines and no exceptions to the exemption in Section 15300.2 can be made; and

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

WHEREAS, the City Council 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 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 **FIND** the project categorically exempt from the California Environmental Quality Act (CEQA), State CEQA guidelines and local environmental regulations, pursuant to Section 15301 (Class 1) – Existing Facilities and no exceptions to the exemption in Section 15300.2 can be made, **DENY** the appeal by Dorothy Jernstedt, and uphold the Planning Commission’s decision to **APPROVE** the a Combined Concept and Final Design Study (DS 24164, Brown), and associated Coastal Development Permit for substantial alterations to an existing single-family residence, and Variance (VA 24263, Brown) for modifications to maximum site coverage regulations located at Scenic Road 3 southeast of 12th Avenue located in the Single Family Residential (R-1) Zoning District, Beach and Riparian (BR) Overlay, and Park (P) Overlay (APN: 010-292-011), as found in Resolution 2025-04-PC on January 15, 2025; and

BE IT FURTHER RESOLVED, that the City Council of the City of Carmel-by-the-Sea does hereby incorporate the findings of Planning Commission Resolution 2025-04-PC into this resolution to the a Combined Concept and Final Design Study (DS 24164, Brown), and associated Coastal Development Permit for substantial alterations to an existing single-family residence, and Variance (VA 24263, Brown):

FINDINGS REQUIRED FOR CONCEPT DESIGN STUDY ACCEPTANCE		
For each of the required design study findings listed below, staff has indicated whether the concept plans submitted 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.A – Concept Phase Approval Findings	YES	NO
1. The project conforms with all zoning standards applicable to the site, or has received appropriate use permits 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-site and in the public right-of-way that is characteristic of the neighborhood.	✓	
3. The project avoids complexity using simple building forms, a simple roof plan 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. 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 set back a minimum of six feet from significant trees.	✓	
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FINDINGS REQUIRED FOR DESIGN STUDY APPROVAL

For each of the required findings listed below, the staff has indicated whether the application, either as proposed or with conditions, supports adopting 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 Section 17.64.080.A, Final Details Phase Approval	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.	✓	

FINDINGS REQUIRED FOR A VARIANCE (CMC Section 17.64.210):	YES	NO
1. That due to special physical circumstances applicable to the property, the strict application of the Zoning Ordinance will deprive the property of privileges enjoyed by other properties in the vicinity which were developed under the same limitations of the Zoning Ordinance.	✓	
2. That the variance will not constitute a grant of special privilege inconsistent with limitations on other property in the vicinity and within the same zone.	✓	
3. That the variance will not be detrimental to adjacent property or injurious to public health, safety, or welfare.	✓	
4. That the condition or situation of the property for which the variance is sought is not so general or recurrent in nature as to make reasonable or practical the formulation of a general regulation to address such condition or situation.	✓	
5. That the situation or condition for which the variance is sought was not the result of actions of the existing or any prior owner of the property.	✓	
6. That granting the variance will not be in conflict with the General Plan, or the general zoning objectives of the district within which the affected property lies.	✓	

FINDINGS REQUIRED FOR COASTAL DEVELOPMENT PERMITS

For each of the required findings listed below, the staff has indicated whether the application, either as proposed or with conditions, supports adopting 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 Section 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).	N/A	N/A
#2 Finding: The proposed development is not located between the first public road and the sea.		

BE IT FURTHER RESOLVED, that the City Council of the City of Carmel-by-the-Sea does hereby incorporate the Conditions of Approval of Planning Commission Resolution 2025-04-PC into this resolution to approve the a Combined Concept and Final Design Study (DS 24164, Brown), and associated Coastal Development Permit for substantial alterations to an existing single-family residence, and Variance (VA 24263, Brown):

CONDITIONS OF APPROVAL	
No.	Standard Conditions
1.	<p>Authorization. This approval of Design Study (DS 24164, Brown), Variance (VA 24263), and associated Coastal Development Permit for substantial alterations to an existing single-family residence located at Scenic Road 3 southeast of 12th Avenue located in the Single Family Residential (R-1) Zoning District, Beach and Riparian (BR) Overlay, and Park (P) Overlay as depicted in the plans prepared by Eric Miller Architects approved by the Planning Commission on January 15, 2025, unless modified by the conditions of approval contained herein.</p> <p>Variance Authorization. This approval of Variance (VA 24263) authorizes 261 square feet of additional permeable/semi-permeable site coverage for the site (i.e. 526 sf allowed; 756 sf allowed with permeability bonus + 261 sf additional provided permeability bonus requirements are met = 1,017 sf maximum). This Variance authorization does not waive or lessen the Conditions of Approval listed below and other requirements of the city’s zoning code, local coastal program conditions are applicable and enforceable as part of the project.</p> <p>This variance shall become null and void if the existing residential structure is voluntarily or involuntarily demolished (as defined in the Carmel Municipal Code). Any future redevelopment or reconstruction on the subject property shall comply with the current zoning standards in effect at the time of application unless a new variance is granted.</p>
2.	<p>Codes and Ordinances. The project shall be constructed in conformance with all requirements of the R-1 zoning district and all applicable overlay districts. All adopted building and fire codes shall be adhered to in preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested when such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.</p>
3.	<p>Permit Validity. In accordance with CMC Section 17.52.170 (Time Limits on Approvals and Denials), a residential design study approval remains valid for a period of 12 months from the 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 17.52.170.C.</p>
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. If requested by the Community Planning and Building Department, 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 15.36.020).</p>
7.	<p>Fire Sprinklers - Residential. Additions, alterations, or repairs to existing structures that involve the addition, removal, or replacement of 50 percent or more of the linear length of the walls (interior and exterior) within a 5-year period shall require the installation of an automatic residential fire sprinkler system in accordance with the California Building and Fire Codes (CMC 15.08.135).</p>
8.	<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>
9.	<p>Exterior Revisions to Planning Approval Form. All proposed modifications that affect the exterior appearance of the building or site elements shall be submitted on the "Revisions to Planning Approval" form on file in the Community Planning and Building Department. Any modification incorporated into the construction drawings not listed on this form shall not be deemed approved upon issuance of a building permit.</p>
10.	<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</p>

	<p>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>
11.	<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>
12.	<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 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>
13.	<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.</p>
14.	<p>Asphalt Shingle Roofing. Prior to the issuance of a building permit, the Applicant shall include the manufacturer's specifications for the approved asphalt shingle roofing. The material shall convey color and texture similar to that of wood shingles.</p>
15.	<p>Indemnification. The Applicant agrees, at his or her sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceedings to attack, set aside, void, or annul any project approval. The City shall promptly notify the Applicant of any legal proceeding and cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the Applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for resolving all such actions by the parties hereto.</p>
16.	<p>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</p>

	sand set, a dimensioned construction detail showing the base material shall be included in the construction drawings.
17.	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.
18.	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.
19.	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.
20.	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)
21.	Conditions of Approval. Prior to the issuance of a building permit, the Applicant shall print a copy of the Resolution adopted by the Planning Commission and signed by the property owner(s) on a full-size sheet within the construction plan set submitted to the Building Safety Division.
Landscape Conditions	
22.	<p>Landscape Plan Required. Prior to the issuance of a building permit, the Applicant shall submit a landscape plan for review and approval by the Community Planning & Building Department and the City Forester. The landscape plan shall be included in the construction drawings and will be reviewed for compliance with the landscaping standards contained in the Zoning Code, including, but not limited to, the following:</p> <ol style="list-style-type: none"> 1) Meeting the landscape requirements for the Beach Overlay (CMC 17.20.160.B.5); 2) All new landscaping shall be 75% drought-tolerant; 3) Landscaped areas shall be irrigated by a drip/sprinkler system set on a timer; and 4) The project shall meet the City's recommended tree density standards unless otherwise approved by the City based on on-site conditions. <p>The landscape plan shall identify the location where new trees will be planted when new trees are required to be planted by the City code, the Forest and Beach Commission, or the Planning Commission.</p>
23.	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.
24.	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.
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 Chapter 17.48.110, no material may be stored within the dripline of a protected tree, including the drip lines of trees on neighboring parcels. • Tree Protection Zone. The Tree Protection Zone shall be equal to dripline or 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line, whichever is greater. A minimum of 4-foot-high transparent fencing is required unless otherwise approved by the City Forester. Tree protection shall not be resized, modified, removed, or altered in any manner without written approval. The fencing must be maintained upright and taught for the duration of the project. No more than 4 inches of wood mulch shall be installed within the Tree Protection Zone. When the Tree Protection Zone is at or within the drip line, no less than 6 inches of wood mulch shall be installed 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line outside of the fencing. • Structural Root Zone. The Structural Root Zone shall be 6 feet from the trunk or 6 inches radially from the tree for every one inch of trunk diameter at 4.5' above the soil line, whichever is greater. Any excavation or changes to the grade shall be approved by the City Forester prior to work. Excavation within the Structural Root Zone shall be performed with a pneumatic excavator, hydro-vac at low pressure, or another method that does not sever roots. • If roots greater than 2 inches in diameter or larger are encountered within the approved Structural Root Zone, the City Forester shall be contacted for approval to make any root cuts or alterations to structures to prevent roots from being damaged. • If roots larger than 2 inches in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the building permit will be suspended, and all work stopped until an investigation by the City Forester has been completed, and mitigation measures have been put in place.
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 a the material for the gutters and downspouts. Copper gutters and downspouts shall not be permitted.
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 and Director of Public Works.
34.	<p>Plan Modification for Tree Protection. Prior to building permit issuance, the plans shall be revised throughout such that the new walls and areas of cut and fill are revised so they are located at least six (6) feet away from the significant cypress tree.</p> <p>Additionally, a Tree Protection Plan shall be included in the plan showing a six (6) foot tree protection zone and the structural root zone (SRZ), described in Condition of Approval (CoA) #25. A note shall be included on the cover page, site plan, and Tree Protection Plan stating: <i>“All compaction of soils, construction of building walls, or placement of impermeable surfaces must be setback a minimum of six feet from all significant trees. Grading, ruts, and fills around significant trees shall be limited to areas outside the structural root zone. Cutting and filling around the base of trees shall be done only after consultation with the City Forester, and then only to the extent authorized by the City Forester. City Forester: (831)620-2073”</i></p>
35.	Demolition and Nonconformities. All exterior demolition shall be in substantial compliance with the approved demolition plan as shown on Sheet 5a of the Design Study Plans Approved by the Planning Commission on January 15, 2025. Changes to the demolition plan shall be approved in writing by the Community Planning and Building Department prior to commencement of any additional demolition work. If during construction the exterior demolition exceeds what has been approved, a cease work order may be issued any time at the discretion of the Director of Community Planning and Building and with revised plans submitted to the Department of

	Community Planning and Building that correct the non-conformities in respect to the buildings floor area and building height.
36.	<p>Removal of Existing Site Coverage. All site coverage not shown on the approved (proposed) site plan shall be removed from the site prior to final inspection. Questions regarding the inclusion or exclusion of site coverage shall be directed to the Community and Planning Department (831-620-2010).</p> <p>Areas where site coverage have been removed may be landscaped with new landscaping shown on the proposed landscape plan (refer to CoA #22), mulched, or left in an natural state except when conflict with CMC Section 17.34.090 would exist (see CoA #22, #1).</p>
37.	<p>Non-conforming fences/gates. If the non-conforming fences and driveway gate proposed to remain located within the front setback (i.e fences exceeding 4' tall) are removed, new proposed fences within the front setback shall comply with the height standards outlined in Table 17.10-G. New fences and driveway gates and similar associated features shall require approval from the Community Planning and Building Department as appropriate.</p>
38.	<p>Roof Color. Prior to building permit issuance, the applicant shall work with Planning Staff to select an alternative roof color that complies with the Residential Design Guidelines, as provided in CoA #14.</p>
39.	<p>Window and Door Consistency. Prior to building permit issuance, the applicant shall revise the window and door schedule, elevations, and plans throughout, such that the windows and doors maintain a consistent appearance as provided in Residential Design Guideline 9.11. The windows and doors shall maintain a consistent appearance throughout and shall not be a mix of different colors, styles, and/or materials.</p>
40.	<p>Retaining Wall/Encroachments. Prior to building permit issuance, the plans shall be revised such that the stone wall at the northwest corner of the property visible from Scenic Road located along the front property line is proposed to be repaired in-kind. The wall shall be relocated entirely onto private property, or if necessary, an encroachment permit for the wall shall be applied for and obtained prior to commencement of work.</p>

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 1st day of April 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dale Byrn
Mayor

Nova Romero
City Clerk

Exempt from appeal fee
(Appeal jurisdiction/Beach overlay)

City of Carmel-By-The-Sea

JAN 28 2025

Office of the City Clerk

CITY OF CARMEL-BY-THE-SEA

APPEAL OF PLANNING COMMISSION DECISION

(FILING FEE: See Current Fee Schedule*)

Appellant: DOROTHY JERNSTEDT

Mailing Address: [Redacted]

Phone: Day [Redacted] Evening [Redacted]

Email: [Redacted]

Date of Planning Commission Decision: 1/15/2025

94507

Decisions made by the Planning Commission may be appealed to the City Council by filing a written notice of appeal with the City Clerk. Appeals shall be filed within 10 working days following the date of action and paying the required filing fee as established by City Council resolution.

Physical location of property that is the subject of appeal (street location or address):

Scenic 3 SE of 12th Ave, Carmel 93921

Lot(s): _____ Block: _____

APN: 010-292-011-000

PLANNING COMMISSION DECISION BEING APPEALED:

(DS24164-Brown)

Approval of oversized deck

If you were NOT the original applicant or the applicant's representative, please state why you are an aggrieved party:

GROUNDS FOR APPEAL: State the specific basis for your appeal, such as errors or omissions you believe were committed by the Planning Commission in reaching their decision, etc. You may also submit a letter or other material to explain your appeal.

I am attaching my letter to the Planning Commission. A variance was granted to

allow this large deck. When standing on it, residents will be able to look into my kitchen / sitting area. I object vehemently.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT:

DATED THIS 28th DAY OF January, 2025

[Redacted signature area]

Signature of appellant

Appeal fee received: (Staff Initial)

Receipt #:

ATTEST:

[Handwritten signature of Tom Graves]

Tom Graves, City Clerk

[Handwritten signature of Tom Graves]

*Article 9, Section 7, of the Constitution of the State of California authorizes a city to impose fees. Also see California government Code, Section 54344.

IMPORTANT: Within 10 working days after receipt of an appeal the City Clerk shall set a date for public hearing at which the City Council shall consider the appeal. All appeals shall be set for the next regular City Council meeting unless insufficient time exists for public notice as established in CMC 17.54.090, Notice of Hearing. This matter is tentatively scheduled to be heard on:

Date of appeal hearing

Revised July 2018

January 14, 2025

To Whom it May Concern:

I am writing regarding DS 24164/VA 24263 (Brown). My property is located to the South of the Browns' property. I have some concerns about the project as currently proposed both in the proposed materials and in the site coverage.

I believe that the windows and doors should meet the design guidelines from the City and should be wood or aluminum clad wood. I'm concerned that metal windows are not appropriate. I also think that the roof should be a more natural color.

My largest concern is the front deck. As laid out it looks huge and out of scale with the house. The proximity of it to my sitting room also gives me privacy concerns.

I especially am opposed to granting the variance allowing for site coverage beyond what is allowed so that the deck can be built. The house is oversized which is allowed but now they want to be allowed to oversize the amount of site coverage they have as well. When I remodeled my house in 2007 I removed part of my existing house to allow for my modest front deck. I do not see any reason why the Planning Commission should grant a variance. The desire for a 15 foot deep x 30 foot 9 inch (558 sq. foot) deck should not be enough reason to grant a variance. If the deck and patio were shrunk down enough to comply with the coverage allowances, it could be brought into compliance with the allowable coverage and would also be much more in scale with the house and in keeping with the neighborhood character.

Sincerely,



Dody Jernstedt



Krista M. Ostoich

ATTORNEY AT LAW

FEB 7 '25 PM 12:04

rec'd by
Nova Romero
City Clerk
MK

February 6, 2025

Mayor Dale Byrne
City Council Members
City of Carmel-by-the-Sea
P.O. Box CC
Carmel-by-the-Sea, CA 93921
dbyrne@ci.carmel.ca.us
Facsimile: (831) 620-2004

**RE: DS 24164/VA 24263
Support for Appeal of Planning Commission Decision of January 15, 2025**

Dear Mayor Byrne and Councilmembers,

I have been retained to represent Dorothy Jernstedt, owner of the property located at 6 NE of 13th, Scenic Drive (the "Jernstedt Residence"), directly south of the real property that is the subject of City of Carmel by-the-Sea ("City") Application DS24164/VA24263 (the "Project"). My client has timely filed an appeal of the Planning Commission's decision on January 15, 2025 to approve the Project, which consists of a Design Review and Variance. This letter is in support of my client's appeal.

My client is appealing the Planning Commission decision on the following grounds: 1) The variance findings for the Project are not supported by substantial evidence and 2) The Project does not meet the City's Residential Guidelines and is inconsistent with Concept Finding Number 5.

The Variance Findings for the Project are not Supported by Substantial Evidence

Any grant of a variance must be accompanied by administrative findings that "bridge the analytical gap between the raw evidence and the ultimate decision or order." (*Orinda Ass'n. v. Bd. of Supervisors* (1986) 182 Cal. App. 3d 1145). A finding's requirement for a variance "serves to conduce the administrative body to draw legally relevant subconclusions supportive of its ultimate decision; the intended effect is to facilitate orderly analysis and minimize the likelihood that the agency will leap from evidence to conclusions." (*Id.* at 1161). Substantial

evidence must support the findings and “whether the findings support the conclusion that all applicable legislative requirements for a variance have been satisfied...” (*Id* at 1160-61).

The Project variance at issue requests approval “of a Variance to replace the site coverage with an amount of 1,017 square feet (525 sf allowed; 756 sf allowed with permeability bonuses), 261 square feet above what would otherwise be permitted...” (See Staff Report for January 15, 2025 Planning Commission hearing on the Project (“Staff Report”), Page 8). According to the Staff Report, the site coverage consists of new driveways, new and replaced walkways, a *new view deck, patio*, new and replaced stairs and landings and a new light well.

Even though the site coverage triggering the variance request includes a new, 558 square foot view deck and a patio underneath the view deck, none of the six legally required variance findings discuss the view deck and patio in the analysis. Instead, each variance finding only analyzes the need for safe access to the residence due to the unusual topography of the site.¹ (See Exhibit A).

While all of the variance findings are insufficient since they fail to address the view deck and patio, I have outlined specifically how Findings A, B and F lack the substantial evidence necessary to legally support the granting of variance to the Zoning Ordinance.

Finding A

- A. That due to special physical circumstances applicable to the property, the strict application of the Zoning Ordinance will deprive the property of privileges enjoyed by other properties in the vicinity which were developed under the same limitations of the Zoning Ordinance.*

The Applicant’s Response, which the Planning Commission approved, states:

The topography of this site slopes from Scenic Road at an elevation height of approximately 49.9 to a rear elevation height of approximately 60.1. In response to a ten-foot difference in elevation, the existing house has two levels with the garage accessed at the lower level and the living space accessed at the upper level. The side yards and back of the house are at higher topographic elevation which is conducive to a reverse floor plan and main entrance on the upper level. Accessibility to the main entrance of the house requires a long pathway with stairs along the side of the house to a side entrance, a feature shared by multiple properties along Scenic Road. The stairs and landings for an elevation difference of 10 feet requires a significant length to access the main entrance. To not allow additional site coverage to safely access the main entrance would be a hardship for the owners.

¹ The City has relied on findings prepared by the Applicant and made its own analysis of three of the six required legal findings. The City’s response to the legal findings omits that without the view deck, no variance is needed.

According to the Staff Report, the Project does not propose any increase in floor area or height, but because of the substantial alteration in the exterior appearance of the residence, Tract 2 Design Study approval is necessary. (Staff Report, Page 2). Thus, the structure of the building is not moving or changing. The Existing Site Plan for the Project shows that there is already access to the residence via a long pathway with stairs and landings on the south side of the residence which is utilized to reach the entrance of the residence from Scenic Drive. (See Exhibit B). Access to the residence already exists in the same location as what is proposed in the Project. What the Applicant is really seeking a variance for is to add the view deck, patio and light well as no variance is necessary access.

During the Planning Commission hearing, City Staff used a slide entitled "Answers to Possible Questions" which is attached to this correspondence as Exhibit C. The slide depicts the potential smaller view deck and patio that the Applicant would be entitled to under the Zoning Ordinance if no variance was granted. Since a smaller view deck and patio would negate the need for a variance, the view deck and patio are the elements that trigger the need for a variance and must be addressed in the variance findings.

Under the standard set by the *Orinda Ass'n. v. Bd. of Supervisors* Court, the legal finding above is not sufficient since the City did not analyze how a strict application of the Zoning Ordinance, which would dictate a smaller view deck and patio, would deprive the Applicant of privileges enjoyed by other properties due to the special physical circumstances of the Applicant's own Property. The fact that the legal findings solely address access as a reason for needing a variance and seemingly elect not to mention the view deck and patio is misleading and a clear attempt to circumvent the legally required variance procedures.

Finding B

The second legal finding required for granting of a Variance states:

- B. That the variance will not constitute a grant of special privilege inconsistent with limitations on other property in the vicinity and within the same zone.*

The Applicant's Response, which the Planning Commission approved, states:

The granting of a safe pathway to the main entrance at the site of the house is a necessity, not a special privilege. All residences have a safe accessible means of entry into their residence, many with a side entrance similar to this property.

Just like in Finding A above, here, the legal finding approved by the Planning Commission again completely omits that the variance is not for access to the residence, as access already exists, but is actually a variance to allow the Applicant to construct a 558 sq ft view deck, as well as a patio. By failing to analyze, or even mention, the view deck and patio in the findings, the applicable legislative requirements for a variance have not been satisfied.

In addition, the granting of the variance *is* a special privilege the City denied my client, whose residence is directly next door to the Project, when she remodeled the Jernstedt Residence in 2006. The Jernstedt Residence was given Track 1 approval in 2006 for a remodel of an existing residence. Just like the Applicant, my client also desired to have an expanded "view deck" on the west end of the residence to take advantage of the oceanfront views. Unlike the 558 square foot deck proposed by the Applicant, my client was only asking for an approximately 13' x 6' (total of 78 sq. ft.) deck expansion. Just like the Applicant's Project, the Jernstedt Residence would have exceeded standards for the zoning district.

In contrast to the City's support for a variance for the Applicant on the Project, the City forced my client to demolish a 10' x 3' portion of her structure in order to gain approval for the 78 square foot deck expansion. (See Exhibit D depicting the floor area to be reduced and the deck expansion). Thus, the granting of the variance to allow the Applicant to exceed the allowable site coverage in order to have a view deck and patio is, in direct contradiction to the finding made when the Project was approved, a grant of a special privilege inconsistent with limitations on other property in the vicinity.

The Court in *Orinda Ass'n. v. Bd. of Supervisors* stated, "Moreover, courts must meaningfully review grants of variances in order to protect the interests of those who hold rights in property nearby the parcel for which a variance is sought. A zoning scheme, after all, is similar in some respects to a contract; each party foregoes rights to use its land as it wishes in return assurance that the use of neighboring property will be similarly restricted..." (*Id* at 1161). The City's granting of the variance on the Project is a special privilege the City refused to afford the Jernstedt Residence in 2006.

Finding F

F. That granting the variance will not be in conflict with the General Plan, or the general zoning objectives of the district within which the affected property lies.

The Applicant's Response states:

The granting of this variance is in response to an unusual condition due to the grade change naturally occurring on this property. For safety of owner and public access, the elevation change of ten feet requires appropriate stairs and pathways. The side entrance and access to the entry are compliant with the general zoning objectives for not having a grand entry.

City Staff's Response, which the Planning Commission approved, states:

As conditioned, the project will not be in conflict with the General Plan or zoning objectives of the R-1 zoning district or associated overlay districts. The project shall still comply with all other applicable standards with only an additional allowance for site coverage permitted.

Pursuant to Section 17.10.060 of the City's Code of Ordinances, the City Council must maintain design guidelines and use the guidelines to review proposed construction. Residential Design Guideline 5.1 states, in part, as follows:

-Locate windows and balconies such that they avoid overlooking active indoor and outdoor use areas of adjacent properties.

As can be seen in Figure 3b on Page 6 of the Staff Report, the proposed view deck will look directly into the kitchen of the Jernstedt Residence. If the view deck were restricted to the size available to the Applicant without the grant of a variance, the view deck would be significantly smaller and would not extend out far enough to overlook my client's kitchen, and therefore would be in compliance with Residential Design Guideline 5.1.

Since the current view deck design violates Residential Design Guideline 5.1, granting the variance will be in *direct* conflict with the general zoning objectives of the R-1 district. Finding F is not supported by substantial evidence.

The Project does not meet the City's Residential Guidelines and is inconsistent with
Concept Finding Number 5

In determining whether to approve the Applicant's Design Study Application, the City must evaluate the proposed Project in accordance with the Residential Design Guidelines and ultimately make Concept Phase Approval Findings. As discussed above, the location of the extended view deck overlooks two kitchen windows into the Jernstedt Residence, impacting my client's privacy in her home. Those two windows both offer views of the ocean, beach and golf course, thus any proposed privacy screening blocking said windows would be very detrimental to the Jernstedt Residence.

Concept Finding # 5 states:

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.

As discussed above in the section regarding Variance Finding F, the approval of the variance allows the Applicant to construct an extended view deck that looks into the kitchen of the Jernstedt Residence, in violation of Residential Design Guideline 5.1. The location and size of the view deck does not afford the Jernstedt Residence reasonable privacy. As such, Concept Finding # 5 cannot be met.

Conclusion

The granting of a variance is reserved for special physical circumstances in which a unique condition exists which would prevent a property owner from developing his property in the manner that other properties in the vicinity have been developed. A variance can only be granted if each of the six required findings are supported by substantial evidence. As discussed

above, each and every variance finding for the Project is deficient. Additionally, the design of the view deck violates Residential Design Guideline 5.1 and disrupts my client's privacy in the kitchen of her home. As such, Concept Finding # 5 cannot be met and the Design Approval should not have been granted.

I ask that you consider all of this information in determining whether a variance was truly appropriate for this particular Project. If the view deck was reduced to the allowable size under the Zoning Ordinance, all of my client's concerns would be met as there would no longer be a privacy issue. My client hopes to make her home available to the Council at the Property Tour prior to the hearing on this appeal so that you can have a better understanding of how the variance to allow the extended view deck impinges on my client's privacy in her home.

Very truly yours,

A handwritten signature in black ink, appearing to be 'KS' with a long horizontal stroke extending to the right.

Krista M. Ostoich, Esq.

Cc: Brandon Swanson, via email, bswanson@ci.carmel.ca.us
Encl(s): Exhibit A, Variance Findings Submitted by Applicant
Exhibit B, Existing Site Plan from Project
Exhibit C, Slide from City Staff Planning Commission Presentation
Exhibit D, Approved Plans showing required demolition in exchange for extended view deck on Jernstedt Residence

Exhibit “A”

- A. That due to special physical circumstances applicable to the property, the strict application of the Zoning Ordinance will deprive the property of privileges enjoyed by other properties in the vicinity which were developed under the same limitations of the Zoning Ordinance;**

Applicant's Response: The topography of this site slopes from Scenic Road at an elevation height of approximately 49.9 to a rear elevation height of approximately 60.1. In response to a ten-foot difference in elevation, the existing house has two levels with the garage accessed at the lower level and the living space accessed at the upper level. The side yards and back of the house are at higher topographic elevation which is conducive to a reverse floor plan and main entrance on the upper level. Accessibility to the main entrance of the house requires a long pathway with stairs along the side of the house to a side entrance, a feature shared by multiple properties along Scenic Road. The stairs and landing for an elevation difference of 10 feet requires significant length to access the main entrance. To not allow additional site coverage to safely access the main entrance would be a hardship for the owners.

- B. That the variance will not constitute a grant of special privileges inconsistent with limitations on other property in the vicinity within the same zone;**

Applicant's Response: The granting of a safe pathway to the main entrance at the site of the house is a necessity, not a special privilege. All residences have a safe accessible means of entry into their residence, many with a side entrance similar to this property.

- C. That the variance will not be detrimental to adjacent property or injurious to public health, safety or welfare;**

Applicant's Response: This request for a variance will maintain the existing topography which safely transitions to the adjacent property. The new stairs, landings and pathways will continue the natural slope of the topography along the side of the building to provide a safe means of ingress and egress for the residence. The existing vegetation provides adequate privacy for all site improvements requested.

Staff's Response: Granting the variance will not be detrimental to adjacent properties, or injurious to public health, safety or welfare. The applicant shall still be required to comply with the applicable requirements of the underlying zoning district, overlays, and standard conditions of approval including but not limited to site drainage and storm water retention, landscaping, and tree planting/forest enhancement. The variance would only grant additional site coverage provided the additional coverage still allows for required site features (drainage, landscaping, trees, etc) to be maintained on-site first.

- D. That the condition or situation of the property for which the variance is sought is not so general or recurrent in nature as to make reasonable or practical the formulation of a general regulation to address such condition or situation;**

Applicant's Response: The change in topography in the side yard setbacks deems it necessary to have stairs and pathways for safe access as a specific hardship to this property. This condition is due to an oddly shaped front property line and narrow width requiring a garage and off-street parking.

- E. That the situation or condition for which the variance is sought was not the result of actions of the existing or any prior owner of the property; and**

Applicant's Response: The request for a variance is the result of a drastic change in topography from the front property line to the rear property line. The garage requirements at the lowest grade elevation require a width such that the side of the house is required for accessibility on the sloping topography of the natural site.

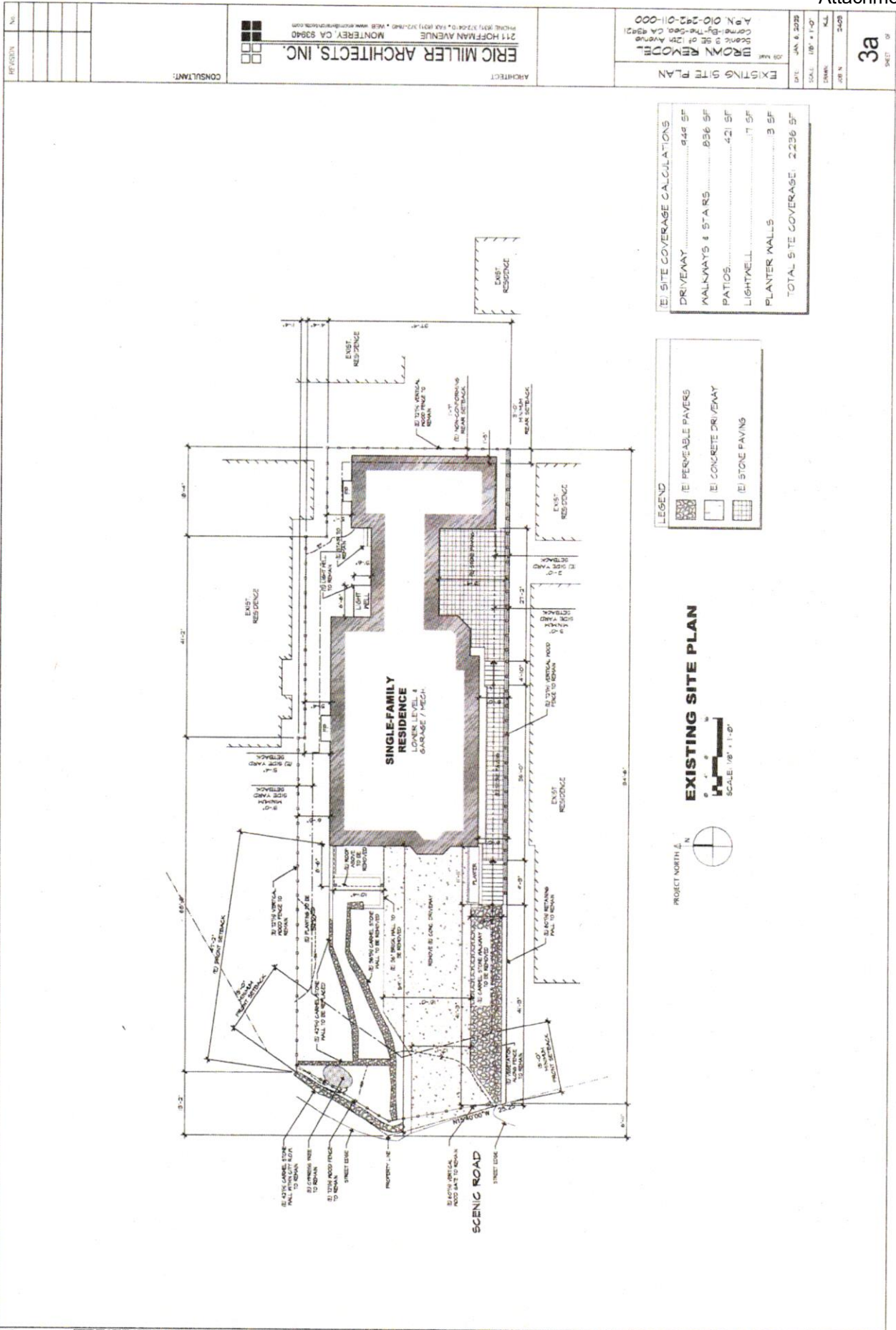
- F. That granting the variance will not be in conflict with the General Plan, or the general zoning objectives of the district within which the affected property lies.**

Applicant's Response: The granting of this variance is in response to an unusual condition due to the grade change naturally occurring on this property. For safety of owner and public access, the elevation change of ten feet requires appropriate stairs and pathways. The side entrance and access to the entry are compliant with the general zoning objectives for not having a grand entry.

Staff Response: As conditioned, the project will not be in conflict with the General Plan or zoning objectives of the R-1 zoning district or associated overlay districts. The project shall still comply with all other applicable standards with only an additional allowance for site coverage permitted.

Exhibit

“B”



EXISTING SITE PLAN

DATE: JAN. 6, 2022
 SCALE: 1/8" = 1'-0"
 DRAWN: KLL
 JOB N: 2409

3a
 SHEET OF

ERIC MILLER ARCHITECTS, INC.
 211 HOFFMAN AVENUE
 MONTEREY, CA 93940
 PHONE: (831) 372-0410 FAX: (831) 372-7860 WEB: www.ericmillerarchitects.com

ERIC MILLER ARCHITECT
 CONSULTANT:

NO.	REVISION

DRIVEWAY	948 SF
WALKWAYS & STAIRS	856 SF
PATIOS	421 SF
LIGHTWELL	17 SF
PLANTER WALLS	3 SF
TOTAL SITE COVERAGE	2,236 SF

LEGEND

- [Pattern] (E) PERMEABLE PAVERS
- [Pattern] (E) CONCRETE DRIVEWAY
- [Pattern] (E) STONE PAVING

EXISTING SITE PLAN

PROJECT NORTH

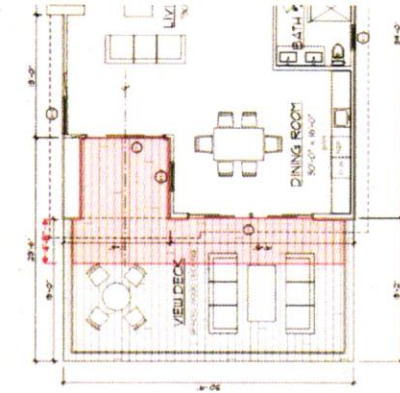
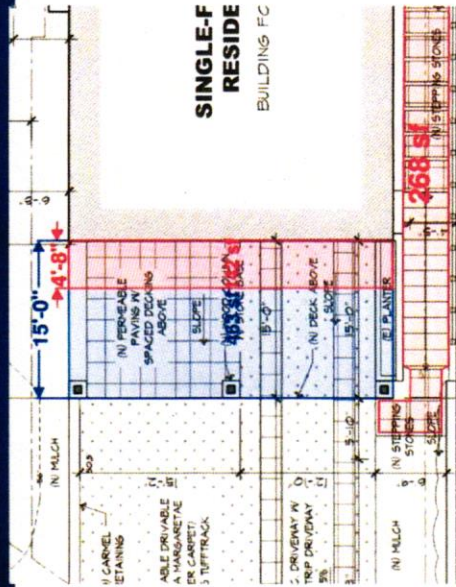
SCALE: 1/8" = 1'-0"

Exhibit

“C”



Answers to Possible Questions

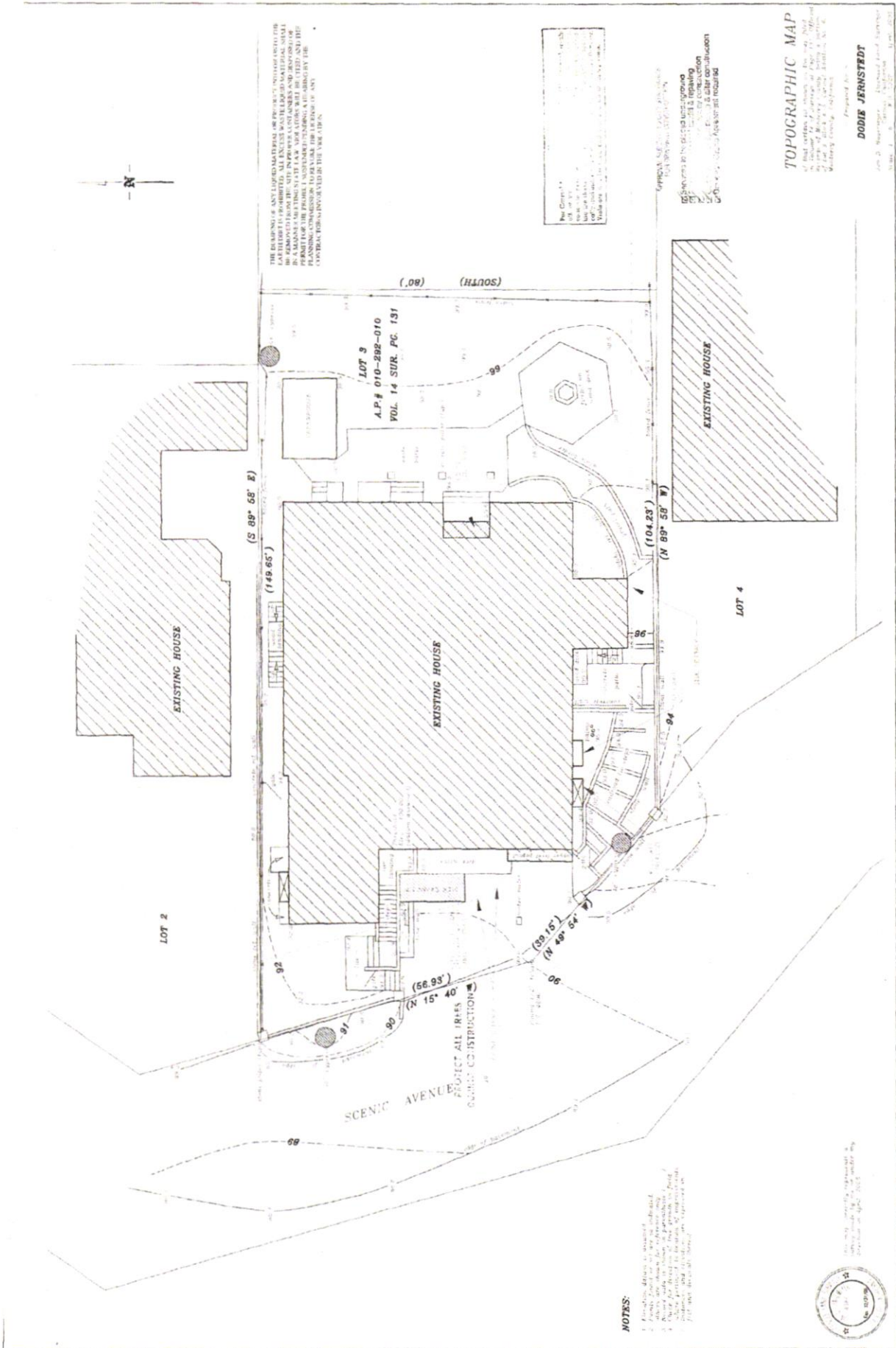


Building Site Area	Allowed Square Footage/ Base Floor Area	Site Coverage	Site Coverage w/Bonus
5,762	2389	525	756
Existing Total Site Coverage:			
		Impermeable	Permeable
		2,236 sf	0
Proposed Total Site Coverage			
		Impermeable	Permeable
		190 sf	827
Variance Request			
		261. sf of additional site coverage	

- If deck (and patio below) are reduced to an amount which would comply with site coverage limits:
 - Deck would project approximately 4'8" (+/-);
 - Illustrative example only – not a recommendation.

Exhibit

“D”



THE ENGINEER HAS NOT LOANED MATERIAL OR PROJECTS TO ANY OTHER PARTY AND THE MATERIAL IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY HIM OR HER.

No. 1000
 1/4" = 100'
 1/8" = 200'
 1/16" = 400'
 1/32" = 800'
 1/64" = 1600'

APPROVAL AND SEAL OF REGISTERED PROFESSIONAL ENGINEER
 REGISTERED PROFESSIONAL ENGINEER
 STATE OF CALIFORNIA
 No. 1000
 1/4" = 100'
 1/8" = 200'
 1/16" = 400'
 1/32" = 800'
 1/64" = 1600'

TOPOGRAPHIC MAP
 Prepared by:
DODIE JERNSTEDT
 June 2, 1999
 State of California
 Survey No. 1000
 1/4" = 100'

LOT 2

LOT 3
 A.P. # 010-282-010
 VOL. 14 SUR. PG. 131

LOT 4

EXISTING HOUSE

EXISTING HOUSE

EXISTING HOUSE

SCENIC AVENUE
 PROTECT ALL AREAS
 DURING CONSTRUCTION

NOTES:

1. All dimensions are in feet and inches.
2. All bearings are true bearings.
3. All distances are in feet and inches.
4. All areas are in square feet.
5. All volumes are in cubic feet.
6. All elevations are in feet above mean sea level.
7. All spot heights are in feet above mean sea level.
8. All contours are in feet above mean sea level.
9. All contours are spaced at 2-foot intervals.
10. All contours are shown at 1-foot intervals.



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

PLANNING COMMISSION RESOLUTION NO. 2025-004-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA COMBINED CONCEPT AND FINAL DESIGN STUDY (DS 24164), AND ASSOCIATED COASTAL DEVELOPMENT PERMIT FOR SUBSTANTIAL ALTERATIONS TO AN EXISTING SINGLE-FAMILY RESIDENCE, AND VARIANCE (VA 24263) FOR MODIFICATIONS TO MAXIMUM SITE COVERAGE REGULATIONS LOCATED AT SCENIC ROAD 3 SOUTHEAST OF 12TH AVENUE LOCATED IN THE SINGLE FAMILY RESIDENTIAL (R-1) ZONING DISTRICT, BEACH AND RIPARIAN (BR) OVERLAY, AND PARK (P) OVERLAY. APN: 010-292-011

WHEREAS, June 2, 2022, Carla Hashimoto, of Eric Miller Architects INC, (“Applicant”) submitted an application on behalf of BROWN STEVE & ANDERSON DONNA (“Owner”) requesting approval of Track 2 Design Study application (DS 24164, Brown) and Variance (VA 24263) described herein as (“Application”); and

WHEREAS, the Application has been submitted for a 5,762 square-foot lot located at Scenic Road 3 SE 12th Avenue located in the Single Family Residential (R-1) Zoning District, Beach and Riparian (BR) Overlay, and Park (P) Overlay; and

WHEREAS, the Applicant is requesting a substantial alteration to an existing two story single family residence; and

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

WHEREAS, in accordance with CMC 17.52.070.A, the Planning Commission may grant a variance for maximum site coverage and minimum open space regulations when the findings listed in CMC 17.64.210 can be supported; and

WHEREAS, the project is requires a Coastal Development Permit in accordance with CMC 17.52.100.D (Limits on Exemptions for Single-Family Residences and other Improvements) as the project is for located within the Beach and Riparian Overlay District; and

WHEREAS, in accordance with CMC Section 17.58.040.B.2, the Director may authorize concept review and final details review to occur at the same meeting; and

WHEREAS, the project was scheduled by the Director for a Combined Concept and Final details review at a public hearing taking place on January 15, 2024; and

WHEREAS, on January 3, 2025, a notice of the public hearing scheduled for January 15, 2025, was published in the Carmel Pine Cone in compliance with State law (California Government Code 65091) and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before January 5, 2025, the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before January 3, 2025, the meeting agenda was posted in three locations in compliance with State law indicating the date and time of the public hearing; and

WHEREAS, on January 15, 2025, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the combined Concept and Final Design Study, Variance, and associated Coastal Development Permit, including without limitation, information provided to the Planning Commission by City staff and through public testimony on the final 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, the Planning Commission 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 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 the review of certain projects for environmental impacts and preparation of environmental documents; and

WHEREAS, the Planning Commission finds that pursuant to CEQA regulations, the Application is categorically exempt under Section 15301 (Class 1) – Existing Facilities and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines; and

WHEREAS, 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 **Concept Design Study**:

FINDINGS REQUIRED FOR CONCEPT DESIGN STUDY ACCEPTANCE		
For each of the required design study findings listed below, staff has indicated whether the concept plans submitted 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.A – Concept Phase Approval Findings	YES	NO
1. The project conforms with all zoning standards applicable to the site, or has received appropriate use permits 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-site and in the public right-of-way that is characteristic of the neighborhood.	✓	
3. The project avoids complexity using simple building forms, a simple roof plan 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. 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 set back a minimum of six feet from significant trees.	✓	

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 APPROVAL		
For each of the required findings listed below, the staff has indicated whether the application, either as proposed or with conditions, supports adopting 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 17.64.080.A, Final Details Phase Approval	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.	✓	

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 **Variance**:

FINDINGS REQUIRED FOR A VARIANCE (CMC 17.64.210):	YES	NO
1. That due to special physical circumstances applicable to the property, the strict application of the Zoning Ordinance will deprive the property of privileges enjoyed by other properties in the vicinity which were developed under the same limitations of the Zoning Ordinance.	✓	
2. That the variance will not constitute a grant of special privilege inconsistent with limitations on other property in the vicinity and within the same zone.	✓	
3. That the variance will not be detrimental to adjacent property or injurious to public health, safety, or welfare.	✓	
4. That the condition or situation of the property for which the variance is sought is not so general or recurrent in nature as to make reasonable or practical the formulation of a general regulation to address such condition or situation.	✓	
5. That the situation or condition for which the variance is sought was not the result of actions of the existing or any prior owner of the property.	✓	

6. That granting the variance will not be in conflict with the General Plan, or the general zoning objectives of the district within which the affected property lies.	✓	
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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 **Coastal Development Permit**:

FINDINGS REQUIRED FOR COASTAL DEVELOPMENT PERMITS		
For each of the required findings listed below, the staff has indicated whether the application, either as proposed or with conditions, supports adopting 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).	N/A	N/A
#2 Finding: The proposed development is not located between the first public road and the sea.		

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby APPROVE a Combined Concept and Final Design Study (DS 24164), and associated Coastal Development Permit for substantial alterations to an existing single-family residence, and Variance (VA 24263) for modifications to maximum site coverage regulations located at Scenic Road 3 southeast of 12th Avenue located in the Single Family Residential (R-1) Zoning District, Beach and Riparian (BR) Overlay, and Park (P) Overlay (APN: 010-292-011), subject to the following Conditions of Approval:

CONDITIONS OF APPROVAL	
No.	Standard Conditions
1.	<p>Authorization. This approval of Design Study (DS 24164, Brown), Variance (VA 24263), and associated Coastal Development Permit for substantial alterations to an existing single-family residence located at Scenic Road 3 southeast of 12th Avenue located in the Single Family Residential (R-1) Zoning District, Beach and Riparian (BR) Overlay, and Park (P) Overlay as depicted in the plans prepared by Eric Miller Architects approved by the Planning Commission on January 15, 2025, unless modified by the conditions of approval contained herein.</p> <p>Variance Authorization. This approval of Variance (VA 24263) authorizes 261 square feet of additional permeable/semi-permeable site coverage for the site (i.e. 526 sf allowed; 756 sf allowed with permeability bonus + 261 sf additional provided permeability bonus requirements are met = 1,017 sf maximum). This Variance authorization does not waive or lessen the Conditions of Approval listed below and other requirements of the city’s zoning code, local coastal program conditions are applicable and enforceable as part of the project.</p> <p>This variance shall become null and void if the existing residential structure is voluntarily or involuntarily demolished (as defined in the Carmel Municipal Code). Any future redevelopment or reconstruction on the subject property shall comply with the current zoning standards in effect at the time of application unless a new variance is granted.</p>
2.	<p>Codes and Ordinances. The project shall be constructed in conformance with all requirements of the R-1 zoning district and all applicable overlay districts. All adopted building and fire codes shall be adhered to</p>

	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 17.52.170.C.
4.	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.
5.	<p>Setback and Height Certifications. If requested by the Community Planning and Building Department, 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.	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 15.36.020).
7.	Fire Sprinklers - Residential. Additions, alterations, or repairs to existing structures that involve the addition, removal, or replacement of 50 percent or more of the linear length of the walls (interior and exterior) within a 5-year period shall require the installation of an automatic residential fire sprinkler system in accordance with the California Building and Fire Codes (CMC 15.08.135).
8.	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.
9.	Exterior Revisions to Planning Approval Form. All proposed modifications that affect the exterior appearance of the building or site elements shall be submitted on the "Revisions to Planning Approval" form on file in the Community Planning and Building Department. Any modification incorporated into the construction drawings not listed on this form shall not be deemed approved upon issuance of a building permit.
10.	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

	<p>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>
11.	<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>
12.	<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 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>
13.	<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.</p>
14.	<p>Asphalt Shingle Roofing. Prior to the issuance of a building permit, the Applicant shall include the manufacturer’s specifications for the approved asphalt shingle roofing. The material shall convey color and texture similar to that of wood shingles.</p>
15.	<p>Indemnification. The Applicant agrees, at his or her sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceedings to attack, set aside, void, or annul any project approval. The City shall promptly notify the Applicant of any legal proceeding and cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the Applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for resolving all such actions by the parties hereto.</p>
16.	<p>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.</p>

	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.
17.	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.
18.	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.
19.	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.
20.	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)
21.	Conditions of Approval. Prior to the issuance of a building permit, the Applicant shall print a copy of the Resolution adopted by the Planning Commission and signed by the property owner(s) on a full-size sheet within the construction plan set submitted to the Building Safety Division.
Landscape Conditions	
22.	<p>Landscape Plan Required. Prior to the issuance of a building permit, the Applicant shall submit a landscape plan for review and approval by the Community Planning & Building Department and the City Forester. The landscape plan shall be included in the construction drawings and will be reviewed for compliance with the landscaping standards contained in the Zoning Code, including, but not limited to, the following:</p> <ol style="list-style-type: none"> 1) Meeting the landscape requirements for the Beach Overlay (CMC 17.20.160.B.5); 2) All new landscaping shall be 75% drought-tolerant; 3) Landscaped areas shall be irrigated by a drip/sprinkler system set on a timer; and 4) The project shall meet the City’s recommended tree density standards unless otherwise approved by the City based on on-site conditions. <p>The landscape plan shall identify the location where new trees will be planted when new trees are required to be planted by the City code, the Forest and Beach Commission, or the Planning Commission.</p>
23.	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.

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 Chapter 17.48.110, no material may be stored within the dripline of a protected tree, including the drip lines of trees on neighboring parcels. • Tree Protection Zone. The Tree Protection Zone shall be equal to dripline or 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line, whichever is greater. A minimum of 4-foot-high transparent fencing is required unless otherwise approved by the City Forester. Tree protection shall not be resized, modified, removed, or altered in any manner without written approval. The fencing must be maintained upright and taught for the duration of the project. No more than 4 inches of wood mulch shall be installed within the Tree Protection Zone. When the Tree Protection Zone is at or within the drip line, no less than 6 inches of wood mulch shall be installed 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line outside of the fencing. • Structural Root Zone. The Structural Root Zone shall be 6 feet from the trunk or 6 inches radially from the tree for every one inch of trunk diameter at 4.5' above the soil line, whichever is greater. Any excavation or changes to the grade shall be approved by the City Forester prior to work. Excavation within the Structural Root Zone shall be performed with a pneumatic excavator, hydro-vac at low pressure, or another method that does not sever roots. • If roots greater than 2 inches in diameter or larger are encountered within the approved Structural Root Zone, the City Forester shall be contacted for approval to make any root cuts or alterations to structures to prevent roots from being damaged. • If roots larger than 2 inches in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the building permit will be suspended, and all work stopped until an investigation by the City Forester has been completed, and mitigation measures have been put in place.
26.	<p>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.</p>
<p>Environmental Compliance Conditions</p>	
27.	<p>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.</p>
28.	<p>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</p>

	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 a the material for the gutters and downspouts. Copper gutters and downspouts shall not be permitted.
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 and Director of Public Works.
34.	<p>Plan Modification for Tree Protection. Prior to building permit issuance, the plans shall be revised throughout such that the new walls and areas of cut and fill are revised so they are located at least six (6) feet away from the significant cypress tree.</p> <p>Additionally, a Tree Protection Plan shall be included in the plan showing a six (6) foot tree protection zone and the structural root zone (SRZ), described in Condition of Approval (CoA) #25. A note shall be included on the cover page, site plan, and Tree Protection Plan stating: <i>“All compaction of soils, construction of building walls, or placement of impermeable surfaces must be setback a minimum of six feet from all significant trees. Grading, ruts, and fills around significant trees shall be limited to areas outside the structural root zone. Cutting and filling around the base of trees shall be done only after consultation with the City Forester, and then only to the extent authorized by the City Forester. City Forester: (831)620-2073”</i></p>
35.	Demolition and Nonconformities. All exterior demolition shall be in substantial compliance with the approved demolition plan as shown on Sheet 5a of the Design Study Plans Approved by the Planning Commission on January 15, 2025. Changes to the demolition plan shall be approved in writing by the Community Planning and Building Department prior to commencement of any additional demolition work. If during construction the exterior demolition exceeds what has been approved, a cease work order may be issued any time at the discretion of the Director of Community Planning and Building and with revised plans submitted to the Department of Community Planning and Building that correct the non-conformities in respect to the buildings floor area and building height.
36.	<p>Removal of Existing Site Coverage. All site coverage not shown on the approved (proposed) site plan shall be removed from the site prior to final inspection. Questions regarding the inclusion or exclusion of site coverage of site coverage shall be directed to the Community and Planning Department (831-620-2010).</p> <p>Areas where site coverage have been removed may be landscaped with new landscaping shown on the proposed landscape plan (refer to CoA #22), mulched, or left in an natural state except when conflict with CMC 17.34.090 would exist (see CoA #22, #1).</p>
37.	Non-conforming fences/gates. If the non-conforming fences and driveway gate proposed to remain located within the front setback (i.e fences exceeding 4’ tall) are removed, new proposed fences within the front setback shall comply with the height standards outlined in Table 17.10-G. New fences and driveway gates and similar associated features shall require approval from the Community Planning and Building Department as appropriate.
38.	Roof Color. Prior to building permit issuance, the applicant shall work with Planning Staff to select

	an alternative roof color that complies with the Residential Design Guidelines, as provided in CoA #14.
39.	<u>Window and Door Consistency.</u> Prior to building permit issuance, the applicant shall revise the window and door schedule, elevations, and plans throughout, such that the windows and doors maintain a consistent appearance as provided in Residential Design Guideline 9.11. The windows and doors shall maintain a consistent appearance throughout and shall not be a mix of different colors, styles, and/or materials.
40.	<u>Retaining Wall/Encroachments.</u> Prior to building permit issuance, the plans shall be revised such that the stone wall at the northwest corner of the property visible from Scenic Road located along the front property line is proposed to be repaired in-kind. The wall shall be relocated entirely onto private property, or if necessary, an encroachment permit for the wall shall be applied for and obtained prior to commencement of work.

Acknowledgement and acceptance of conditions of approval.

DocuSigned by: <i>Steven Brown</i> E6B4C81ED8D048C...	Steven Brown	1/30/2025
Property Owner Signature	Printed Name	Date

Signed by: <i>Carla Hashimoto</i> 50EAF57B0104E5...	Carla Hashimoto	1/30/2025
Applicant Signature	Printed Name	Date

PASSED, APPROVED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 15th day of January, 2025, by the following vote:

AYES: Karaptkov, Locke, LePage

NOES: Allen

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

DocuSigned by: <i>M. LePage</i> 0C7AAE9369C34D0...
Michael LePage Chair

Signed by: <i>Shelby Gorman</i> 6E0202EE446F4FF...
Shelby Gorman Planning Commission Secretary



CITY OF CARMEL BY THE SEA
DEPARTMENT OF COMMUNITY PLANNING AND BUILDING
APPLICATION FOR RESIDENTIAL DESIGN STUDY

PLANS IN STORAGE

Fee \$ _____
Receipt 16915
Date 7-18-07
Permit No. D505-98

Associated Permits _____

Property Owner/Applicant DOROTHY FERNSTEDT Phone (____) ____-____

Mailing Address _____

City, State, Zip _____ Fax (____) ____-____

Street Location SCENIC ROAD, 6 NB 13th

Block AB Lot(s) 3B w/pt 3 Assessor's Parcel No. 010-292-010

Signature of Property Owner (required) _____ Date _____

Individual to receive all correspondence and agendas regarding this application:

Name of Contact ERIC MILLER ARCHITECTS Phone 372-0410

Mailing Address 157 GRAND AVE. #106

City, State, Zip PACIFIC GROVE, CA 93950 Fax 372-7840

(INES BARCAN @ ERIC MILLER ARCH) _____
Signature of Contact/Representative _____ Date 07/12/05

TRACK ONE—ADMINISTRATIVE DESIGN REVIEW PERMIT

- Fences and walls
- Site coverage/landscaping change
- Additions or alterations (not increasing existing height and floor area by more than 10%)
- Skylights/doors/windows/chimneys
- Minor alteration to an historic resource
- Exterior material change
- Revision to Permit # _____
- Other

Description INTERIOR RENODEL, REPLACE (E) WINDOWS, DOORS, SKYLIGHTS

TRACK TWO—RESIDENTIAL DESIGN STUDY PERMIT

- New dwelling
- Substantial alteration
- Demolition
- Revision to approved design # _____
- Project involves removal and/or significant limb or root cutting of significant or moderately significant trees
- Project involves more than a minor alteration to an historic resource (per CMC 17.32.15)

Description _____

This space for office use only

Assigned Staff Member N. SUMMIT Action APPROVE Date of Action 7/21/05

Decision Maker: Staff DRB PC CC

City of Carmel-by-the-Sea

COMMUNITY PLANNING AND BUILDING DEPARTMENT

POST OFFICE DRAWER G

CARMEL-BY-THE-SEA, CA 93921

(831) 620-2010 OFFICE

(831) 620-2014 FAX

1 August 2005

California Coastal Commission
C/O Mike Watson
725 Front St, STE 300
Santa Cruz, CA 95060-4508

Subject: Project located within the appealable district

Dear Mike:

An application has been submitted to the City for the following project, which is located within the Beach and Riparian (BR) Overlay District and is appealable to the Coastal Commission:

Project #: DS 05-98

Applicant name: Dorothy Jernstedt
Applicant address: 250 Valley Oaks Drive
Alamo, CA 94507

Block and Lot: Blk A5, Lot 3B
Street Location: E/s Scenic bet 12th & 13th
APN: 010-292-010

Project Description: Consideration of a Track One Design Study application for minor alterations to a residence located in the Residential (R-1) and Beach and Riparian (BR) Overlay Districts.

Assigned Staff Member: Nathan Schmidt, Assistant Planner

If you have any question, please contact me. Thank you.

Sincerely,

Nathan Schmidt
Assistant Planner

City of Carmel-by-the-Sea

COMMUNITY PLANNING AND BUILDING DEPARTMENT

POST OFFICE DRAWER G

CARMEL-BY-THE-SEA, CA 93921

(831) 620-2010 OFFICE

(831) 620-2014 FAX

3 August 2005

Eric Miller Architects
157 Grand Ave #106
Pacific Grove CA 93950

Subject: DS 05-98 (Jernstedt)
E/s of Scenic bet. 12th & 13th
Block A5 Lot 3B APN 010-292-010

Dear Eric:

Staff has reviewed your Track One Design Study application materials that were submitted to our department on 18 July 2005. In order for your application to be deemed complete, please submit the following additions/corrections to your set of plans:

- Please provide window and door schedules, including make, style and material of each and its location.
- The front setback is 15 feet from the front property line. The proposed deck expansion on the front of the residence encroaches into this front setback and needs to be reduced.

Once staff has received this information/corrections your application will be considered complete and project review can commence. If you have any questions please contact me at 831-620-2010. Thank you.

Sincerely,

Nathan Schmidt
Assistant Planner

City of Carmel-by-the-Sea

COMMUNITY PLANNING AND BUILDING DEPARTMENT

POST OFFICE DRAWER G

CARMEL-BY-THE-SEA, CA 93921

(831) 620-2010 OFFICE

(831) 620-2014 FAX

21 September 2005

Eric Miller Architects
157 Grand Ave #106
Pacific Grove CA 93950

Subject: DS 05-98 (Jernstedt)
E/s of Scenic bet. 12th & 13th
Block A5 Lot 3B APN 010-292-010

Dear Eric:

Staff has reviewed and approved your Track 1 Design Study. Please post the enclosed notice on the subject property for the required 10-day appeal period. If there are no appeals within the required appeal period, you may proceed with obtaining the necessary building permits.

If you have any questions, you can reach me at (831) 620-2010. Thank you.

Sincerely,

Nathan Schmidt
Assistant Planner

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BROWN RESIDENCE

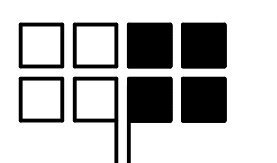
SCENIC ROAD 3 SE OF 12TH AVENUE CARMEL-BY-THE-SEA, CA 93921



Attachment 6

REVISION	No.

CONSULTANT:



ERIC MILLER ARCHITECTS, INC.
 211 HOFFMAN AVENUE MONTEREY, CA 93940
 PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com

ARCHITECT

PROJECT DATA

LOT DATA :
 LOT AREA : 5,762 SQ. FT.
 A.P.N. : 010-242-011-000
 ZONING : R-1

ZONING	R-1
MAX. FLOOR AREA ALLOWED :	2,390 SQ. FT.
MAX. SITE COV. ALLOWED :	526 SQ. FT.
526 SQ. FT. + 230 SF = 756 SF (50% PERMEABLE)	

FLOOR AREA CALCULATION:

BUILDING SITE AREA x 0.45 - (SQ. FT. OVER 4,000 X 0.02)	1,000
5,764 x (0.45 - (1,764 X 0.02))	1,000
5,764 x .33472 = 2,390 SQ. FT.	

EXISTING FLOOR AREA:
 BASEMENT / LEVEL 1 = LIVING SPACE 1,015 SF.
 GARAGE 483 SF.
 MECHANICAL 145 SF.
 LEVEL 2 = LIVING SPACE 2,050 SF.

EXISTING FLOOR AREA: 3,693 SF. TO REMAIN

EXISTING SITE COVERAGE:

IMPERVIOUS:	
DRIVEWAY	444 SF.
PATIOS	421 SF.
WALKWAYS & STAIRS	836 SF.
LIGHT WELL	17 SF.
PLANTER WALLS	13 SF.
TOTAL EXISTING SITE COVERAGE:	2,236 SF. 39%

PROPOSED SITE COVERAGE:

IMPERVIOUS:	
LIGHT WELL	17 SF.
STAIRS & LANDINGS	173 SF.
TOTAL IMPERVIOUS SITE COVERAGE:	190 SF. 3%

PERVIOUS:

STRIP DRIVEWAY	167 SF.
WALKWAYS	194 SF.
VIEW DECK - 2ND LEVEL	461 SF.
TOTAL PERVIOUS SITE COVERAGE:	821 SF. 14%

VARIANCE REQUEST = 1,017 SF - 756 SF = 261 SF VARIANCE

TOTAL PROPOSED SITE COVERAGE:	1,017 SF. 17.7%
SITE COVERAGE REDUCTION:	1,219 SF. 21.2%

SETBACKS

R-1	MINIMUM	EXISTING TO REMAIN (NON-CONFORMING)	PROPOSED
FRONT	15'-0"	47'-2"	31'-6"
NORTH SIDE	3'-0"	5'-1"	
SOUTH SIDE	3'-0"	2'-10"	
COMPOSITE SIDE	25% OF LOT WIDTH (9' 5" MIN)	NORTH: 5'-4" SOUTH: 2'-10"	
COMPOSITE SIDE	25% OF LOT WIDTH (10' 6" MIN)	NORTH: 5'-4" SOUTH: 6'-0"	
COMPOSITE SIDE	25% OF LOT WIDTH (10' 10" MIN)	NORTH: 6'-8" SOUTH: 6'-0"	
REAR	3'-0"	1'-7"	

BUILDING HEIGHT

ONE STORY PLATE HT.	MAXIMUM	EXISTING TO REMAIN (NON-CONFORMING)
ONE STORY PLATE HT.	12'-0"	9'-0"
2ND STORY PLATE HT.	18'-0"	19'-0"
MAX ROOF HT.	18'-0"	24'-6"

TREE REMOVAL:
 NO TREES ARE TO BE REMOVED

EXISTING WALLS TO BE RECONSTRUCTED:
 56 LF. / 455 LF. = 12%

PROJECT INFORMATION

OWNER: STEVEN BROWN
 3526 88TH AVENUE NE
 CIRCLE PINES, MN 55014
 PH: 612-554-3523

PROJECT ADDRESS: SCENIC ROAD 3 SE OF 12TH AVENUE
 CARMEL-BY-THE-SEA, CA 93923

ARCHITECT: ERIC MILLER ARCHITECTS, INC.
 211 HOFFMAN AVENUE
 MONTEREY, CA 93940
 PH: 831-372-0410

PROJECT DESCRIPTION:
 EXTERIOR REMODEL OF A 2-STORY RESIDENTIAL SINGLE FAMILY RESIDENCE. NEW ELEMENTS INCLUDE A VIEW DECK, NEW EXTERIOR MATERIALS, AND NEW WINDOWS AND DOORS. SITE IMPROVEMENTS CONSIST OF REDUCING SITE COVERAGE AND REPLACING DAMAGED SITE WALLS.

NOTES:

- THE EXISTING STRUCTURE IS NON-CONFORMING. THE REMOVAL OF ANY NON-CONFORMITY SHALL REQUIRE THE CORRECTION OF THE NON-CONFORMITY AND THAT SPECIFIC NON-CONFORMITY MAY NOT BE REBUILT IN THE SAME LOCATION OR ELSEWHERE ON SITE. (CMC 17.36.040.D, CMC 17.36.040.E, CMC 17.70.020 - DEMOLITION)
- ALL COMPACTION OF SOILS, CONSTRUCTION OF BUILDING WALLS, OR PLACEMENT OF IMPERMEABLE SURFACES MUST BE SETBACK A MINIMUM OF SIX FEET FROM ALL SIGNIFICANT TREES, GRADING, RUTS, AND FILLS AROUND SIGNIFICANT TREES SHALL BE LIMITED TO AREAS OUTSIDE THE STRUCTURAL ROOT ZONE. CUTTING AND FILLING AROUND THE BASE OF TREES SHALL BE DONE ONLY AFTER CONSULTATION WITH THE CITY FORESTER, AND THEN ONLY TO THE EXTENT AUTHORIZED BY THE CITY FORESTER. CITY FORESTER: (831) 620-2073

SHEET INDEX

ARCHITECTURAL	
1	TITLE SHEET
2	TOPOGRAPHIC SURVEY
3a	EXISTING SITE PLAN
3b	PROPOSED SITE PLAN
4a	LANDSCAPE & DRAINAGE PLAN
4b	CONSTRUCTION BEST MANAGEMENT PRACTICES
4c	CONSTRUCTION MANAGEMENT PLAN
5a	EXISTING UPPER & LOWER FLOOR PLANS
5b	PROPOSED UPPER & LOWER FLOOR PLANS
5c	WINDOW & DOOR SCHEDULE
6	EXISTING & PROPOSED FRONT AND REAR ELEVATIONS
7a	EXISTING & PROPOSED SIDE ELEVATIONS
7b	EXISTING & PROPOSED SIDE ELEVATIONS
8	EXISTING & PROPOSED STREETSCAPE ELEVATIONS
9	EXISTING & PROPOSED ROOF PLAN
10a	EXISTING FENCE / GATE ELEVATION
10b	PROPOSED LANDSCAPE & LIGHTING PLAN
11	FINISH MATERIALS
12	RENDERINGS

TITLE SHEET

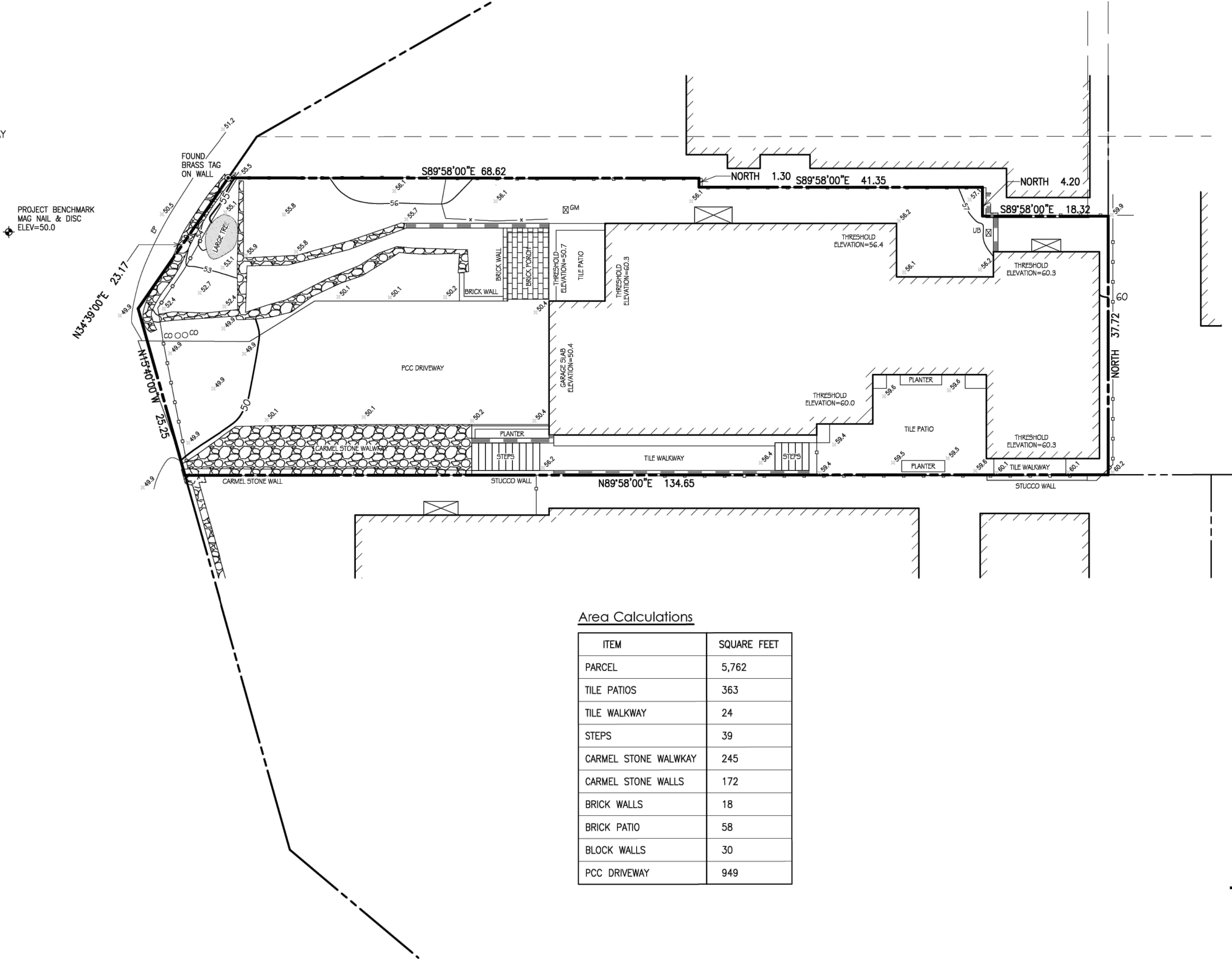
JOB NAME: BROWN REMODEL
 Scenic 3 SE of 12th Avenue
 Carmel-By-The-Sea, CA 93921
 A.P.N. 010-242-011-000

DATE: JAN. 6, 2025
 SCALE: N.T.S.
 DRAWN: KJJ
 JOB N: 2403

LEGEND:

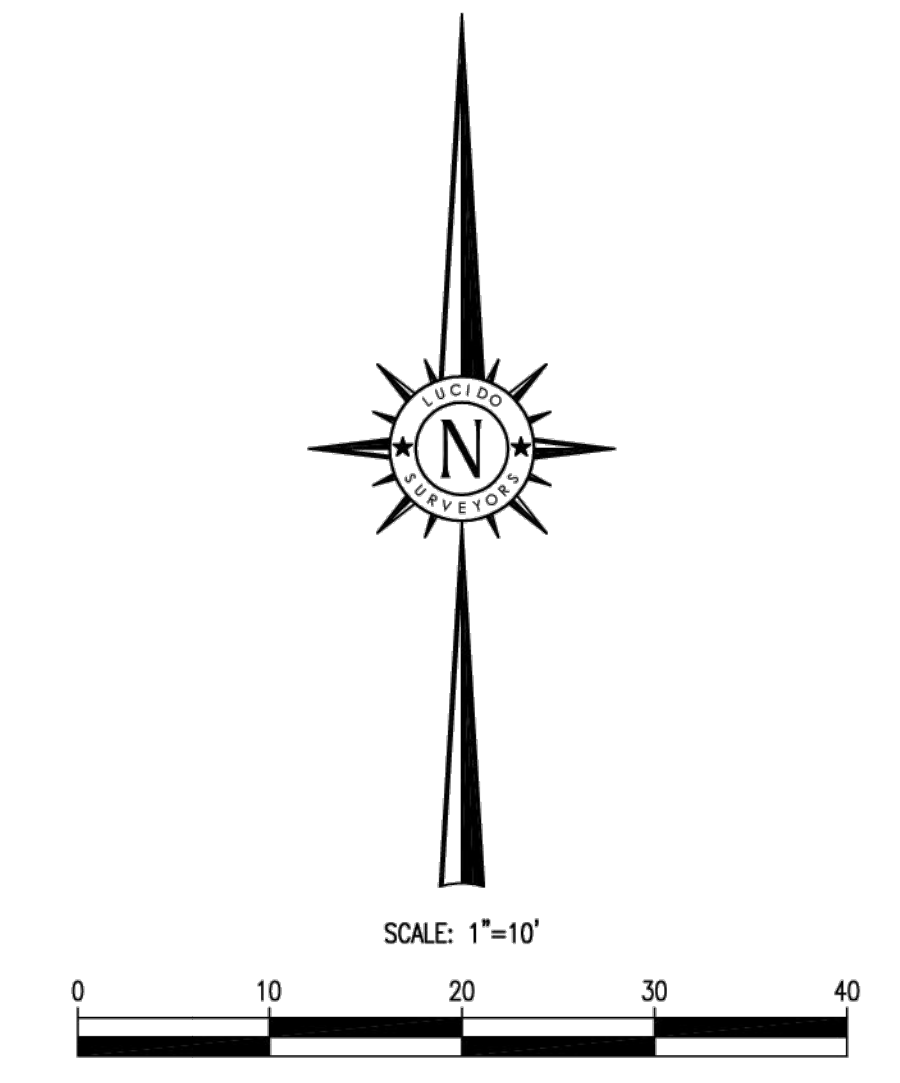
- | | | | |
|------|------------------------------|-------|------------------------------|
| —●— | RECORD BOUNDARY | —○— | WOOD FENCE |
| —●— | RECORD RIGHT OF WAY | —x—x— | WIRE FENCE |
| —●— | RECORD LOT LINE | —○—○— | CHAIN LINK FENCE |
| —●— | RECORD CENTERLINE | —STB— | STREET SIGN |
| —●— | RECORD EASEMENT LINE | —SP— | SIGN POST |
| —●— | RECORD SETBACK | —MB— | MAIL BOX |
| —●— | OLD RECORD LINE | —B— | BOLLARD |
| —●— | PROJECT BENCHMARK | —P— | PILLAR |
| —50— | CONTOUR (MAJOR) | —BW— | BLOCK RETAINING WALL |
| —40— | CONTOUR (MINOR) | —RW— | ROCK RETAINING WALL |
| —GB— | GRADEBREAK | —SBW— | STACKED BLOCK WALL |
| —EP— | EDGE OF PAVEMENT | —BWP— | BRICK WALKWAY/PATIO |
| — | LIP OF GUTTER | —CSW— | CARMEL STONE WALL OR WALKWAY |
| — | FACE OF CURB | —PCC— | PCC WALKWAY/PATIO |
| — | BACK OF CURB | | |
| — | BACK OF SIDEWALK | | |
| — | EDGE OF DRIVEWAY | | |
| — | FLOWLINE | | |
| — | APPROXIMATE BUILDING OUTLINE | | |
| — | CHIMNEY | | |
| — | APPROXIMATE FLOOR ELEVATION | | |
| — | DECK | | |
| — | CONC PAD | | |
| — | STEP | | |
| — | PLANTER | | |
| — | WATER LINE | | |
| — | WATER VALVE | | |
| — | WATER METER | | |
| — | FIRE HYDRANT | | |
| — | HOSE BIB | | |
| — | IRRIGATION CONTROL VALVE | | |
| — | SANITARY SEWER LINE | | |
| — | SANITARY SEWER MANHOLE | | |
| — | SANITARY SEWER CLEAN-OUT | | |
| — | STORM DRAIN | | |
| — | STORM DRAIN MANHOLE | | |
| — | AREA DRAIN | | |
| — | STORM DRAIN CATCH BASIN | | |
| — | ELECTRIC LINE | | |
| — | UTILITY POLE | | |
| — | GUY WIRE | | |
| — | ELECTRIC VAULT | | |
| — | UTILITY VAULT | | |
| — | UTILITY BOX | | |
| — | ELECTRIC METER | | |
| — | LAMP POST | | |
| — | GAS LINE | | |
| — | GAS METER | | |
| — | TELEPHONE LINE | | |
| — | TELEPHONE STANDARD | | |
| — | CABLE TELEVISION LINE | | |
| — | CABLE TELEVISION BOX | | |

- | | |
|--------|----------------------------|
| AC | ASPHALT CONCRETE |
| CS | CARMEL STONE |
| CMF | CORRUGATED METAL PIPE |
| CONC | CONCRETE SLAB |
| DG | DECOMPOSED GRANITE |
| EX AGG | EXPOSED AGGREGATE |
| HDPE | HIGH DENSITY POLY ETHYLENE |
| PCC | PORTLAND CEMENT CONCRETE |
| PS | PAVER STONE |
| PVC | POLY VINYL CHLORIDE |
| RCP | REINFORCED CONCRETE PIPE |
| TE | TRASH ENCLOSURE |
-
- | | |
|--------------|-------------------------|
| — | EDGE OF FOLIAGE |
| —○12" T— | TREE WITH SIZE AND TYPE |
| A | ACACIA |
| C | CYPRESS |
| Attachment 6 | OAK |
| P | PINE |
| R | REDWOOD |
| T | TREE |
| —8.9— | SPOT ELEVATION |



Area Calculations

ITEM	SQUARE FEET
PARCEL	5,762
TILE PATIOS	363
TILE WALKWAY	24
STEPS	39
CARMEL STONE WALKWAY	245
CARMEL STONE WALLS	172
BRICK WALLS	18
BRICK PATIO	58
BLOCK WALLS	30
PCC DRIVEWAY	949



BENCHMARK:
ELEVATIONS FOR THIS SURVEY ARE BASED ON AN ASSUMED DATUM. AN ELEVATION OF 50.0 HAS BEEN ASSIGNED TO A MAG NAIL & DISC SET IN THE PAVEMENT NEAR THE WESTERLY BOUNDARY CORNER OF THE SUBJECT PROPERTY AS SHOWN HEREON.

- NOTES:**
- BOUNDARY LOCATIONS SHOWN HEREON WERE DETERMINED WITH THE BENEFIT OF A FIELD SURVEY SUPPLEMENTED BY RECORD DATA. ALL BOUNDARY DATA SHOWN HEREON ARE FROM THE RECORDS.
 - ENTITLEMENTS OR ENCUMBRANCES AFFECTING THIS PROPERTY MAY NOT NECESSARILY BE SHOWN.
 - DISTANCES SHOWN ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
 - CONTOUR INTERVAL = ONE FOOT.
 - TREE TYPES (IF ANY) ARE INDICATED WHERE KNOWN. DIAMETERS OF TREES ARE SHOWN IN INCHES AND ARE APPROXIMATE ONLY. TO BE VERIFIED BY AN APPROVED ARBORIST PROVIDED BY OTHERS, PER AGREEMENT WITH THE SURVEYOR. TREES SMALLER THAN 6" IN DIAMETER MAY NOT BE NECESSARILY SHOWN. DIRECTION OF GROWTH AND DRIP LINE SHAPE TO BE VERIFIED BY OTHERS.
 - POSITION AND DIMENSIONS (IF ANY) OF BUILDINGS AND OTHER STRUCTURES ARE SHOWN HEREON APPROXIMATE ONLY DUE TO MEASUREMENT LIMITATIONS. IRREGULAR SHAPE OF BRICK FACING, POP-OUTS, BULL NOSE CORNERS, ETC. SQUARE FOOTAGE OF BUILDINGS (IF ANY) IS SHOWN APPROXIMATE ONLY, AND SUBJECT TO REVISION AT ANY TIME.
 - NOT ALL UTILITY BOXES AND/OR UTILITY STRUCTURES ARE SHOWN INCLUDING BUT NOT LIMITED TO HOSE BIBS AND IRRIGATION VALVES. ONLY THE VISIBLE UTILITY BOXES AND/OR UTILITY STRUCTURES THAT WERE CONSIDERED TO CONVEY THE GENERAL UTILITY CONDITIONS ARE SHOWN.
 - THIS MAP CORRECTLY REPRESENTS A SURVEY PREPARED BY ME AND/OR UNDER MY DIRECTION, FROM FIELD DATA COLLECTED IN MARCH OF 2022.

TOPOGRAPHIC SITE SURVEY
OF
APN 010-292-011-000
ON
SCENIC ROAD IN CARMEL
Records of Monterey County
PREPARED FOR
Steve Brown

BY
LUCIDO SURVEYORS
Boundary and Construction Surveys · Topographic and Planimetric Mapping
ALTA Surveys and GIS Database Management · Land Planning and Consulting

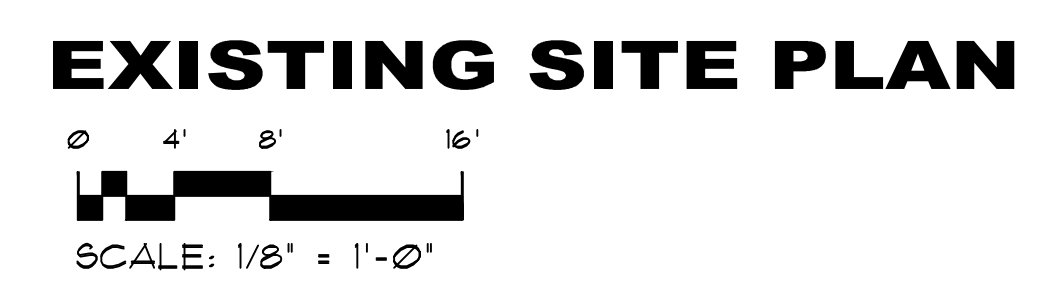
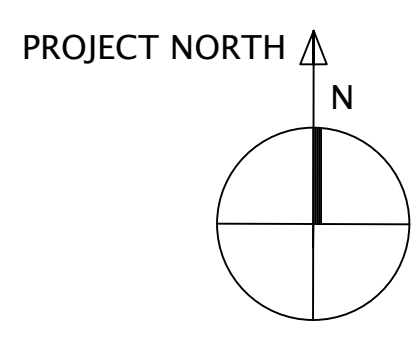
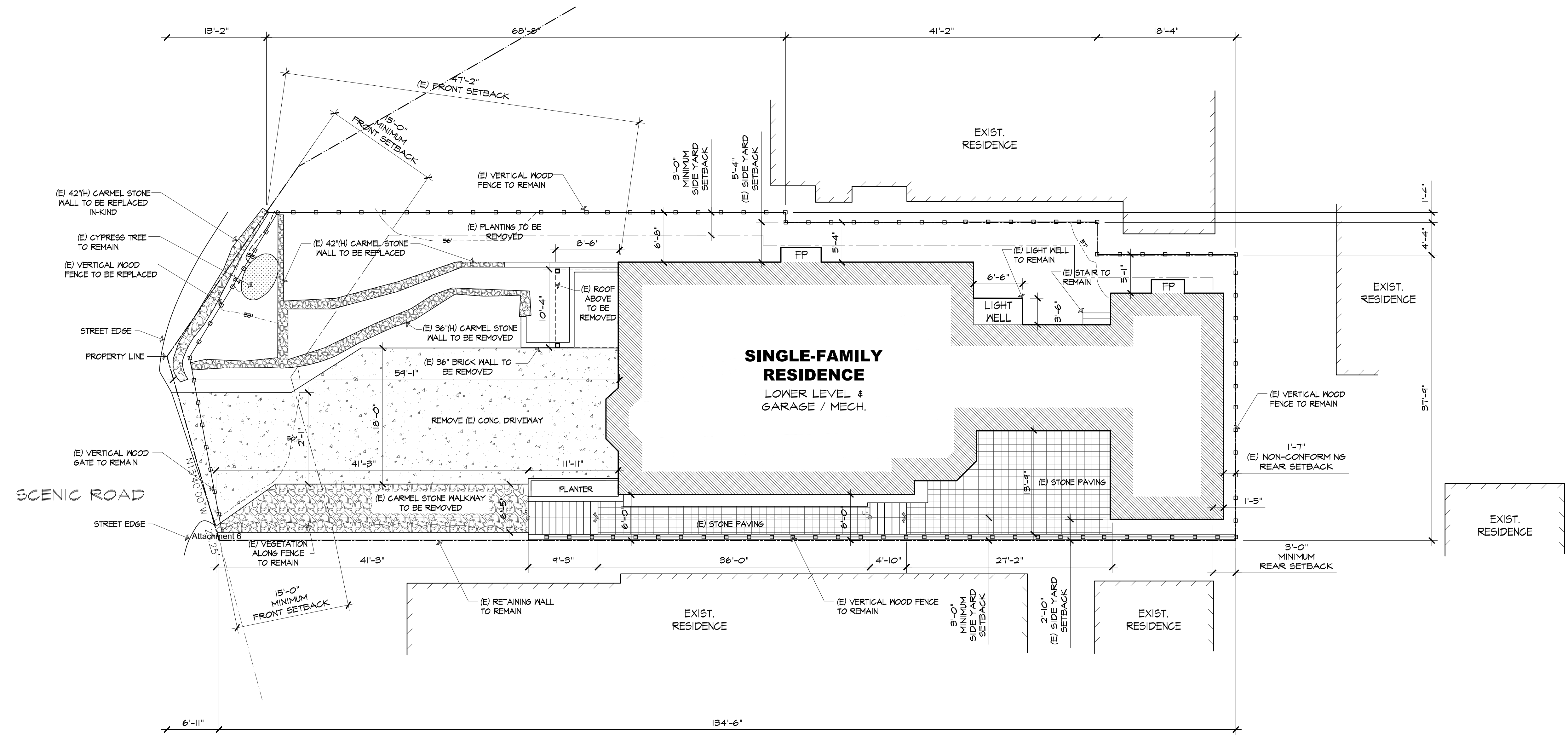
2 Saucito Avenue
DEL REY OAKS, CALIFORNIA 93940
info@lucidosurveyors.com
(831) 620-5032

SCALE: 1"=10' PROJECT No. 2909 MARCH 2022
CITY OF CARMEL COUNTY OF MONTEREY STATE OF CALIFORNIA

SHEET NO.
2



THE USE OF THESE DRAWINGS AND SPECIFICATIONS IS SOLELY RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED. PUBLICATION OR REPRODUCTION IN ANY MANNER, IN WHOLE OR IN PART, IS STRICTLY PROHIBITED. TITLE TO THESE DRAWINGS AND SPECIFICATIONS REMAINS WITH THE ARCHITECT WITHOUT PREJUDICE. VISUAL CONSULTING SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.



LEGEND	
	(E) PERMEABLE PAVERS
	(E) CONCRETE DRIVEWAY
	(E) STONE PAVING

(E) SITE COVERAGE CALCULATIONS	
DRIVEWAY.....	949 SF
WALKWAYS & STAIRS.....	836 SF
PATIOS.....	421 SF
LIGHTWELL.....	17 SF
PLANTER WALLS.....	13 SF
TOTAL SITE COVERAGE:	2,236 SF

REVISION	No.

CONSULTANT:

ARCHITECT

ERIC MILLER ARCHITECTS, INC.

211 HOFFMAN AVENUE
 MONTEREY, CA 93940
 PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com

EXISTING SITE PLAN

JOB NAME: **BROWN REMODEL**
 Scenic 3 SE of 12th Avenue
 Carmel-By-The-Sea, CA 93921
 A.P.N. 010-292-011-000

DATE: JAN. 6, 2025

SCALE: 1/8" = 1'-0"

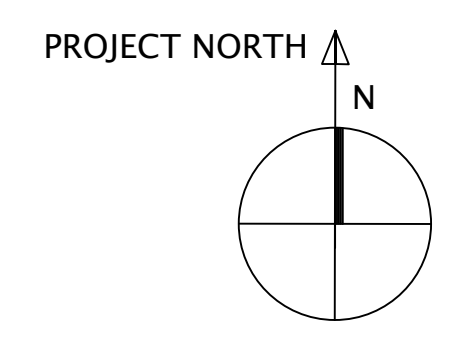
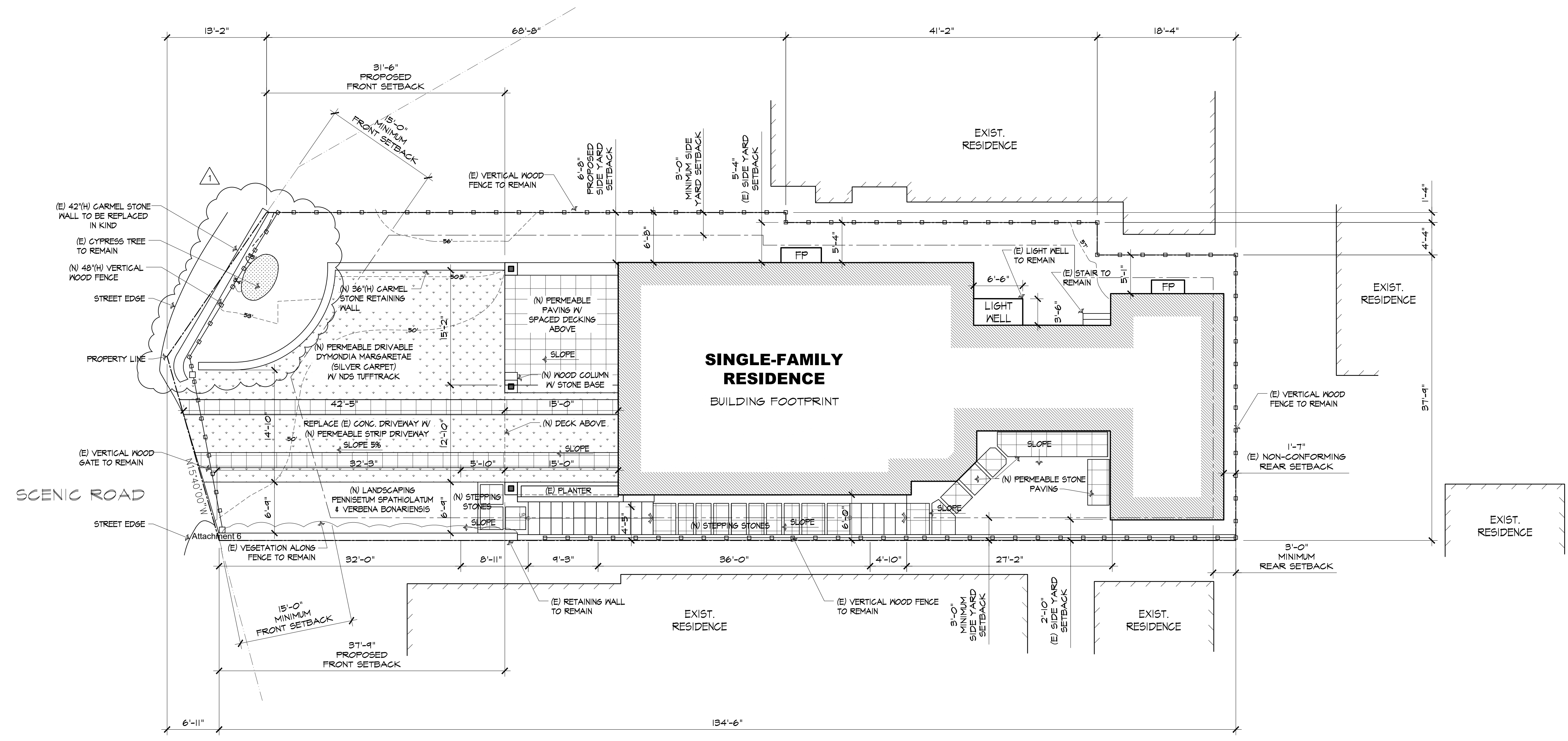
DRAWN: K.J.L.

JOB N 2403

3a

SHEET OF

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PROPOSED SITE PLAN

LEGEND	
	(N) PERMEABLE SILVER CARPET
	(N) PERMEABLE STONE PAVING

NOTES:

1. ALL COMPACTION OF SOILS, CONSTRUCTION OF BUILDING WALLS, OR PLACEMENT OF IMPERMEABLE SURFACES MUST BE SETBACK A MINIMUM OF SIX FEET FROM ALL SIGNIFICANT TREES. GRADING, CUTS, AND FILLS AROUND SIGNIFICANT TREES SHALL BE LIMITED TO AREAS OUTSIDE THE STRUCTURAL ROOT ZONE. CUTTING AND FILLING AROUND THE BASE OF TREES SHALL BE DONE ONLY AFTER CONSULTATION WITH THE CITY FORESTER, AND THEN ONLY TO THE EXTENT AUTHORIZED BY THE CITY FORESTER. CITY FORESTER: (831) 620-2013

(N) SITE COVERAGE CALCULATIONS	
STRIP DRIVEWAY.....	167 SF
WALKWAYS.....	199 SF
VIEW DECK - 2ND LEVEL.....	461 SF
SIDE STAIRS & LANDINGS.....	173 SF
LIGHTWELL.....	17 SF
TOTAL SITE COVERAGE:	1,017 SF

REVISION	No.
REVISION #1 2/11/2025	

CONSULTANT:

ARCHITECT

ERIC MILLER ARCHITECTS, INC.

211 HOFFMAN AVENUE
MONTEREY, CA 93940
PHONE (831) 372-0410 • FAX (831) 372-7940 • WEB: www.ericmillerarchitects.com

PROPOSED SITE PLAN

JOB NAME: **BROWN REMODEL**
Scenic S SE of 12th Avenue
Carmel-By-The-Sea, CA 93921
A.P.N. 010-292-011-000

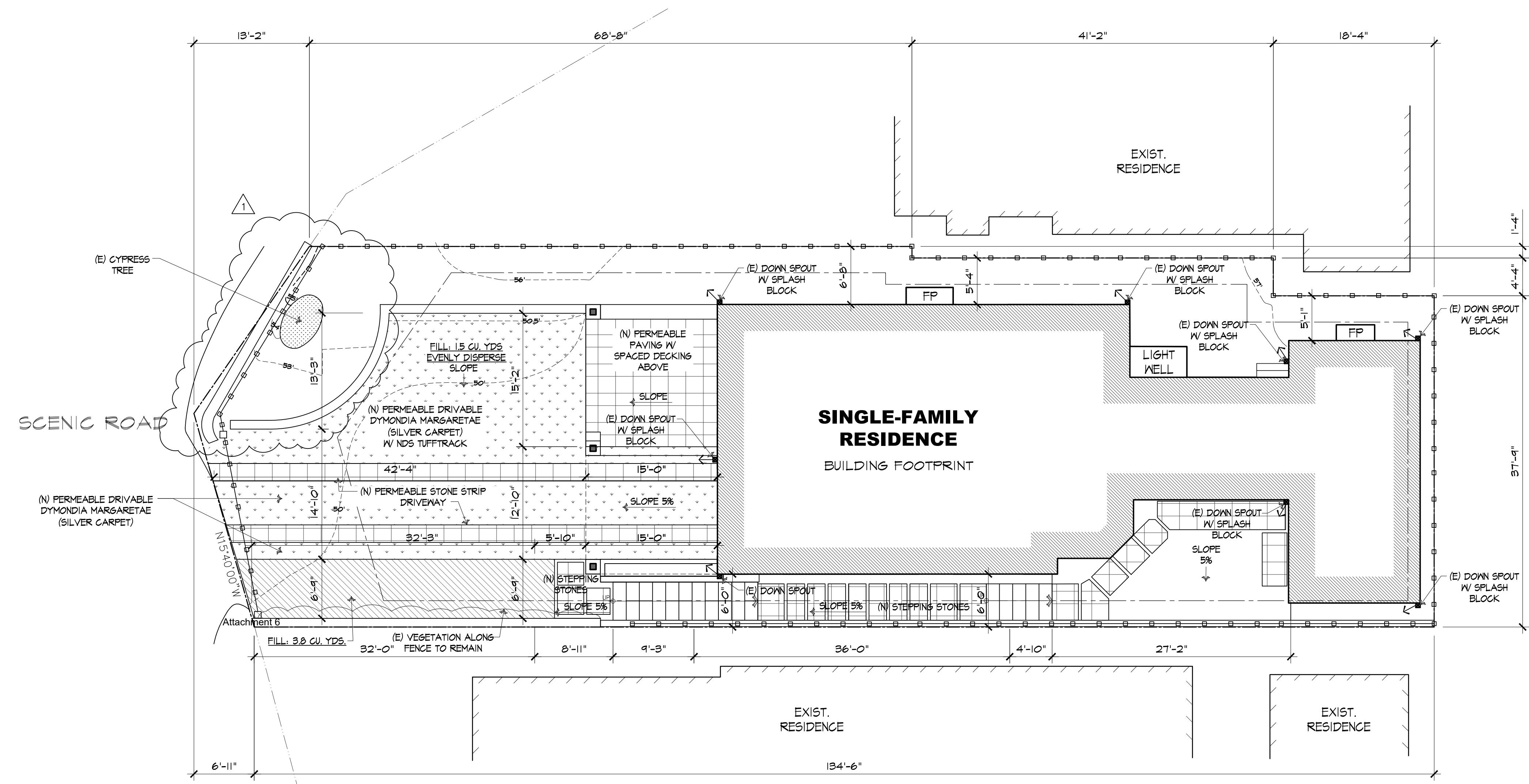
DATE: **JAN. 6, 2025**

SCALE: **1/8" = 1'-0"**

DRAWN: **K.J.L.**

JOB N: **2403**

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GENERAL NOTES:

1. LANDSCAPING SHALL BE LIMITED TO USE OF NATIVE, DROUGHT-TOLERANT, NON-INVASIVE SPECIES W/ LOW-FLOW WATER CONSERVING IRRIGATION FIXTURES.
2. CONSTRUCTION SITE DOCUMENTS, EACH CONSTRUCTION PLAN SHALL PROVIDE THAT COPIES OF EACH SIGNED CDP AND THE APPROVED CONSTRUCTION PLAN BE MAINTAINED IN A CONSPICUOUS LOCATION AT THE CONSTRUCTION JOB SITES AT ALL TIMES, AND THAT SUCH COPIES ARE AVAILABLE FOR PUBLIC REVIEW ON REQUEST.
3. ALL PATIOS TO BE CONSTRUCTED WITH PERMEABLE MATERIALS.
4. CUT AND FILL ARE TO BE USED ON SITE FOR (N) DRIVEABLE AND PLANTING AREAS.
5. ALL STORMWATER DRAINAGE TO REMAIN ON SITE.

LEGEND

	CUT = 12 CUBIC YARDS
	FILL = 12 CUBIC YARDS

PLANTS

DYMONDIA MARGARETAE (SILVER CARPET)

PROJECT NORTH ↑

LANDSCAPE & DRAINAGE PLAN

SCALE: 1/8" = 1'-0"

REVISION #1	No.
2/11/2025	▲

CONSULTANT:

ARCHITECT

ERIC MILLER ARCHITECTS, INC.

211 HOFFMAN AVENUE MONTEREY, CA 93940
 PHONE (831) 372-0410 • FAX (831) 372-7940 • WEB: www.ericmillerarchitects.com

LANDSCAPE & DRAINAGE PLAN

JOB NAME: **BROWN REMODEL**
 Scenic SE of 12th Avenue
 Carmel-By-The-Sea, CA 93921
 A.P.N. 010-292-011-000

DATE: JAN. 6, 2025

SCALE: 1/8" = 1'-0"

DRAWN: K.J.L.

JOB N 2403

THE USE OF THESE DRAWINGS AND SPECIFICATIONS IS SOLELY RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED. PUBLICATION OR REPRODUCTION IN ANY MANNER, IN WHOLE OR IN PART, IS STRICTLY PROHIBITED. TITLE TO THESE DRAWINGS AND SPECIFICATIONS REMAINS WITH THE ARCHITECT WITHOUT PREJUDICE. USUAL CONDUIT WITH THESE DRAWINGS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.



CONSTRUCTION BEST MANAGEMENT PRACTICES (BMPs)

Construction Projects Are Required to Implement the Stormwater Best Management Practices (BMPs) on this Page, as they Apply to Your Project, All Year Long.



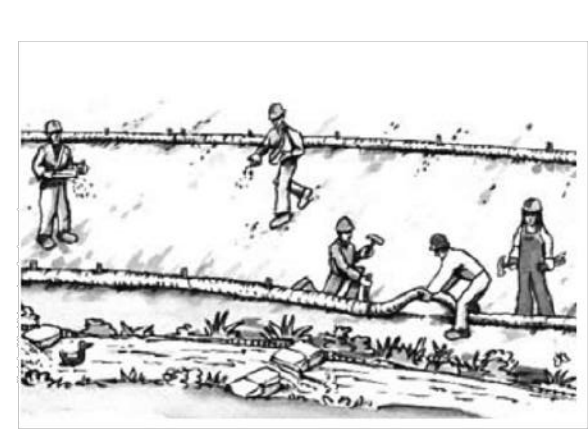
MATERIALS & WASTE MANAGEMENT

- Non-Hazardous Materials**
 - ❑ Berm and securely cover stockpiles of sand, dirt, or other construction materials with tarps when rain is forecast or if stockpiles are not actively being used. For best results, this should be done at the end of the work day throughout construction when feasible.
 - ❑ Use (but don't overuse) reclaimed water for dust control.
- Hazardous Materials**
 - ❑ Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, county, state and federal regulations.
 - ❑ Store hazardous materials and wastes in water tight containers, store in appropriate secondary containment, and cover them at the end of every work day or during wet weather or when rain is forecast.
 - ❑ Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.
 - ❑ Arrange for appropriate disposal of all hazardous wastes.
- Construction Entrances and Perimeter**
 - ❑ Establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from site and tracking off site.
- Waste Management**
 - ❑ Sweep or vacuum any street tracking immediately and secure sediment source to prevent further tracking. Never hose down streets to clean up tracking.
 - ❑ The California Green Building Code requires all permitted residential and non-residential construction, demolition and additions/alterations projects to recycle or salvage a minimum 65% of nonhazardous construction materials from the project.
 - Attachment 6
 - ❑ Cover waste disposal containers securely with tarps at the end of every work day and during wet weather.
 - ❑ Clean or replace portable toilets, and inspect them frequently for leaks and spills. Incorporate secondary containment and locate them away from storm drain inlets.
 - ❑ Dispose of liquid residues from paints, thinners, solvents, glues, and cleaning fluids as hazardous waste (the Monterey Regional Waste Management District offers a Household Hazardous Waste Facility that accepts these items).



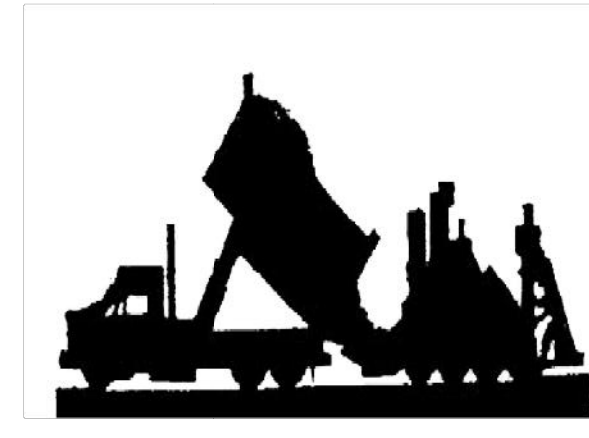
EQUIPMENT MANAGEMENT & SPILL CONTROL

- Maintenance and Parking**
 - ❑ Designate an area, fitted with appropriate BMPs, for vehicle and equipment parking and storage.
 - ❑ Perform major maintenance, repair jobs, and vehicle and equipment washing off site.
 - ❑ If refueling or vehicle maintenance must be done onsite, work in a bermed area away from storm drains and over a drip pan big enough to collect fluids. Recycle or dispose of fluids as hazardous waste.
 - ❑ If vehicle or equipment cleaning must be done onsite, clean with water only in a bermed area that will not allow rinse water to run into gutters, streets, storm drains, or surface waters.
 - ❑ Do not clean vehicle or equipment onsite using soaps, solvents, degreasers, steam cleaning equipment, etc.
 - ❑ Inlet protection is the last line of spill defense. Drains/inlets that receive storm water must be covered or otherwise protected from receiving sediment/dirt/mud, other debris, or illicit discharges, and include gutter controls and filtration where applicable in a manner not impeding traffic or safety.
- Spill Prevention and Control**
 - ❑ Keep spill cleanup materials (rags, absorbents, etc.) available at the construction site at all times.
 - ❑ Inspect vehicles and equipment frequently for and repair leaks promptly. Use drip pans to catch leaks until repairs are made.
 - ❑ Clean up spills or leaks immediately and dispose of cleanup materials properly (see the Monterey Regional Waste Management District's guidelines for accepting hazardous waste materials).
 - ❑ Do not hose down surfaces where fluids have spilled. Use dry cleanup methods (absorbent materials, cat litter, and/or rags).
 - ❑ Sweep up spilled dry materials immediately. Do not try to wash them away with water, or bury them.
 - ❑ Clean up spills on dirt areas by digging up and properly disposing of contaminated soil (see the Monterey Regional Waste Management District's Contaminated Soil Acceptance Criteria).
 - ❑ Report significant spills immediately. You are required by law to report all significant releases of hazardous materials, including oil. To report a spill: Dial 911.



EARTHWORK & CONTAMINATED SOILS

- Erosion Control**
 - ❑ Schedule grading and excavation work for dry weather only.
 - ❑ Stabilize all denuded areas, install and maintain temporary erosion controls (such as erosion control fabric or bonded fiber matrix) until vegetation is established.
 - ❑ Seed or plant vegetation for erosion control on slopes or where construction is not immediately planned.
- Sediment Control**
 - ❑ Protect storm drain inlets, gutters, ditches, and drainage courses with appropriate BMPs, such as gravel bags, inlet filler, berms, etc.
 - ❑ Prevent sediment from migrating offsite by installing and maintaining sediment controls, such as fiber rolls, silt fences, or sediment basins.
 - ❑ Keep excavated soil on the site where it will not collect into the street.
 - ❑ Transfer excavated materials to dump trucks on the site, not in the street.
 - ❑ If any of the following conditions are observed, test for contamination and contact the Monterey County Environmental Health Department, Regional Water Quality Control Board, and local municipal inspector:
 - Unusual soil conditions, discoloration, or odor
 - Abandoned underground tanks
 - Abandoned wells
 - Buried barrels, debris, or trash.



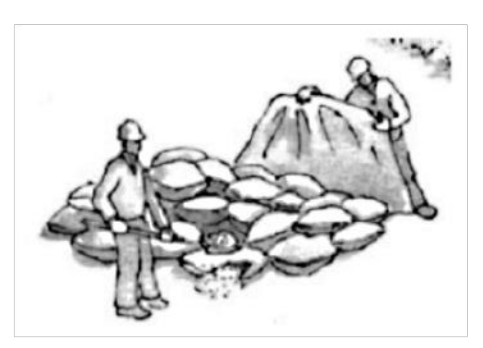
PAVING/ASPHALT WORK

- ❑ Avoid paving and seal coating in wet weather, or when rain is forecast before fresh pavement will have time to cure.
- ❑ Cover storm drain inlets and manholes when applying seal coat, tack coat, slurry seal, fog seal, etc.
- ❑ Collect and recycle or appropriately dispose of excess abrasive gravel or sand. Do NOT sweep or wash it into gutters.
- ❑ Do not use water to wash down fresh asphalt or concrete pavement.



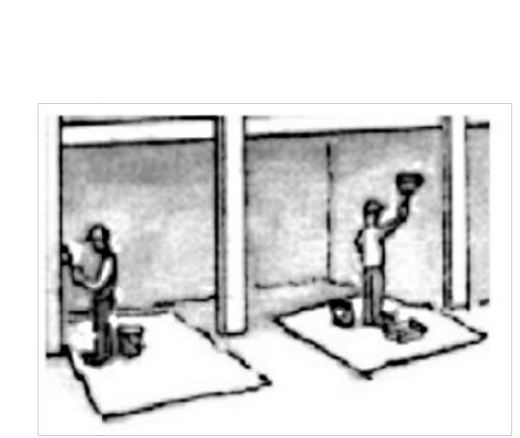
CONCRETE, GROUT & MORTAR APPLICATION

- ❑ Store concrete, grout and mortar under cover, on pallets and away from drainage areas. These materials must never reach a storm drain.
- ❑ Wash out concrete equipment/trucks offsite or in a contained area, so there is no discharge into the underlying soil or onto surrounding areas. Let concrete harden and dispose of as garbage.
- ❑ Collect the wash water from washing exposed aggregate concrete and remove it for appropriate disposal offsite.



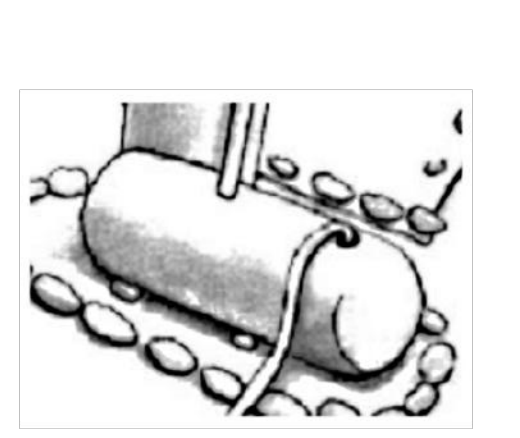
LANDSCAPE MATERIALS

- ❑ Contain stockpiled landscaping materials by storing them under tarps when they are not actively being used.
- ❑ Stack erodible landscape material on pallets. Cover or store these materials when they are not actively being used or applied.
- ❑ Discontinue application of any erodible landscape material within 2 days before a forecast rain event or during wet weather.



PAINTING & PAINT REMOVAL

- Painting cleanup**
 - ❑ Never clean brushes or rinse paint containers into a street, gutter, storm drain, or surface waters.
 - ❑ For water-based paints, paint out brushes to the extent possible. Rinse to the sanitary sewer once you have gained permission from the local wastewater treatment authority. Never pour paint down a drain.
 - ❑ For oil-based paints, paint out brushes to the extent possible and clean with thinner or solvent in a proper container. Filter and reuse thinners and solvents. Dispose of residue and unusable thinner/solvents as hazardous waste.
- Paint Removal**
 - ❑ Chemical paint stripping residue and chips and dust from marine paints or paints containing lead or tributyltin must be disposed of as hazardous waste.
 - ❑ Paint chips and dust from non-hazardous dry stripping and sand blasting may be swept up or collected in plastic drop cloths and disposed of as trash.



DEWATERING

- ❑ Effectively manage all run-on, all runoff within the site, and all runoff that discharges from the site.
- ❑ Divert run-on water from offsite away from all disturbed areas or otherwise ensure protection of its water quality for compliance.
- ❑ When dewatering, notify and obtain approval from the local municipality before discharging water to a street gutter or storm drain. Filtration or diversion through a basin, tank, or sediment trap, and/or disposal in sanitary sewer may be required.
- ❑ In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the Engineer and municipal staff to determine whether testing is required and how to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.

1. RUNOFF SILT FENCES, STRAW BATTLES, OR EQUIVALENT APPARATUS SHALL BE INSTALLED AT THE PERIMETER OF THE CONSTRUCTION SITES TO PREVENT CONSTRUCTION-RELATED RUNOFF AND/OR SEDIMENT FROM DISCHARGING FROM THE CONSTRUCTION AREA AND/OR ENTERING INTO STORM DRAINS, DRAINAGES OR OTHERWISE OFFSITE. SPECIAL ATTENTION SHALL BE GIVEN TO APPROPRIATE FILTERING AND TREATING OF ALL RUNOFF, AND ALL DRAINAGE POINTS, INCLUDING STORM DRAINS, SHALL BE EQUIPPED WITH APPROPRIATE CONSTRUCTION-RELATED CONTAMINANT EQUIPMENT AND FILTRATION/TREATMENT MATERIALS. ALL EROSION AND SEDIMENT CONTROLS SHALL BE IN PLACE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION AS WELL AS AT THE END OF EACH WORKDAY.
 2. EQUIPMENT, EQUIPMENT WASHING, REFUELING, AND/OR SERVICING SHALL TAKE PLACE AT AN APPROPRIATE LOCATION TO PREVENT LEAKS AND SPILLS OF HAZARDOUS MATERIALS AND PREFERABLY ON AN EXISTING HARD SURFACE AREA (E.G., A ROAD OR DRIVEWAY) AND AN AREA WHERE APPROPRIATE COLLECTION OF POTENTIALLY PROBLEMATIC WASHING, REFUELING, AND/OR SERVICING MATERIALS IS FACILITATED. ALL CONSTRUCTION EQUIPMENT SHALL BE INSPECTED AND MAINTAINED AT AN OFF-SITE LOCATION TO PREVENT LEAKS AND SPILLS OF HAZARDOUS MATERIALS AT THE PROJECT SITE.
 3. BEST PRACTICES: THE CONSTRUCTION SITES SHALL MAINTAIN GOOD CONSTRUCTION HOUSEKEEPING CONTROLS AND PROCEDURES, INCLUDING TO CLEAN UP ALL LEAKS, DRIPS, AND OTHER SPILLS IMMEDIATELY. KEEP MATERIALS COVERED AND OUT OF THE RAIN, INCLUDING COVERING EXPOSED PILES OF SOIL AND WASTES. DISPOSE OF ALL WASTES PROPERLY. PLACE TRASH RECEPTACLES ON SITE FOR THAT PURPOSE, AND COVER OPEN TRASH RECEPTACLES DURING WET WEATHER, AND TO REMOVE ALL CONSTRUCTION DEBRIS FROM THE SITES.

* Adapted with permission from the San Mateo Countywide Water Pollution Prevention Program

STORM DRAIN POLLUTERS MAY BE LIABLE FOR FINES OF UP TO \$10,000 PER DAY!

REVISION	No.

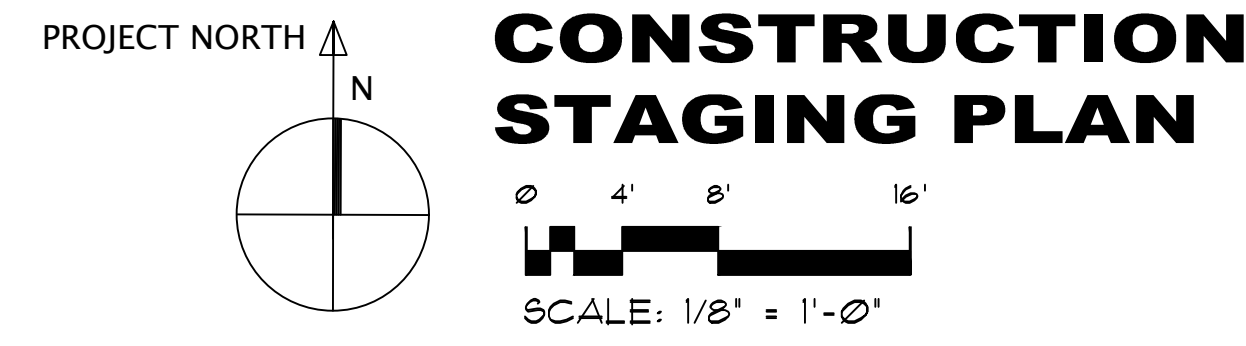
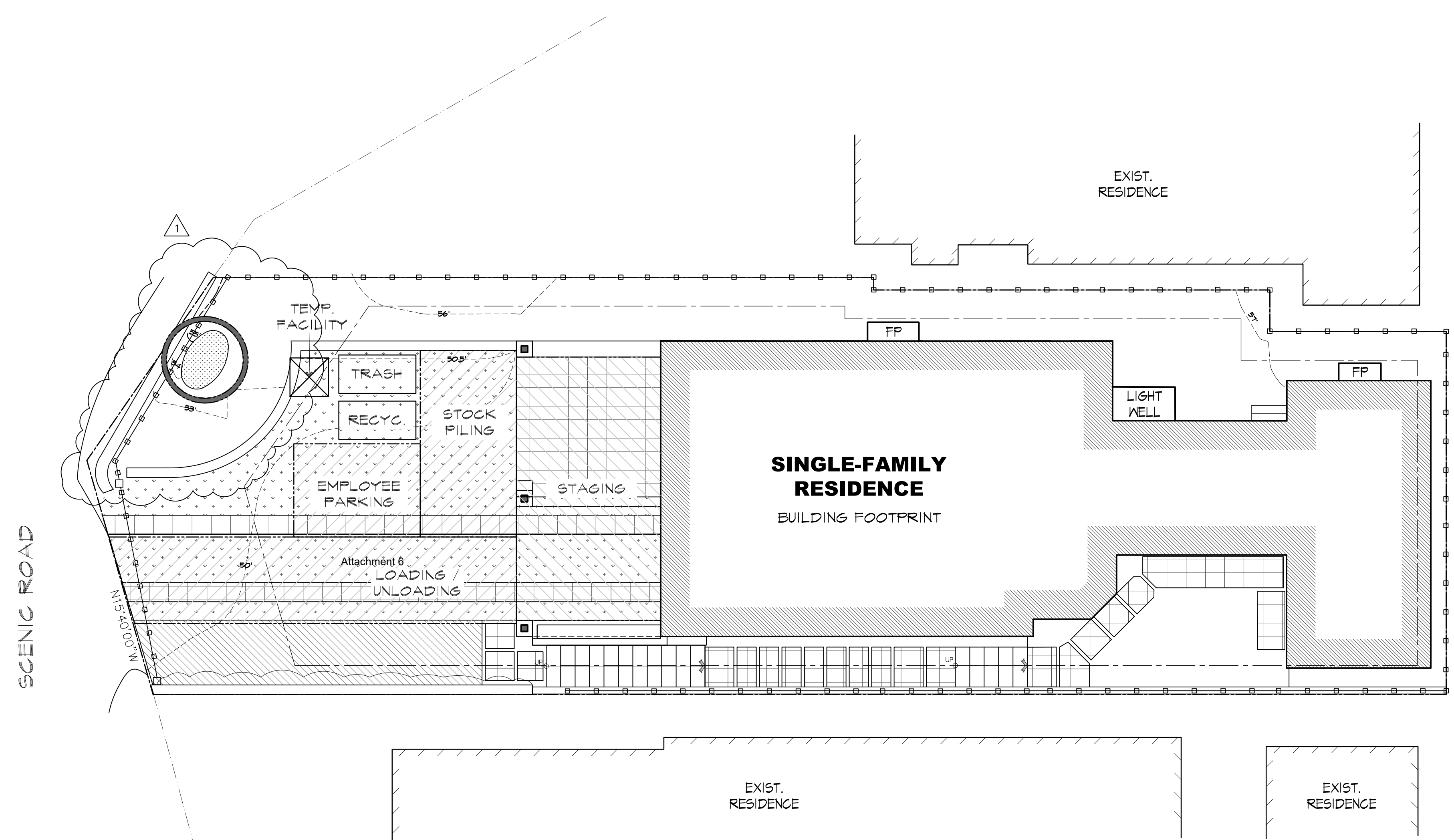
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 PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com

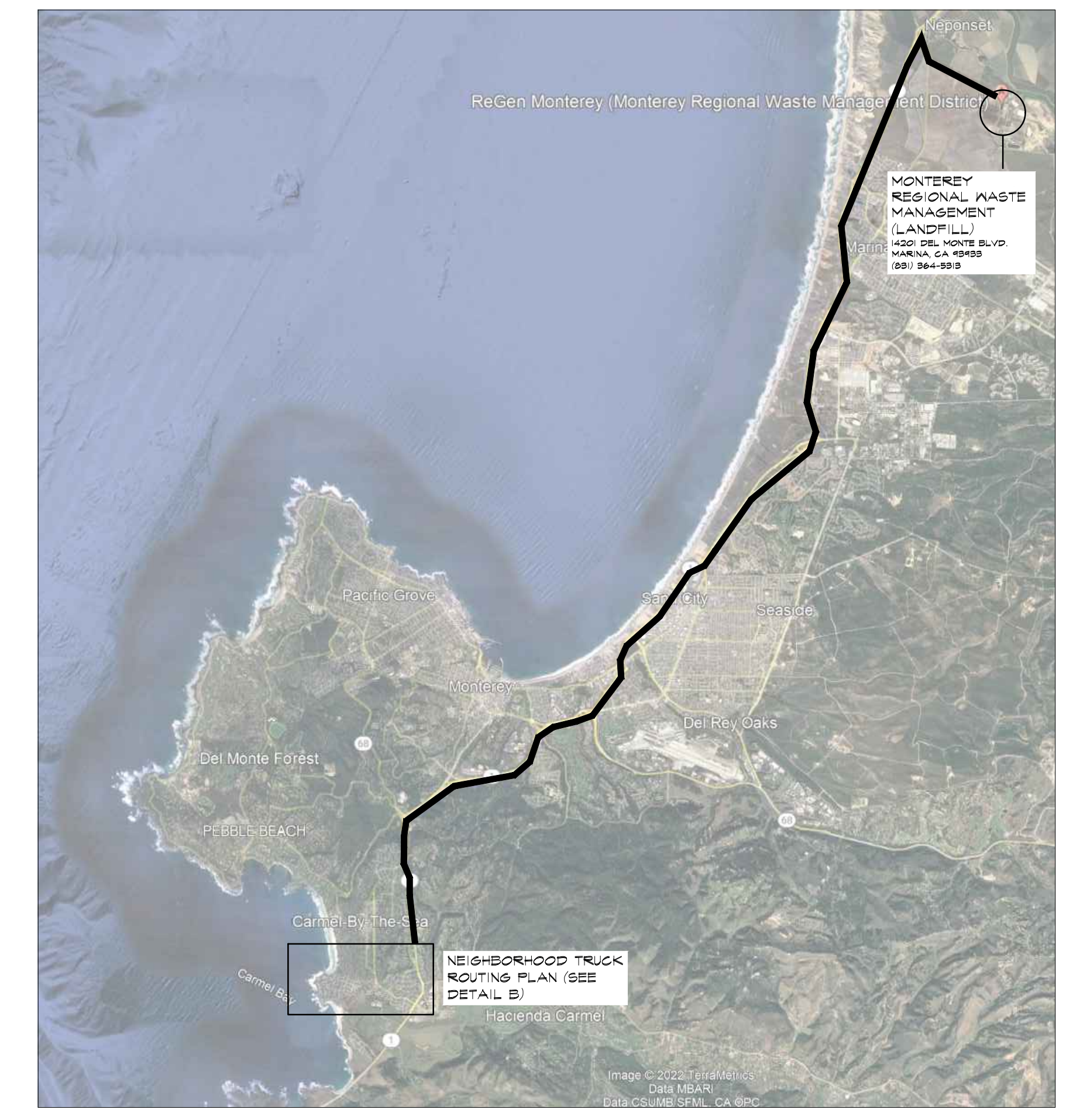
BMP
 JOB NAME: **BROWN REMODEL**
 Scenic 3 SE of 12th Avenue
 Carmel-By-The-Sea, CA 93921
 A.P.N. 010-292-011-000

DATE:	JAN. 6, 2025
SCALE:	AS NOTED
DRAWN:	K.L.
JOB N	2403

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CONSTRUCTION MANAGEMENT SUMMARY			
CONSTRUCTION DATES	FEBRUARY 2025 - AUGUST 2025		
HOURS OF OPERATION	7:30 AM TO 4:00 PM. NOTE: ALL WORK MAY ONLY TAKE PLACE DURING DAYLIGHT HOURS (I.E. FROM ONE-HOUR BEFORE SUNRISE TO ONE-HOUR AFTER SUNSET), EXCEPT FOR INTERIOR WORK. NIGHTTIME WORK (OTHER THAN INTERIOR WORK) AND LIGHTING OF THE EXTERIOR WORK AREA ARE PROHIBITED.	ROUTES FOR VEHICLES (SEE MAPS)	FROM DRIVEWAY, CONTINUE ON SCENIC RD., TURN EAST ONTO 13TH AVE., TURN NORTH ONTO MONTE VERDE ST., TURN EAST ONTO 12TH AVE., TURN NORTH ONTO JUNIPERO ST. TO HIGHWAY 1.
VEHICLES	GRADING, 1 DAY	CONSTRUCTION METHODS	KEEP CONSTRUCTION AREAS CONTAINED ON SITE AND INCLUDE VERIFICATION THAT EQUIPMENT OPERATION & EQUIT. / MATERIAL STORAGE WILL NOT SIGNIFICANTLY DEGRADE ARCHAEOLOGICAL AND OTHER COASTAL RESOURCES DURING CONSTRUCTION TO THE MAXIMUM EXTENT FEASIBLE. ALL SUCH AREAS WITHIN WHICH CONSTRUCTION ACTIVITIES AND/OR STAGING ARE TO TAKE PLACE SHALL BE MINIMIZED TO THE FULLEST EXTENT FEASIBLE IN ORDER TO HAVE THE LEAST IMPACT ON ARCHAEOLOGICAL AND OTHER COASTAL RESOURCES, INCLUDING BY USING STREET AREAS AND PREVIOUSLY DISTURBED AREAS FOR STAGING AND STORING CONSTRUCTION EQUIPMENT AND MATERIALS AS FEASIBLE.
FULL TIME ONSITE EMPLOYEES	2-3 AVERAGE		
INDIVIDUAL TREE PROTECTION	TREE TO BE PROTECTED. TREES IN CONSTRUCTION AREA TO REMAIN, WRAP TRUNKS, FENCING, AT DRIP LINE.	TREE PROTECTION FENCE	



OVERALL TRUCK ROUTING PLAN
N.T.S.



NEIGHBORHOOD TRUCK ROUTING PLAN (B)
N.T.S.

REVISION #1	No.
2/11/2025	▲

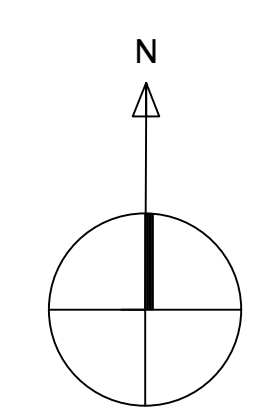
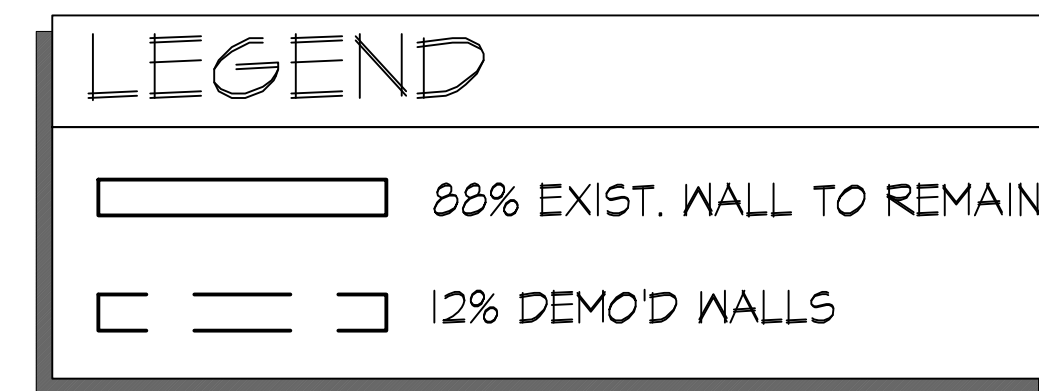
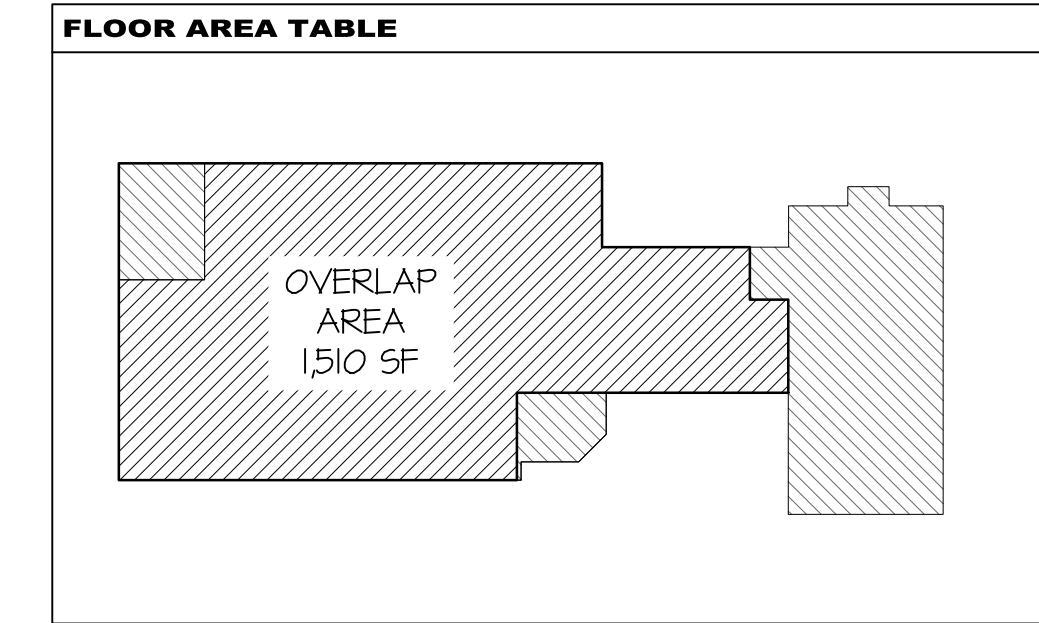
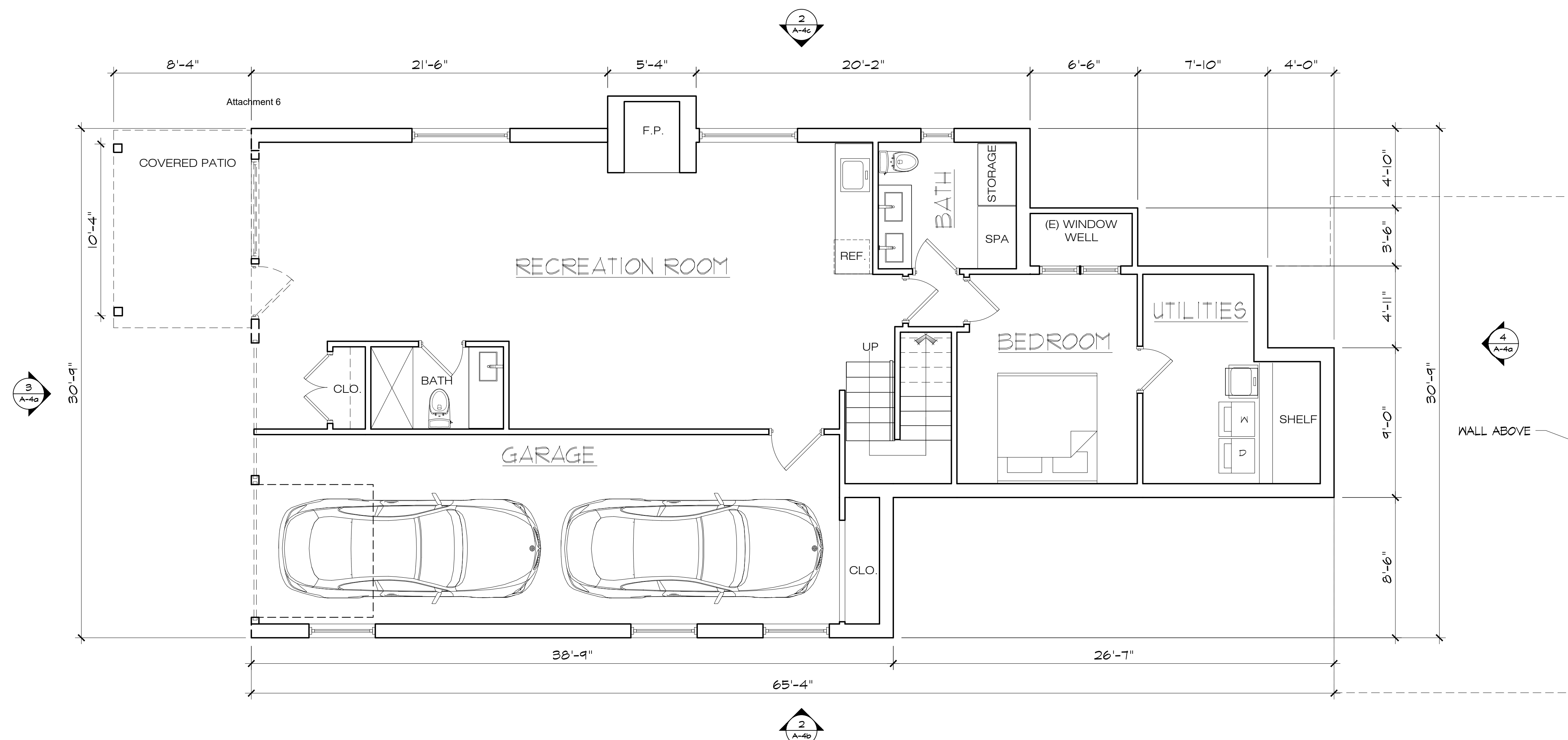
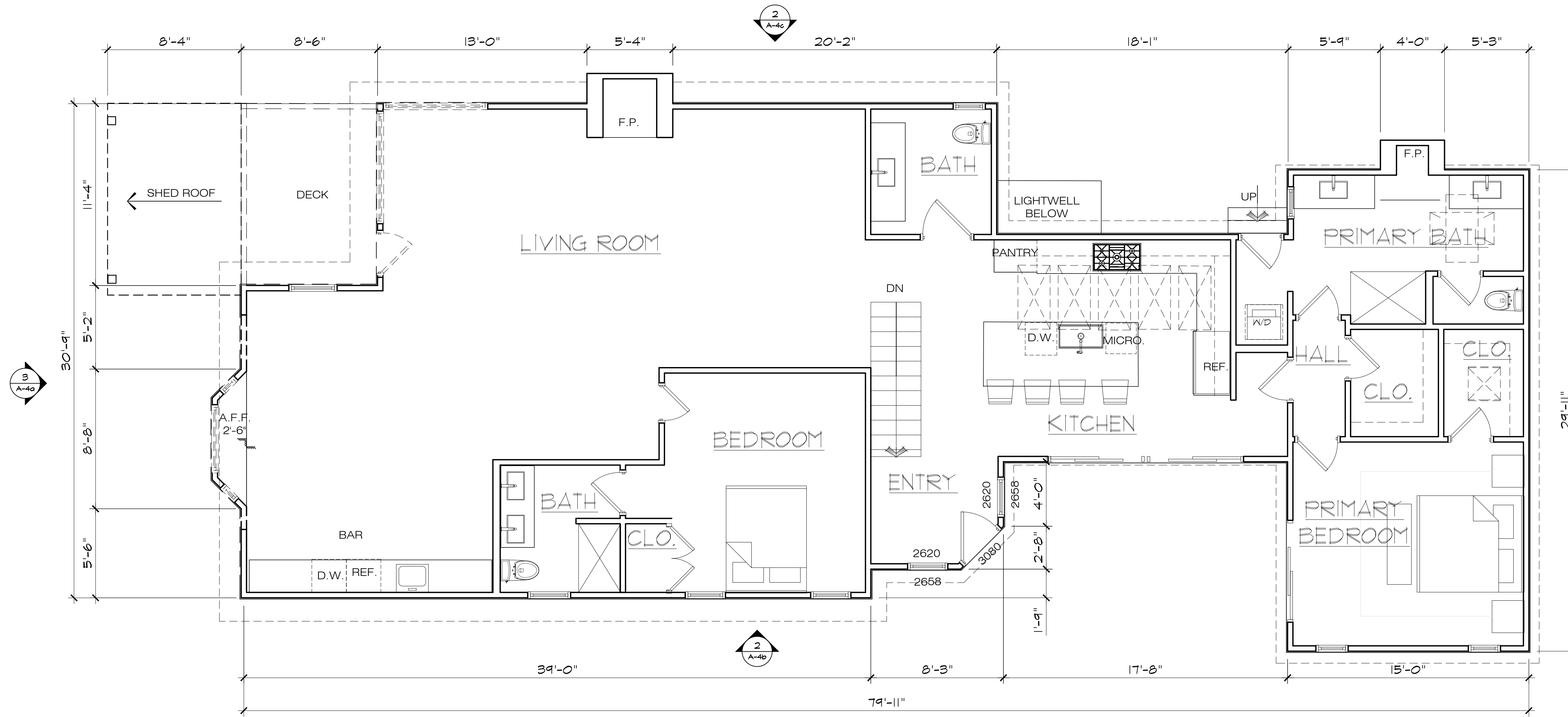
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ARCHITECT
BROWN REMODEL
 Scenic 3 SE of 12th Avenue
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 A.P.N. 010-292-011-000

CONSTRUCTION MANAGEMENT PLAN
 DATE: JAN. 6, 2025
 SCALE: 1/8" = 1'-0"
 DRAWN: K.J.L.
 JOB N: 2403

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EXISTING FLOOR PLAN

JOB NAME: **BROWN REMODEL**
Scenic 3 SE of 12th Avenue
Carmel-By-The-Sea, CA 93921
A.P.N. 010-292-011-000

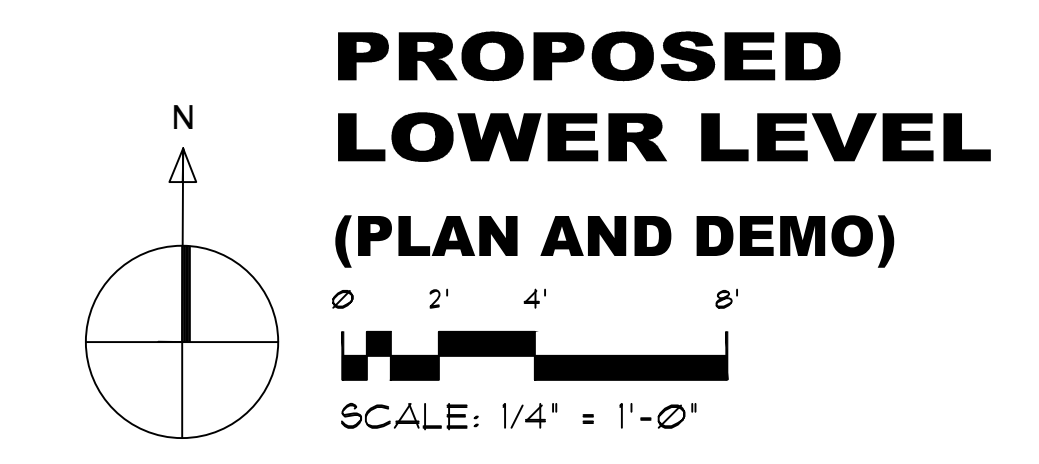
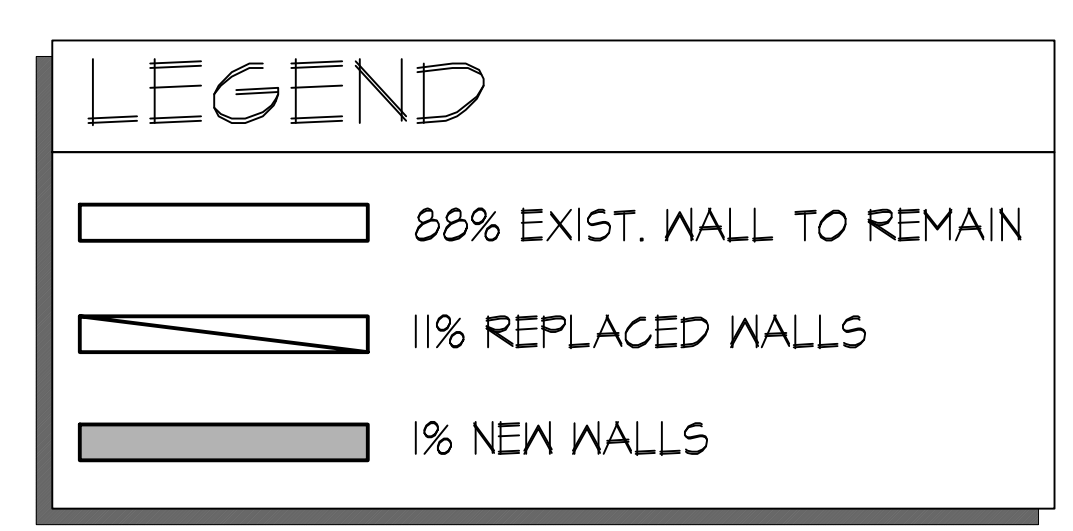
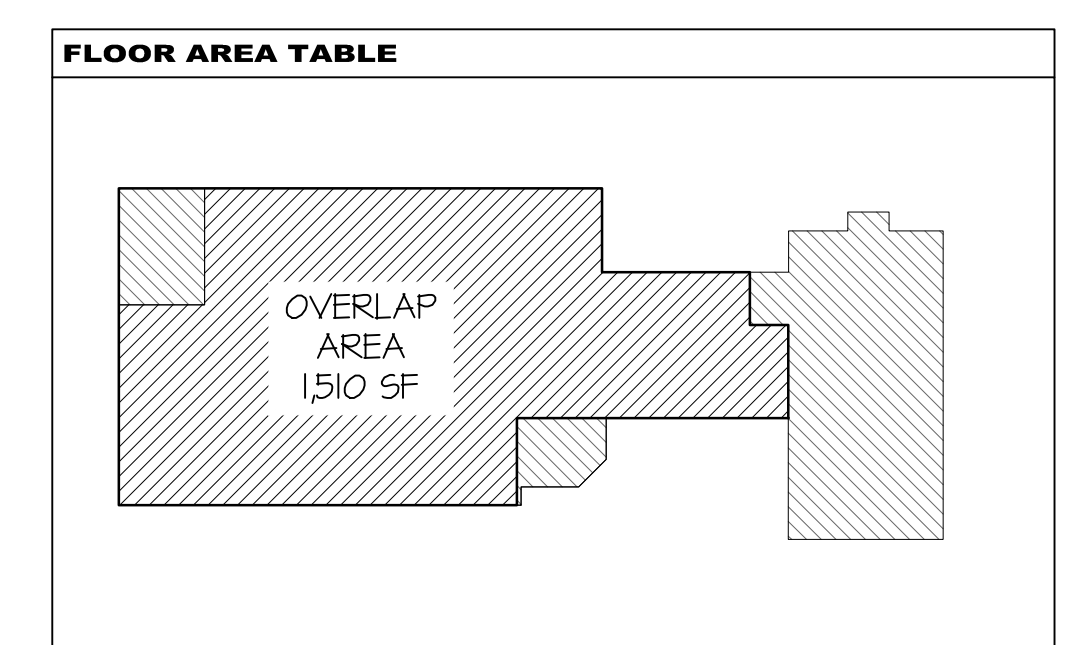
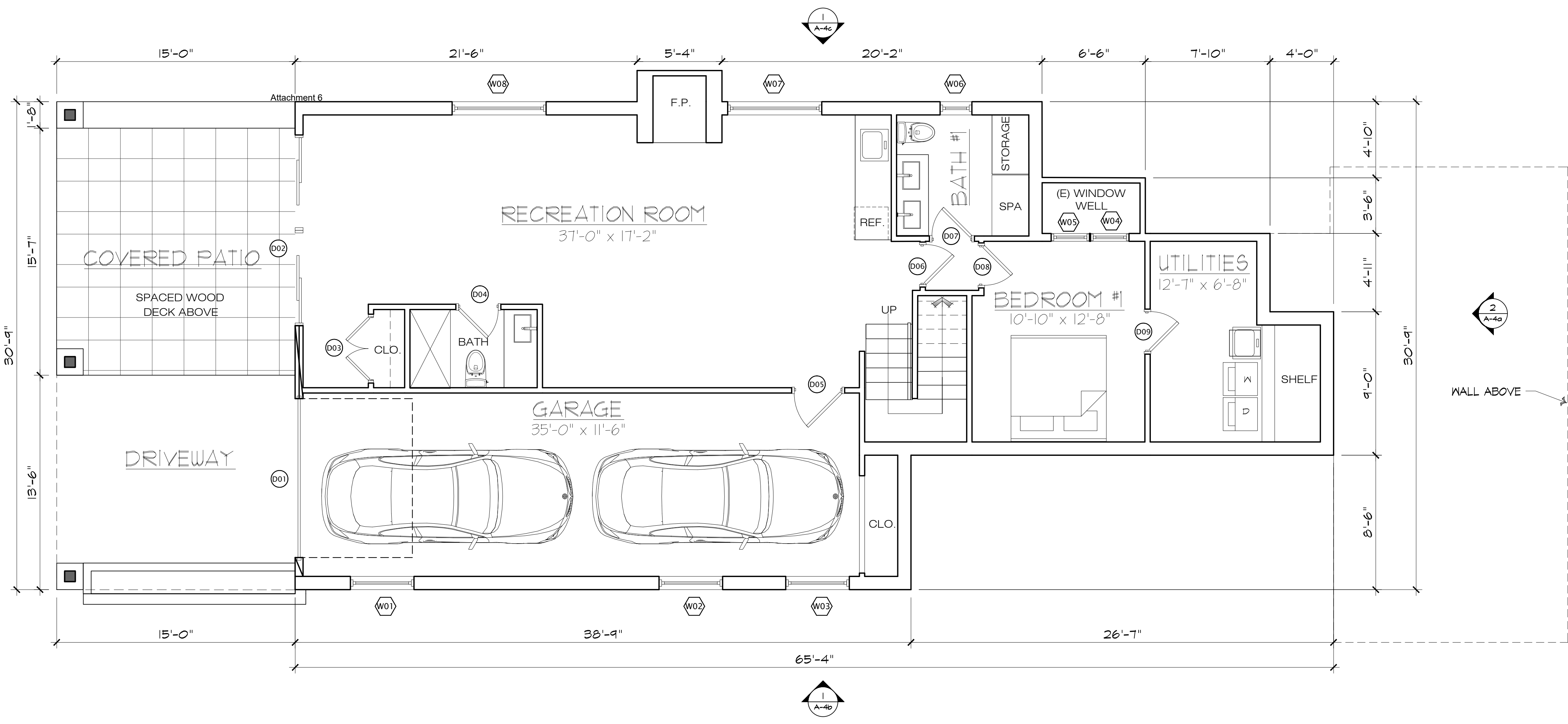
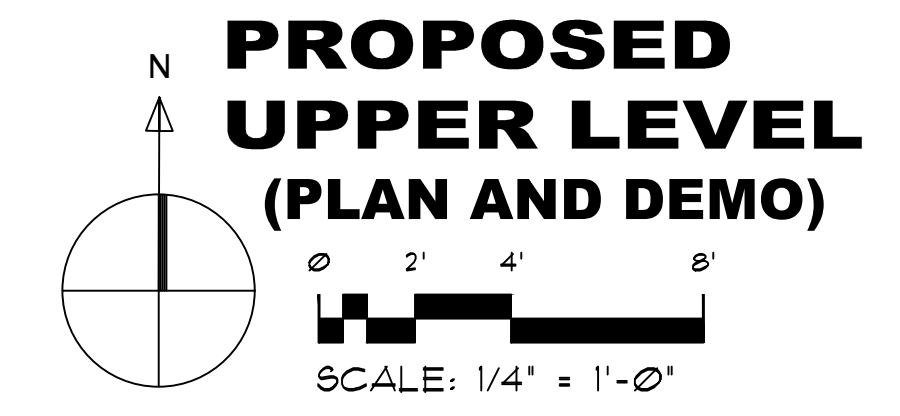
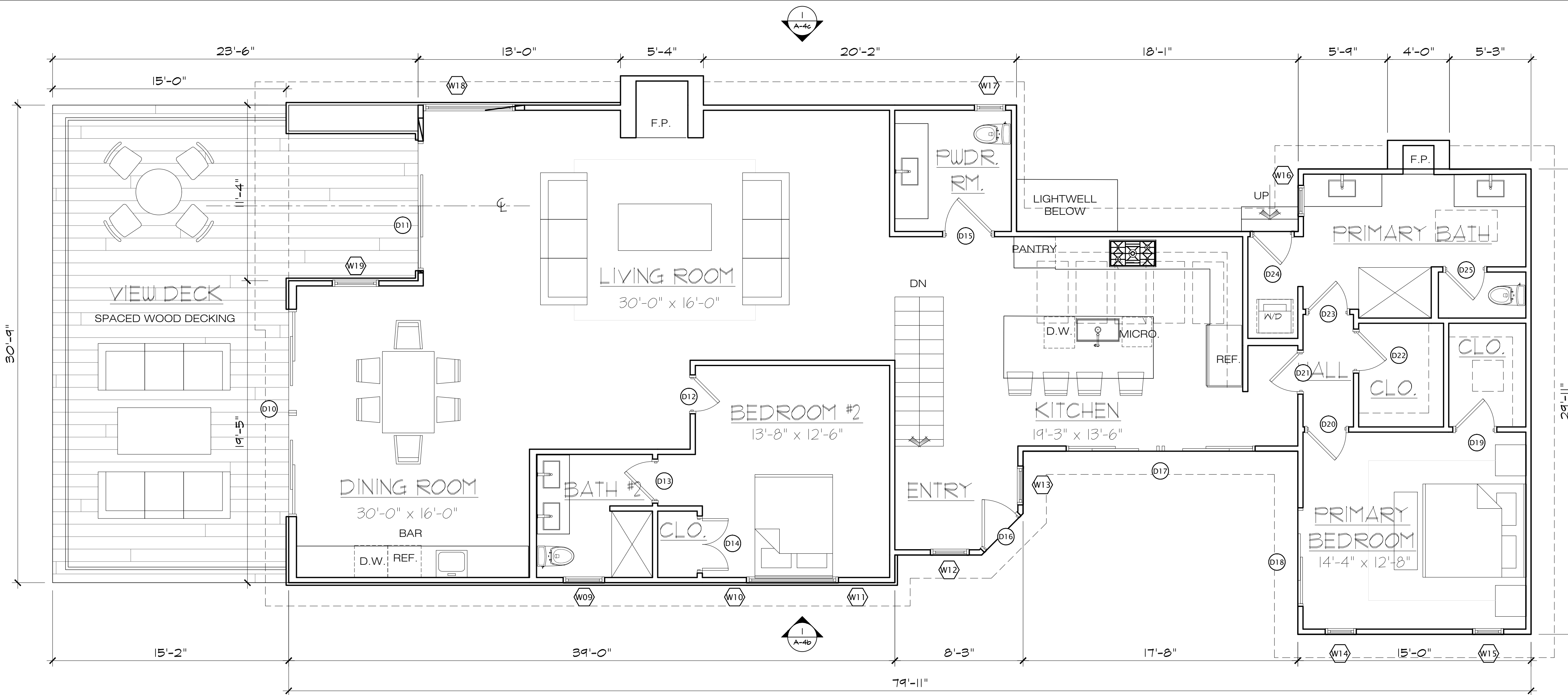
DATE: JAN. 6, 2025

SCALE: 1/4" = 1'-0"

DRAWN: K.J.L.

JOB N 2403

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PROPOSED ROOF PLAN

JOB NAME: **BROWN REMODEL**
 Scenic S SE of 12th Avenue
 Carmel-By-The-Sea, CA 93921
 A.P.N. 010-292-011-000

DATE: JAN. 6, 2025
 SCALE: 1/4" = 1'-0"
 DRAWN: K.J.L.
 JOB N: 2403

5b
 SHEET OF

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DOOR SCHEDULE

DOOR NO.	TYPE	W'-DOOR WIDTH	H'-DOOR HEIGHT	THKNS.	LOCATION	DOOR MATL.	FRAME MATL.	HEAD DETAIL	JAMB DETAIL	THRSHD. DETAIL	REMARKS
D1	A	10'-0"	8'-0"	2-1/4"	GARAGE	METAL	METAL	--	--	--	NEW GARAGE DOOR REPLACING EXISTING GARAGE DOOR. MANUFACTURER: CARRIAGE HOUSE - HUMBOLDT
D2	B	12'-0"	8'-0"	1-3/4"	COVERED PATIO	METAL	METAL	--	--	--	NEW DOUBLE SLIDER TO REPLACE EXISTING SINGLE SWING DOOR & WINDOW. MANUFACTURER: SIERRA PACIFIC
D3	F	4'-0"	6'-8"	1-3/4"	RECREATION ROOM	METAL	METAL	--	--	--	EXISTING TO REMAIN
D4	E	2'-6"	6'-8"	1-3/4"	RECREATION ROOM	METAL	METAL	--	--	--	EXISTING TO REMAIN
D5	E	3'-0"	6'-8"	1-3/4"	RECREATION ROOM	METAL	METAL	--	--	--	EXISTING TO REMAIN
D6	E	2'-6"	6'-8"	1-3/4"	RECREATION ROOM	METAL	METAL	--	--	--	EXISTING TO REMAIN
D7	E	2'-6"	6'-8"	1-3/4"	BATH #1	METAL	METAL	--	--	--	EXISTING TO REMAIN
D8	E	2'-6"	6'-8"	1-3/4"	BEDROOM #1	METAL	METAL	--	--	--	EXISTING TO REMAIN
D9	E	2'-6"	6'-8"	1-3/4"	BEDROOM #1	METAL	METAL	--	--	--	EXISTING TO REMAIN
D10	B	14'-0"	8'-0"	1-3/4"	DINING ROOM	METAL	METAL	--	--	--	NEW DOUBLE SLIDER TO REPLACE EXISTING BAY WINDOWS MANUFACTURER: SIERRA PACIFIC
D11	C	8'-0"	8'-0"	1-3/4"	LIVING ROOM	METAL	METAL	--	--	--	NEW SINGLE SLIDER TO REPLACE EXISTING SINGLE SWING DOOR & WINDOW. MANUFACTURER: SIERRA PACIFIC
D12	D	2'-6"	6'-8"	1-3/4"	BEDROOM #2	METAL	METAL	--	--	--	EXISTING TO REMAIN
D13	D	2'-6"	6'-8"	1-3/4"	BEDROOM #2	METAL	METAL	--	--	--	EXISTING TO REMAIN
D14	F	4'-0"	8'-0"	1-3/4"	BEDROOM #2	METAL	METAL	--	--	--	EXISTING TO REMAIN
D15	E	3'-0"	6'-8"	1-3/4"	POWDER ROOM	METAL	METAL	--	--	--	EXISTING TO REMAIN
D16	F	3'-0"	8'-0"	1-3/4"	ENTRY	METAL	METAL	--	--	--	EXISTING TO REMAIN
D17	F	12'-0"	7'-6"	1-3/4"	KITCHEN	METAL	METAL	--	--	--	EXISTING TO REMAIN
D18	B	6'-0"	6'-8"	1-3/4"	PRIMARY BEDROOM	METAL	METAL	--	--	--	EXISTING TO REMAIN
D19	E	2'-10"	6'-8"	1-3/4"	PRIMARY BEDROOM	METAL	METAL	--	--	--	EXISTING TO REMAIN
D20	H	2'-10"	6'-8"	1-3/4"	PRIMARY BEDROOM	METAL	METAL	--	--	--	EXISTING TO REMAIN
D21	E	2'-10"	6'-8"	1-3/4"	HALL	METAL	METAL	--	--	--	EXISTING TO REMAIN
D22	B	2'-10"	6'-8"	1-3/4"	HALLWAY CLOSET	METAL	METAL	--	--	--	EXISTING TO REMAIN
D23	E	2'-10"	6'-8"	1-3/4"	PRIMARY BATH	METAL	METAL	--	--	--	EXISTING TO REMAIN
D24	E	2'-10"	6'-8"	1-3/4"	PRIMARY BATH	METAL	METAL	--	--	--	EXISTING TO REMAIN
D25	E	2'-10"	6'-8"	1-3/4"	PRIMARY BATH	METAL	METAL	--	--	--	EXISTING TO REMAIN

WINDOW SCHEDULE

WIDW NO.	TYPE	SIZE W' WIDTH	SIZE H' HEIGHT	HEAD HEIGHT	GLAZING	SAFETY GLAZING	OPERATING STYLE	FRAME MATL.	HEAD DETAIL	JAMB DETAIL	SILL DETAIL	MULLION DETAIL	LOCATION	REMARKS
W1	A	4'-0"	3'-0"	EXIST. (V.I.F.)	DOUBLE	--	CASEMENT	METAL	--	--	--	--	GARAGE	EXISTING TO REMAIN
W2	A	4'-0"	3'-0"	EXIST. (V.I.F.)	DOUBLE	--	CASEMENT	METAL	--	--	--	--	GARAGE	EXISTING TO REMAIN
W3	A	4'-0"	3'-0"	EXIST. (V.I.F.)	DOUBLE	--	CASEMENT	METAL	--	--	--	--	GARAGE	EXISTING TO REMAIN
W4	A	2'-5"	5'-0"	EXIST. (V.I.F.)	DOUBLE	--	CASEMENT	METAL	--	--	--	--	BEDROOM #1	EXISTING TO REMAIN
W5	A	2'-5"	5'-0"	EXIST. (V.I.F.)	DOUBLE	--	CASEMENT	METAL	--	--	--	--	BEDROOM #1	EXISTING TO REMAIN
W6	A	2'-0"	4'-0"	EXIST. (V.I.F.)	DOUBLE	--	CASEMENT	METAL	--	--	--	--	BATH #1	EXISTING TO REMAIN
W7	A	5'-11"	4'-0"	EXIST. (V.I.F.)	DOUBLE	Attachment 8	CASEMENT	METAL	--	--	--	--	RECREATION ROOM	EXISTING TO REMAIN
W8	A	5'-11"	4'-0"	EXIST. (V.I.F.)	DOUBLE	--	CASEMENT	METAL	--	--	--	--	RECREATION ROOM	EXISTING TO REMAIN
W9	A	2'-8"	4'-0"	EXIST. (V.I.F.)	DOUBLE	--	CASEMENT	METAL	--	--	--	--	BATH #2	EXISTING TO REMAIN
W10	A	2'-6"	4'-0"	EXIST. (V.I.F.)	DOUBLE	--	CASEMENT	METAL	--	--	--	--	BEDROOM #2	EXISTING TO REMAIN
W11	A	2'-6"	4'-0"	EXIST. (V.I.F.)	DOUBLE	--	CASEMENT	METAL	--	--	--	--	BEDROOM #2	EXISTING TO REMAIN
W12	A	2'-6"	5'-8"	EXIST. (V.I.F.)	DOUBLE	--	CASEMENT	METAL	--	--	--	--	ENTRY	EXISTING TO REMAIN
W13	A	2'-6"	5'-8"	EXIST. (V.I.F.)	DOUBLE	--	CASEMENT	METAL	--	--	--	--	ENTRY	EXISTING TO REMAIN
W14	A	2'-0"	2'-0"	EXIST. (V.I.F.)	DOUBLE	--	CASEMENT	METAL	--	--	--	--	PRIMARY BEDROOM	EXISTING TO REMAIN
W15	A	2'-0"	2'-0"	EXIST. (V.I.F.)	DOUBLE	--	CASEMENT	METAL	--	--	--	--	PRIMARY BEDROOM	EXISTING TO REMAIN
W16	A	2'-0"	4'-8"	EXIST. (V.I.F.)	DOUBLE	--	CASEMENT	METAL	--	--	--	--	PRIMARY BATH	EXISTING TO REMAIN
W17	A	2'-0"	2'-0"	EXIST. (V.I.F.)	DOUBLE	--	CASEMENT	METAL	--	--	--	--	POWDER ROOM	EXISTING TO REMAIN
W18	A	6'-6"	4'-0"	EXIST. (V.I.F.)	DOUBLE	--	CASEMENT	METAL	--	--	--	--	LIVING ROOM	NEW WINDOW IN EXIST. OPENING (V.I.F.) MANUFACTURER: SIERRA PACIFIC
W19	A	3'-0"	4'-0"	EXIST. (V.I.F.)	DOUBLE	--	CASEMENT	METAL	--	--	--	--	DINING ROOM	EXISTING TO REMAIN

WINDOW NOTES

ALL WINDOWS SHALL COMPLY WITH THE FOLLOWING (U.O.N.):

- EGRESS WINDOWS SHALL HAVE A MINIMUM NET CLEAR OPENING OF 24 INCHES IN HEIGHT, 20 INCHES IN WIDTH, 5.7 SF. IN AREA, AND A SILL HEIGHT NOT MORE THAN 44" A.F.F. PER CRC SECTION R310.1.
- WOOD CLAD WINDOWS WITH STAIN GRADE INTERIORS - COLORS TO BE SELECTED BY OWNER.
- ALL GLAZING SUBJECT TO HUMAN IMPACT SHALL COMPLY WITH CRC SECTION R308.3. ALL SAFETY GLAZING IN HAZARDOUS LOCATIONS SHALL COMPLY WITH CRC SECTION R308.4.
- SEE WINDOW TYPES THIS SHEET FOR OPERABLE PORTIONS OF WINDOWS AND TO VERIFY NATURAL VENTILATION PER CRC SEC. R303.1 AND EGRESS PER CRC SEC. R310.
- ALL WINDOW GLAZING SHALL BE LOW-E, DOUBLE GLAZED U.O.N.
- ALL EXTERIOR OPENINGS SHALL PROVIDE NATURAL LIGHTING, IN HABITABLE ROOMS, WITH AN AREA OF NOT LESS THAN 8% OF ROOM FLOOR AREA PER CRC SEC. R303.1, AND NATURAL VENTILATION WITH AN AREA OF NOT LESS THAN 4% OF ROOM FLOOR AREA PER CRC SECTION 303.1.
- TEMPERED SAFETY GLAZING:
 - IS REQUIRED WHERE THE NEAREST EDGE OF GLAZING IS WITHIN A 24-INCH ARC OF EITHER SIDE OF A DOOR IN A CLOSED POSITION (UNLESS THERE IS AN INTERVENING WALL BETWEEN THE DOOR AND THE GLAZING, OR IF THE GLAZING IS 5' OR HIGHER ABOVE THE WALKING SURFACE).
 - GLAZING GREATER THAN 9 SQUARE FEET WITH THE BOTTOM EDGE LESS THAN 18" ABOVE THE FLOOR AND THE TOP EDGE GREATER THAN 36" ABOVE THE FLOOR (UNLESS THE GLAZING IS MORE THAN 36" HORIZONTALLY AWAY FROM THE WALKING SURFACES OR IF A COMPLYING PROTECTIVE BAR IS INSTALLED).
 - GLAZING IN SHOWER AND TUB ENCLOSURES (LESS THAN 60" ABOVE STANDING SURFACE).
 - GLAZING ADJACENT TO STAIRWAYS, LANDINGS & RAMPS WITHIN 36" HORIZONTALLY OF A WALKING SURFACE WHEN THE GLAZING IS LESS THAN 60" ABOVE THE PLANE OF THE ADJACENT WALKING SURFACE.
 - WINDOWS IN BATHROOMS ARE TEMPERED IF LESS THAN 60" HORIZONTAL OR VERTICAL FROM STANDING SURFACE OF TUB AND/OR SHOWER. [CRC SECTION 308.4.5]
- ALL DOORS AND WINDOWS SHALL BE WARRANTED FOR USE IN A COASTAL ENVIRONMENT WITHIN ONE MILE OF THE COAST.
- SEE PLANS, ELEVATIONS AND WINDOW DETAILS FOR ADDITIONAL INFORMATION.

DOOR NOTES

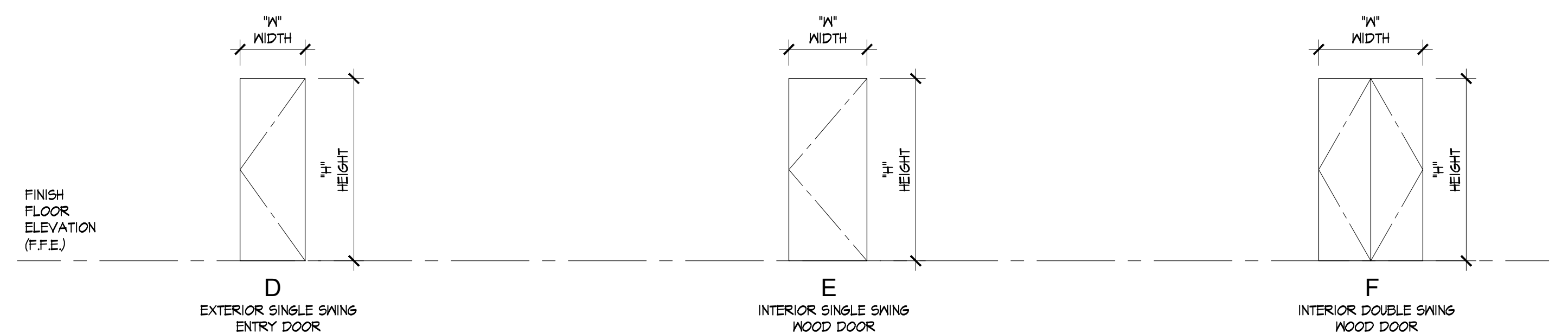
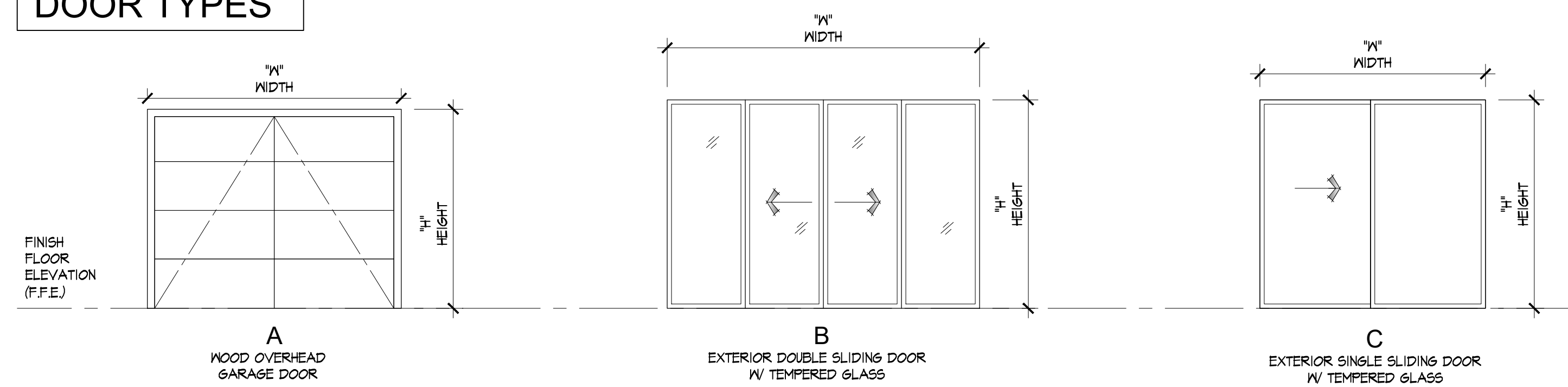
ALL DOORS SHALL COMPLY WITH THE FOLLOWING, UNLESS OTHERWISE NOTED (U.O.N.):

- SHALL BE 2'-0" X 6'-8" MINIMUM.
- SHALL HAVE HARDWARE MOUNTED 30" TO 44" ABOVE FINISH FLOOR.
- EXTERIOR THRESHOLD SHALL HAVE MAXIMUM HEIGHT OF 3/4" ABOVE FINISH FLOOR, EGRESS DOORS TO HAVE A MAX. HEIGHT OF 1/2" A.F.F.
- PROVIDE (2) PAIR, 4-1/2" X 4-1/2" BUTTS ON ALL DOORS.
- ALL HARDWARE TO BE ROCKY MOUNTAIN OR EQUIVALENT, SELECTED BY OWNER.
- ALL EXTERIOR DOORS TO BE WEATHER-STRIPPED.
- ALL FIRE-RATED DOORS SHALL HAVE FIRE-RESISTANCE RATING OF 20 MINUTES, PEMKO 588D (OR EQUIVALENT) SMOKE SEALS AND SHALL BE TIGHT-FITTING, SELF-CLOSING, AND SELF-LATCHING.
- ALL WOOD DOORS SHALL BE SOLID CORE.
- ALL DOOR GLAZING TO BE TEMPERED.
- ALL HINGED SHOWER DOORS SHALL OPEN OUTWARD PER CBC SECTION 1B4A.6.1 AND SHALL BE SAFETY GLAZING, PER CBC 2406.4.5.
- REQUIRED NATURAL LIGHT FOR SPACES INTENDED FOR HUMAN OCCUPANCY SHALL HAVE GLAZED OPENINGS WITH AN AREA NOT LESS THAN 8% OF ROOM FLOOR AREA.
- REQUIRED NATURAL VENT FOR SPACES INTENDED FOR HUMAN OCCUPANCY SHALL HAVE AREA OF OPENINGS NOT LESS THAN 4% OF AREAS BEING VENTED.

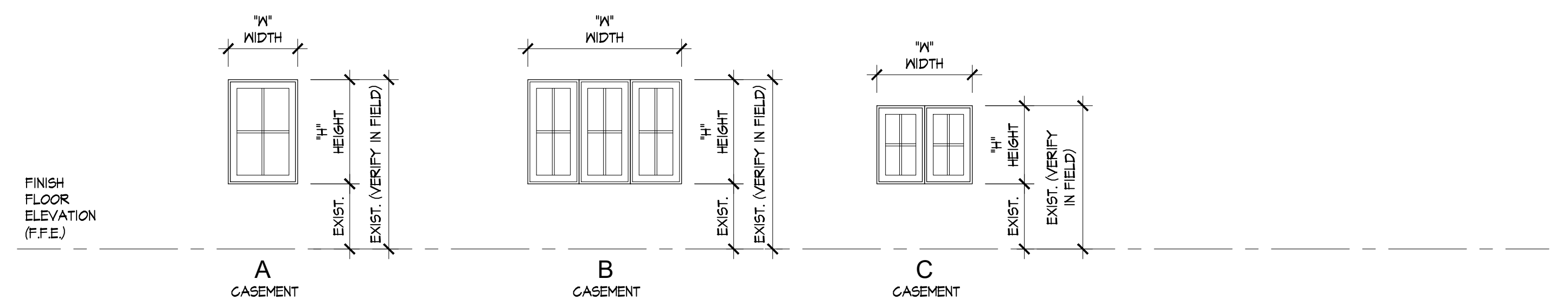
MANUFACTURER

- DOOR MANUFACTURER SHALL BE SIERRA PACIFIC
- GARAGE DOOR MANUFACTURER SHALL BE CARRIAGE HOUSE - MODEL: HUMBOLDT - GALVANIZED STEEL

DOOR TYPES



WINDOW TYPES



MANUFACTURER

- WINDOW MANUFACTURER SHALL BE SIERRA PACIFIC WINDOWS - CLAD: 001 - WHITE

REVISION	No.

CONSULTANT:

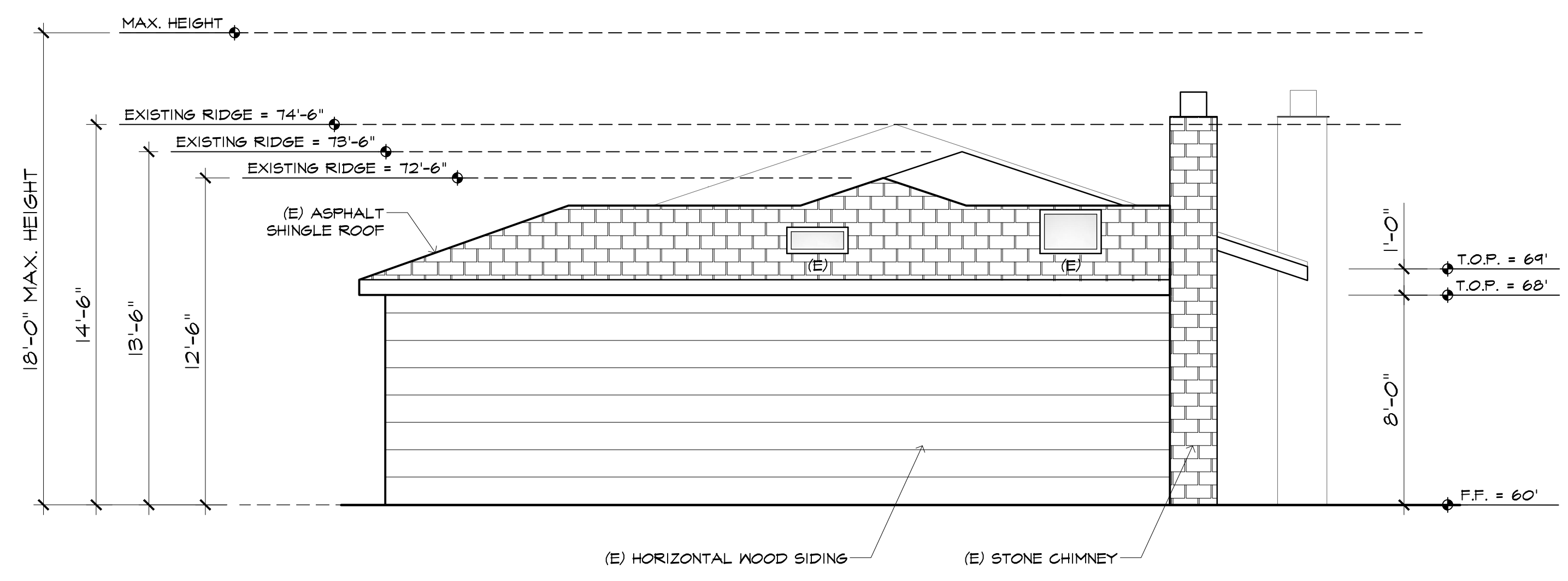
ERIC MILLER ARCHITECTS, INC.
 211 HOFFMAN AVENUE
 MONTEREY, CA 93940
 PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com

ARCHITECT

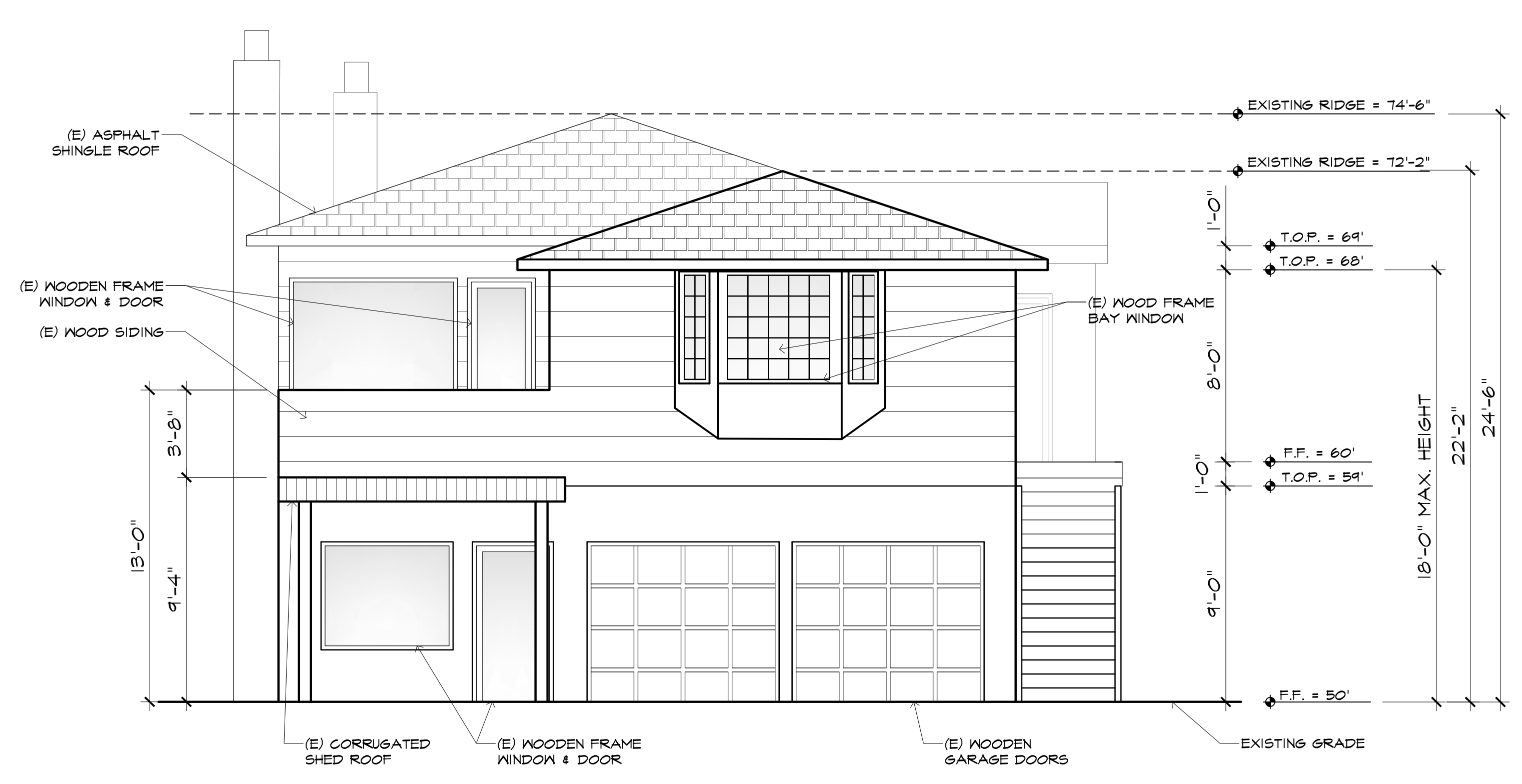
DOOR & WINDOW SCHEDULES
 JOB NAME: **BROWN REMODEL**
 Scenic 3 SE of 12th Avenue
 Carmel-By-The-Sea, CA 95021
 A.P.N. 010-242-011-000

DATE:	JAN. 6, 2025
SCALE:	1/4" = 1'-0"
DRAWN:	KJL
JOB N	2403

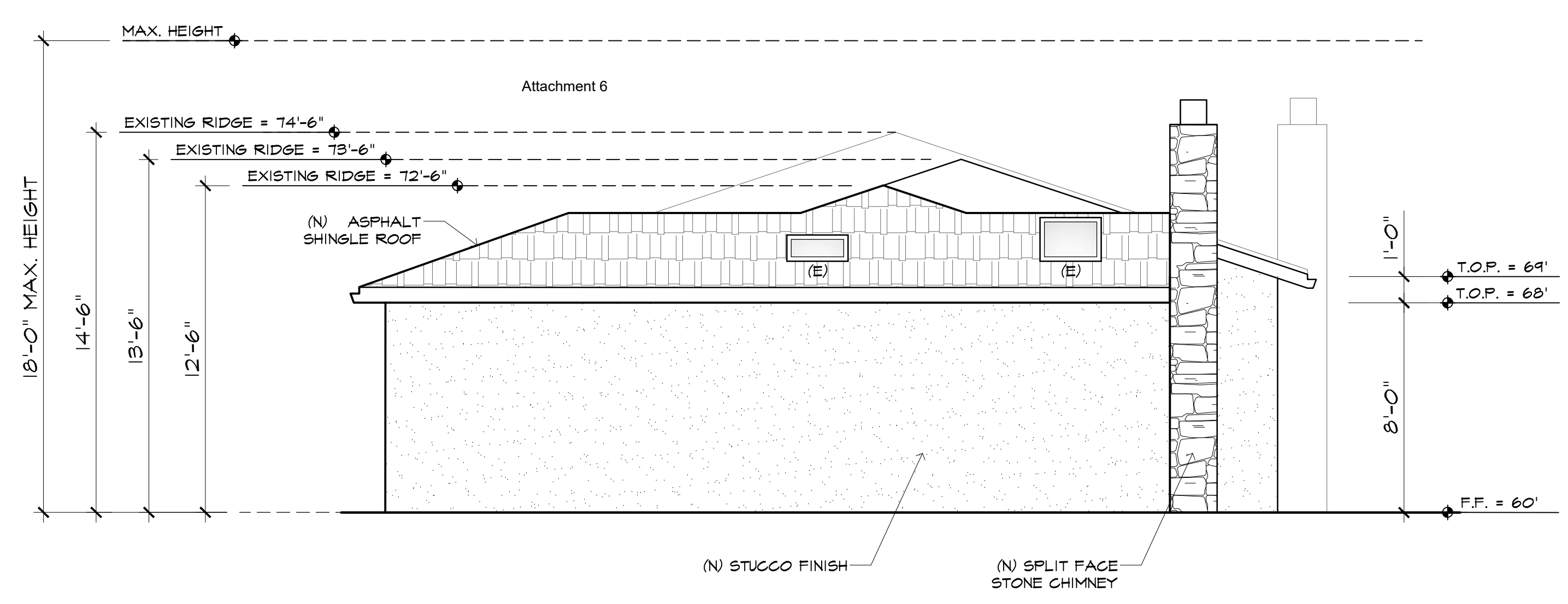
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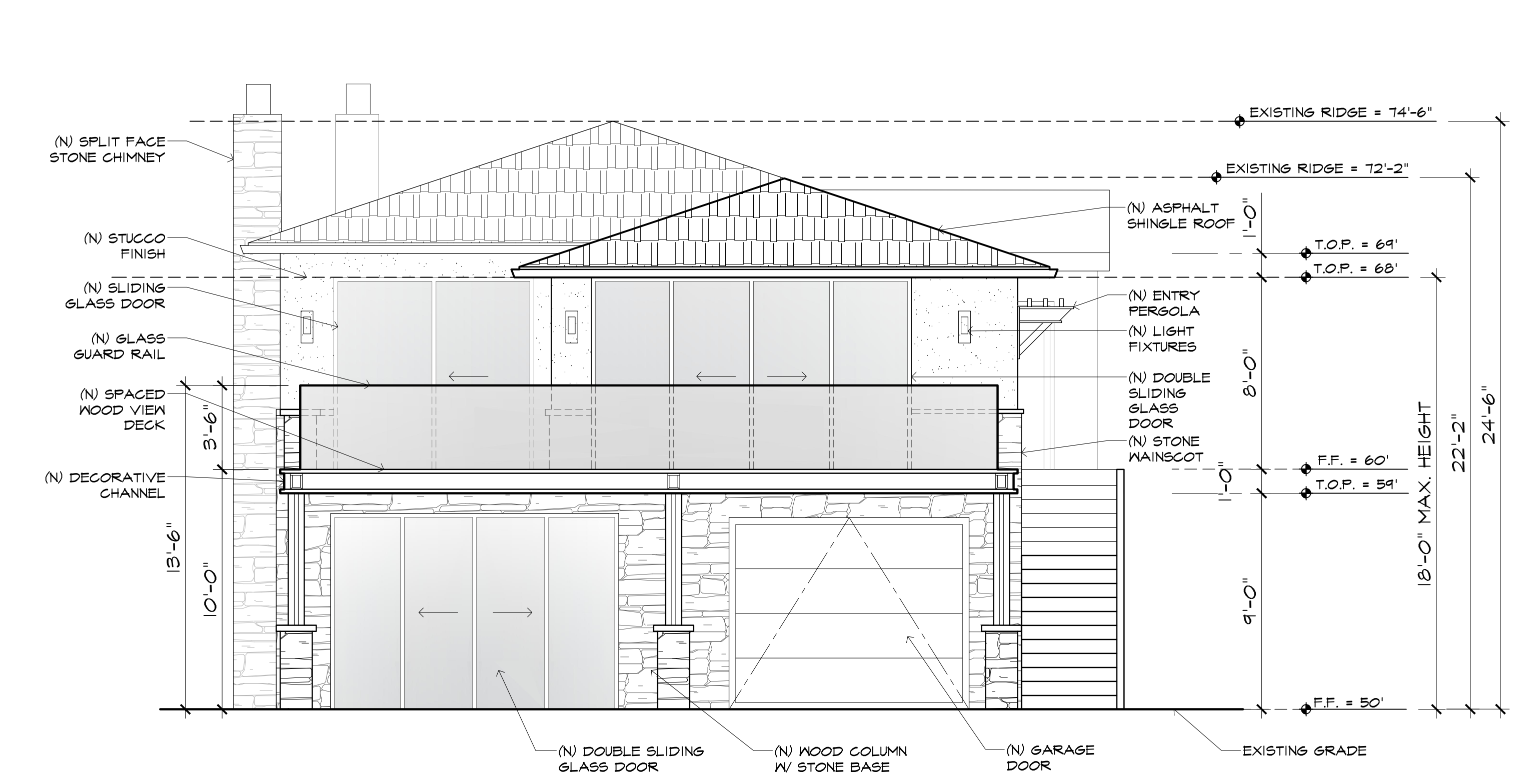
4 EXISTING EAST ELEVATION
 SCALE: 1/4" = 1'-0"



3 EXISTING WEST ELEVATION
 SCALE: 1/4" = 1'-0"



2 PROPOSED EAST ELEVATION
 SCALE: 1/4" = 1'-0"



1 PROPOSED WEST ELEVATION
 SCALE: 1/4" = 1'-0"

REVISION	No.

CONSULTANT:

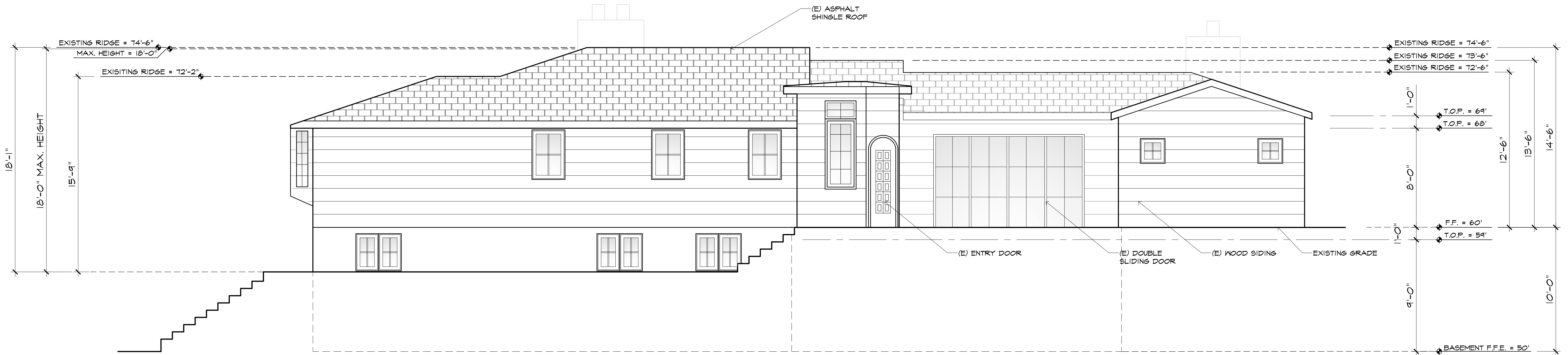
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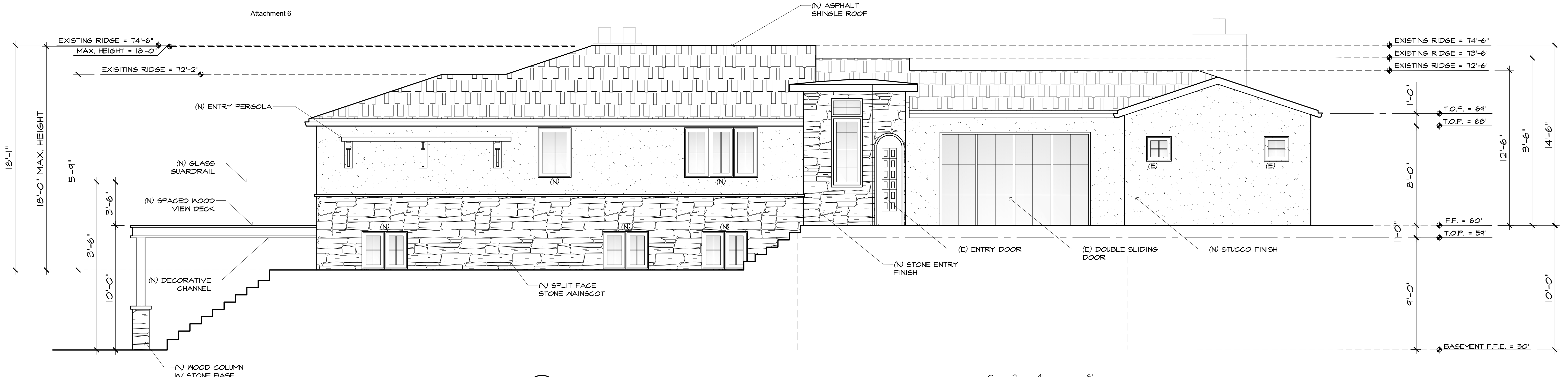
BROWN REMODEL
 Scenic 3 SE of 12th Avenue
 Carmel-By-The-Sea, CA 93921
 A.P.N. 010-292-011-000

DATE: JAN. 6, 2025
 SCALE: 1/4" = 1'-0"
 DRAWN: MMO, K.L.
 JOB N: 2403

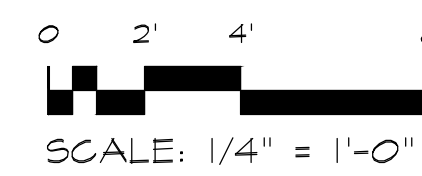
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2 EXISTING SOUTH ELEVATION



1 PROPOSED SOUTH ELEVATION



NOTE: EXISTING DOORS & WINDOWS TO REMAIN.

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CONSULTANT:

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EXTERIOR ELEVATIONS

JOB NAME: **BROWN REMODEL**
 Scenic S SE of 12th Avenue
 Carmel-By-The-Sea, CA 93921
 A.P.N. 010-292-011-000

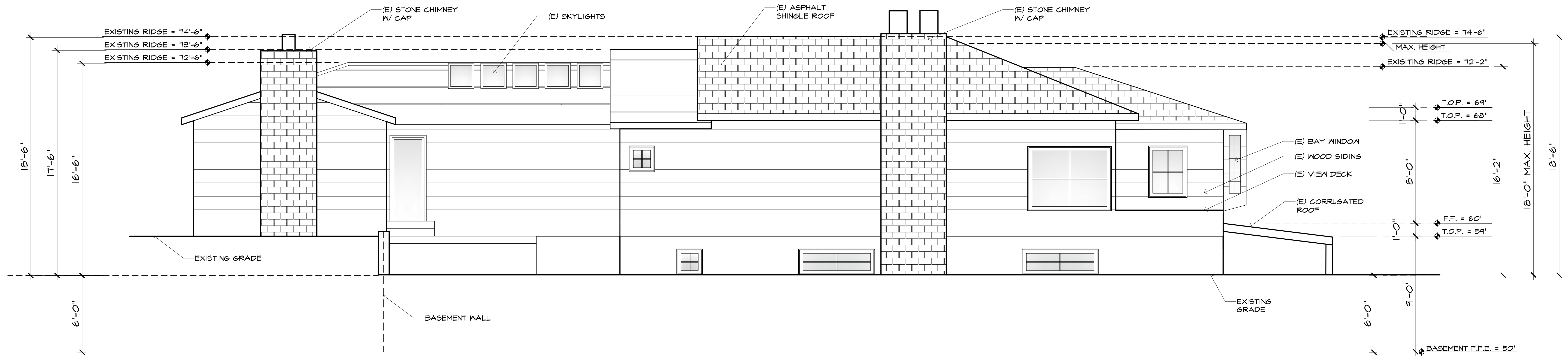
DATE: JAN. 6, 2025

SCALE: 1/4" = 1'-0"

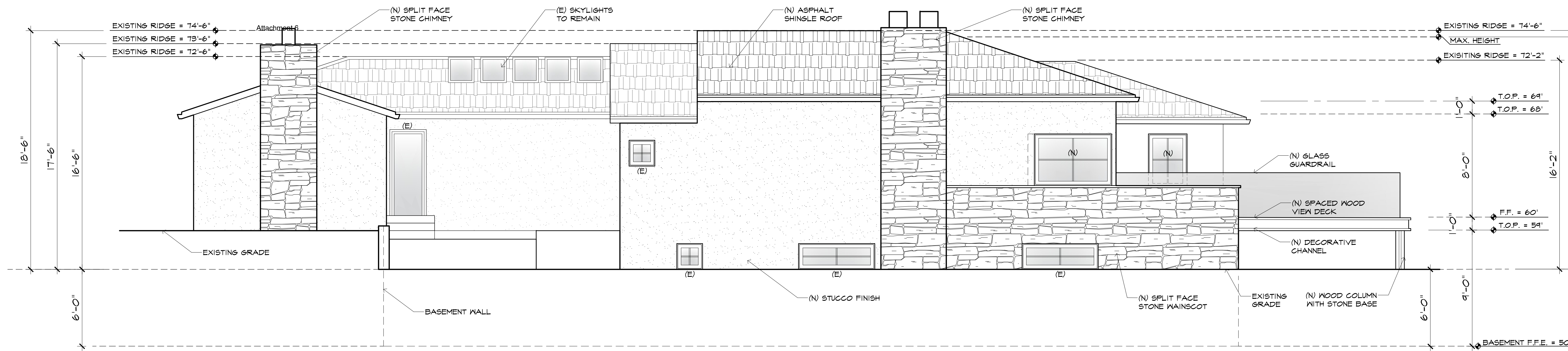
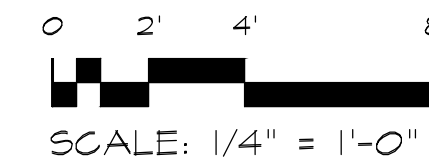
DRAWN: MMO, K.J.L.

JOB N 2403

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2 EXISTING NORTH ELEVATION



1 PROPOSED NORTH ELEVATION



NOTE: EXISTING DOORS & WINDOWS TO REMAIN UNLESS OTHERWISE NOTED.

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CONSULTANT:

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ARCHITECT

EXTERIOR ELEVATIONS

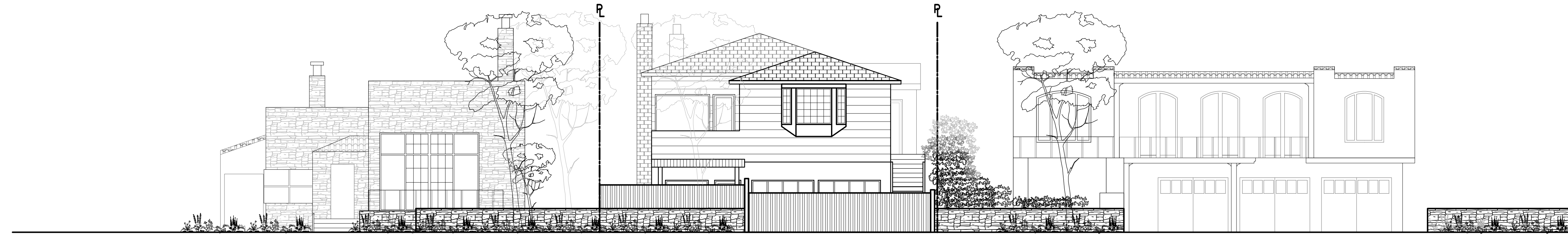
JOB NAME: **BROWN REMODEL**
 Scenic S SE of 12th Avenue
 Carmel-By-The-Sea, CA 93921
 A.P.N. 010-292-011-000

DATE: JAN. 6, 2025

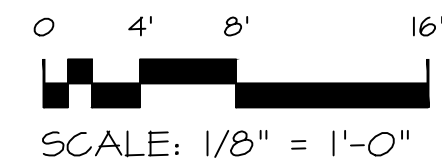
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DRAWN: MMO, K.J.L.

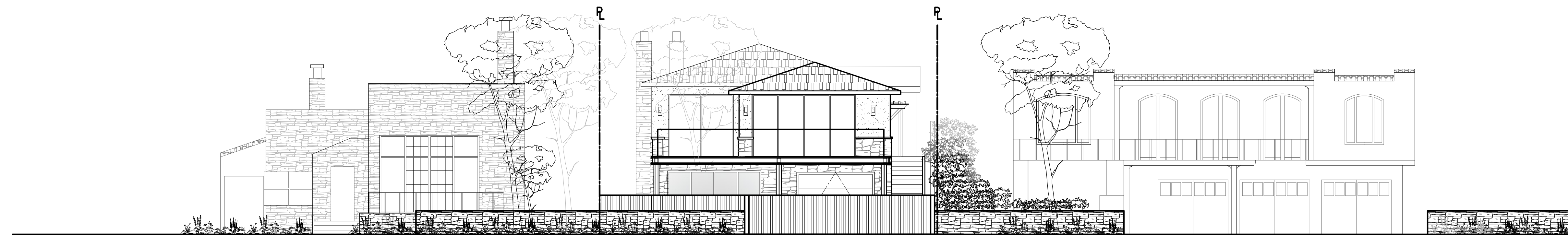
JOB N 2403



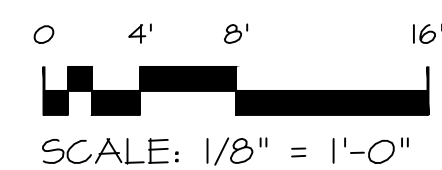
2 EXISTING STREET ELEVATION



Attachment 6



1 PROPOSED STREET ELEVATION



REVISION	No.

CONSULTANT:

ARCHITECT
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STREET ELEVATIONS

JOB NAME: **BROWN REMODEL**
 Scenic 3 SE of 12th Avenue
 Carmel-By-The-Sea, CA 95021
 A.P.N. 010-242-011-000

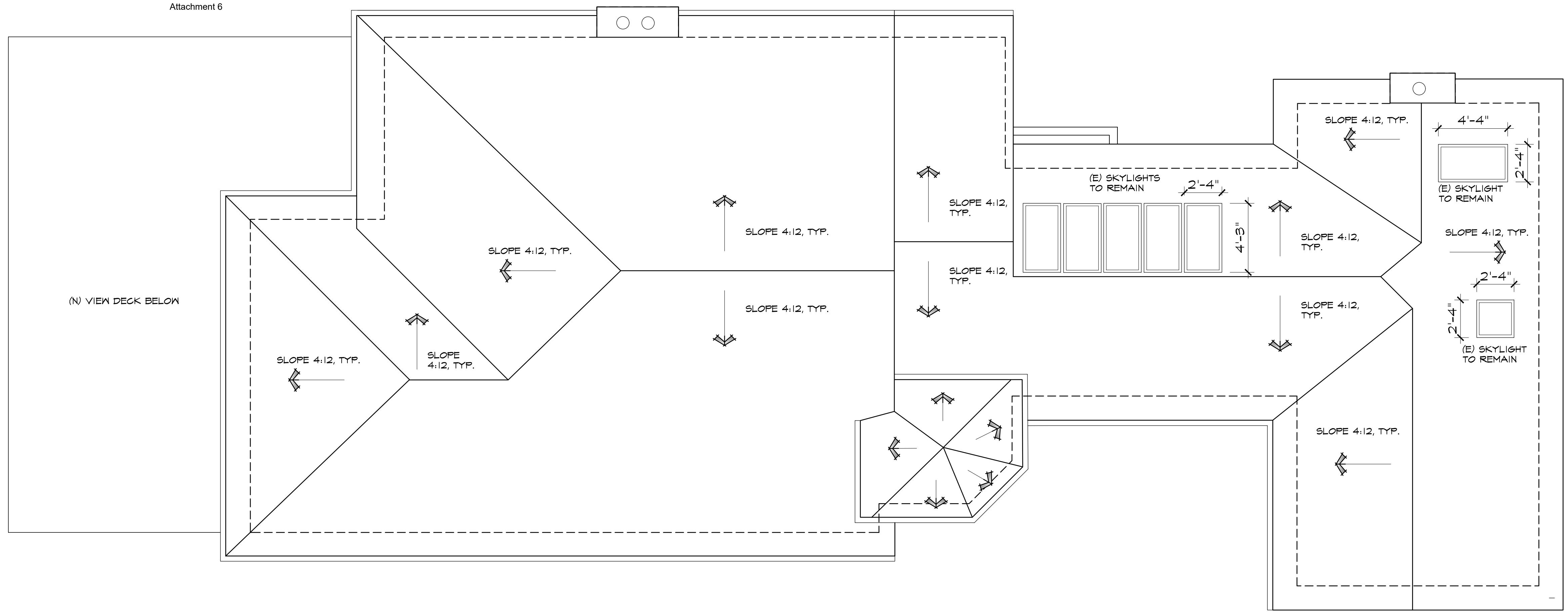
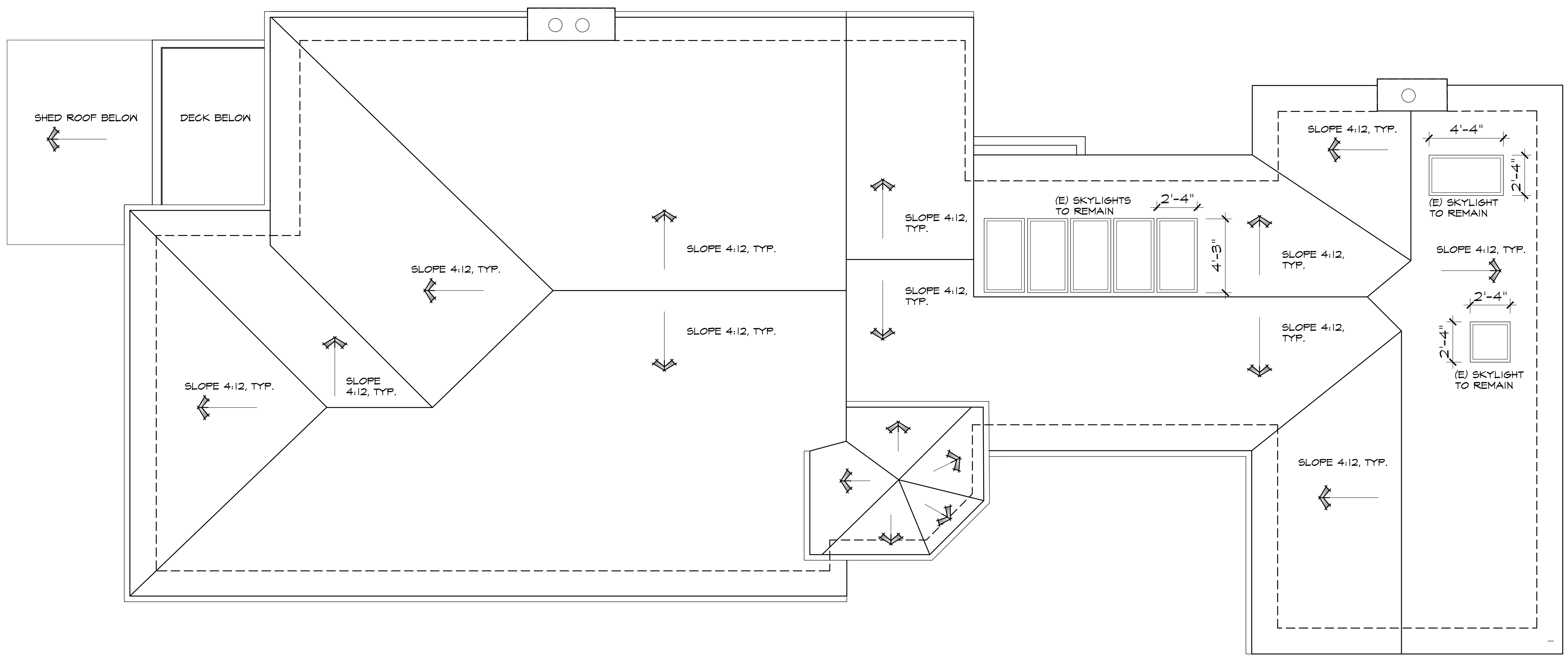
DATE: JAN. 6, 2025

SCALE: 1/8"=1'-0"

DRAWN: M.M., K.L.

JOB N 2403

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Attachment 6

REVISION	No.

CONSULTANT:

ARCHITECT
ERIC MILLER ARCHITECTS, INC.
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PROPOSED ROOF PLAN

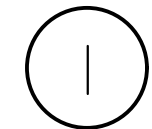
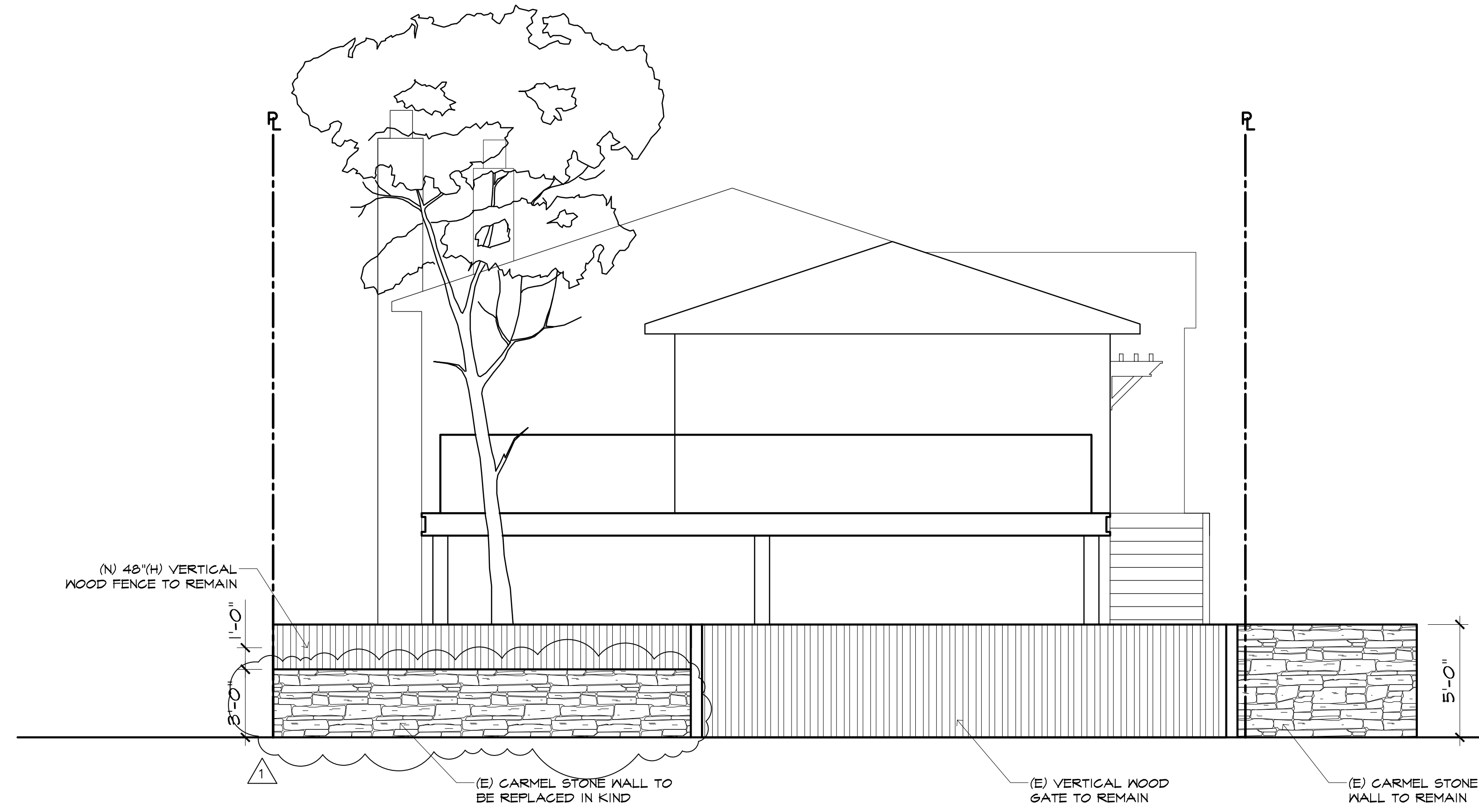
JOB NAME: **BROWN REMODEL**
 Scenic S SE of 12th Avenue
 Carmel-By-The-Sea, CA 93921
 A.P.N. 010-292-011-000

DATE: JAN. 6, 2025
 SCALE: 1/4" = 1'-0"
 DRAWN: K.J.L.
 JOB N: 2403

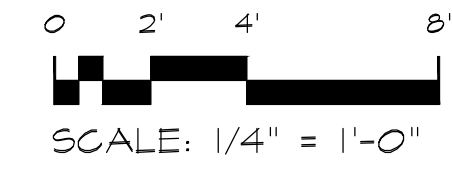
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 SHEET OF

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Attachment 6



EXISTING FENCE / GATE ELEVATION



REVISION	No.
REVISION #1 2/11/2025	1

CONSULTANT:

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FENCE / GATE ELEVATION

JOB NAME: **BROWN REMODEL**
 Scenic S SE of 12th Avenue
 Carmel-By-The-Sea, CA 93921
 A.P.N. 010-292-011-000

DATE: JAN. 6, 2025
 SCALE: 1/4" = 1'-0"
 DRAWN: MMO, K.J.L.
 JOB N: 2403

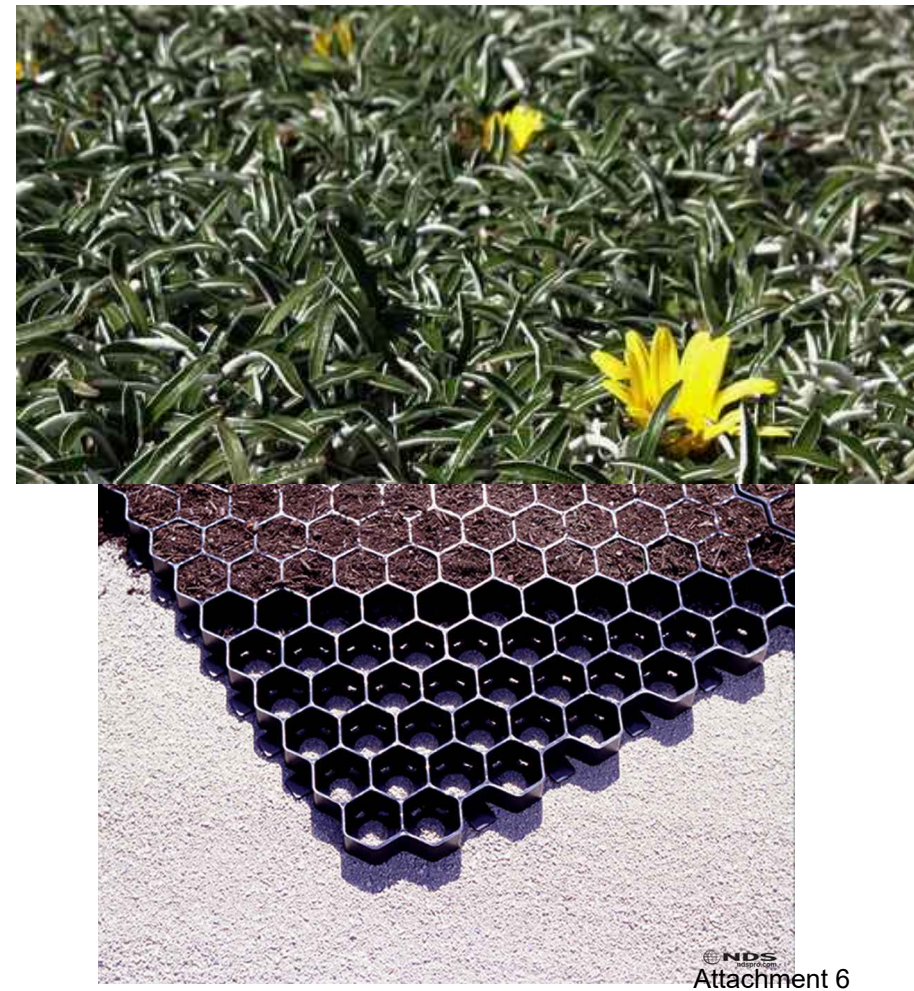
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FINISH : FOGGY WHARF
MANUFACTURER : TRESPA

11 SPACED DECKING



TYPE: SILVER CARPET; DYMONDIA MARGARETAE
W/ GRASS ROAD PAVER
MANUFACTURER : NDS TUFFTRACK GRASS PAVER

12 DRIVABLE DYMONDIA



FINISH : GLASS
MANUFACTURER : CUSTOM

13 DECK GUARD RAIL



SLIDER COLOR: WHITE
MANUFACTURER : AWAKE 905 SERIES

WINDOW COLOR: WHITE
MANUFACTURER : SIERRA PACIFIC WINDOWS

8 WINDOW & DOORS



MODEL : ATLANTIS MEDIUM
LAMP: 15 WATT
MANUFACTURER : HINKLEY
TITLE 24 & DARK SKY COMPLIANT



MODEL : LEDGE OUTDOOR
LAMP: 11.5 WATT
MANUFACTURER : MODERN FORMS
TITLE 24 & DARK SKY COMPLIANT

9 EXTERIOR WALL LIGHTS



18" MAX. HT.
15 WATT MAX. @ 10'
MIN O.C.
MANUFACTURER : FX LUMINAIRE



ELM
ARCHITECTURAL
LED STEP LIGHT
MANUFACTURER : ALCON

10 SITE LIGHT



BLACK METAL FASCIA GUTTERS W/ PAINTED DOWNSPOUTS

5 GUTTERS



MODEL: HUMBOLDT
SPEC: GALVANIZED STEEL
MANUFACTURER : CARRIAGE HOUSE DOOR COMPANY

6 GARAGE DOOR SAMPLE



PALOMINA BLEND - NATURAL STONE

7 STONE WALL



COLOR: WEATHERED CEDAR
STYLE: PRESIDENTIAL SHAKE
MANUFACTURER: CERTAINTEED ROOFING

1 ASPHALT SHINGLE



COLOR: VERONA
MANUFACTURER: BASALITE - ITALIAN RENAISSANCE

2 DRIVE & WALKWAY PAVING



MANUFACTURER: BENJAMIN MOORE
COLOR: SWISS COFFEE
FINISH: SMOOTH

4 PAINT

REVISION	No.

CONSULTANT:


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 211 HOFFMAN AVENUE MONTEREY, CA 93940
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ARCHITECT

MATERIAL SAMPLE
 JOB NAME: **BROWN REMODEL**
 Scenic @ SE of 12th Avenue
 Carmel-By-The-Sea, CA 95021
 A.P.N. 010-242-011-000

DATE: JAN. 6, 2025
 SCALE: N.T.S.
 DRAWN: KJL
 JOB N: 2403

Attachment 6



FRONT PERSPECTIVE



SIDE PERSPECTIVE

FOR REFERENCE ONLY

REVISION	No.

CONSULTANT:

ARCHITECT

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RENDERINGS

JOB NAME: **BROWN REMODEL**
 Scenic @ SE of 12th Avenue
 Carmel-By-The-Sea, CA 95021
 A.P.N. 010-242-011-000

DATE: JAN. 6, 2025
 SCALE: N.T.S.
 DRAWN: K.J.L.
 JOB N: 2403



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

April 1, 2025
PUBLIC HEARINGS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Evan Kort, Associate Planner
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	APP 25038 (Lim): Consideration of an Appeal (APP 25038, Lim) by Hastings Construction on behalf of Liyoong Lim, for the Denial of a Track 2 Design Study and associated Coastal Development Permit, DS 22-057 (Lim) for the demolition of an existing 1,053 square-foot, one-story single-family residence, inclusive of a 205 square-foot detached garage, and the construction of a 1,793 square-foot, two-story single-family residence, inclusive of a 288 square-foot attached garage, located at Casanova Street 2 southeast of Palou Avenue in the Single-Family Residential (R-1) District, Archaeological Significance (AS) Overlay, and Beach/Riparian (BR) Overlay. APN: 010-225-003-000

RECOMMENDATION:

Staff recommends the City Council adopt a resolution (Attachment 1):

1. Finding the project Statutorily Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15270 of CEQA, State CEQA guidelines (“CEQA does not apply to projects which a public agency rejects or disapproves”); and
2. Denying the appeal by Hastings Construction on behalf of Liyoong Lim, and uphold the Planning Commission’s decision to deny a Track 2 Design Study and associated Coastal Development Permit, DS 22-057 (Lim), as adopted in Planning Commission Resolution 2025-05-PC.

BACKGROUND/SUMMARY:

EXECUTIVE SUMMARY

On January 15, 2025, Planning Commission adopted a resolution (Reso. 2025-05-PC) denying a Design Study Application and associated Coastal Development Permit for the demolition of an existing single-family dwelling and construction of a new single-family dwelling. The denial was following the request from the applicant in order to pursue an appeal and consideration of the project by the City Council.

The project had previously been considered at the Commission’s July 12, 2023, August 14, 2024, and December 11, 2024 hearings. At each hearing the item was continued with direction to make changes to the project, and at each the motion was to continue the hearing with direction for changes.

The unresolved issue with the project as found by the Commission in their adopted resolution were view

impacts to the northern neighbor.

According to the applicant's (appellant) appeal statement (Attachment 3), the applicant believes they have adequately responded to the Commission's direction and is requesting consideration and approval by the Council on appeal.

BACKGROUND/ PROJECT DESCRIPTION

The project site is a 4,000 square-foot lot developed with a 1,053 square-foot one story residence with a 205 square foot attached garage.

The existing one-story residence is finished primarily with board and batten siding with composition shingle gabled roof forms. The applicant is proposing to demolish the existing residence and garage and construct a new two-story 1,793 square foot residence inclusive of a 288 square foot attached garage.

The new residence is proposed to be a combination of stone and stucco with wood windows and doors and a composition shingle roof. A concept design was previously considered at the Commission's July 12, 2023, August 14, 2024, and December 11, 2024 hearings and all hearings were continued with direction to make changes to the project. The primary issues raised at the July 2023 hearing were in respect to privacy, views, light, and impacts to trees, and issued at the August 2024 hearing were in respect to carry over impacts from the July 2023 hearing primarily in respect to light and view impacts.

The December 2024 hearing was continued with direction to redesign the project as the Commission found the light and view impacts have not been adequately addressed. This hearing was also scheduled as a combined concept and final details hearing and there was no discussion or objection to the finish materials of the residence -all issues discussed were based around unresolved light and view impacts.

- July 12, 2023 Hearing (Concept)
 - [Click Here for Staff Report](#)
 - [Click Here for Video of Hearing](#)

- August 14, 2024 Hearing (Concept)
 - [Click Here for Staff Report](#)
 - [Click Here for Video of Hearing](#)

- December 11, 2024 Hearing (Combined Concept & Final)
 - [Click here for Staff Report](#)
 - [Click here for Video Hearing](#)

Following continuation of the third concept hearing (December 11, 2024 hearing), the applicant contacted staff and stated they were unwilling to make any additional changes and wished to pursue an appeal to the City Council (refer to Attachment 2).

In accordance with Carmel-by-the-Sea Municipal Code (CMC) Section 17.58.040.B.2, "*Applicants unwilling to make the revisions directed by the [Planning Commission] in a provisionally accepted concept design or continued design concept may request denial of the project so that an appeal may be filed. A denial shall not be complete until findings are adopted.*"

On January 15, 2025, the Planning Commission considered a Combined Concept and Final Design Study Application for the project and adopted a Resolution with findings for denial which had been prepared based on the deliberation of the unresolved issues from the previous three hearings (Resolution 2025-05-PC; refer to Attachment 4).

- January 15, 2025 Hearing (Combined Concept & Final)
 - [Click here for Staff Report](#)
 - [Click here for Video Hearing](#)

On January 30, 2025, Angie Phares of Hastings Construction, on behalf of Liyoong Lim, submitted a timely appeal of the Planning Commission's decision to deny the Design Study and associated Coastal Development Permit. This staff report discusses appeal documents submitted as the basis for the applicant's appeal (refer to Attachment 3).

The project is located in the Beach and Riparian (BR) Overlay District (i.e. appeal jurisdiction) and therefore is appealable to the California Coastal Commission following a decision by the City Council.

The project plans for which the applicant is requesting City Council approval of were presented at the December 11, 2024 hearing and subsequently denied at the following hearing on January 15, 2025. Staff recommends the Council review the staff report and the video from the December 11, 2024 Planning Commission hearing for a detailed analysis and overview of the subject project as this report is centered on the appeal and no changes have been made to the project since the December 11, 2024 hearing.

- December 11, 2024 Hearing (Combined Concept & Final)
 - [Click here for Staff Report](#)
 - [Click here for Video Hearing](#)

Analysis Summary:

The underlying questions for the Council to consider are:

Does the proposed residence substantially eliminate an existing significant view? Is the existing view a significant view? Is the project consistent with the Residential Design Guidelines pertaining to private views?

The Planning Commission found that the existing view enjoyed by the northern neighbor was a significant view and the proposed residence substantially eliminated the view, thus conflicting with the Residential Design Guidelines pertaining to private views. Because of this, the project was not able to meet the requisite findings for project approval.

The Appellant (project applicant) has appealed this decision and is requesting consideration by the Council. The Appellant attests in their appeal documents (Attachment 3) that the subject view is not significant nor important, the project complies with the Residential Design Guidelines, and the applicant has followed the previous direction of the Planning Commission.

Planning Commission Findings

The outstanding issue with the project for which the Commission was not able to adopt a finding for approval for were specifically related to private views and the impacts associated with the proposed development. The Commission was **unable** to adopt the findings for approval listed below based on the potential impacts of the proposed design as assessed by the Commission at the three prior concept hearings and adopted the following findings for denial of the project:

CMC Section 17.64.080.A – Concept Phase Approval Findings

Concept Finding #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.

Finding for Denial:

- Finding: The plans submitted, or as recommended to be conditioned, do not support adoption of finding #5, based on the analysis provided below.

Analysis: The proposed project does not obstruct any public view, as defined in CMC Section 17.10.010.J, which relates to significant coastal views as seen from the right-of-way. There are no known significant coastal views visible from the adjacent or surrounding rights-of-way.

The proposed project meets the city's design objective for privacy, as defined in CMC Section 17.10.010.G. There are no second story windows on the northern elevation nor exterior balconies facing north. A small second story balcony is proposed to be located on the southern elevation, however, this overlooks the neighbor's roof to the south. The southern balcony feature was not a topic of discussion at the previous three public hearings nor has previously been an item of concern.

While solar access was previously a concern, the commission did not specifically address solar access at the December 11, 2024 hearing and the discussion was focused on, and limited to, impacts associated with views.

The proposed project does not meet the city's design objectives related to private views access (CMC Section 17.10.010.L).

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.

Analysis: The proposed project fails to respect the significant views enjoyed by the northern neighbor, as encouraged by the Residential Design Guidelines. The massing and placement of the structure obstructs the south-facing views from the northern neighbor's property, including views from their kitchen, dining room, and breakfast nook. The adjustments made to the building's height, width, and setbacks do not sufficiently address the elimination of an existing significant view.

CMC Section 17.64.080.A – Concept Phase Approval Findings

Concept Finding #6.

- *The design concept is consistent with the goals, objectives and policies related to residential design in the general plan.*

Finding: The project *does not* comply with Finding #6. The project does not comply with General Plan

Policy P1-51 as that the project failed to meet the design objectives described in Finding #5.

Analysis: General Plan Policy P1-51 states:

Consider the effect of proposed residential construction on the privacy, solar access and private views of neighbors when evaluating design review applications. Avoid designs that are insensitive to the designs of neighboring buildings. Attempt to achieve an equitable balance of these design amenities among all properties affected by design review decisions. (LUP)

CMC Section 17.64.010.B, Coastal Development Permits

Coastal Development Permit Finding #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.

Finding & Analysis: The project does not comply with the city's Local Coastal Program (LCP) as the project does not meet the required findings for Design Study Approval (CMC Section 17.64.080), specifically concept finding #5. The project fails to meet concept finding as the project does not meet the design objectives outlined in CMC Section 17.10.010 and due to inconsistencies with the Residential Design Guidelines (pertaining to Views; Residential Design Guideline 5.0) – Local Coastal Program Implementation Plan Appendix C. *The project also fails to meet the applicable policies of the city's Land Use Plan, specifically Policy P1-51.*

(Staff note: Concept Finding for Denial #6 was adopted through the motion at the January 15, 2025 hearing. Staff has included a supplemental finding to support the inclusion of finding #6 as part of the CDP denial which was not part of the original finding included in the staff report. This supplemental finding has been included in *italics* in the "findings & analysis" section, above.)

Grounds for Appeal

The applicant's grounds for their appeal are included in Attachment 3. In part, the applicant states that *"the proposed home complies with all City ordinances, zoning, codes and guidelines relating to height, materials, location, size, coverage, shared views, etc. The Commission's reasoning for repeated continuances and ultimate denial is they felt we had not made enough of an effort to address the view complaints of the northern neighbors. We disagree and feel the decision has not considered what is principally permitted*

...

The view in question is of the forest and tree canopy. It is not a significant coastal view and is not an "important view" as described per the Design Guidelines sections 5.1-5.3 as it is not of oceans, canyons, or streets. Their view is not protected by legal means via an easement or deed restriction.

...

After 4 attempts, there is no compromise that can be reached with the northern neighbor's as they consider any impact to their view to be significant, which is not reasonable. Ms. Lim has every right, Per municipal code, to construct a home of this size, height, etc. and to deny a property owner their right to build on their own land within regulation is not reasonable or fair. Our hope is that by bringing this to City Council this project can be reviewed objectively and reasonably."

Review Process and Considerations

The Residential Design Study (both Track 1 and 2) is a form of Design Review (CMC Section 17.58.040).

In the Single-Family (R-1) Zoning District, all proposed site development, exterior alterations, rebuilding, rehabilitation and new construction shall require design review.

When reviewing a project there are two elements to consider: the objective standards and subjective standards. Objective standards are typically those provided in the zoning code, such as dimensional standards (floor area, height, setbacks, etc.). Subjective standards require the use of discretion, such as evaluating the project for consistency with the Residential Design Guidelines, for example, which may require modification to the proposed project to ensure consistency with the Residential Design Guidelines.

As provided in CMC Section 17.10.070, “*Design review involves discretion and judgment regarding the appropriateness of each design within the context of site constraints and neighborhood character.*” The same municipal code section also states that, “*the dimensional standards established in [CMC Chapter 17.10] (e.g., height, setbacks, coverage, floor area) represent maximum or minimum limits and will not be achievable on every site.*”

The Residential Design Guidelines are used to implement the city’s design objectives listed in CMC Section 17.10.010 (CMC 17.10.060). The design objectives listed in CMC 17.10.010 Section are those same objectives referenced in the Design Study Findings for Approval (finding #5 below, for example):

Concept Design Study Finding #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.

CMC Section 17.10.010 – Purpose and Design Objectives

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.

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.

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.

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

When evaluating the project for private views, which is the basis for this appeal, the objective speaks to: respecting views, balancing the rights to private views, not substantially eliminating existing significant views.

These objectives are implemented through Residential Design Guidelines 5.0, 5.2 and 5.3 which state:

Residential Design Guideline 5.0 Privacy, Views, Light, and Air

- Objectives: To balance and share view opportunities to natural features and landmarks.

Views, Light, and Air: Views to natural features and landmarks are key features of Carmel's design traditions. Important views occur to the ocean, canyons, and along streets. Protecting views is an important community concern. This includes views from public ways as well as those through properties. Also note that the desire to maximize view opportunities from one's own property must be balanced with consideration of respecting views of others. The preliminary site analysis may help identify view opportunities as well as existing views enjoyed by others.

Residential Design Guideline 5.2. Maintain view opportunities to natural features that lie outside the property.

- Consider locating key building functions to make use of views.
- Also locate buildings so they will not substantially block views enjoyed by others.

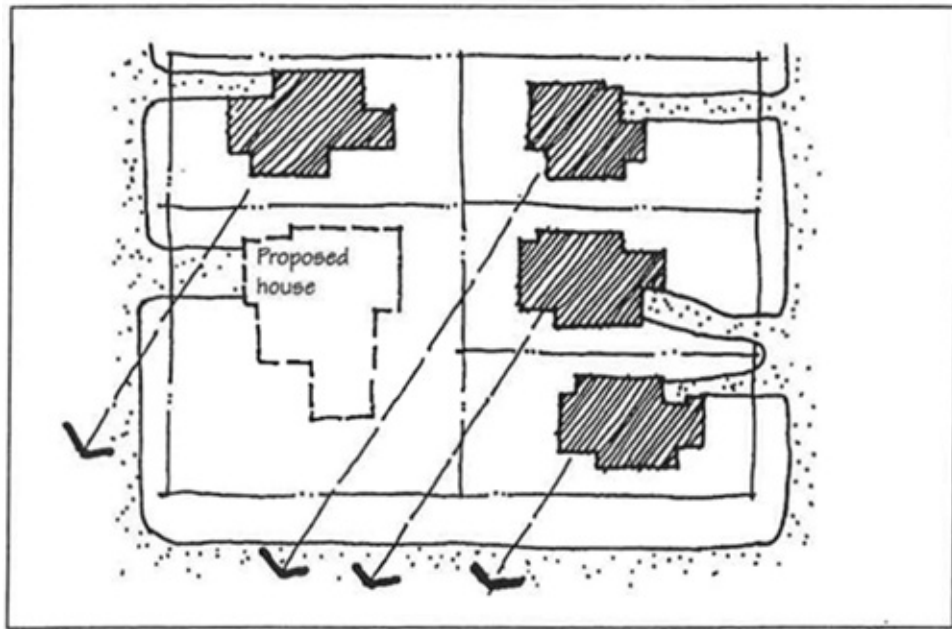
Residential Design Guideline 5.3. Maintain views through a property to natural features when feasible.

- Locate major building masses to maintain some views through the site from other properties.
- Consider keeping the mass of a building low in order to maintain views over the structure.
- Also consider using a compact building footprint to maintain views along the sides of a structure.



Maintain view opportunities from a site to natural features outside the property.

Figure 1. Image from Residential Design Guidelines: “Maintain view opportunities from a site to natural features outside the property.”



Preferred: A new building is sited to maintain views from existing houses.

Figure 2. Image from Residential Design Guidelines: *“Preferred: A new building is sited to maintain views from existing houses.”*

As previously noted, the Commission found that “The proposed project [failed] to respect the significant views enjoyed by the northern neighbor, as encouraged by the Residential Design Guidelines. The massing and placement of the structure [would obstruct] the south-facing views from the northern neighbor’s property, including views from their kitchen, dining room, and breakfast nook. The adjustments made to the building’s height, width, and setbacks [did] not sufficiently address the elimination of an existing significant view” (Concept Finding for Denial #5).

The appellant attests that the subject view is not a significant coastal view nor is it an “important view” as described per the Design Guidelines and the design is consistent with the previous direction of the Commission and Residential Design Guidelines.

“Important Views” are cited in the Residential Design Guidelines and provides an illustrative example of *“views to the ocean, canyons, and along streets.”* The Residential Design Guidelines also remind the reader to *“remember that trees are part of the view and that views are often filtered or transitory because of the urban forest. City policy prohibits trimming trees for views.”*

“Significant View” is cited in the General Plan/Land Use Plan in Policy P5-181 which states: *“Preserve the significant coastal view from the intersection of Torres Street and Third Avenue and across Vista Lobos, the City owned land near this intersection for public benefit and enjoyment (LUP)”* and is reiterated with substantially similar language in General Plan Policy P7-4. Significant view is only used in throughout the city’s planning documents in the context of coastal views.

Generally, a “view” (or “views”) is referenced throughout the city’s planning documents in generally the same context and meaning as a “vista.”

In staff’s opinion, the references provided above are examples of “important views” and “significant views” and are not inflexible definitions. For example, the Council or Planning Commission may find that another view (a view of the Pebble Beach Golf Course across Carmel Bay, for example) is a significant view.

Purpose and Design Objective found in CMC Section 17.10.010.K, states: *Buildings which substantially eliminate an existing significant view enjoyed on another parcel should be avoided*, however, if the only significant view were of Point Lobos, as designated in General Plan Policy P5-181, no view would be protected except that of Point Lobos.

The Residential Design Guidelines do suggest that it is inevitable that 1) new development will block some existing views, however, 2) existing views should also be considered, respected and protected.

Council Options/Alternatives:

1. *Deny Appeal – Adopt Resolution 2025-036* denying the appeal by Hastings Construction on behalf of Liyoong Lim, and uphold the Planning Commission’s decision to deny a Track 2 Design Study and associated Coastal Development Permit, DS 22-057 (Lim), as adopted in Planning Commission Resolution 2025-05-PC.
 - *Project denied consistent with Planning Commission’s decision.*
2. *Grant Appeal - Adopt Resolution 2025-036* granting the appeal by Hastings Construction on behalf of Liyoong Lim, overturning the Planning Commission’s decision to deny a Track 2 Design Study and associated Coastal Development Permit, DS 22-057 (Lim), as adopted in Planning Commission Resolution 2025-05-PC, and approving a combined Concept and Final Design Study (DS 22-057) and Coastal Development Permit to allow the demolition of an existing 1,053 square-foot, one-story single-family residence, inclusive of a 205 square-foot detached garage, and the construction of a 1,793 square-foot, two-story single-family residence, inclusive of a 288 square-foot attached garage, in the Single-Family Residential (R-1) District, Archaeological Significance (AS) Overlay, and Beach/Riparian (BR) Overlay.
 - Project approved as presented as the December 11, 2024 Planning Commission hearing.
 - [Click here for Staff Report](#)
 - [Click here for Video Hearing](#)
 - Should the Council be inclined to grant the appeal, a draft resolution has been included as Attachment 2 with the findings and conditions for project approval.
3. *Deny/Grant Appeal with Modification – The City Council may either grant or deny the appeal with additional direction regarding other aspects of the project. Should the Council wish to address other aspects of the project related to design or use outside of the appeal, the Council should provide direction to staff to prepare a Resolution, as appropriate.*
 - *Deny project with amended findings.*
 - *Approve project with amended findings/conditions.*

Public Correspondence: At the time of writing this report, staff has not received any correspondence relating to the appeal.

Environmental Review: Staff recommends the City Council find the project Statutorily Exempt from the California Environmental Quality Act (CEQA). According to Section 15270 of CEQA, State CEQA guidelines, and local environmental regulations, CEQA does not apply to projects which a public agency rejects or disapproves. This finding has been included in Attachment 1.

Should the Council grant the appeal (approving the Design Study and associated Coastal Development Permit), staff recommends the project be found categorically exempt from the California Environmental Quality Act (CEQA), State CEQA guidelines and local environmental regulations, pursuant to Section 15303 (Class 3) – New Construction or Conversion of Small Structures. The project consists of the demolition of an existing single-family residence and the construction of a new single-family residence in a residential zone and therefore qualifies for a Class 3 exemption. The proposed project does not present

any unusual circumstances that would result in a potentially significant environmental impact, and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines. This finding has been included in Attachment 2.

FISCAL IMPACT:

None for this action. While no separate appeal fee was charged for this appeal application in accordance with CMC 17.54.050.A.4, the time and materials necessary for the processing of the application was previously allocated in the FY24/25 budget.

PRIOR CITY COUNCIL ACTION:

The City Council has not previously taken action on this Design Study, Coastal Development Permit, or this Appeal.

ATTACHMENTS:

Attachment 1 - Resolution (Deny Appeal)

Attachment 2 - Resolution (Grant Appeal)

Attachment 3 – Appeal Documents and Applicant’s Statement

Attachment 4 – Planning Commission Resolution for Denial - Resolution 2025-05-PC

Attachment 5 - Project Plans

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

CITY COUNCIL RESOLUTION NO. 2025-036

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA FINDING THE PROJECT STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15270 OF CEQA, STATE CEQA GUIDELINES (“CEQA DOES NOT APPLY TO PROJECTS WHICH A PUBLIC AGENCY REJECTS OR DISAPPROVES”) AND DENYING THE APPEAL BY HASTINGS CONSTRUCTION ON BEHALF OF LIYOONG LIM, AND UPHOLD THE PLANNING COMMISSION’S DECISION TO DENY A TRACK 2 DESIGN STUDY AND ASSOCIATED COASTAL DEVELOPMENT PERMIT, DS 22-057 (LIM), AS ADOPTED IN PLANNING COMMISSION RESOLUTION 2025-05-PC.

WHEREAS, on March 2, 2022, Angie Phares, on behalf of Hastings Construction, Inc, (“Applicant”) submitted an application on behalf of Liyoong Lim (“Owner”) requesting approval of Track 2 Design Study application DS 22-057 (Lim) described herein as (“Application”); and

WHEREAS, the Application has been submitted for the property located on North Casanova 2 southeast of Palou Avenue in the Single-Family Residential (R-1) District, Archeological Significance (AS) Overlay District, and Beach and Riparian (BR) Overlay District; and

WHEREAS, the Applicant is proposing the demolition of an existing 1,053-square-foot, one-story single-family residence inclusive of a 205-square-foot detached garage and construction of a 1,793-square-foot, two-story single-family residence inclusive of a 288-square-foot attached garage; and

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

WHEREAS, a Coastal Development Permit is also required in accordance with CMC Section 17.52.090 (Coastal Development Permit Required); and

WHEREAS, CMC Section 17.58.040.B requires a design concept review by the Planning Commission at a public hearing before consideration of the final details review for project approval; and

WHEREAS, the project was initially scheduled for the July 12, 2023, the Planning Commission meeting for a Concept Design Study hearing; and

WHEREAS, the project was continued with direction to the Applicant to revise the project to address potential visual impacts to the northern neighbor; and

WHEREAS, the applicant revised the project to address the concerns raised at the July 12, 2023 hearing and requested the reconsideration of a Concept Hearing at an August 14, 2024 meeting; and

WHEREAS, the project was again continued with direction to the Applicant to revise the project to address potential visual impacts to the northern neighbor; and

WHEREAS, the applicant revised the project based on feedback and concerns raised at the July 12, 2023 and August 14, 2024 hearings and the project was rescheduled for the December 11, 2024 Planning Commission meeting; and

WHEREAS, the project was scheduled for a combined Concept and Final Details review for consideration December 11, 2024; and

WHEREAS, the project was again continued with direction to the Applicant to revise the project to address potential visual impacts to the northern neighbor; and

WHEREAS, the applicant was aggrieved by the decision and following the hearing, requested a denial of the application to pursue an appeal of the decision; and

WHEREAS, in accordance with CMC Section 17.58.040.B, *“Applicants unwilling to make the revisions directed by the PC in a provisionally accepted concept design or continued design concept may request denial of the project so that an appeal may be filed. A denial shall not be complete until findings are adopted;”* and

WHEREAS, the project was project was scheduled for consideration at the Planning Commission’s January 15, 2025 hearing and findings for denial combined Concept and Final Details were adopted in Resolution 2025-005-PC; and

WHEREAS, on January 30, 2025, Angie Phares of Hastings Construction on behalf of Liyoong Lim submitted a timely appeal of the Planning Commission’s decision to deny the Design Study and associated Coastal Development Permit; and

WHEREAS, the appeal was scheduled for the City Council’s April 1, 2025 meeting; and

WHEREAS, on March 21, 2025, a notice of the public hearing scheduled for April 1, 2025, was published in the Carmel Pine Cone 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 March 22, 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 March 26, 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 April 1, 2025, the City Council held a duly noticed public hearing to receive public testimony regarding the Appeal, including, without limitation, the information provided to the City Council by City staff and through public testimony on 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 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the City Council found that pursuant to CEQA regulations, the Application is Statutorily Exempt from the California Environmental Quality Act (CEQA). According to Section 15270 of CEQA, State CEQA guidelines, and local environmental regulations, CEQA does not apply to projects which a public agency rejects or disapproves; 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 City Council 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 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 **FIND** the project Statutorily Exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15270 of the CEQA Guidelines, and **DENY** the appeal by the appeal by Hastings Construction on behalf of Liyoong Lim, upholding the Planning Commission’s decision to deny a Track 2 Design Study and associated Coastal Development Permit, DS 22-057 (Lim), as adopted in Planning Commission Resolution 2025-05-PC on January 15, 2025.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 1st day of April 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dale Byrn
Mayor

Nova Romero
City Clerk

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

PLANNING COMMISSION RESOLUTION NO. 2025-036

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA GRANTING THE APPEAL BY HASTINGS CONSTRUCTION ON BEHALF OF LIYOONG LIM, OVERTURNING THE PLANNING COMMISSION'S DECISION TO DENY A TRACK 2 DESIGN STUDY AND ASSOCIATED COASTAL DEVELOPMENT PERMIT, DS 22-057 (LIM) AS ADOPTED IN PLANNING COMMISSION RESOLUTION 2025-05-PC; FINDING THE PROJECT QUALIFIES AS A CLASS 3 CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELNES SECTOIN 15303; AND APPROVING A COMBINED CONCEPT AND FINAL DESIGN STUDY AND COASTAL DEVELOPMENT PERMIT TO ALLOW THE DEMOLITION OF AN EXISTING 1,053 SQUARE-FOOT, ONE-STORY SINGLE-FAMILY RESIDENCE, INCLUSIVE OF A 205 SQUARE-FOOT DETACHED GARAGE, AND THE CONSTRUCTION OF A 1,793 SQUARE-FOOT, TWO-STORY SINGLE-FAMILY RESIDENCE, INCLUSIVE OF A 288 SQUARE-FOOT ATTACHED GARAGE, IN THE SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT, ARCHAEOLOGICAL SIGNIFICANCE (AS) OVERLAY, AND BEACH/RIPARIAN (BR) OVERLAY. APN: 010-225-003-000.

WHEREAS, on March 2, 2022, Angie Phares, on behalf of Hastings Construction, Inc, ("Applicant") submitted an application on behalf of Liyoong Lim ("Owner") requesting approval of Track 2 Design Study application DS 22-057 (Lim) described herein as ("Application"); and

WHEREAS, the Application has been submitted for the property located on North Casanova 2 southeast of Palou Avenue in the Single-Family Residential (R-1) District, Archeological Significance (AS) Overlay District, and Beach and Riparian (BR) Overlay District; and

WHEREAS, the Applicant is proposing the demolition of an existing 1,053-square-foot, one-story single-family residence inclusive of a 205-square-foot detached garage and construction of a 1,793-square-foot, two-story single-family residence inclusive of a 288-square-foot attached garage; and

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

WHEREAS, a Coastal Development Permit is also required in accordance with CMC Section 17.52.090 (Coastal Development Permit Required); and

WHEREAS, CMC Section 17.58.040.B requires a design concept review by the Planning Commission at a public hearing before consideration of the final details review for project approval; and

WHEREAS, the project was initially scheduled for the July 12, 2023, the Planning Commission meeting for a Concept Design Study hearing; and

WHEREAS, the project was continued with direction to the Applicant to revise the project to address potential visual impacts to the northern neighbor; and

WHEREAS, the applicant revised the project to address the concerns raised at the July 12, 2023 hearing and requested the reconsideration of a Concept Hearing at an August 14, 2024 meeting; and

WHEREAS, the project was again continued with direction to the Applicant to revise the project to address impacts to the northern neighbor; and

WHEREAS, the applicant revised the project based on feedback and concerns raised at the July 12, 2023 and August 14, 2024 hearings and the project was rescheduled for the December 11, 2024 Planning Commission meeting; and

WHEREAS, the project was scheduled for a combined Concept and Final Details review for consideration December 11, 2024; and

WHEREAS, the project was again continued with direction to the Applicant to revise the project to address potential visual impacts to the northern neighbor; and

WHEREAS, the applicant was aggrieved by the decision and following the hearing, requested a denial of the application to pursue an appeal of the decision; and

WHEREAS, in accordance with CMC Section 17.58.040.B, *“Applicants unwilling to make the revisions directed by the PC in a provisionally accepted concept design or continued design concept may request denial of the project so that an appeal may be filed. A denial shall not be complete until findings are adopted;”* and

WHEREAS, the project was project was scheduled for consideration at the Planning Commission’s January 15, 2025 hearing and findings for denial of the combined Concept and Final Details were adopted in Resolution 2025-005-PC; and

WHEREAS, on January 30, 2025, Angie Phares of Hastings Construction on behalf of Liyoong Lim submitted a timely appeal of the Planning Commission’s decision to deny the Design Study and associated Coastal Development Permit; and

WHEREAS, the appeal was scheduled for the City Council’s April 1, 2025 meeting; and

WHEREAS, on March 21, 2025, a notice of the public hearing scheduled for April 1, 2025, was published in the Carmel Pine Cone 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 March 22, 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 March 26, 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 April 1, 2025, the City Council held a duly noticed public hearing to receive public testimony regarding the Appeal, including, without limitation, the information provided to the City Council by City staff and through public testimony on 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 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the City Council 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, 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 City Council 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 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 make the following findings and determinations regarding the Concept Design Study:

<u>FINDINGS REQUIRED FOR CONCEPT DESIGN STUDY ACCEPTANCE</u>		
For each of the required design study findings listed below, staff has indicated whether the concept plans submitted or as recommended to be 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.A – Concept Phase Approval Findings	YES	NO

1. The project conforms with all zoning standards applicable to the site, or has received appropriate use permits 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-site and in the public right-of-way that is characteristic of the neighborhood.	✓	
3. The project avoids complexity using simple building forms, a simple roof plan 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. 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 set back a minimum of six feet from significant trees.	✓	

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the **Final Design Study**:

<u>FINDINGS REQUIRED FOR DESIGN STUDY APPROVAL</u>		
For each of the required findings listed below, the staff has indicated whether the application, either as proposed or with conditions, supports adopting 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 Section 17.64.080.A, Final Details Phase Approval	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.	✓	

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the **Coastal Development Permit**:

<p>FINDINGS REQUIRED FOR COASTAL DEVELOPMENT PERMITS</p> <p>For each of the required findings listed below, the staff has indicated whether the application, either as proposed or with conditions, supports adopting 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.</p>		
CMC Section 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).	✓	
<p>Evidence supporting #2 Finding above: The proposed development is located between the first public road and the sea, as identified on the “Post-LCP Certification Permit and Appeal Jurisdiction” map dated October 18, 2004, prepared by the California Coastal Commission. In accordance with CMC Section 17.20.180.B, <i>“Proposed development and new land uses located between the ocean and the first public road may be required to provide vertical (perpendicular) access from the public road to bluff and beach areas, and lateral access along the beach, shoreline and bluff tops, where the review authority first makes specific findings documenting the need for additional public access on and/or through the site, and the relationship of the required dedication to the impacts on existing access, or needs for additional access created by the project.”</i></p> <p>The Coastal Access and Recreation Element of the General Plan/Land Use Plan finds, <i>“Carmel is among a limited number of California coastal communities where nearly the entire shoreline from the first public road to the sea is open to the public and easily accessible. (LUP)”</i></p>		

There is no existing access (either acquired through use or legislative authorization) on or through the site, and this site would not contribute to the enhancement, improvement, or other public benefit (i.e. there is no need) for new dedication at this time of an accessway based on the site's location and attributes. This requirement/finding may be reassessed in the future upon reconsideration of a new or amended Coastal Development Permit.

BE IT FURTHER RESOLVED that the City Council of the City of Carmel-by-the-Sea does hereby **GRANT** the appeal overturning the Planning Commission's decision to deny a Track 2 Design Study and associated Coastal Development Permit, DS 22-057 (Lim), as adopted in Planning Commission Resolution 2025-05-PC and **FIND** the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15303 and **APPROVE** a combined Concept and Final Design Study (DS 22-057) and Coastal Development Permit to allow the demolition of an existing 1,053 square-foot, one-story single-family residence, inclusive of a 205 square-foot detached garage, and the construction of a 1,793 square-foot, two-story single-family residence, inclusive of a 288 square-foot attached garage, in the Single-Family Residential (R-1) District, Archaeological Significance (AS) Overlay, and Beach/Riparian (BR) Overlay (APN: 010-225-003-000), subject to the following Conditions of Approval:

CONDITIONS OF APPROVAL	
No.	Standard Conditions
1.	Authorization. This approval of Design Study and Coastal Development Permit, DS 22-057 (Lim), authorizes the demolition of an existing 1,053 square-foot, one-story single-family residence, inclusive of a 205 square-foot detached garage, and the construction of a 1,793 square-foot, two-story single-family residence, inclusive of a 288 square-foot attached garage, in the Single-Family Residential (R-1) District, Archaeological Significance (AS) Overlay, and Beach/Riparian (BR) Overlay (APN: 010-225-003-000). The project shall be constructed as depicted in the plans prepared by Holdren + Lietzke Architecture as approved by City of Carmel-by-the-Sea Planning Commission on December 11, 2024 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 set, the project must be implemented, or the approval becomes void. For the purpose of this condition, implementation shall mean the submittal of a complete building permit application to the Community Planning and Building Department, as determined by the Building Official. 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>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>
8.	<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>
9.	<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</p>

	to Planning Approval” form on file in the Community Planning and Building Department. Any modification incorporated into the construction drawings not listed on this form shall not be deemed approved upon issuance of a building permit.
10.	<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>
11.	<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>
12.	<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>
13.	<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.</p>

	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.
14.	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.
15.	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.
16.	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.
17.	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.
18.	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.
19.	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)
20.	Conditions of Approval. Prior to the issuance of a building permit, the Applicant shall print a copy of the Resolution adopted by the Planning Commission and signed by the property owner(s) on a full-size sheet within the construction plan set submitted to the Building Safety Division.
Landscape Conditions	
21.	<p>Landscape Plan Required. Prior to the issuance of a building permit, the Applicant shall submit a landscape plan for review and approval by the Community Planning & Building Department and the City Forester. The landscape plan shall be included in the construction drawings and will be reviewed for compliance with the landscaping standards contained in the Zoning Code, including, but not limited to, the following:</p> <ol style="list-style-type: none"> 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 on-site conditions. <p>The landscape plan shall identify the location where new trees will be planted when new trees are required to be planted by the City code, the Forest and Beach Commission, or the Planning Commission.</p>
22.	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.
23.	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.
24.	<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.

	<ul style="list-style-type: none"> • 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.
25.	<p>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.</p>
Environmental Compliance Conditions	
26.	<p>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</p>

	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.
27.	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.
28.	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.
29.	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	
30.	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.
31.	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.
32.	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.
33.	Tree Planting – CoA#23 (continued). One (1) upper canopy tree shall be planted on site, as provided in Condition of Approval #21 & 22. The required tree shall be a minimum size of 24" box. Prior to building permit issuance, the plans shall be revised to reflect the size requirement for the upper canopy trees required to be planted on-site.
34.	<p>Volume Study. The required Volumetric Study shall be successfully completed and passed prior to issuance of a building permit. The applicant shall provide one full size printed set of plans to the Community Planning and Building Department as part of the required Volume Study. Any additional changes that would affect volume (changes in massing, heights, site planning, grading, etc) shall be incorporated into the plans submitted for the volume study.</p> <p>Should the project not pass the required volume study, the applicant may work with staff to bring the project into compliance with the volume requirements provided the changes do not substantially alter the project as approved by the City Council on appeal. Substantial alterations, modifications, or design changes, as determined by the Community Planning and Building Director, may require reconsider by the Planning Commission for review of the proposed modifications.</p>

Acknowledgment and acceptance of conditions of approval.

Property Owner Signature

Printed Name

Date

Applicant Signature

Printed Name

Date

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
this 1st day of April 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dale Byrn
Mayor

Nova Romero
City Clerk

FEB 04 2025



CITY OF CARMEL-BY-THE-SEA APPEAL FORM

No fee - Appeal Jurisdiction overstay



Appeals to a Board or Commission must be made by completing and submitting an Appeal Form with the City Clerk. Appeals shall be filed within 10 calendar days following the date of action and paying the required filing fee as established by City Council resolution.

Appeals to the City Council must be made by completing and submitting an Appeal Form with the City Clerk. Appeals shall be filed within 10 working days following the date of action and paying the required filing fee as established by City Council resolution.

Hastings Construction

Name of Appellant

11 Thomas Owens Way, Ste. 201 Monterey, CA 93940

Mailing Address of Appellant

831-620-0920

design@hastingsconstruction.com

Phone Number

Email address

Send correspondence to the following party (if different than Appellant):

Liyoong Lim

Name

Mailing Address

Phone Number

Email address

Planning Commission

Commission, Board, Official or Department whose action is being appealed

Physical location of property involved (street location or address): Casanova St 2 SE Palou Ave

3

II (eye-eye)

010-225-003-000

Lot

Block

APN

Date of decision being appealed: 01-15-25

Specific action or decision being appealed: Denial of DS 22-057

Grounds for appeal (attach additional pages if necessary): (see letter attached)

Signature of Appellant



HASTINGS
CONSTRUCTION
INC.

January 29, 2025

City of Carmel-by-the-Sea

Re: DS 22-057 | Project Address: N. Casanova 2 SE Palou
APN: 010-225-003-000 | Owner: Ms. Liyoong Lim

Dear City Council Members,

On January 15, 2025, this project was brought before the Planning Commission for a 4th time and was denied even though the proposed home complies with all City ordinances, zoning, codes and guidelines relating to height, materials, location, size, coverage, shared views, etc. The Commission's reasoning for repeated continuances and ultimate denial is they felt we had not made enough of an effort to address the view complaints of the northern neighbors. We disagree and feel their decision has not considered what is principally permitted.

We have redesigned the home and made numerous changes in attempt to resolve the northern neighbor's complaints. We met with them in 2022, walked their home, and made changes before coming to hearing. This project has been brought before the Commission three times prior to the January 15th hearing. At each hearing we were directed by the commission to redesign the project to reduce impacts to the northern neighbor and each time made significant reductions in impact, which is corroborated by Planning Staff in their Staff Reports. We redesigned the home so that main living spaces face south for privacy. We have lowered the home substantially so views over the home are maintained. The upper level has been moved as far south as possible from the northern neighbor to preserve reasonable light access and privacy. We have removed all windows and skylights facing their home to maintain privacy. The oak tree canopies between the two properties screen the proposed structure well and will be maintained. All this has been done with respect to the northern neighbor, while also maintaining views through the property shared by other neighboring homes, as per Design Guidelines, Section 5.3.

The view in question is of the forest and tree canopy. It is not a significant coastal view and is not an "Important view" as described per the Design Guidelines sections 5.1-5.3 as it is not of oceans, canyons, or streets. Their view is not protected by legal means via an easement or deed restriction. We understand the importance of views in this community and that there needs to be a balance, but that is lacking in this case. There has been no consideration for Ms. Lim's right to the same shared view opportunities as the northern neighbor. No single property has a greater right to views than others, however the northern neighbor's rights to this view have taken precedence over the construction of Ms. Lim's home and her wish to have access to these canopy views.

After 4 attempts, there is no compromise that can be reached with the northern neighbor's as they consider any impact to their view to be significant, which is not reasonable. Ms. Lim has every right, per municipal code, to construct a home of this size, height, etc. and to deny a property owner their right to build on their own land within regulation is not reasonable or fair. Our hope is that by bringing this to City Council this project can be reviewed objectively and reasonably.

Thank you,



Angie Phares
Designer | Hastings Construction, Inc.

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

PLANNING COMMISSION RESOLUTION NO. 2025-005-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA DENYING A COMBINED CONCEPT AND FINAL DESIGN STUDY FOR THE DEMOLITION OF AN EXISTING 1,053 SQUARE-FOOT, ONE-STORY SINGLE-FAMILY RESIDENCE, INCLUSIVE OF A 205 SQUARE-FOOT DETACHED GARAGE, AND THE CONSTRUCTION OF A 1,793 SQUARE-FOOT, TWO-STORY SINGLE-FAMILY RESIDENCE, INCLUSIVE OF A 288 SQUARE-FOOT ATTACHED GARAGE, IN THE SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT, ARCHAEOLOGICAL SIGNIFICANCE (AS) OVERLAY, AND BEACH/RIPARIAN (BR) OVERLAY. APN: 010-225-003-000.

WHEREAS, on March 2, 2022, Angie Phares, on behalf of Hastings Construction, Inc, (“Applicant”) submitted an application on behalf of Liyoong Lim (“Owner”) requesting approval of Track 2 Design Study application DS 22-057 (Lim) described herein as (“Application”); and

WHEREAS, the Application has been submitted for the property located on North Casanova 2 southeast of Palou Avenue in the Single-Family Residential (R-1) District, Archeological Significance (AS) Overlay District, and Beach and Riparian (BR) Overlay District; and

WHEREAS, the Applicant is proposing the demolition of an existing 1,053-square-foot, one-story single-family residence inclusive of a 205-square-foot detached garage and construction of a 1,793-square-foot, two-story single-family residence inclusive of a 288-square-foot attached garage; and

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

WHEREAS, a Coastal Development Permit is required in accordance with CMC 17.52.090 (Coastal Development Permit Required); and

WHEREAS, CMC Section 17.58.040.B requires a design concept review by the Planning Commission at a public hearing before consideration of the final details review for project approval; and

WHEREAS, the project was initially scheduled for the July 12, 2023, the Planning Commission meeting for a Concept Design Study hearing; and

WHEREAS, the project was continued with direction to the Applicant to revise the project to address impacts to the northern neighbor; and

WHEREAS, the applicant made revisions to the plans based on the discussion at the July 12, 2023 hearing and requested the reconsideration of a Concept Hearing at an August 14, 2024 meeting; and

WHEREAS, the project was again continued with direction to the Applicant to revise the project to address impacts to the northern neighbor; and

WHEREAS, the applicant made revisions to the plans based on the discussion at the August 14,

2024 hearing and requested the reconsideration of a Combined Concept and Final Hearing at an December 11, 2024 meeting; and

WHEREAS, the project was again continued with direction to the Applicant to revise the project to address impacts to the northern neighbor; and

WHEREAS, the applicant was aggrieved by the decision and following the hearing, requested a denial of the application to pursue an appeal of the decision; and

WHEREAS, in accordance with CMC 17.58.040.B, *“Applicants unwilling to make the revisions directed by the PC in a provisionally accepted concept design or continued design concept may request denial of the project so that an appeal may be filed. A denial shall not be complete until findings are adopted;”* and

WHEREAS, this resolution includes findings for denial based on the continued discussion at the July 12, 2023, August 14, 2024, and December 11, 2024 meetings, and plans presented at the December 11, 2024 hearing; and

WHEREAS, on January 3, 2025, a notice of the public hearing scheduled for January 15, 2025, was published in the Carmel Pine Cone in compliance with State law (California Government Code 65091) and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before January 5, 2025, the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before January 3, 2025, the meeting agenda was posted in three locations in compliance with State law indicating the date and time of the public hearing; and

WHEREAS, on January 15, 2025, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the Final Design Study, Lot Merger, and associated Coastal Development Permit, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on 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 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the Planning Commission found that pursuant to CEQA regulations, the Application is Statutorily Exempt from the California Environmental Quality Act (CEQA). According to Section 15270 of CEQA, State CEQA guidelines, and local environmental regulations, CEQA does not apply to projects which a public agency rejects or disapproves; 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 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 Concept Design Study:

FINDINGS REQUIRED FOR CONCEPT DESIGN STUDY ACCEPTANCE		
For each of the required design study findings listed below, staff has indicated whether the concept plans submitted or as recommended to be 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.A – Concept Phase Approval Findings	YES	NO
1. The project conforms with all zoning standards applicable to the site, or has received appropriate use permits 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-site and in the public right-of-way that is characteristic of the neighborhood.	✓	
3. The project avoids complexity using simple building forms, a simple roof plan 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. 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 set back a minimum of six feet from significant trees.	✓	
<u>Amended Finding from January 15, 2025 hearing: The project does not comply with Finding #6. The project does not comply with General Plan Policy P1-51 as that the project failed to meet the design objectives described in Finding #5. -Refer to staff report for finding associated with finding #5.</u>		

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 APPROVAL		
For each of the required findings listed below, the staff has indicated whether the application, either as proposed or with conditions, supports adopting 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 17.64.080.A, Final Details Phase Approval	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.	✓	

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 **Coastal Development Permit**:

FINDINGS REQUIRED FOR COASTAL DEVELOPMENT PERMITS		
For each of the required findings listed below, the staff has indicated whether the application, either as proposed or with conditions, supports adopting 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).	✓	
<p>#2 Finding: The proposed development is located between the first public road and the sea, as identified on the “Post-LCP Certification Permit and Appeal Jurisdiction” map dated October 18, 2004, prepared by the California Coastal Commission. In accordance with CMC 17.20.180.B, <i>“Proposed development and new land uses located between the ocean and the first public road may be required to provide vertical (perpendicular) access from the public road to bluff and beach areas, and lateral access along the beach, shoreline and bluff tops, where the review authority first makes specific findings documenting the need for additional public access on and/or through the site, and the relationship of the required dedication to the impacts on existing access, or needs for additional access created by the project.”</i></p>		

The Coastal Access and Recreation Element of the General Plan/Land Use Plan finds, *“Carmel is among a limited number of California coastal communities where nearly the entire shoreline from the first public road to the sea is open to the public and easily accessible. (LUP)”*

There is no existing access (either acquired through use or legislative authorization) on or through the site, and this site would not contribute to the enhancement, improvement, or other public benefit (i.e. there is no need) for new dedication at this time of an accessway based on the site’s location and attributes. This requirement/finding may be reassessed in the future upon reconsideration of a new or amended Coastal Development Permit.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby **DENY** a combined Concept and Final Design Study (DS 22-057) for the demolition of an existing 1,053 square-foot, one-story single-family residence, inclusive of a 205 square-foot detached garage, and the construction of a 1,793 square-foot, two-story single-family residence, inclusive of a 288 square-foot attached garage, in the Single-Family Residential (R-1) District, Archaeological Significance (AS) Overlay, and Beach/Riparian (BR) Overlay (APN: 010-225-003-000).

PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 15th day of ~~December~~ **January** 2025, by the following vote:

AYES: Allen, Karaptkov, Locke, LePage

NOES:

ABSENT:

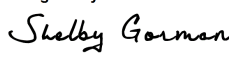
ABSTAIN:

APPROVED:

ATTEST:

DocuSigned by:

0C7AAE8369C34D0...
Michael LePage
Chair

Signed by:

6E9202EE446F4FF...
Shelby Gorman
Planning Commission Secretary

GENERAL NOTES

GOVERNING CODES ASSOCIATED WITH THIS PROJECT:
 CARMEL-BY-THE-SEA MUNICIPAL CODE, 2022 CALIFORNIA RESIDENTIAL CODE (CRC), CALIFORNIA BUILDING CODE (CBC), CALIFORNIA MECHANICAL CODE (CMC), CALIFORNIA PLUMBING CODE (CPC), CALIFORNIA ELECTRICAL CODE (CEC), CALIFORNIA FIRE CODE (CFC), CALIFORNIA ENERGY CODE (CENC) & CALIFORNIA GREEN BUILDING CODE (CALGREEN), AND ALL OTHER APPLICABLE LOCAL AND STATE LAWS AND REGULATIONS.

THESE DRAWINGS ARE PREPARED FOR USE BY A PROPERLY LICENSED, BONDED & CERTIFIED CONTRACTOR.

ALL WORK SHALL BE DONE IN ACCORDANCE WITH APPLICABLE CODE AND ORDINANCE REQUIREMENTS SET FORTH BY THE PREVAILING GOVERNING BODY.

ALL WRITTEN DIMENSIONS SHALL SUPERCEDE SCALED DIMENSIONS.

CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ELEVATIONS, MATERIALS, AND CONDITIONS PRIOR TO STARTING CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE OWNER PRIOR TO ORDERING MATERIALS.

CONTRACTOR IS RESPONSIBLE FOR COMPLETE FINAL DISPOSAL OF ALL CONSTRUCTION DEBRIS IN A MANNER CONSISTENT WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS.

VERIFY LOCATION OF UTILITIES AND EXISTING CONDITIONS AT THE SITE PRIOR TO CONSTRUCTION.

CONTRACTOR TO OBTAIN 811 TICKET PRIOR TO PERMIT ISSUANCE AND SHALL MAINTAIN THE TICKET IN ACTIVE STATUS THROUGH OUT THE PROJECT. TICKET SHALL BE AVAILABLE FOR INSPECTOR ON SITE.

SETBACK & HEIGHT CERTIFICATIONS
 A STATE LICENSED SURVEYOR SHALL SURVEY AND CERTIFY THE FOLLOWING IN WRITING:

- THE FOOTING LOCATIONS FOR CONFORMANCE WITH THE APPROVED PLANS PRIOR TO FOOTING/FOUNDATION INSPECTION
- THE ROOF HEIGHT FOR CONFORMANCE WITH THE APPROVED PLANS PRIOR TO ROOF SHEATHING INSPECTION
- WRITTEN CERTIFICATIONS PREPARED, SEALED & SIGNED BY THE SURVEYOR SHALL BE PROVIDED TO THE BUILDING INSPECTIONS AT THE TIME OF SPECIFIED INSPECTIONS.

ARCHAEOLOGY SURVEY:
 PHASE I ARCHAEOLOGICAL INVESTIGATION TOOK PLACE JULY 13, 2022. AN ARCHAEOLOGICAL RECONNAISSANCE SURVEY WAS UNDERTAKEN AT THE PROPERTY AND THERE WAS NO EVIDENCE OF ANY PREHISTORIC OR HISTORIC ARCHAEOLOGICAL RESOURCES PRESENT. THERE WERE NO CONSTRAINTS WHEN CONDUCTING THIS INVESTIGATION.

THE FOLLOWING RECOMMENDATIONS SHALL BE OBSERVED DURING CONSTRUCTION:

- CONDUCTING ARCHAEOLOGICAL AND CULTURAL SENSITIVITY TRAINING
- PROVIDING NATIVE AMERICAN AND ARCHAEOLOGIST MONITORS DURING GROUND DISTURBING ACTIVITIES
- TEMPORARILY HALT OR DIVERT EXCAVATIONS SHOULD ARCHAEOLOGICAL RESOURCES BE FOUND DURING GROUND DISTURBING ACTIVITIES; AND CONTACTING THE MONTEREY COUNTY CORONER SHOULD HUMAN REMAINS BE ACCIDENTALLY DISCOVERED.

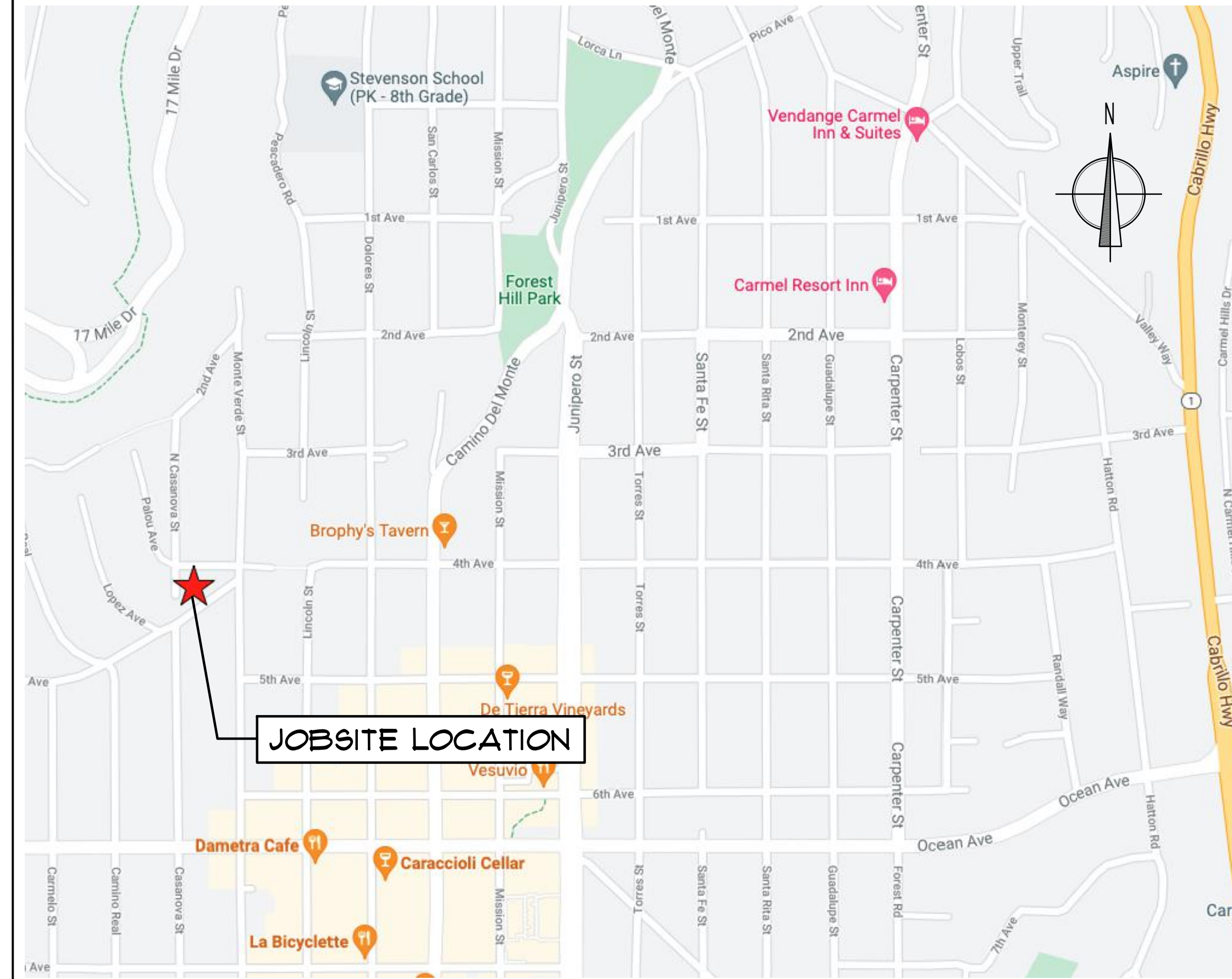
SYMBOL KEY



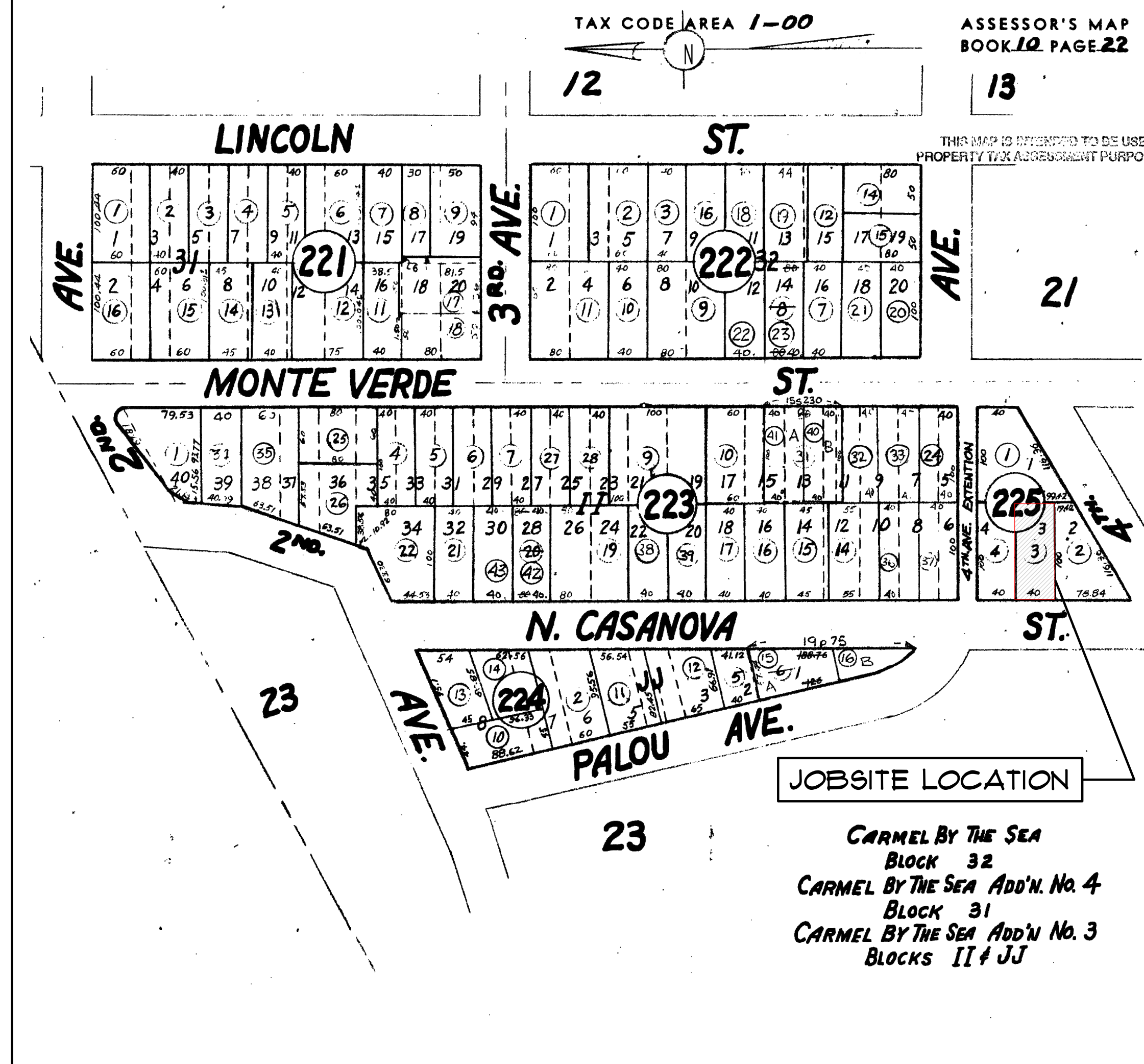
ABBREVIATIONS

A.B.	ANCHOR BOLT	F.O.C.	FACE OF CONCRETE	O.F.S.	OUTSIDE FACE OF STUD	U.N.O.	UNLESS NOTED OTHERWISE
A.C.	ASPHALTIC CONCRETE	F.O.S.	FACE OF STUD	O.P.A.	OPPOSITE	VERT.	VERTICAL
A/C	AIR CONDITIONING	FR. DR.	FRENCH DOOR	FT.	FOOT OR FEET		
ALUM.	ALUMINUM	FIG.	FOOTING	P.	PLATE	W/	WITH
APPROX.	APPROXIMATE	GA.	GAUGE	P/L	PROPERTY	W/	WITH
ARCH.	ARCHITECTURE	GAIV.	GAUVANIZED	PLAS.	PLASTER	W/	WITH
ANOD.	ANODIZED	G.I.	GAUVANIZED IRON	P.N.L.	PANEL	W/	WOOD
ASPH.	ASPHALT	GFI	GROUND FAULT INTERRUPTER	P & S	POLE & SHELF	W/D	WINDOW
BD.	BOARD	GL.	GLASS	P.F.	POINT	W/O	WITH OUT
BDG.	BUILDING	GND.	GROUND	PR.	PAIR	WP	WATERPROOF
BKGL.	BLOCKING	GYP. BD.	GYPSUM BOARD	R.A.	RETURN AIR	W/P	WELED WIRE FABRIC
BM.	BEAM	H.C.	HOLLOW CORE	RAD.	RADIUS		
BOTT.	BOTTOM	H.D.	HOLD DOWN	RD.	ROUND		
CAB.	CABINET	HDW.	HEADER	REC.	RECESSED		
CEM.	CEMENT	HDWD.	HARDWOOD	REF.	REFRIGERATOR		
C.T.	CERAMIC TILE	HORIZ.	HORIZONTAL	RENF.	REINFORCED/ING		
C.I.	CAST IRON	HR.	HOUR	RES.	RESILIENT		
C.B.	CLEAR	H.B.	HOSE BIBB	RM.	ROOM		
CLST.	CLOSET	HT.	HEIGHT	R.O.	ROUGH OPENING		
COMP.	COMPOSITION	HC.	HANDICAP	REQ.	REQUIRED		
CONC.	CONCRETE	HVAC	HEATING VENTILATION & AIR CONDITIONING	R/W.	RIGHT OF WAY		
CLG.	CEILING	HW	HOT WATER	RWD.	REWOOD		
C.M.U.	CONCRETE MASONRY UNIT			R.W.L.	RAINWATER LEADER		
C.O.	CLEAN OUT			SCHD.	SCHEDULE		
COL.	COLUMN			S.C.	SOLID CORE		
CONN.	CONNECTION			SECT.	SECTION		
CONSTR.	CONSTRUCTION			SECT.	SECTION		
CSMT.	CASEMENT			S.F.	SQUARE FOOT/FEET		
C.W.	COLD WATER			S.H.	SINGLE HUNG		
				SHT.	SHEET		
DBL.	DOUBLE			SHR.	SHOWER		
DET.	DETAIL			SIM.	SIMILAR		
DF.	DOUGLAS FIR			SID	SLIDER		
DIA.	DIAMETER			SID. GL. DR.	SLIDING GLASS DOOR		
DIAM.	DIMENSION			SPEC.	SPECIFICATIONS		
D.S.	DOWNSPOUT			SO.	SQUARE		
DRY.	DRYER			SO.FT.	SQUARE FEET		
DW.	DISHWASHER			STD.	STANDARD		
DWG.	DRAWING			STL.	STEEL		
				STOR.	STORAGE		
EA.	EACH			STRUC.	STRUCTURAL		
ELEC.	ELECTRICAL			STAIN.	STAINLESS STEEL		
ELEV.	ELEVATION			SYM.	SYMMETRICAL		
ENCL.	ENCLOSURE			TB.	TOWEL BAR		
EQ.	EQUAL			TEL.	TELEPHONE		
EXH.	EXHAUST			TEMP.	TEMPERED		
EXP.	EXPANSION			THRS.	THRESHOLD		
EXIST. OR (E)	EXISTING			T&G	TONGUE & GROOVE		
EXT.	EXTERIOR			T&G	TONGUE & GROOVE		
				T.O.F.	TOP OF FOOTING		
FBGL.	FIBERGLASS			T.O.	TOP OF		
FD.	FLOOR DRAIN			T.O.P.	TOP OF PLATE		
FN.	FOUNDATION			T.O.S.	TOP OF SLAB		
F.F.	FINISH FLOOR			T.O.W.	TOP OF WALL		
F.G.	FINISH GRADE			TP.	TYPICAL		
FL.	FLOOR						
FL.	FLUORESCENT						

VICINITY MAP



APN MAP



PROJECT CONTACTS

OWNER:
 Ms. Li Lim
 N. Casanova 2 SE of Palou
 Carmel-by-the-Sea, CA 93923
 408-390-0445
 liyongl@sbcglobal.net

SURVEYOR:
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 831-655-2723
 chris@landsengineers.com

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DRAWING INDEX

T1 Title Sheet

CIVIL

- 1 Topographic Survey
- T2 Tree Assessment Survey
- T3 Tree Site Plan

ARCHITECTURAL

- A1 Proposed Roof & Site Plans
- A2 Existing Floor Plan
- A3 Proposed Entry Level Floor Plan
- A4 Proposed Upper Level Floor Plan
- A5 Existing Exterior Elevations
- A6 Proposed Exterior Elevations
- A7 Exterior Finishes & Light Specifications
- A8 Architectural Details
- A9 Skylight Details & Specifications
- A10 Door & Window Schedules
- A11 3D Rendering
- A12 Streetscape Elevations

SCOPE OF WORK

Demolition of an existing single story family residence and detached garage. Construction of a new two story, single family residence with attached garage and new paver driveway, removal of 1 tree. Landscaping to be natural. Fencing along perimeters to remain.

PROJECT DATA TABLE

LOT DATA:	BUILDING CODE DATA:
Project Address: N. Casanova 2 SE Palou, Carmel-By-The-Sea, CA	Occupancy: R-3/U
APN: 010-225-003-000	Construction Type: VB
Zoning: R-1	Fire Sprinklers: Yes (Deferred Submittal)

AREAS	
Lot Area: 0.08004 ACRES (4,000 sq. ft.)	Proposed Floor Area:
Existing Floor Area (Demo):	Entry Level Floor Area: 1,031 SF
Living Floor Area: 848 SF	Upper Level Floor Area: 474 SF
Garage Area: 205 SF	Garage & Mech Area: 288 SF
Base Floor Area: 1,053 SF	Base Floor Area: 1,793 SF
	(Allowed: 1,800 SF)
Building Footprint: 1,079 SF	Building Footprint: 1,319 SF

SITE COVERAGES	
Existing Site Coverage Totals (Demo):	
Permeable Coverage: 1,209 SF	
Impervious Coverage: 96 SF	
Proposed Site Coverage:	
Concrete: 121 SF	
Balcony: 57 SF	
Total Impervious: 178 SF	

Permeable:	
Driveway: 63 SF	
Deck: 152 SF	
Total Permeable: 215 SF	

Total Site Coverage:	
393 SF (Allowed: 396 SF)	

TREE REMOVAL

- One (1) Tree to be Removed:
- Tree #14 on the Tree Survey Report; species "Unknown"

SETBACKS	
Allowed:	
Front: 15'	Sides: 10' Composite
Rear: 15'	(25% lot width, min. 3')
Existing:	
Front: 18'-2"	North Sides: 13', 2'-9", 4'-4"
Rear: 7'-8"	South Sides: 17'-2", 15'-4", 6'-11"
Proposed:	
Front: 31'-3"	North Sides (varies): 5'-7", 4'-10"
Rear: 15'-2"	South Sides (varies): 4'-6", 10'-2"

HEIGHT	
Allowed:	
1 Story Ridge: 18'	1 Story Plate: 12'
2 Story Ridge: 24'	2 Story Plate: 18'
Existing:	
1 Story Ridge: 11'-10"	1 Story Plate: 6'-6" +/-, 6'-9" +/-
2 Story Ridge: N/A	2 Story Plate: N/A
Proposed:	
1 Story Ridge: 12'-4" +/-	1 Story Plate: 8'-1", 9'-1"
2 Story Ridge: 20'-7" +/-	2 Story Plate: 7'-4"

Revision/Issue	Date
PSA 22-058 (LHM)	4/20/22
DS 22-051 (LHM) COMMENTS	10/24/22
DS 22-051 (LHM) HEARING	1/12/23
DS 22-051 (LHM) HEARING	8/14/24

HASTINGS CONSTRUCTION, INC.

11 THOMAS OWENS WAY, SUITE 201 | MONTEREY, CA 93940
 (831) 620-0920 | DESIGN@HASTINGSCONSTRUCTION.COM
 LIC#: 791539 CLASS: A/B

Drawing Title: **TITLE SHEET**

Job Title: **LIM RESIDENCE**

Project Address & APN: **N. CASANOVA ST. 2 SE PALOU AVE., CARMEL-BY-THE-SEA, CA 93923**
APN: 010-225-003-000 | LOT 3

Project: **HC21007**

Date: **9/17/2024**

Drawn By: **AAP**

Scale: **N.T.S.**

T1

TREE ASSESSMENT SURVEY

Significant Tree Evaluation Worksheet

APN: 030-225-003-000
 Street Location: Casanova 2 SE of Palou
 Planner: Evan Fort
 City Forester: Sara Davis
 Property Owner: Lim
 Recommended Tree Density: 3 upper and 1 lower

Part One: Initial Screening:
 Complete Part One to determine if further assessment is warranted. Trees must pass all criteria in Part One to be considered significant or moderately significant.

A. Does the tree pose an above-normal potential risk to life and property?

Tree #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
YES															
NO	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Any tree with structural impairment likely to cause failure should be marked as unsafe and removed. Use page five of this worksheet to document the safety risk. Trees that have limited and specific defects that can be remedied with selective pruning or other mitigation should be marked as safe and specific recommendations should be given to the owner for tree care. Such trees may still be assessed for significance.

B. Is the tree one of the following native species on the Carmel-by-the-Sea recommended tree list?

Tree #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Species	MP	CR	CO	CO	CO	CO	CO	CO	MP	CO	maple	?			
YES	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
NO															

MP-Monterey pine MC-Monterey cypress BP-Bishop pine CR-coast redwood CO-coast live oak
 CI-Catalina ironwood CS-California sycamore BL-big leaf maple OT-other
 (Note: Other species on the recommended tree list may be determined to be Significant Trees only if they are exceptional examples of the species. Such trees also must exhibit excellent health, form, vigor, and substantial size to rate an overall score of at least 7 points in Part Two of the assessment.)

C. Does the tree meet the minimum size criteria for significance?

Tree #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
YES															
NO	X														

Monterey pine, Monterey cypress, Bishop pine, Coast redwood: 6" DBH
 Coast live oak - single trunk tree: 6" DBH
 Coast live oak - multi-trunk tree measured per industry standard: 6" DBH
 California sycamore, Big leaf maple, Catalina ironwood, other: 10" DBH
 dbh = diameter at breast height or 4.5 feet above the adjacent ground surface

Part Two: Assessment For Tree Significance

For each of the criteria below assign points as shown to assess the tree. If any criteria score is zero the assessment may stop as the tree cannot qualify as significant or moderately significant.

D. What is the health and condition of the tree?

Tree #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
score	2	2	2	2	2	2	2	2	2	2	2	2	2	2	1

0 points: The tree is heavily infested with pests or has advanced signs of disease that indicates the tree is declining and has very limited life expectancy.

1 point: The tree shows some pests or disease that impair its condition, but which does not immediately threaten the health of the tree. The tree may recover on its own, or with appropriate intervention.

2 points: The tree appears healthy and in good condition.

3 points: The tree shows excellent health, is free of pests and disease and is in very strong condition.

E. What is the overall form and structure of the tree?

Tree #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
score	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2

0 points: Prior pruning, disease or growth habit have left the tree deformed or unsound to an extent that it cannot recover or will never be a visual asset to the neighborhood or will likely deteriorate into a structural hazard.

1 point: The tree has poor form or structure but (a) can recover with proper maintenance or (b) it provides visual interest in its current form, and does not have structural defects that are likely to develop into a safety hazard.

2 points: The tree has average form and structure for the species but does not exhibit all the qualities of excellent form and structure.

3 points: The tree exhibits excellent form and structure. For all species there will be a good distribution of foliage on multiple branches with no defects. For conifers, the tree will have a single straight leader with balanced branching and with good taper. Oaks will exhibit a well-developed canopy with no suppressed branches. Oaks may be single-trunked or multi-trunked and will have a balanced distribution of foliage on each.

F. What is the age and vigor of the tree?

Tree #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
score	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2

0 points: The tree is over mature or shows signs of poor or declining vigor such as die-back of major limbs or of the crown, small leaves/needles and/or minimal new growth.

1 point: The tree is mature but retains normal vigor and is likely to continue as a forest asset for a substantial period into the future.

2 points: The tree is young to middle age and shows normal vigor.

3 points: The tree is young to middle age and shows exceptional vigor.

G. Are environmental conditions favorable to the tree?

Tree #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
score	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

0 points: The tree is crowded or has no room for growth to maturity. The tree has poor access to light, air or has poor soil for the species.

1 point: The tree has average environmental conditions including room for growth to maturity, access to light, air and soils suitable for the species.

2 points: The tree has room for growth to maturity with no crowding from other significant trees or existing buildings nearby. The tree also has excellent access to light, air and excellent soils for root development.

Part Three: Final Assessment

Record the total points scored on D - G for each tree.

Tree #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Total Score	6	7	7	7	7	7	7	7	7	7	6	7	7	6	6

A. Did all assessment categories in Part Two achieve a minimum score of 1-point?

Tree #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
YES	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
NO															

B. Are there any other factors that would disqualify a tree from a determination of significance? (Explain any 'yes' answers)

Conclusion: Does The Tree Qualify As Significant Or Moderately Significant?

If the tree meets the species, size and safety criteria identified in Part One and scores at least one point under each of the criteria in Part Two, it shall be classified as Significant if it achieves a score of 6 or more points or shall be classified as Moderately Significant if it achieves a score of 4 or 5 points. Tree species not listed in Part One-B that meet other screening criteria in Part One may be classified by the City Forester as Significant if they score at least 7 points, or as Moderately Significant if they score at least 4 points. All other trees are classified as non-significant.

Tree #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
MOD SIGNIF	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
NOT SIGNIF															

Items to note: The pruning of neighbors' trees is not permitted without the property owners permission. Eradicate all by: Stump grinding the trees into mulch. Remove high stumps in the public right of way.

Required Structural Root Zone

Tree #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Feet	20	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Required Tree Protection Zone

Tree #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
YES	60	0	18	18	18	18	18	18	18	18	18	54	27	9	30

Requirements for tree preservation shall adhere to the following tree protection measures on construction site.

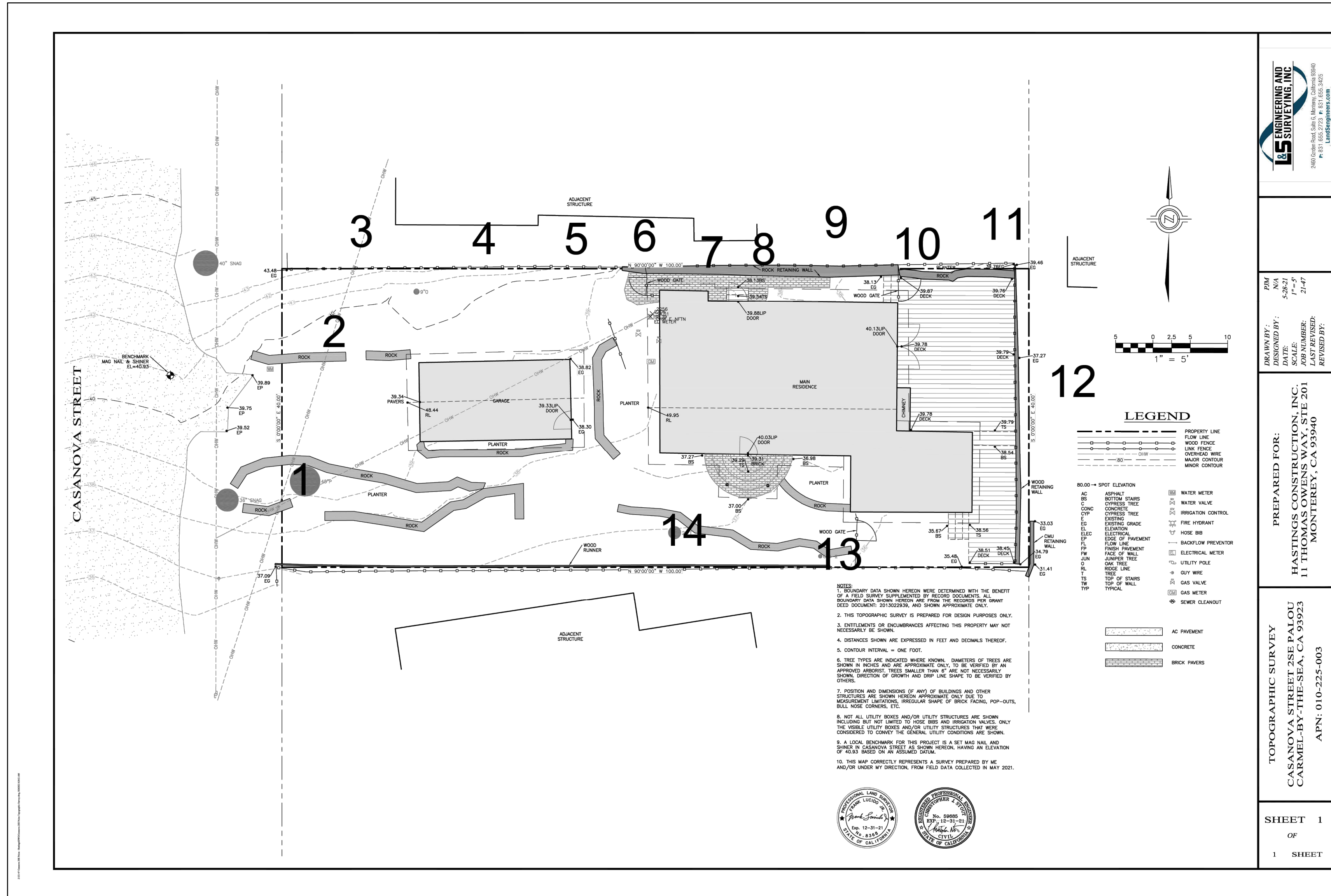
- Prior to grading, excavation, or construction, the developer shall clearly tag or mark all trees to be preserved.
- Excavation within 6 feet of a tree trunk is not permitted.
- No attachments or wires of any kind, other than those of a protective nature shall be attached to any tree.
- Per Municipal Code Chapter 17.48.110 no material may be stored within the dripline of a protected tree to include 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. 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 fencing.

The Structural Root Zone - 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 feet 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 pneumatic excavator, hydrovac at low pressure, or other 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.

Attachment 5



Revision/Issue	Date

HASTINGS CONSTRUCTION, INC.
 11 THOMAS OWENS WAY, SUITE 201 | MONTEREY, CA 93940
 (831) 620-0920 | DESIGN@HASTINGSCONSTRUCTION.COM
 LIC#: 791539 CLASS: A/B

Drawing Title:
TREE ASSESSMENT SURVEY

Job Title:
 LIM RESIDENCE

Project Address & APN:
 CASANOVA ST. 2 SE PALOU AVE., CARMEL-BY-THE-SEA, CA 93923
 APN: 010-225-003-000 | BLOCK 11, LOT 3

Project:
 HC21001

Date:
 9/17/2024

Drawn By:
 AAP

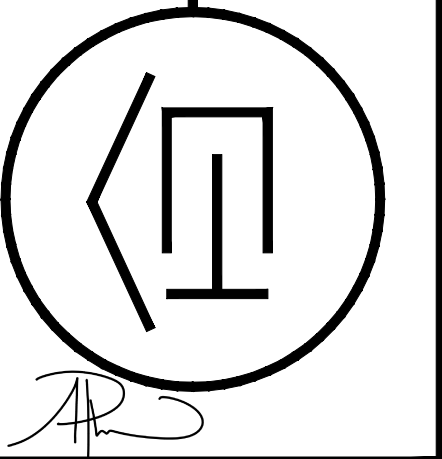
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Sheet:
T2

Revision/Issue	Date
△ D8 22-091 (LH) HEARING	1/12/23
△ D8 22-091 (LH) HEARING	8/14/24

HASTINGS CONSTRUCTION, INC.

11 THOMAS OWENS WAY, SUITE 201 | MONTEREY, CA 93940
 (831) 620-0920 | DESIGN@HASTINGSCONSTRUCTION.COM
 LIC#: 791539 CLASS: A/B



APB

Drawing Title:
TREE SITE PLAN

Job Title:
LIM RESIDENCE

Project Address & APN:
**CASANOVA ST. 2 SE PALOU AVE., CARMEL-BY-THE-SEA, CA 93923
 APN: 010-225-003-000 | BLOCK 11, LOT 3**

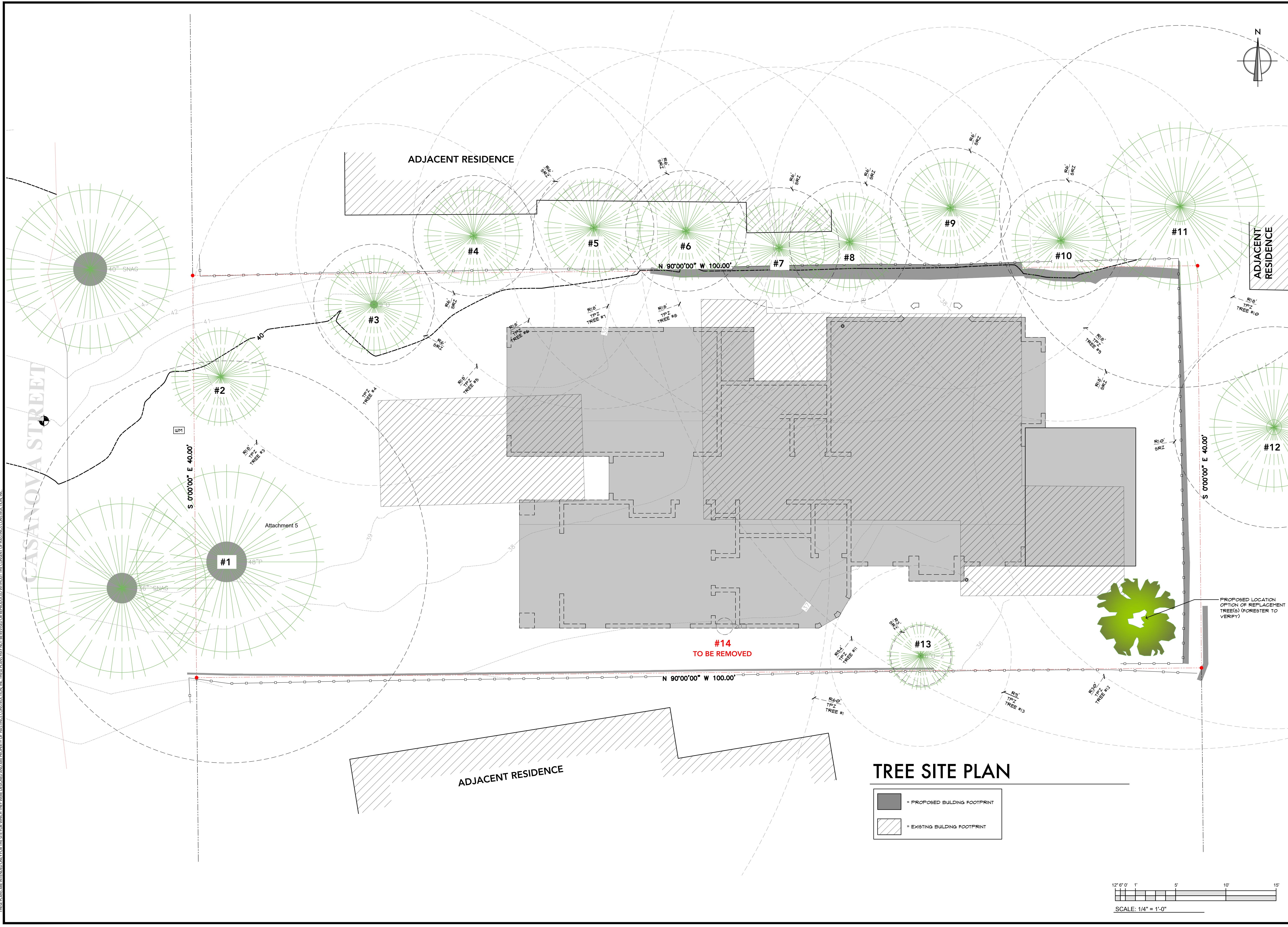
Project:
HC21001

Date:
9/17/2024

Drawn By:
AAP

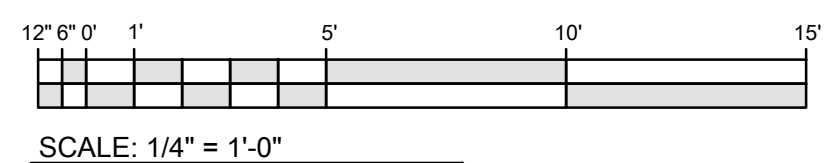
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TREE SITE PLAN

- = PROPOSED BUILDING FOOTPRINT
- = EXISTING BUILDING FOOTPRINT



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CASANOVA STREET

Attachment 5

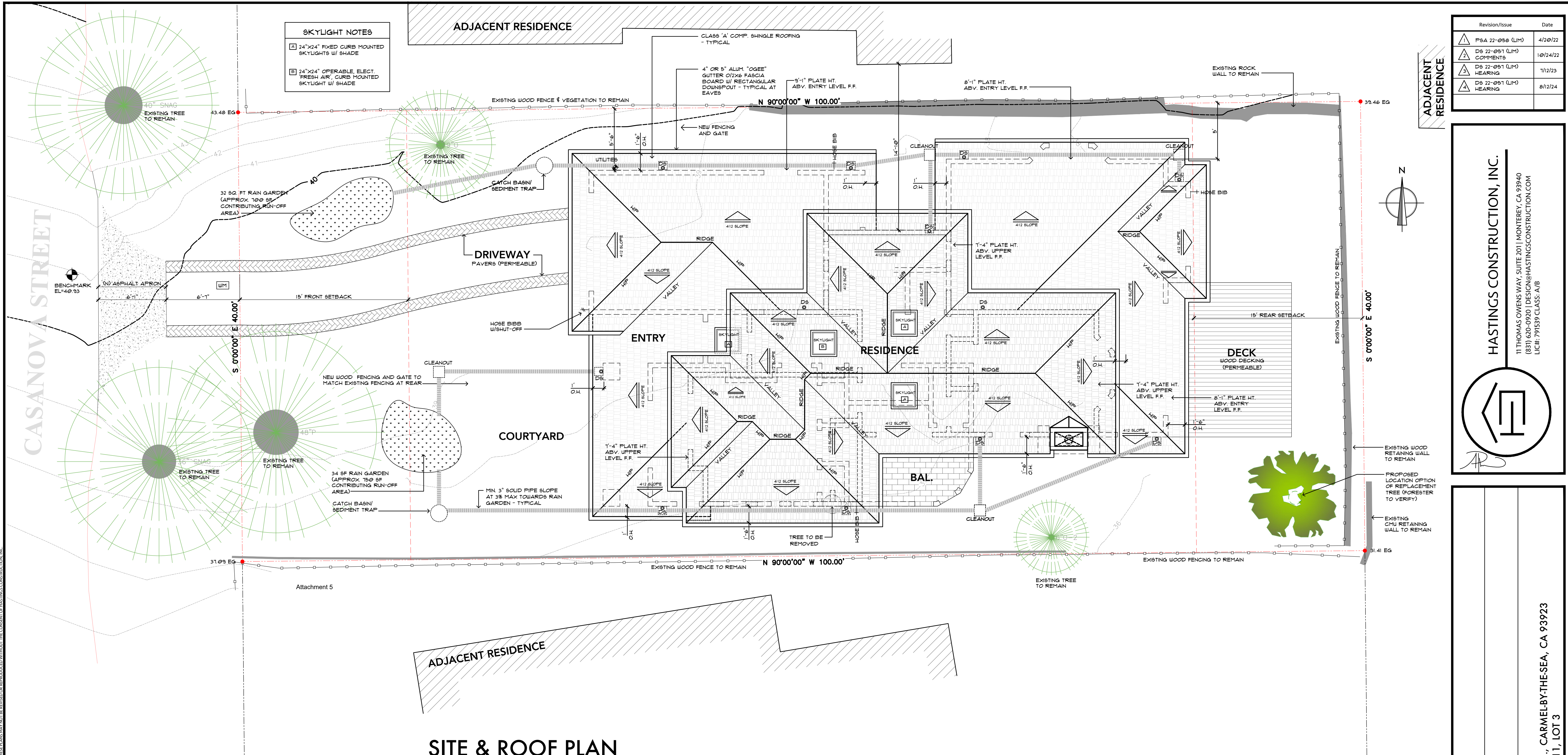
PROPOSED LOCATION
 OPTION OF REPLACEMENT
 TREE(S) (FORESTER TO VERIFY)

#14
 TO BE REMOVED

ADJACENT RESIDENCE

ADJACENT
 RESIDENCE

ADJACENT RESIDENCE



SKYLIGHT NOTES

- 24"x24" FIXED CURB MOUNTED SKYLIGHTS W/ SHADE
- 24"x24" OPERABLE ELECT. FRESH AIR, CURB MOUNTED SKYLIGHT W/ SHADE

Revision/Issue	Date
PSA 22-058 (LHM)	4/20/22
DS 22-051 (LHM) COMMENTS	10/24/22
DS 22-051 (LHM) HEARING	1/12/23
DS 22-051 (LHM) HEARING	8/12/24

HASTINGS CONSTRUCTION, INC.
 11 THOMAS OWENS WAY, SUITE 201 | MONTEREY, CA 93940
 (831) 620-0920 | DESIGN@HASTINGSCONSTRUCTION.COM
 LIC#: 791539 CLASS: A/B

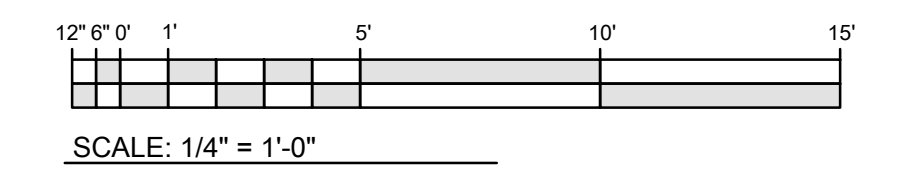
SITE & ROOF PLAN

ROOF PLAN NOTES:
 ROOF SLOPE IS 4:12 UNO.; ARROWS INDICATE DIRECTION OF ROOF SLOPE.
 ROOFING SHALL BE RATED CLASS 'A' OR HIGHER AND INSTALLED PER MANUFACTURER'S SPECS.
 SKYLIGHTS SHALL BE LOW PROFILE, NON-GLARE, DUAL PANE, TEMPERED GLASS - BY VELUX OR EQUAL.
 FLASHINGS SHALL BE INSTALLED AT WALL AND ROOF INTERSECTIONS WHEREVER THERE IS A CHANGE IN ROOF SLOPE OR DIRECTION AND AROUND ROOF OPENINGS. FLASHING SHALL BE INSTALLED TO DIVERT WATER AWAY FROM WHERE THE EAVE OF A SLOPED ROOF INTERSECTS WITH A VERTICAL WALL (PER R903.2.1).

DRAINAGE NOTES:
 ALL INFILTRATION SYSTEM(S) SHALL BE DESIGNED IN ACCORDANCE WITH CARMEL MUNICIPAL CODE STANDARD OPERATING GUIDANCE (SOG) 11-01 FOR PRIVATE STORMWATER DRAINAGE SYSTEMS.
 DRAINAGE FROM DOWNSPOUTS AND PAVED AREAS SHALL BE DIRECTED TO LANDSCAPED AREAS, OR COLLECTED IN FRENCH DRAINS OR SUBGRADE PERFORATED PIPE COLLECTORS, AND CONVEYED TO BEST MANAGEMENT PRACTICES (BMP) SUCH AS RAIN GARDENS OR INFILTRATION TRENCHES.
 RAIN GARDENS SHALL BE DESIGNED IN ACCORDANCE WITH THE BAY AREA STORMWATER MANAGEMENT AGENCIES ASSOCIATION (BASMMA) PUBLICATION RAIN GARDENS, STORMWATER CONTROL FOR SMALL PROJECTS.
 REFER TO [HTTPS://CI.GARME.CA.US/POD/Private-Drainage-Systems](https://ci.garmel.ca.us/POD/Private-Drainage-Systems) FOR APPROVED LIST OF RAIN GARDEN PLANTS.
 THE LANDSCAPED AREAS USED FOR INFILTRATION SHALL BE AT LEAST 50% OF THE SIZE OF THE CONTRIBUTING IMPERVIOUS SURFACE.
 RUNOFF SHALL BE DIRECTED AWAY FROM BUILDING FOUNDATIONS.
 OVERFLOW MUST BE DIRECTED AWAY FROM NEIGHBORING PROPERTIES. OVERFLOW TO THE STREET REQUIRES AN ENCROACHMENT PERMIT APPROVED BY THE PUBLIC WORKS DIRECTOR.

LANDSCAPING GENERAL NOTES:
 ALL LANDSCAPING SHOWN IS FOR DESIGN INTENT ONLY AND SHALL BE SELECTED AND APPROVED BY OWNER, PRIOR TO INSTALLATION.
 ALL NEW LANDSCAPING SHALL BE INSTALLED AND MAINTAINED IN CONFORMANCE WITH THE STANDARDS IN CARMEL MUNICIPAL CODE FOR LANDSCAPING, TREES & SHRUBS CHAPTERS 11.34 AND 11.48.
 ALL NEW LANDSCAPING SHALL BE 75% DROUGHT-TOLERANT.
 LANDSCAPED AREAS SHALL BE IRRIGATED BY A DRIP/SPRINKLER SYSTEM SET ON A TIMER.
 THE PROJECT SHALL MEET THE CITY'S RECOMMENDED TREE DENSITY STANDARDS UNLESS OTHERWISE APPROVED BY THE CITY BASED ON SITE CONDITIONS.
 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.
 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.
 TWELVE INCHES (12") OF MULCH SHALL BE EVENLY SPREAD INSIDE THE DRIFLINE OF ALL TREES PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

TREE PROTECTION ZONE (TPZ):
 TPZ SHALL BE EQUAL TO DRIFLINE 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. 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 INSTALLED BE 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 FENCING.
 THE STRUCTURAL ROOT ZONE (SRZ)
 SRZ SHALL BE 6 FEET FROM THE TRUNK OR 6 INCHES RADIALLY FROM THE TREE FOR EVERY ONE INCH OF TRUNK DIA. 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 PNEUMATIC EXCAVATOR, HYDROVAC AT LOW PRESSURE, OR OTHER METHOD THAT DOES NOT SEVER ROOTS.
 FOOTINGS MAY NOT TRENCH THROUGH MORE THAN 25% OF THE SRZ. PIERS AND CANTILEVERS ARE ACCEPTABLE.



Drawing Title: **PROPOSED SITE & ROOF PLANS**
 Job Title: **LIM RESIDENCE**
 Project Address & APN: **CASANOVA ST. 2 SE PALOU AVE., CARMEL-BY-THE-SEA, CA 93923**
APN: 010-225-003-000 | BLOCK 11, LOT 3

Project: **HC21001**
 Date: **9/11/2024**
 Drawn By: **AAP**
 Scale: **1/4"=1'-0"**

Sheet: **A1**

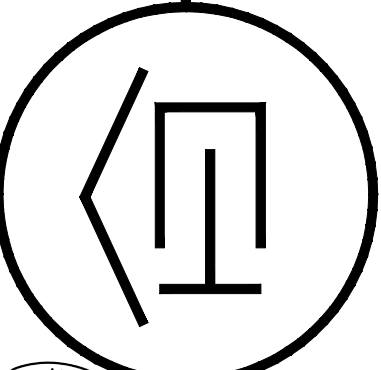
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Attachment 5

Revision/Issue	Date
DS 22-057 (LHM) COMMENTS	10/24/22

HASTINGS CONSTRUCTION, INC.

11 THOMAS OWENS WAY, SUITE 201 | MONTEREY, CA 93940
(831) 620-0920 | DESIGN@HASTINGSCONSTRUCTION.COM
LIC#: 791539 CLASS: A/B



Drawing Title:
EXISTING FLOOR PLAN

Job Title:
LIM RESIDENCE

Project Address & APN:
**CASANOVA ST. 2 SE PALOU AVE., CARMEL-BY-THE-SEA, CA 93923
APN: 010-225-003-000 | BLOCK II, LOT 3**

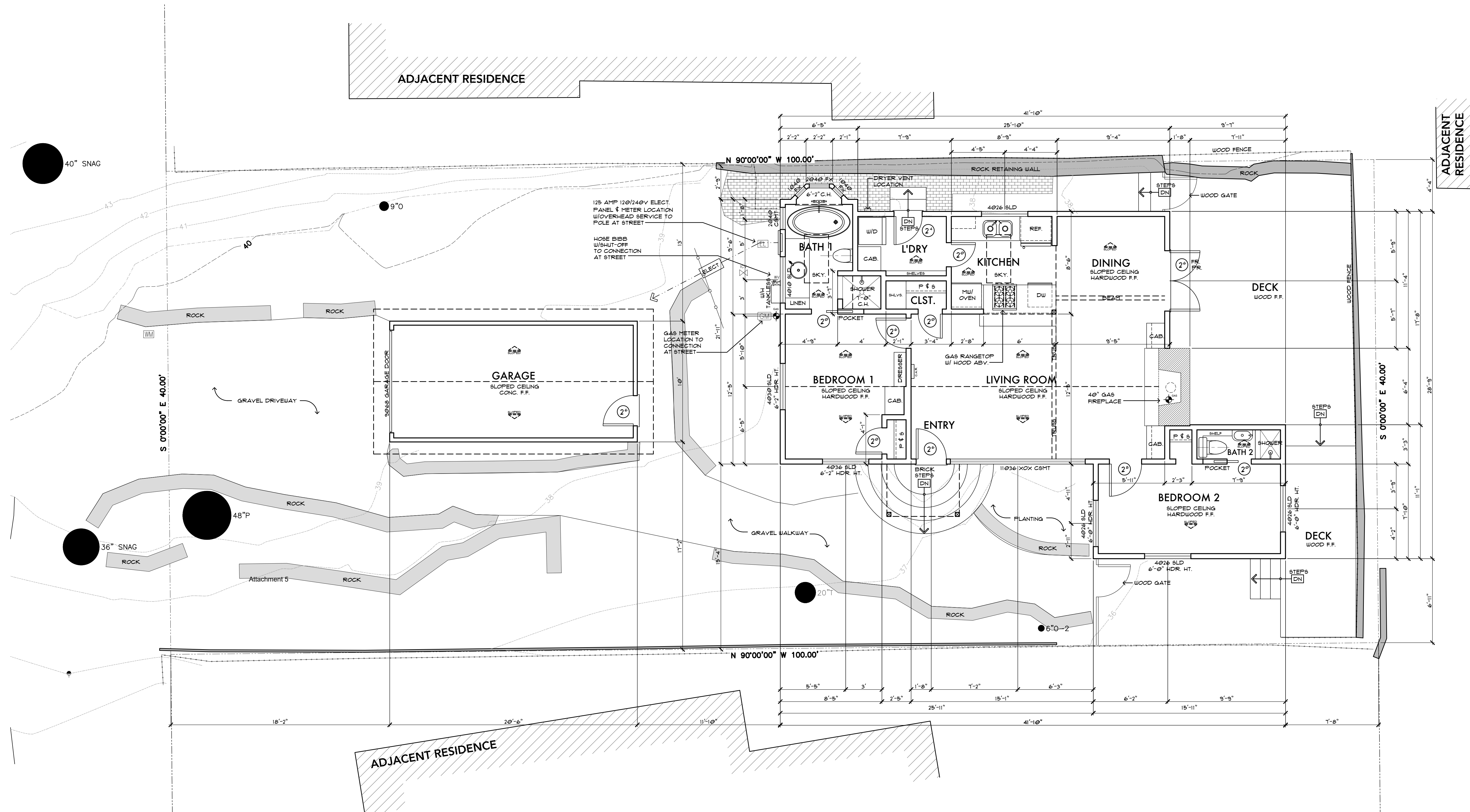
Project:
HC21001

Date:
9/17/2024

Drawn By:
AAP

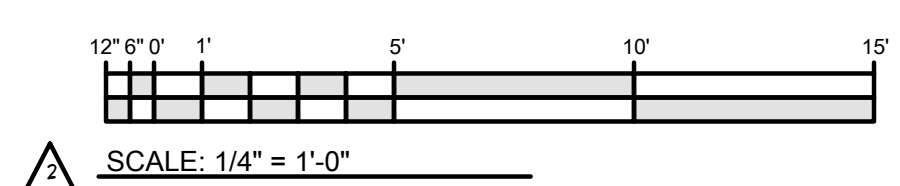
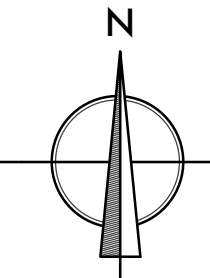
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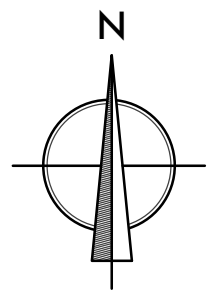


EXISTING FLOOR PLAN

NOTE: All existing structures and site coverages (driveway, walkways, etc) are to be demolished; existing fences shall remain.

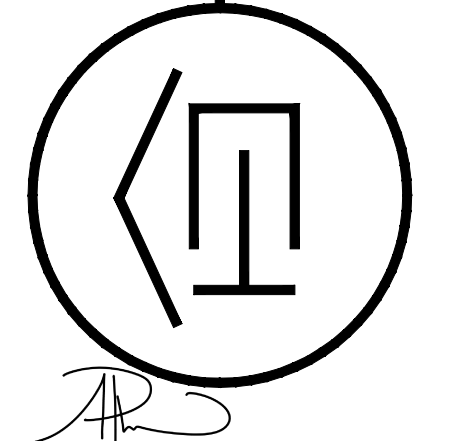


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Revision/Issue	Date
△ P&A 22-058 (LHM)	4/20/22
△ DS 22-051 (LHM) COMMENTS	10/24/22
△ DS 22-051 (LHM) HEARING	1/12/23
△ DS 22-051 (LHM) HEARING	8/14/24

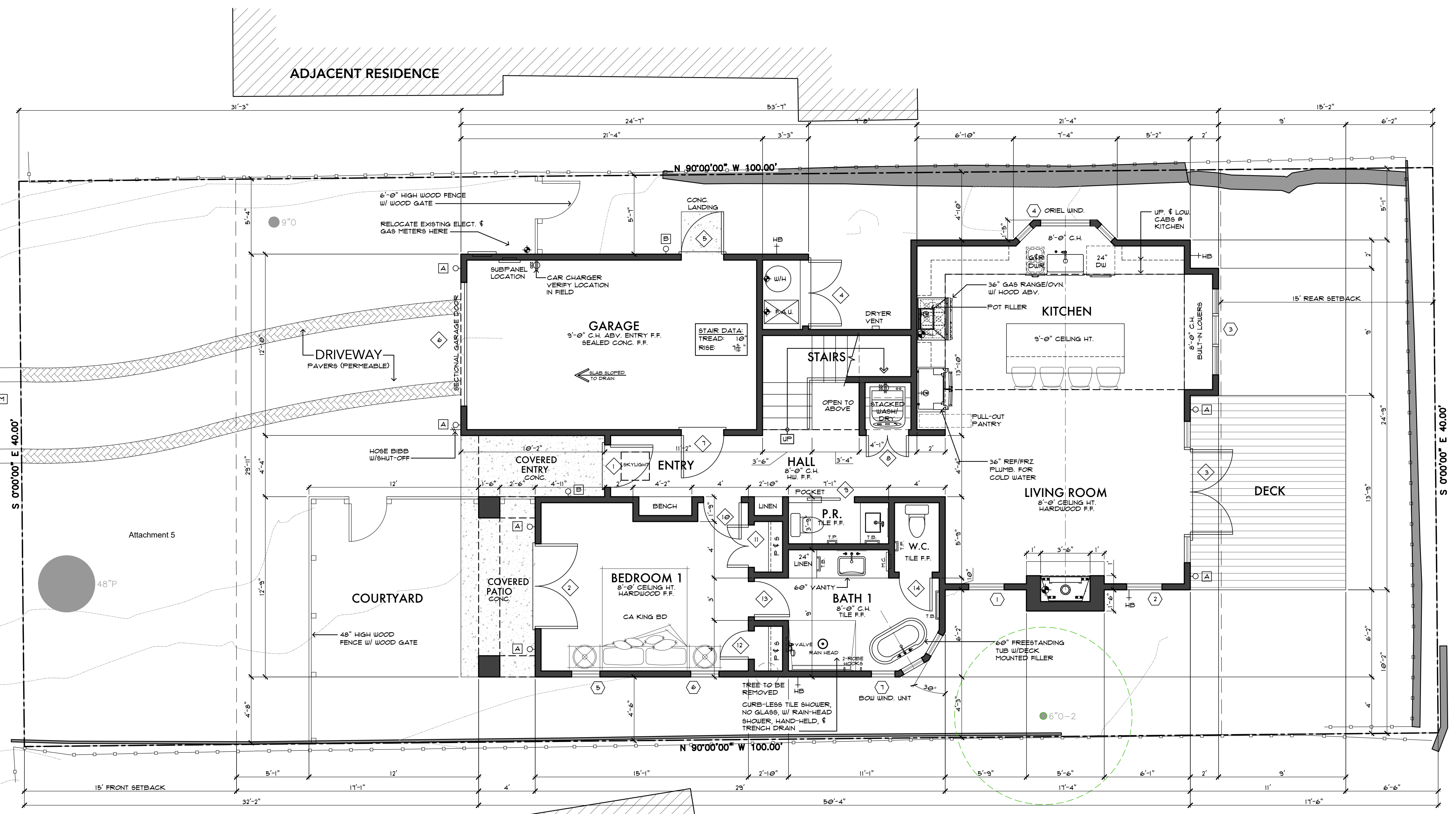
HASTINGS CONSTRUCTION, INC.
 11 THOMAS OWENS WAY, SUITE 201 | MONTEREY, CA 93940
 (831) 620-0920 | DESIGN@HASTINGSCONSTRUCTION.COM
 LIC#: 791539 CLASS: A/B



PROPOSED ENTRY LEVEL FLOOR PLAN
 Job Title:
LIM RESIDENCE
 Project Address & APN:
CASANOVA ST. 2 SE PALOU AVE., CARMEL-BY-THE-SEA, CA 93923
APN: 010-225-003-000 | BLOCK 11, LOT 3

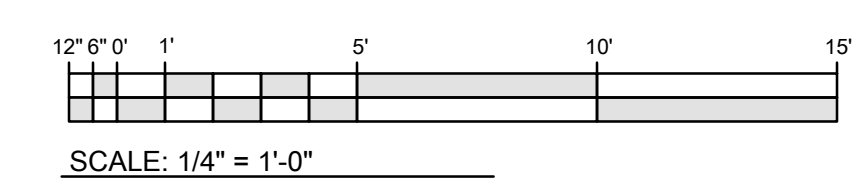
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9/11/2024
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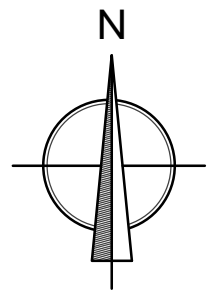


PROPOSED ENTRY LEVEL FLOOR PLAN

- NEW WALL
- EXISTING WALL TO REMAIN (N/A)
- EXISTING WALL/ELEMENT TO BE REMOVED



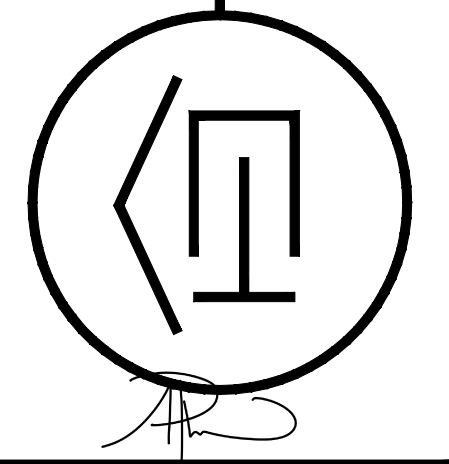
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Revision/Issue	Date
△ P&A 22-058 (LHM)	4/20/22
△ DS 22-051 (LHM) COMMENTS	10/24/22
△ DS 22-051 (LHM) HEARING	1/12/23
△ DS 22-051 (LHM) HEARING	8/14/24

ADJACENT RESIDENCE

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 11 THOMAS OWENS WAY, SUITE 201 | MONTEREY, CA 93940
 (831) 620-0920 | DESIGN@HASTINGSCONSTRUCTION.COM
 LIC#: 791539 CLASS: A/B



Drawing Title:
PROPOSED UPPER LEVEL FLOOR PLAN

Job Title:
LIM RESIDENCE

Project Address & APN:
**CASANOVA ST. 2 SE PALOU AVE., CARMEL-BY-THE-SEA, CA 93923
 APN: 010-225-003-000 | BLOCK 11, LOT 3**

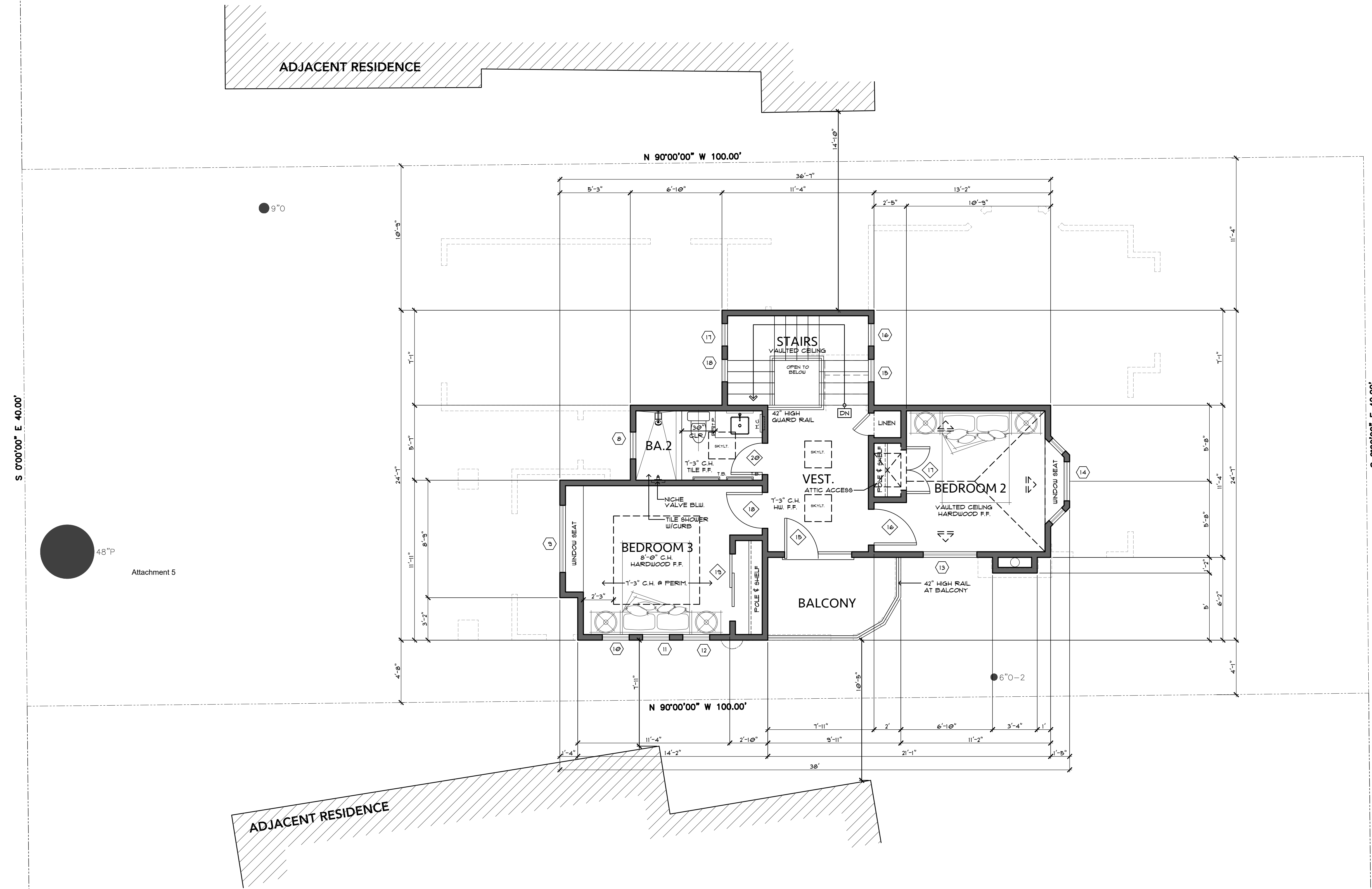
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9/17/2024

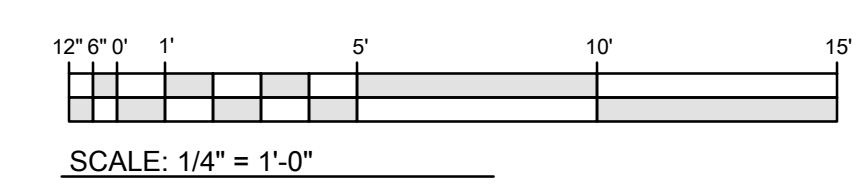
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AAP

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PROPOSED UPPER LEVEL FLOOR PLAN

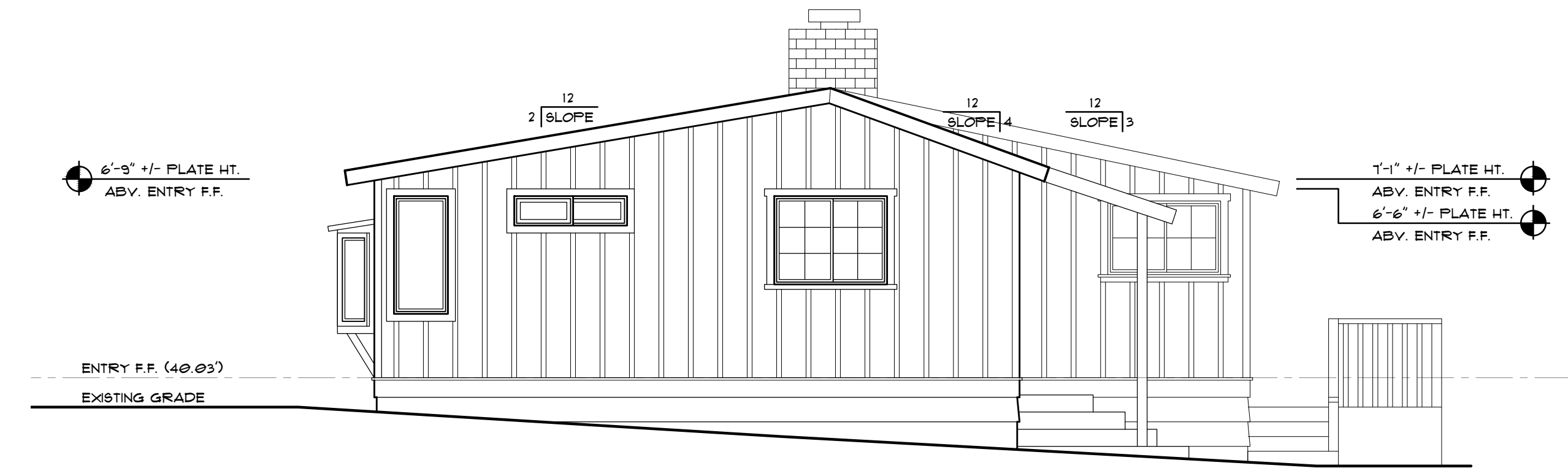


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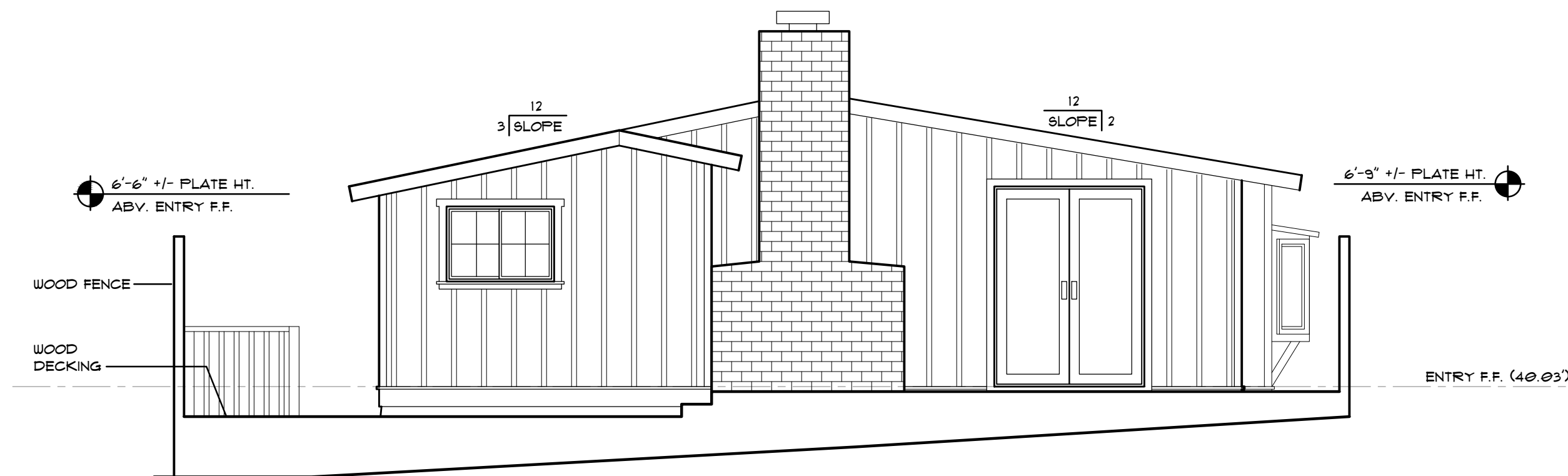
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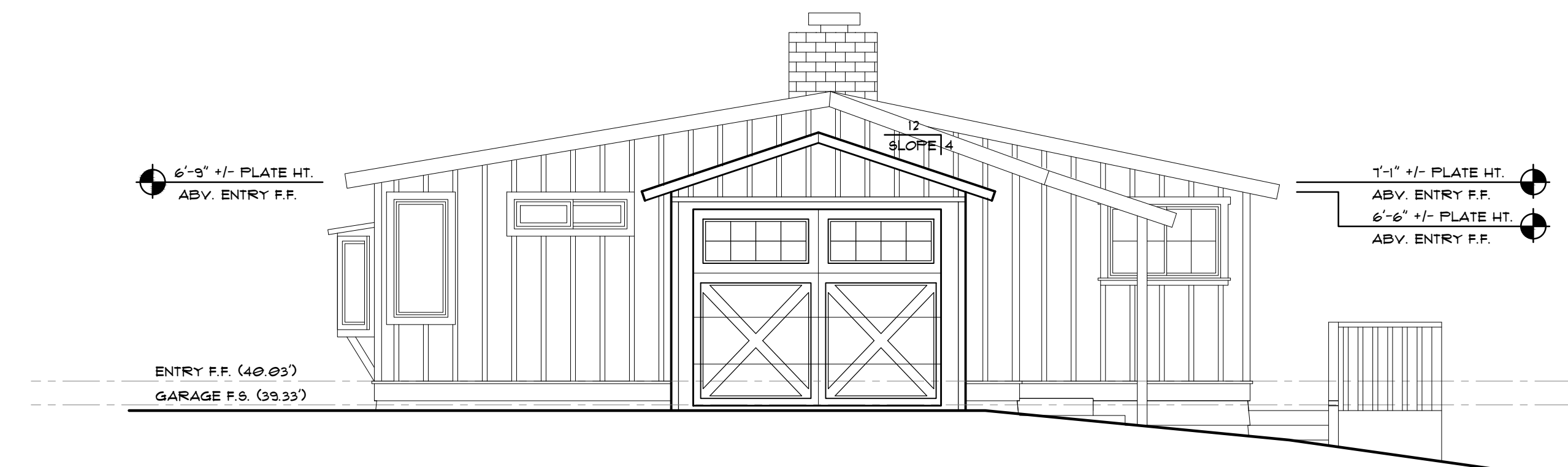
EXISTING SOUTH ELEVATION



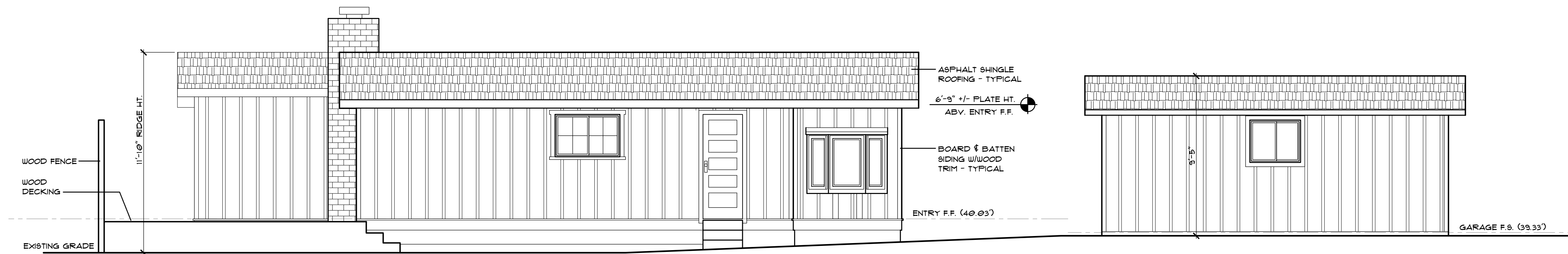
EXISTING WEST (FRONT) ELEVATION



EXISTING EAST ELEVATION



EXISTING WEST (FRONT) ELEVATION - FROM STREET

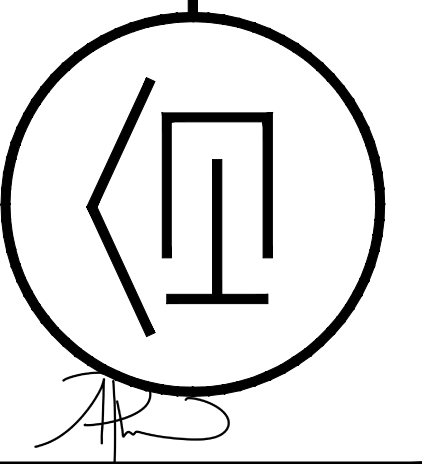


EXISTING NORTH ELEVATION

Revision/Issue	Date
2 D8 22-091 (LHM) COMMENTS	10/24/22

HASTINGS CONSTRUCTION, INC.

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(831) 620-0920 | DESIGN@HASTINGSCONSTRUCTION.COM
LIC#: 791539 CLASS: A/B



Drawing Title:
EXISTING EXTERIOR ELEVATIONS

Job Title:

LIM RESIDENCE

Project Address & APN:

CASANOVA ST. 2 SE PALOU AVE., CARMEL-BY-THE-SEA, CA 93923
APN: 010-225-003-000 | BLOCK 11, LOT 3

Project:
HC21001
Date:
9/17/2024
Drawn By:
AAP
Scale:
1/4"=1'-0"

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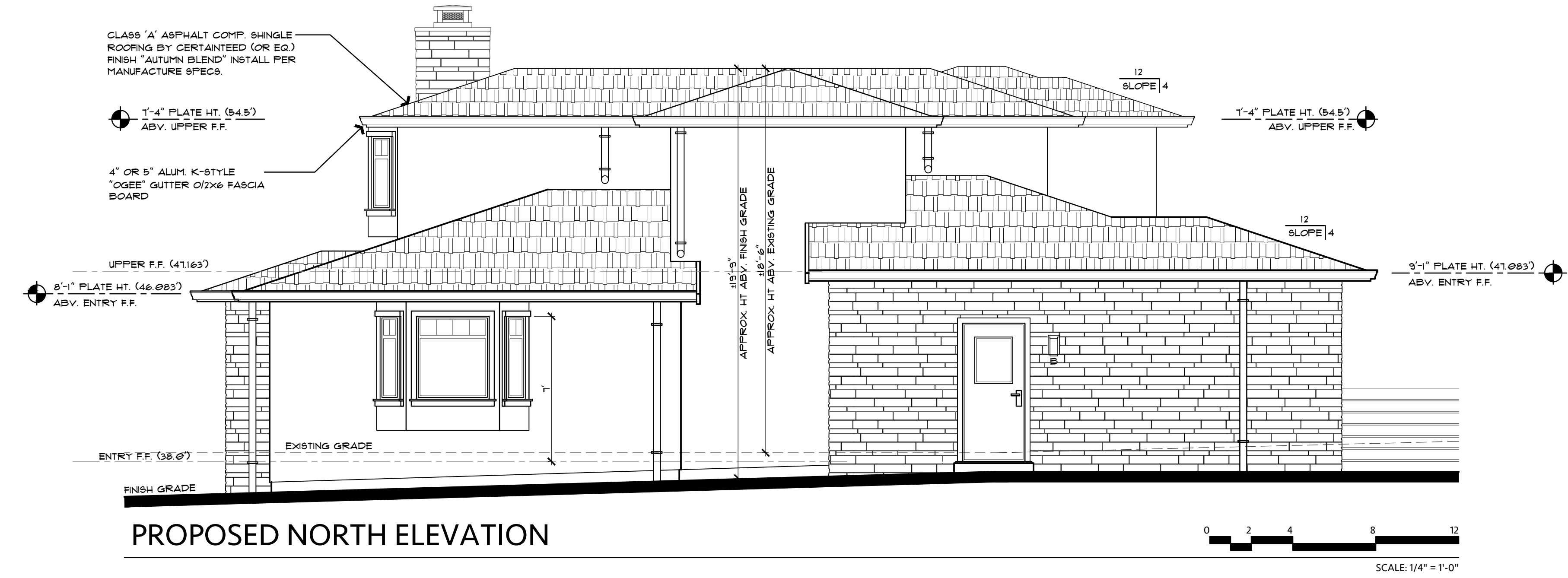
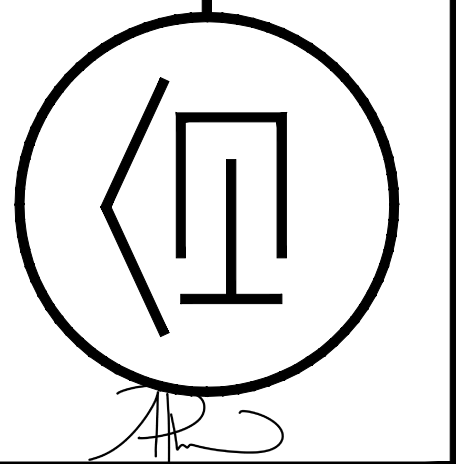
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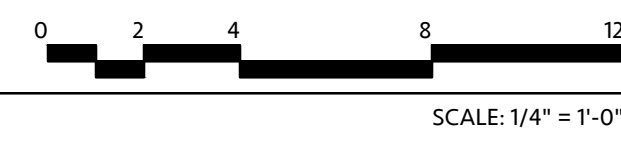
Revision/Issue	Date
△ P&A 22-058 (LHM)	4/20/22
△ D&S 22-051 (LHM) COMMENTS	10/24/22
△ D&S 22-051 (LHM) HEARING	1/12/23
△ D&S 22-051 (LHM) HEARING	8/14/24

HASTINGS CONSTRUCTION, INC.

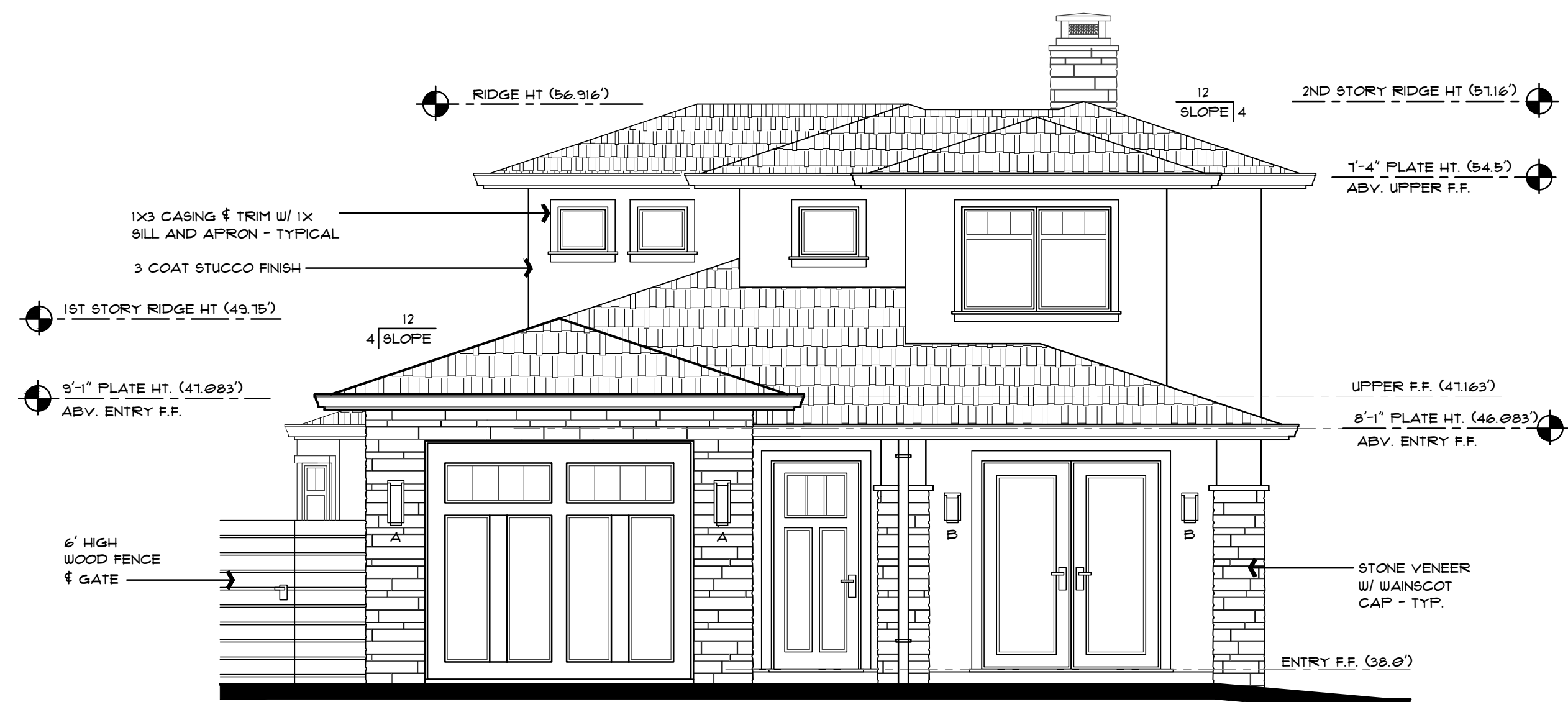
11 THOMAS OWENS WAY, SUITE 201 | MONTEREY, CA 93940
(831) 620-0920 | DESIGN@HASTINGSCONSTRUCTION.COM
LIC#: 791539 CLASS: A/B



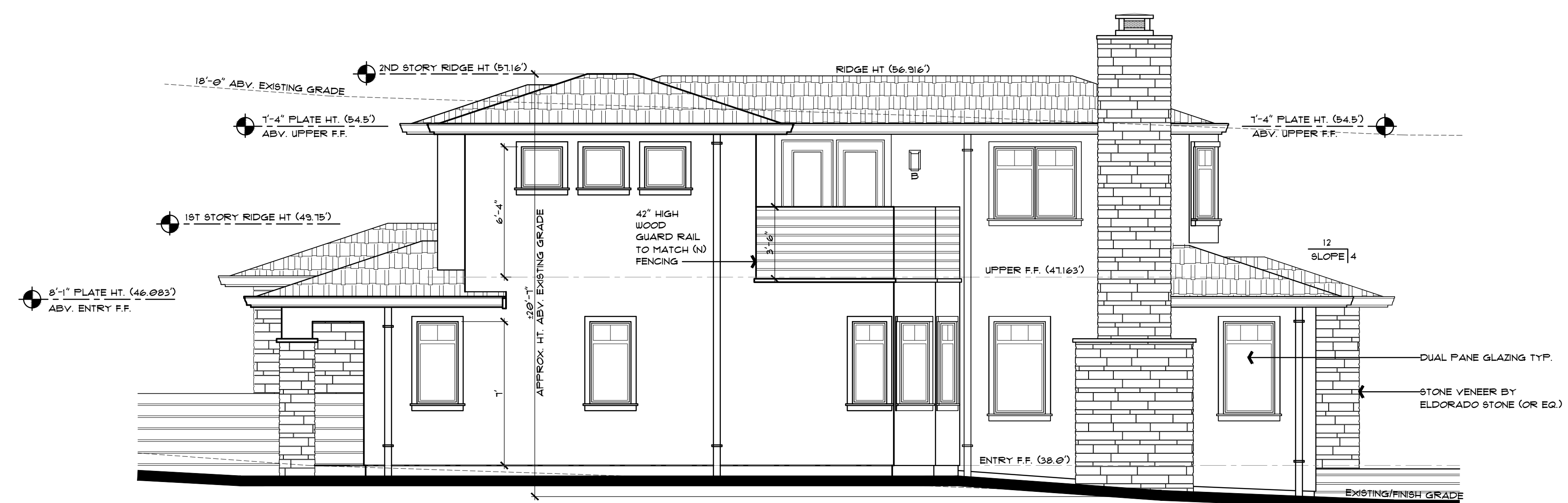
PROPOSED NORTH ELEVATION



PROPOSED EAST ELEVATION
ALTERNATE



PROPOSED WEST (FRONT) ELEVATION



PROPOSED SOUTH ELEVATION



Drawing Title:
ALTERNATE PROPOSED EXTERIOR ELEVATIONS

Job Title:

LIM RESIDENCE

Project Address & APN:

CASANOVA ST. 2 SE PALOU AVE., CARMEL-BY-THE-SEA, CA 93923
APN: 010-225-003-000 | BLOCK 11, LOT 3

Project:

HC21001

Date:

9/17/2024

Drawn By:

AAP

Scale:

1/4"=1'-0"

Sheet

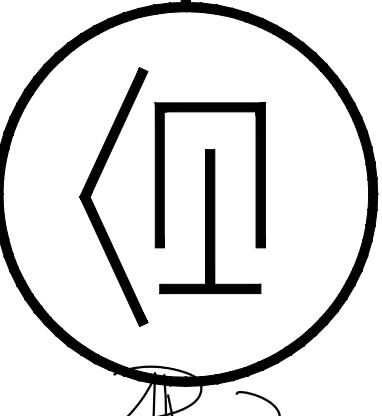
A6

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Revision/Issue	Date
1 P&A 22-058 (LHM)	4/20/22
2 DS 22-057 (LHM) COMMENTS	10/12/22
3 DS 22-057 (LHM) HEARING	1/12/23

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LIC#: 791539 CLASS: A/B



Drawing Title:
EXTERIOR FINISHES AND EXTERIOR LIGHTING SPECIFICATIONS

Job Title:
LIM RESIDENCE

Project Address & APN:
**CASANOVA ST. 2 SE PALOU AVE., CARMEL-BY-THE-SEA, CA 93923
APN: 010-225-003-000 | BLOCK 11, LOT 3**

Project:
HC21001

Date:
9/17/2024

Drawn By:
AAP

Scale:
1/4" = 1'-0"

A7



EXTERIOR FINISHES



Light Fixture A Specifications

Modern Forms Vitrine 16" High Bronze LED Outdoor Wall Light

Product Details

This bronze outdoor wall light has a mouth-blown seeded glass shade that adds a beautiful rain-washed effect.

Additional Info:

Gorgeous glass and a rich oil-rubbed bronze finish make for a compelling combination in this outdoor LED wall light from Modern Forms. This light features absolutely beautiful seeded optic glass, mouth-blown for an incredible look flanking a front or back door. Perfect for indoor and outdoor settings in luxury homes and resorts. Supports smooth dimming with the addition of an electronic low voltage dimmer (not included).



Shop all Modern Forms

- 16" high x 6 1/2" wide. Extends 4 1/2" from the wall.
- Backplate is 14 3/4" high x 6 1/2" wide x 3/4" deep. Glass is 14" high x 5 1/4" wide x 3" deep.
- Includes one dimmable 10.3 watt high-powered replaceable LED module: 365 lumen light output, comparable to a 35 watt incandescent. 3000K color temperature. 90 CRI.
- Energy-efficient LED outdoor wall light from the Vitrine collection by Modern Forms.
- Bronze finish over aluminum construction. Clear hammered seeded mouth-blown optic glass.

- Smooth and continuous dimming with an electronic low voltage (ELV) dimmer.
- LED averages 80,000 hours at 3 hours per day.
- AC LED technology - no driver or transformer required.
- Easily fits on a pancake junction box.
- 277V, 240V, or custom CCT options available by special order.
- Perfect for indoor and outdoor settings in luxury homes and resorts.



Light Fixture B Specifications

Modern Forms Vitrine 12" High Bronze LED Outdoor Wall Light

- 12" high x 6 1/2" wide. Extends 4" from the wall. Backplate is 10 3/4" high x 6 1/2" wide x 3/4" deep.
- 5 watt high-powered replaceable LED module, comparable to a 25 watt incandescent. 205 lumens. 3000K. 90 CRI.

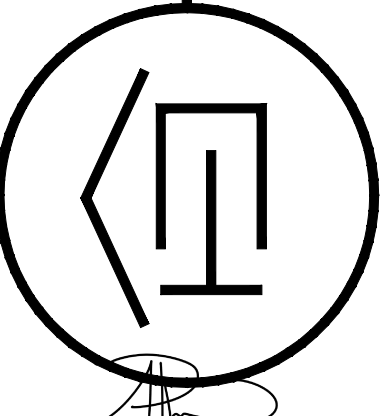
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Attachment 5

Revision/Issue	Date
△ P&A 22-058 (LHM)	4/20/22
△ D&S 22-051 (LHM) HEARING	1/12/23

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(831) 650-0920 | DESIGN@HASTINGSCONSTRUCTION.COM
LIC#: 791539 CLASS: A/B

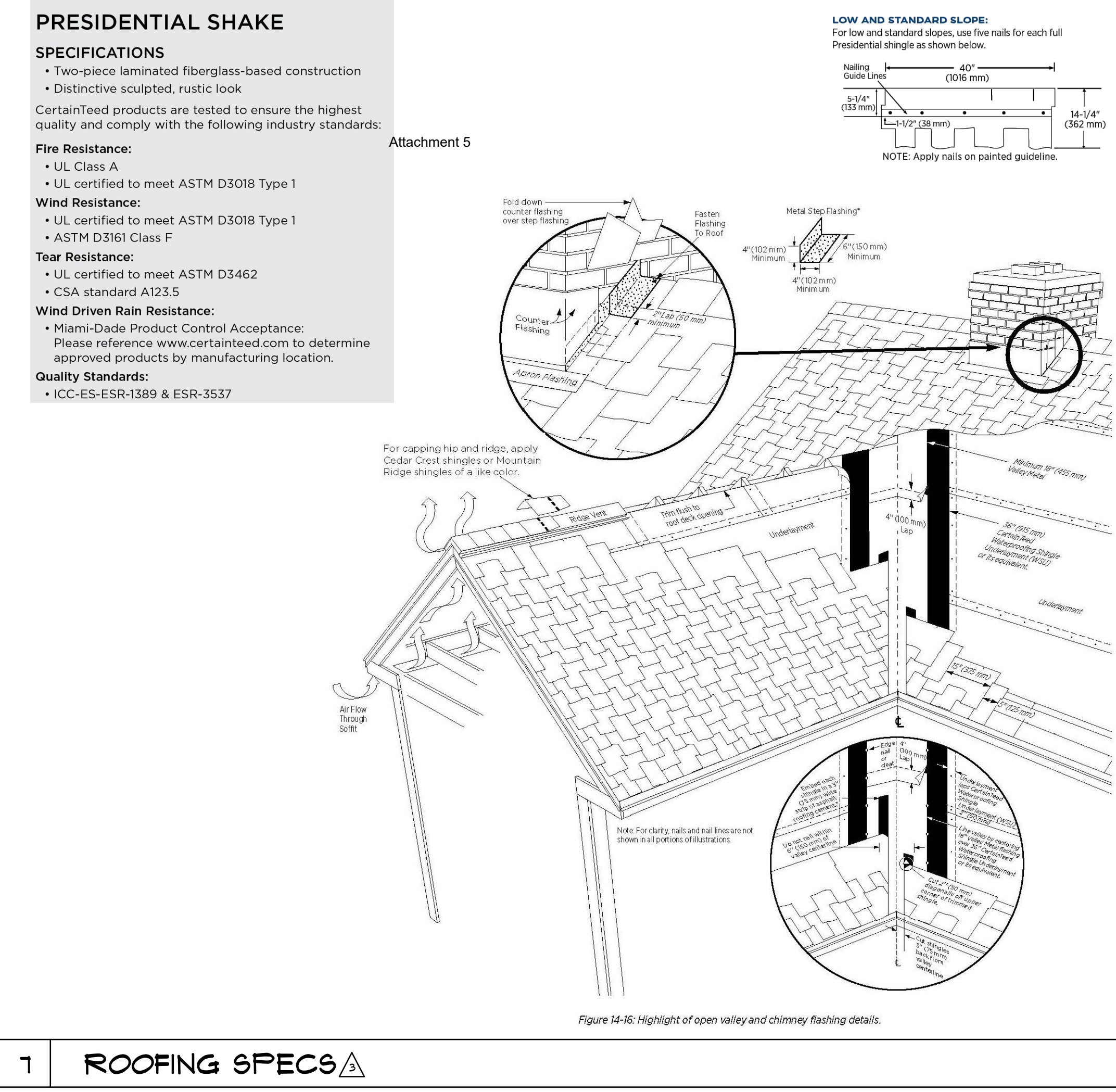
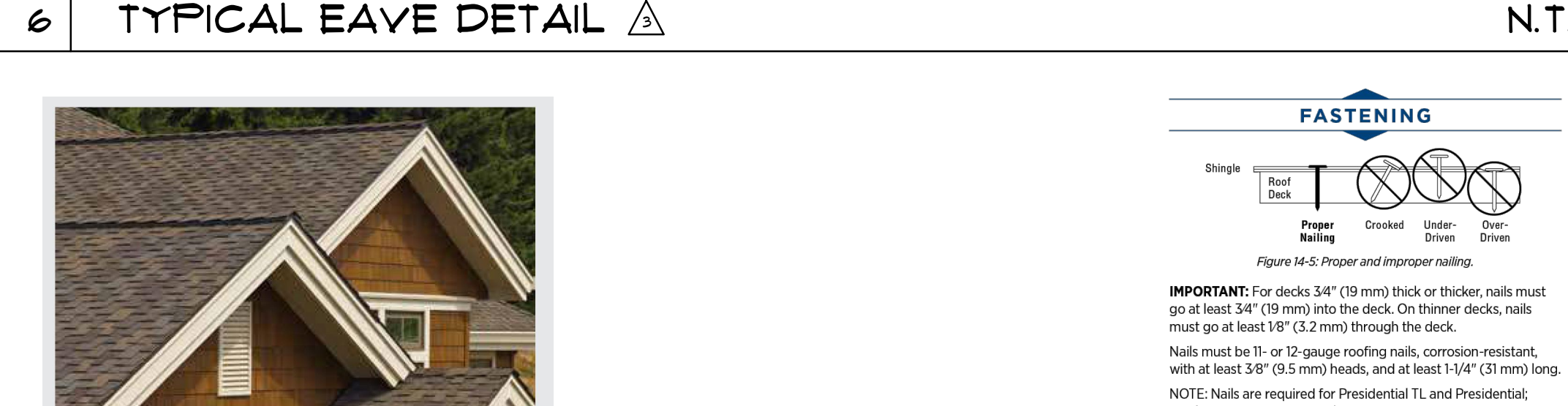
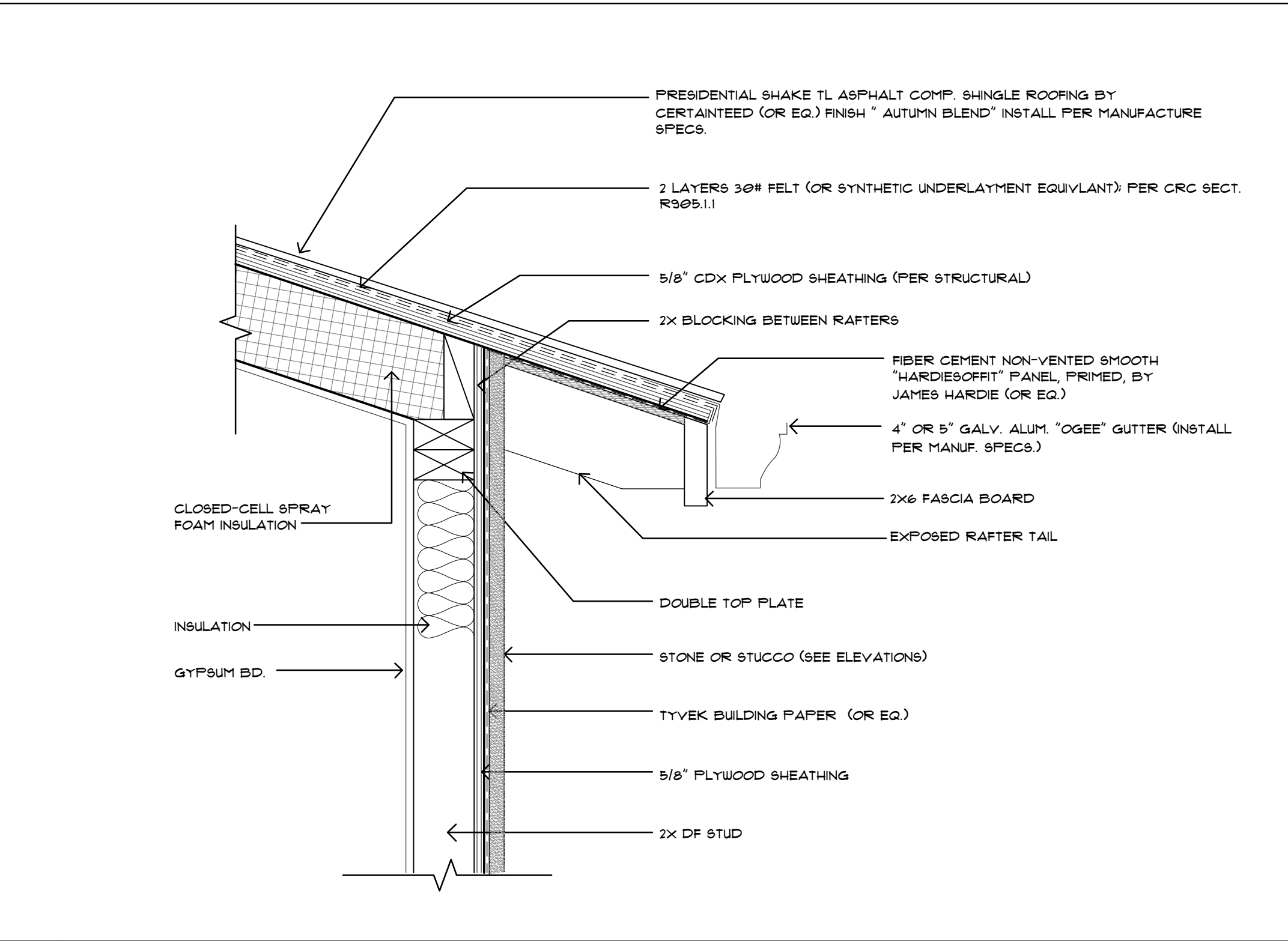
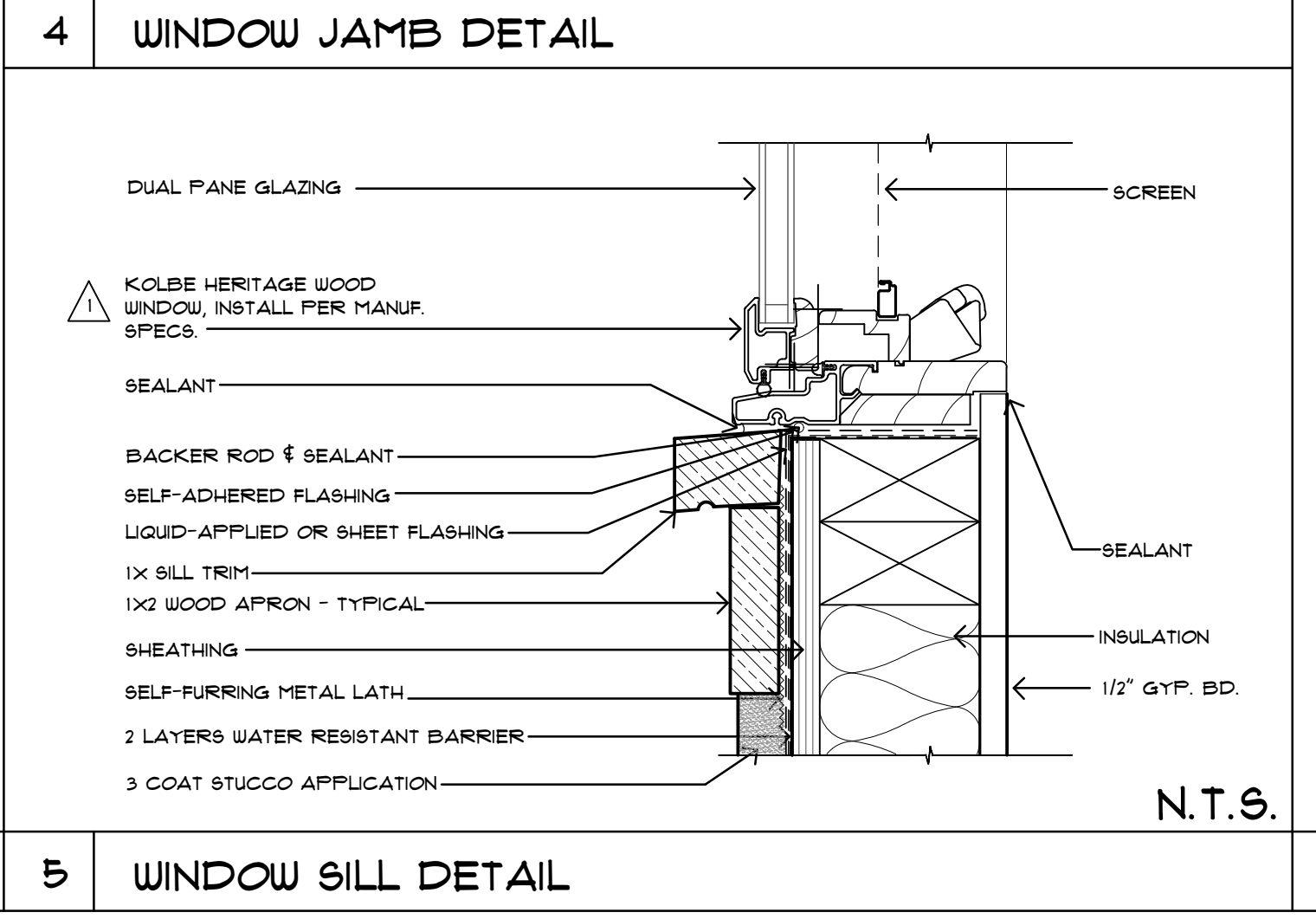
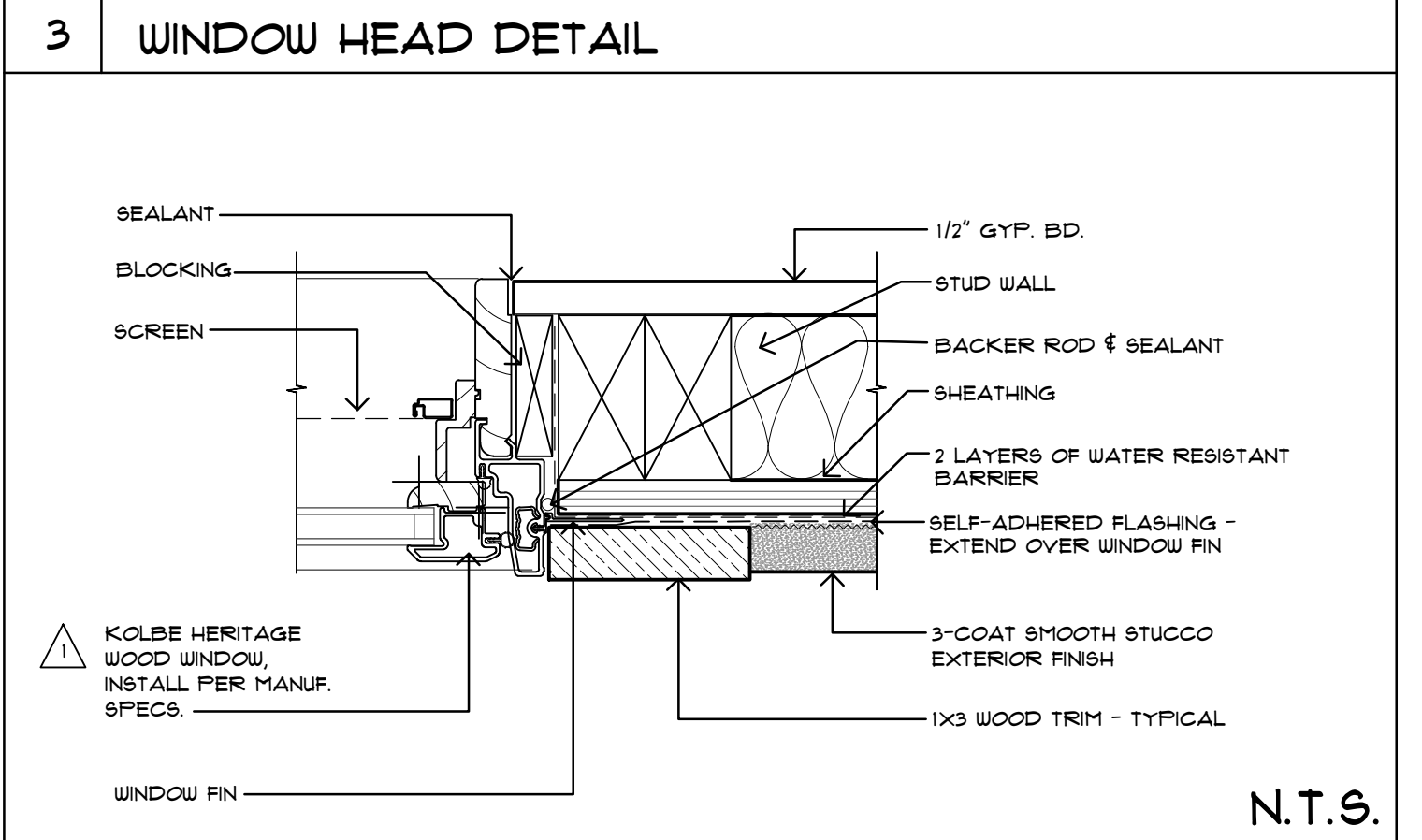
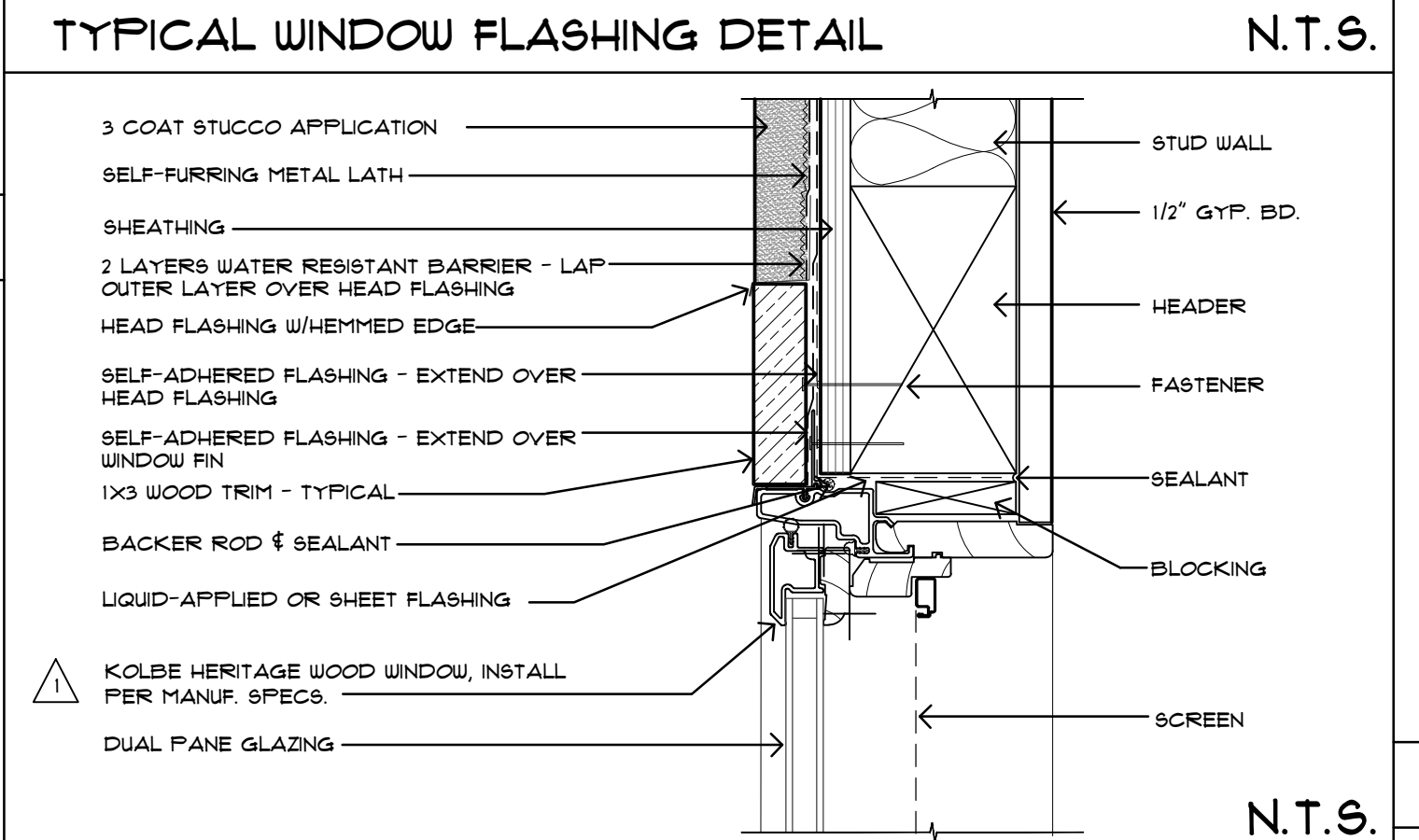
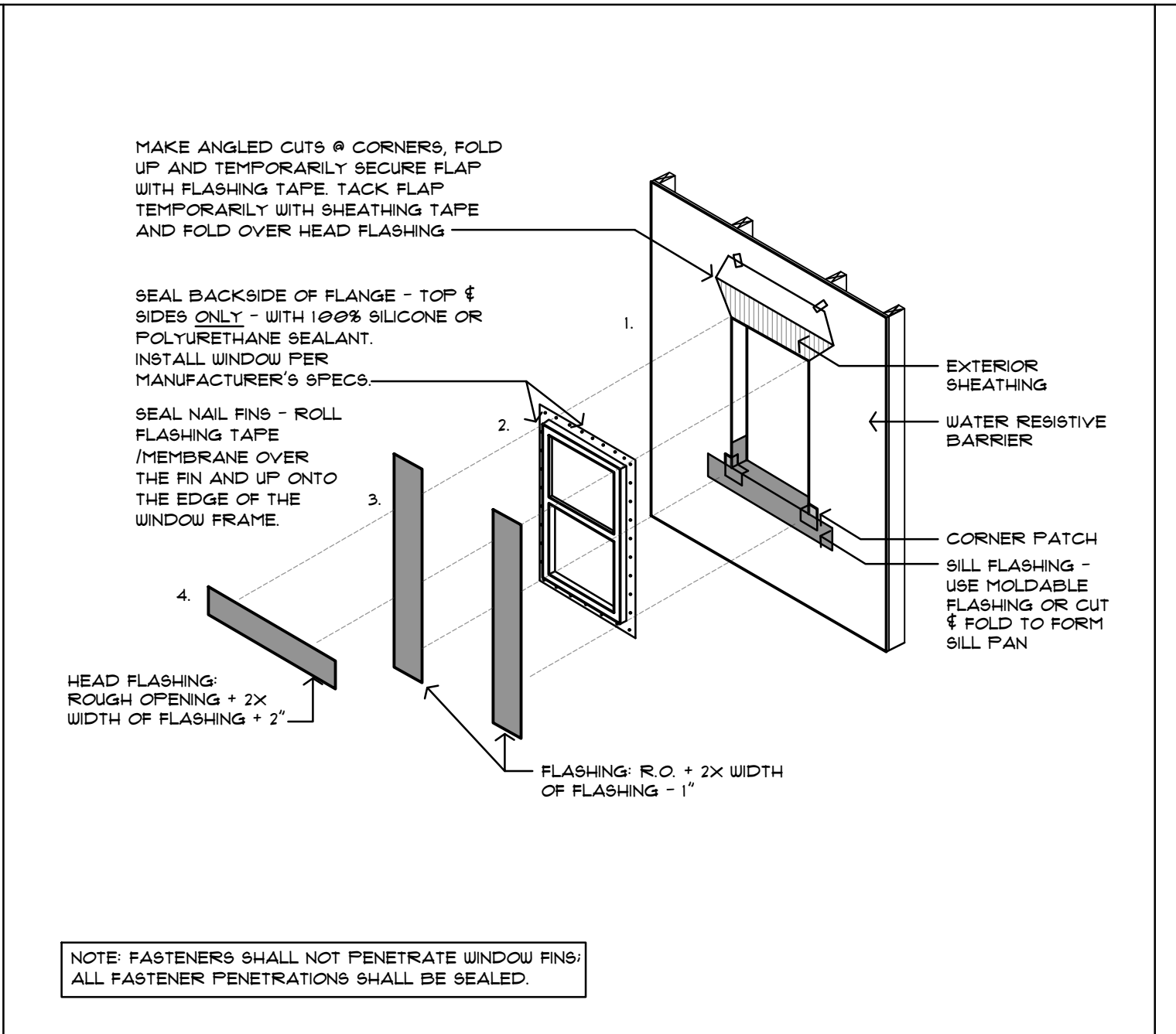
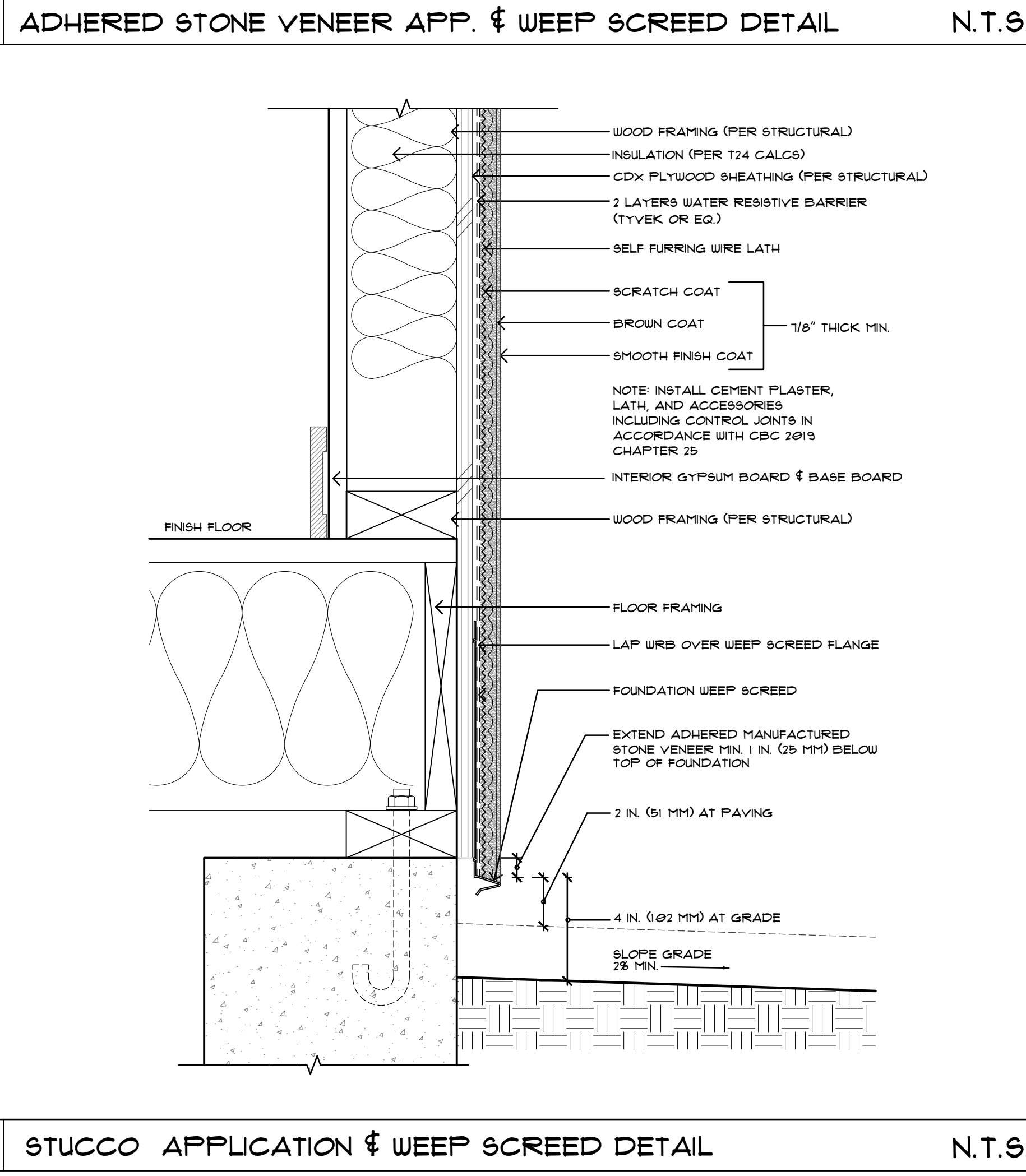
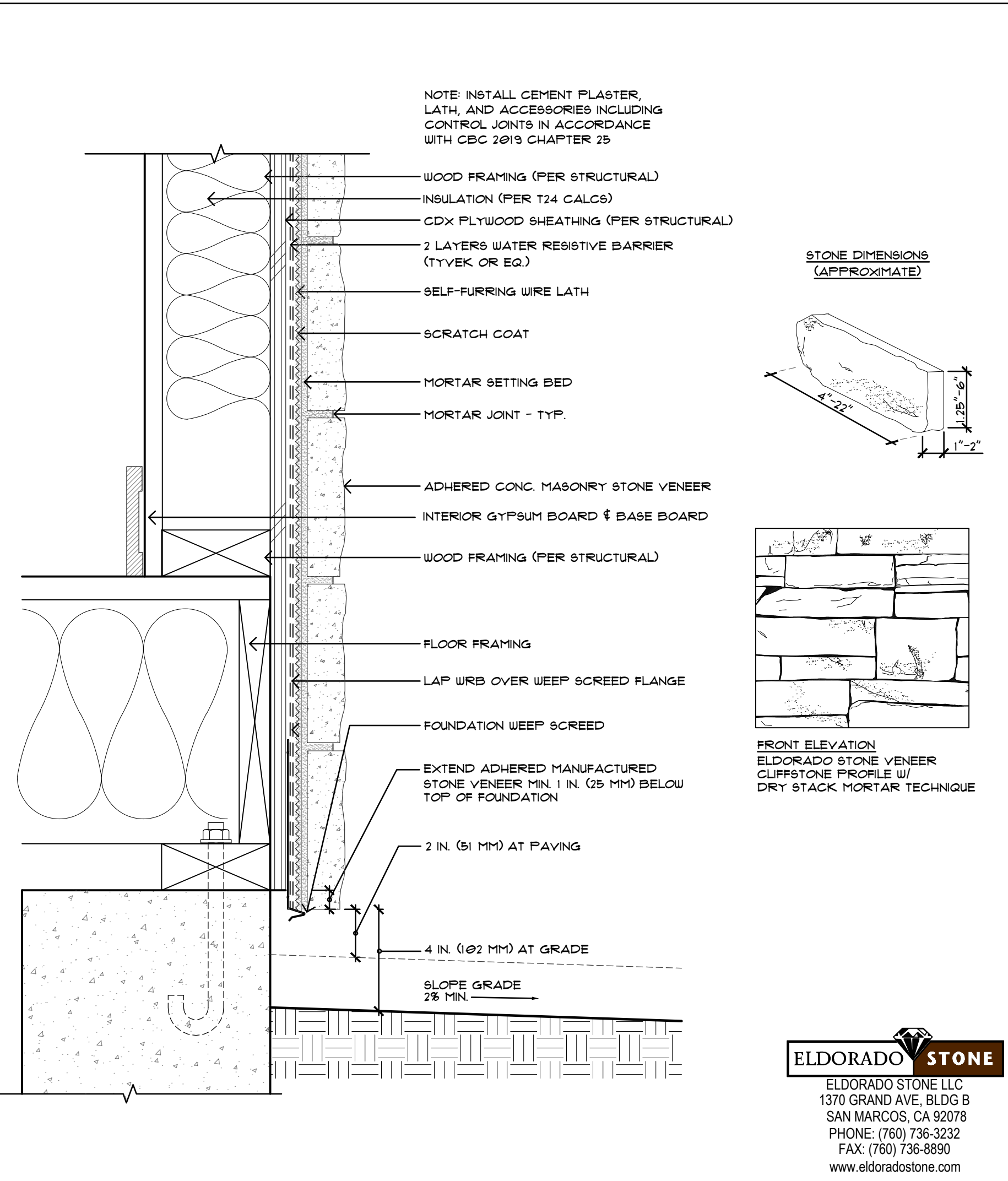


ARCHITECTURAL DETAILS

Job Title:
LIM RESIDENCE
Project Address & APN:
**CASANOVA ST. 2 SE PALOU AVE., CARMEL-BY-THE-SEA, CA 93923
APN: 010-225-003-000 | BLOCK 11, LOT 3**

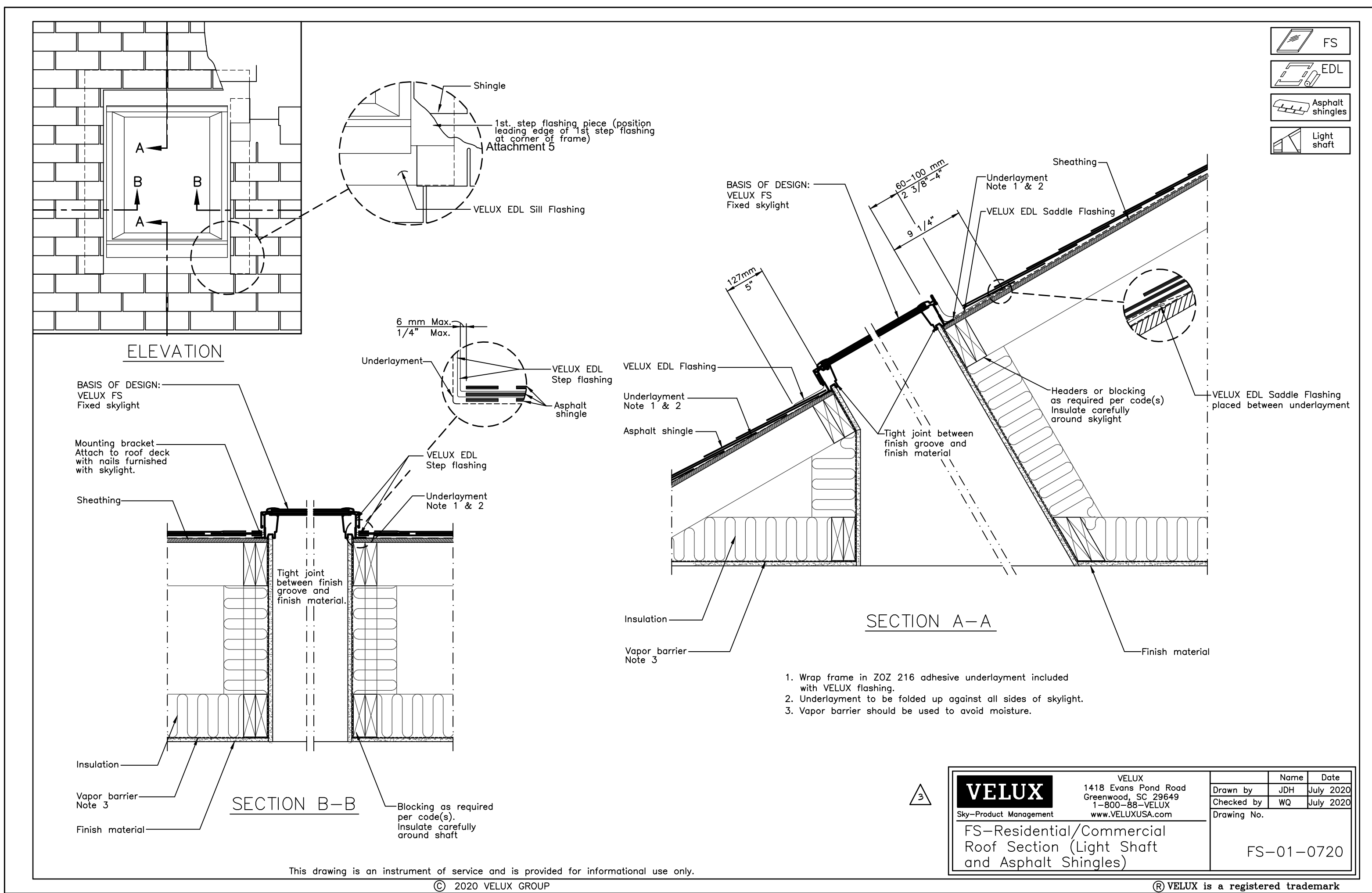
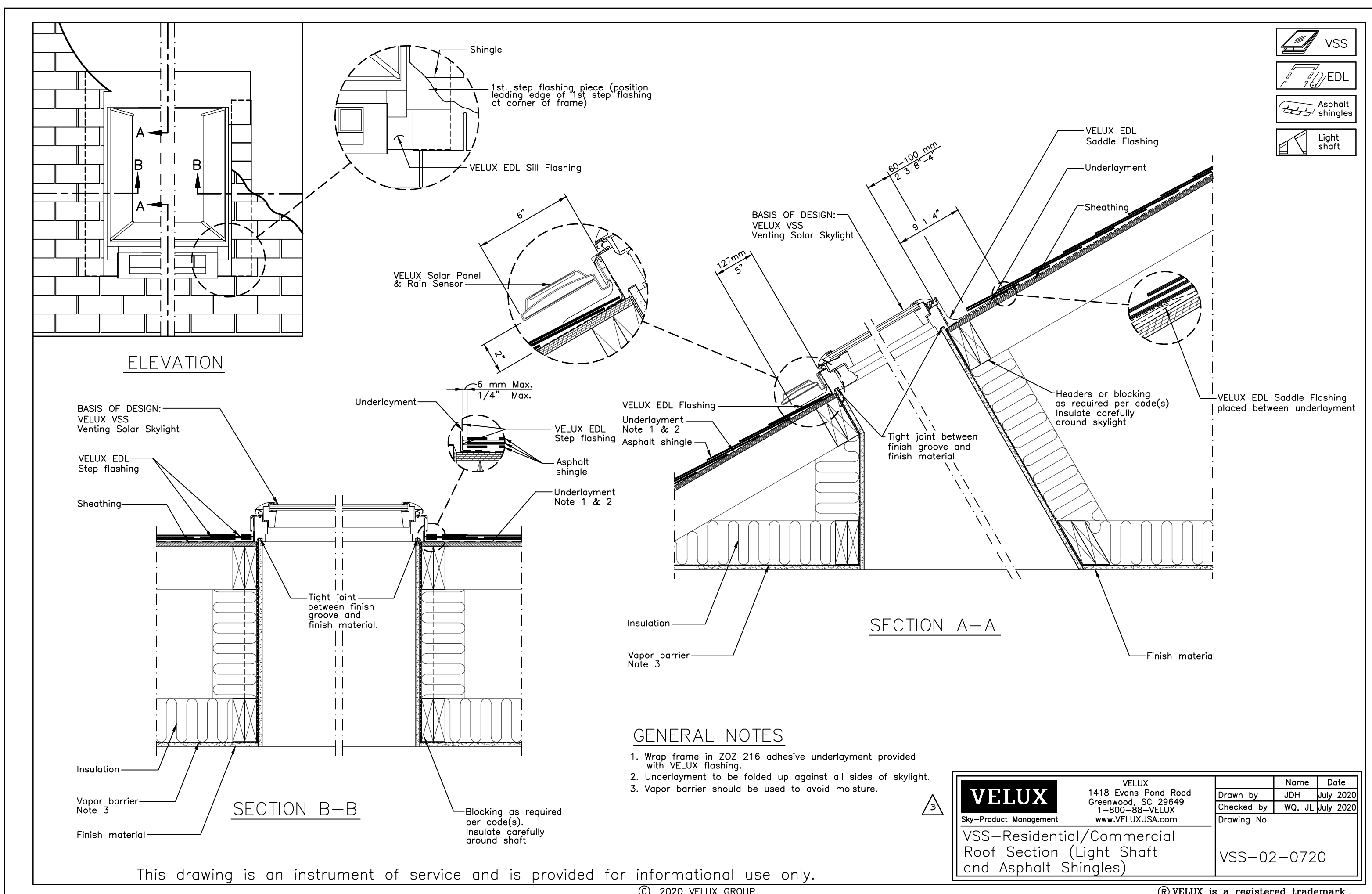
Project:	HC21001
Date:	9/11/2024
Drawn By:	AAP
Scale:	NOTED

A8



1 ROOFING SPECS N.T.S.

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General Notes: (Cont.)

4. Exterior finish shall be non-reflective
5. Provide required electrical per manufacturers specs for mechanical operation and power operated shades
6. Interior finish to be white
7. Elec. Shade shall be installed

Revision/Issue	Date
3 DB 22-091 (LHM) HEARING	1/12/23

HASTINGS CONSTRUCTION, INC.

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 (831) 620-0920 | DESIGN@HASTINGSCONSTRUCTION.COM
 LIC#: 791539 CLASS: A/B

Drawing Title: **SKYLIGHT DETAILS**

Job Title: **LIM RESIDENCE**

Project Address & APN: **CASANOVA ST. 2 SE PALOU AVE., CARMEL-BY-THE-SEA, CA 93923
 APN: 010-225-003-000 | BLOCK 11, LOT 3**

Project:	Sheet
HC21001	A9
Date: 9/1/2024	
Drawn By: AAP	
Scale: 1/4"=1'-0"	

WINDOW SCHEDULE

WINDOW NUMBER	WINDOW SIZES (APPROX.)			TYPE	GLAZING NOTES	REMARKS
	WIDTH	HEIGHT	HDR. HEIGHT			
1	2'-6"	5'-6"	8'-0"	CASEMENT		
2	2'-6"	5'-6"	8'-0"	CASEMENT		
3	6'-0"	5'-0"	8'-6"	FRENCH CASEMENT	TEMPERED	
4	1'-4"	5'-0"	8'-6"	45 DEG. BAY WINDOW		(2) CASEMENT UNITS: 1489 (1) PICTURE UNIT: 3650 (SEE EXTERIOR ELEVATIONS)
5	2'-0"	4'-0"	1'-0"	CASEMENT		
6	2'-0"	4'-0"	1'-0"	CASEMENT		
7	5'-10"	4'-0"	1'-0"	30 DEG. BAY WINDOW	TEMPERED	(3) CASEMENT UNITS: 1850
8	2'-0"	1'-8"	6'-4"	AWNING	TEMPERED OBSCURED	
9	5'-0"	3'-6"	6'-4"	FRENCH CASEMENT		EGRESS
10	2'-0"	2'-0"	6'-4"	AWNING		
11	2'-0"	2'-0"	6'-4"	AWNING		
12	2'-0"	2'-0"	6'-4"	AWNING		
13	4'-0"	3'-6"	6'-4"	FRENCH CASEMENT	TEMPERED	EGRESS
14	1'-0"	3'-6"	6'-4"	45 DEG. BAY WINDOW	TEMPERED	(2) CASEMENT UNITS: 1436 (1) CASEMENT UNIT: 3036
15	1'-8"	1'-6"	6'-4"	FIXED	TEMPERED	
16	1'-8"	1'-6"	6'-4"	FIXED	TEMPERED	
17	1'-8"	1'-6"	6'-4"	FIXED	TEMPERED	
18	1'-8"	1'-6"	6'-4"	FIXED	TEMPERED	

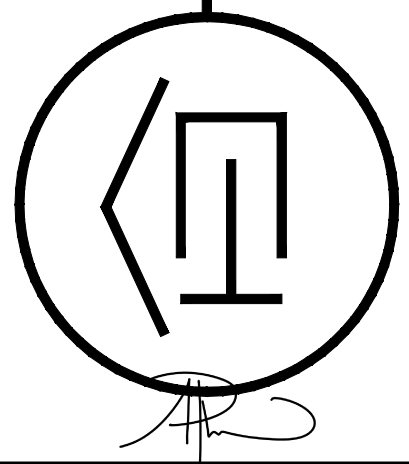
DOOR SCHEDULE

DOOR NUMBER	SIZE			FINISH		HARDWARE	GLAZING	REMARKS
	WIDTH	HEIGHT	THICK	INTERIOR	EXTERIOR			
1	3'-0"	1'-0"	1-3/4"	WOOD FIR FINISH	WOOD FIR FINISH	THRESHOLD LOCKSET W/ DEADBOLT	"SEEDY BAROQUE"	ENTRY DOOR BY T.M. COBB #4632, FLAT PANEL, W/FIR FINISH AND "SEEDY BAROQUE" GLAZING; HARDWARE BY Kwikset "AVALON" IN OIL-RUBBED BRONZE FINISH W/SMARTKEY (OR EQUAL) LH SWING
2	3'-0"	1'-0"	1-3/4"	WOOD PRIMED	PAINTED TO MATCH TRIM	*BUILT-IN	TEMPERED	KOLBE HERITAGE OUTSWING FRENCH DOOR PAIR W/OIL-RUBBED BRONZE HARDWARE (OR EQUAL)
3	3'-0"	1'-0"	1-3/4"	WOOD PRIMED	PAINTED TO MATCH TRIM	*BUILT-IN	TEMPERED	KOLBE HERITAGE OUTSWING FRENCH DOOR PAIR W/24" SIDELIGHTS AND 12" TRANSOM ABOVE, W/OIL-RUBBED BRONZE HARDWARE (OR EQUAL)
4	3'-0"	6'-8"	1-3/4"	WOOD PRIMED	WOOD	THRESHOLD KEYED KNOB	N/A	WOOD OUTSWING W/ VENTING FOR HIGH AND LOW COMBUSTION MAKE UP AIR, W/OIL-RUBBED BRONZE HARDWARE (OR EQUAL)
5	3'-0"	6'-8"	1-3/4"	WOOD PRIMED	WOOD FIR FINISH	THRESHOLD LOCKSET W/ DEADBOLT	OBSCURED TEMPERED	GARAGE MAN-DOOR BY TYCO, FLAT PANEL, W/FIR FINISH AND OBSCURED GLAZING; HARDWARE BY Kwikset "ALISO" KNOB IN OIL-RUBBED BRONZE FINISH (OR EQUAL - FINISH TO MATCH ENTRY DOOR) RH SWING
6	9'-0"	8'-0"	*PER MANUF.	WOOD	WOOD	N/A	CLEAR D98 W/8x12 DIV LT	SECTIONAL GARAGE DOOR BY CLOPLAY "RESERVE WOOD, LIMITED EDITION" COLLECTION, DESIGN #2 WITH REC14 WINDOWS (OR EQUAL- FINISH TO MATCH ENTRY DOOR)
7	3'-0"	1'-0"	TBD	WOOD PRIMED		THRESHOLD KEYED KNOB	N/A	INTERIOR GARAGE DOOR: RH SWING
8	1'-6"	1'-0"	TBD	WOOD PRIMED		DUMMY W/LATCH	N/A	OUTSWING FAIR - LOUVERED
9	2'-4"	1'-0"	TBD	WOOD PRIMED		FULL-PRIVACY	N/A	POCKET
10	2'-8"	1'-0"	TBD	WOOD PRIMED		PRIVACY	N/A	LH SWING
11	1'-6"	1'-0"	TBD	WOOD PRIMED		DUMMY W/LATCH	N/A	OUTSWING FAIR
12	2'-0"	1'-0"	TBD	WOOD PRIMED		DUMMY W/LATCH	N/A	RRH SWING
13	2'-6"	1'-0"	TBD	WOOD PRIMED		PRIVACY	N/A	RH SWING
14	2'-4"	1'-0"	TBD	WOOD PRIMED		PRIVACY	N/A	RRH SWING
15	2'-6"	6'-8"	*PER MANUF.	WOOD PRIMED	PAINTED TO MATCH TRIM	*BUILT-IN	TEMPERED	KOLBE HERITAGE INSWING FRENCH DOORS, W/OIL-RUBBED BRONZE HARDWARE (OR EQUAL) LH SWING
16	2'-8"	6'-8"	TBD	WOOD PRIMED		PRIVACY	N/A	RH SWING
17	1'-6"	6'-8"	TBD	WOOD PRIMED		DUMMY W/LATCH	N/A	OUTSWING FAIR
18	2'-8"	6'-8"	TBD	WOOD PRIMED		PRIVACY	N/A	RH SWING
19	5'-0"	6'-8"	TBD	WOOD PRIMED		FLUSH FULL	N/A	(2) BYPASS DOORS
20	2'-4"	6'-8"	TBD	WOOD PRIMED		PRIVACY	N/A	LH SWING

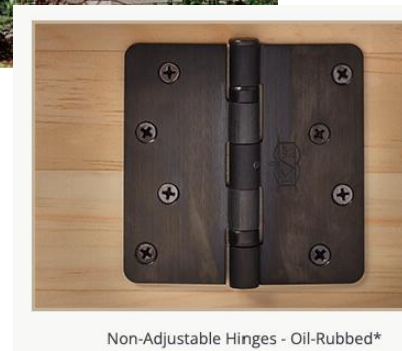
Revision/Issue	Date
△ P&A 22-058 (LHM)	4/20/22
△ D&S 22-051 (LHM) HEARING	1/12/23
△ D&S 22-051 (LHM) HEARING	8/14/24

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TYPICAL DOORS & WINDOWS Attachment 5 KOLBE HERITAGE SERIES



GARAGE DOOR CLOPAY



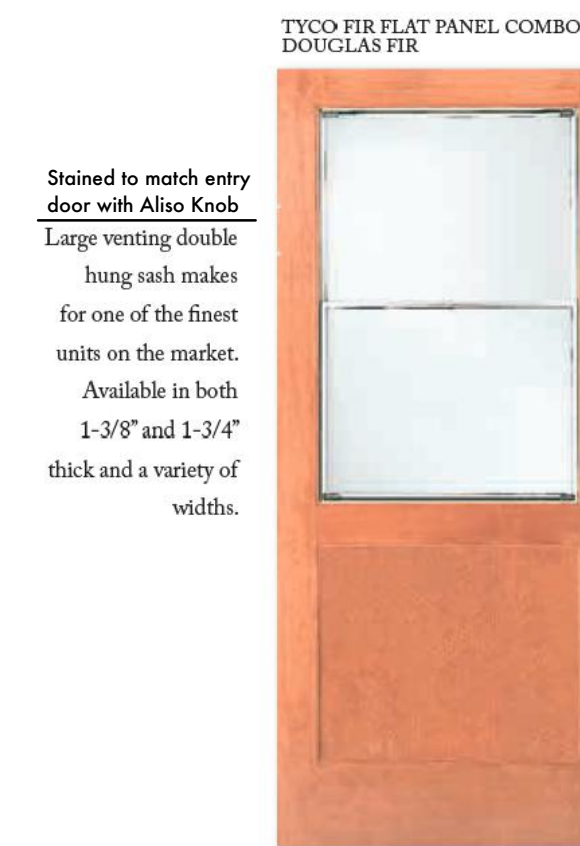
RESERVE™ WOOD collection
LIMITED EDITION SERIES



Design #2 with REC 14 Windows



GARAGE MAN-DOOR TYCO



ENTRY DOOR T.M. COBB



Drawing Title:
WINDOW & DOOR SCHEDULES

Job Title:
LIM RESIDENCE

Project Address & APN:
CASANOVA ST. 2 SE PALOU AVE., CARMEL-BY-THE-SEA, CA 93923
APN: 010-225-003-000 | BLOCK 11, LOT 3

Project:
HC21001
Date:
9/17/2024
Drawn By:
AAP
Scale:
1/4"=1'-0"

Sheet

A10

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△ FRONT ELEVATION - VIEW FROM CASANOVA FACING EAST



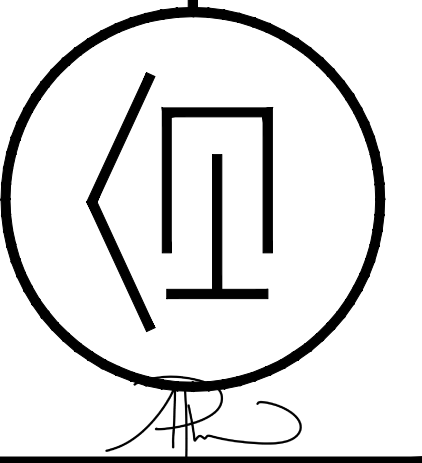
△ REAR ELEVATION - VIEW FACING WEST

Attachment 5

Revision/Issue	Date
△ D8 22-051 (LHM) COMMENTS	10/24/22
△ D8 22-051 (LHM) HEARING	7/12/23
△ D8 22-051 (LHM) HEARING	8/14/24

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 (831) 620-0920 | DESIGN@HASTINGSCONSTRUCTION.COM
 LIC #: 791539 CLASS: A/B



Drawing Title:
PROPOSED FRONT ELEVATION - 3D RENDERING

Job Title:
LIM RESIDENCE
 Project Address & APN:
CASANOVA ST. 2 SE PALOU AVE., CARMEL-BY-THE-SEA, CA 93923
APN: 010-225-003-000 | BLOCK 11, LOT 3

Project:
HC21001
 Date:
9/18/2024
 Drawn By:
AAP
 Scale:
N.T.S.

Sheet
A11

Revision/Issue	Date
△ P&A 22-058 (LIM)	4/20/22
△ DS 22-051 (LIM) COMMENTS	10/24/22
△ DS 22-051 (LIM) HEARING	7/2/23
△ DS 22-051 (LIM) HEARING	8/14/24



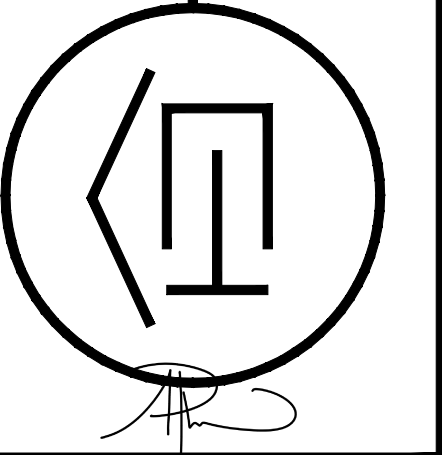
STREETScape - PROPOSED



STREETScape - EXISTING

HASTINGS CONSTRUCTION, INC.

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 (831) 620-0920 | DESIGN@HASTINGSCONSTRUCTION.COM
 LIC#: 791539 CLASS: A/B



Drawing Title:
STREETScape ELEVATIONS

Job Title:
LIM RESIDENCE
 Project Address & APN:

CASANOVA ST. 2 SE PALOU AVE., CARMEL-BY-THE-SEA, CA 93923
APN: 010-225-003-000 | BLOCK 11, LOT 3

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A12

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

**April 1, 2025
ADJOURNMENT**

TO: Honorable Mayor and City Council Members
SUBMITTED BY: Chip Rerig, City Administrator
APPROVED BY: Chip Rerig, City Administrator
SUBJECT: Correspondence Received After Agenda Posing

RECOMMENDATION:

BACKGROUND/SUMMARY:

FISCAL IMPACT:

PRIOR CITY COUNCIL ACTION:

ATTACHMENTS:

Correspondence #1
Correspondence #2
Correspondence # 3 - CPLF Letter

APP 25038 (Lim)

Gregg Meissner [REDACTED]

Wed, Mar 26, 2025 at 2:49 PM

To: Cityclerk@ci.carmel.ca.us

Cc: ekort@ci.carmel.ca.us

Carmel By The Sea City Council
C/O City Clerk and Evan Kort

I was informed of the appeal of the Planning Commission's denial of this project via the required 300 foot notification requirement. This is a very friendly, caring, and close knit neighborhood especially with the full-time residents including the McColls. Prior to this notice, the McColls informed me of the impact this third redesigned project, as denied by the Planning Commission, would still have by literally overshadowing their home. I certainly understand their concerns with this as well as the previous designs.

As the proposed project calls for the complete demolition and replacement of all the structures on the site, with this clean slate, the project proponent could and should have done a significantly better job addressing the neighbor concerns through the use of the on-site grade differences as well as moving or eliminating the 2 story portion of the design to minimize the direct light and air impacts to the McColl's home. Though this project does not have a direct impact on my home at N. Casanova 2NE Palou, it does disrupt the cohesiveness of our friendly neighborhood when there has been little or no effort by the project proponent/owner at outreach to the nearby neighbors most impacted by the proposed project.

It is requested that the City Council uphold the Planning Commission's denial of this project and direct the proposer to stop putting band aids on a poorly conceived design and to completely redesign the project after reaching out to and meeting with the McColls and any other neighbors most impacted by this project— to work out a plan that would be agreeable to all those impacted as well as the property owner.

Thank you for your consideration,

Gregg Meissner

Sent from my iPad



**Carmel-
by-the-Sea**

Nova Romero <nromero@ci.carmel.ca.us>

Concerns about Lim proposal for re-model at 4th and Casanova

Peter Blatman [REDACTED] >
To: cityclerk@ci.carmel.ca.us

Thu, Mar 27, 2025 at 4:08 PM

Hi

We live adjacent to the Lim property at 4th and Casanova (our cottage says "Shoobox" on the front gate.

The proposed 2-story re-model would over-shadow our property on the north side and block sun-light from reaching our garden.

Please let this email serve to register our formal objection to the current plans for this project.

Thanks,
Peter Blatman

[REDACTED]
Sent from my iPhone



Nova Romero <nromero@ci.carmel.ca.us>

Objection to Lim re-model plans at Casanova @ Palou

Peter Blatman <[REDACTED]>
To: cityclerk@ci.carmel.ca.us

Thu, Mar 27, 2025 at 4:47 PM

P.S. here is a photo taken this afternoon from our back yard. If you look at the height of the orange netting indicating the height of the proposed addition, you will see just how significantly it would block sunlight from entering the yard

Sent from my iPhone

> On Mar 27, 2025, at 4:27 PM, Peter Blatman <[REDACTED]> wrote:

>

> P.S. our residence address is [REDACTED] North Casanova @ Palou. We are directly adjacent to the Lim property on the north side.

>

> Thanks

> Peter Blatman

> Sent from my iPhone



image0.jpeg
175K



Nova Romero <nromero@ci.carmel.ca.us>

addresses

Elaine Cummings <[REDACTED]>
To: cityclerk@ci.carmel.ca.us

Fri, Mar 28, 2025 at 2:26 PM

To the City Clerk - please share this with the City Council. Thank you.

I am strongly in favor of assigning addresses to homes in Carmel. Not only is it required by the State, it would increase our safety and make it easier for first responders to find us in case of emergency. Beyond that, the countless hours we have spent trying to navigate the lack of an address is frustrating and unnecessary. Those who don't want address simply don't need to display them. They should not be able to interfere with the needs and interests of other residents. I hope you will act on this so we can put this issue behind us.

Many thanks,

Elaine Cummings



Nova Romero <nromero@ci.carmel.ca.us>

Carmel Addresses

Wanda Vollmer <[REDACTED]>
To: nromero@ci.carmel.ca.us

Sun, Mar 30, 2025 at 11:48 AM

Hi Nova -

Hope you are doing well. Can you please distribute this email to Mayor Byrne and the City Council Members?

Thank you so much - Wanda Vollmer

Dear Mayor Byrne and City Council Members -

My name is Wanda Vollmer, and I've been a resident of Carmel since 1999. For 6 years, I've proudly served as Captain of the Carmel CERT Team (Community Emergency Response Team), working closely with Carmel PD, Monterey Fire, and our incredible community volunteers.

I'm writing today to express my full support for the implementation of official, standardized addresses in our village. This is not about mail delivery—it's about public safety, health, accessibility, and compliance with state law.

As someone deeply involved in emergency preparedness, I've seen how difficult it can be for first responders to locate residents quickly, especially with our current descriptive address system. When someone calls 911, the time spent explaining a location—especially when routed through Monterey County dispatch in Salinas—can cost precious minutes. We all know in an emergency, every second matters.

Beyond safety, the lack of a USPS-compliant physical address creates daily frustrations. From medical deliveries to banking, prescription refills, ride shares, and even food delivery—residents routinely face unnecessary barriers. I've personally had to assist confused delivery drivers more times than I can count, and I know many others who have experienced similar challenges.

The recent staff report makes it clear: implementation of address identification is not just helpful, it's required. Under California Building, Residential, and Fire Codes, cities are obligated to assign visible, legible addresses. It's time for Carmel to take this step—not just to meet legal requirements, but to better serve the people who live here.

I respectfully urge the Council to move forward with assigning official addresses. It's a practical, overdue solution that will enhance safety, service, and daily life for everyone in our village.

Thank you for your time and dedication to our community.

Take care -

Wanda Vollmer
Post Office Box 221966
Carmel, CA 93922

[REDACTED]
www.peaceofmindpreparedness.com

Ole M. Pedersen

[REDACTED] Carmel CA 93921

Mayor Dale Byrne &
Councilmembers
Jeff Baron, Hans Buder, Bob Delves & Alissandra Dramov
PO BOX CC
Carmel CA 93921

March 31, 2025

Re Street Address & Safety Issues in Carmel:

Dear Mr. Mayor and City Council Members,

The intent of this letter is to advocate for standardized street addresses with a number followed by the name of the street, just like most other cities and locales have.

There are several good reasons to have such street addresses:

- 1) Paragraph R319 of the California Residential Code (CRC) specifies that buildings must have approved address identification that is legible and visible from the street or road fronting the property. **The address characters must contrast with their background and be Arabic numerals or alphabetical letters (not spelled out). Each character must be at least 4 inches in height with a stroke width of at least 0.5 inches.** Additionally, if the building's address cannot be viewed from the public way due to access via a private road, a monument, pole, or other sign must be used to identify the structure. Address identification must be maintained and, where required by the fire code official, additional approved locations may be necessary to facilitate emergency response. On a project I am doing in the City of Monterey, the plan check came back requiring the above.
- 2) The California Fire Code emphasizes the importance of address visibility to ensure efficient emergency response. According to Section 505.1 of the code, buildings must have approved address identification that is: **Legible and visible** from the street or road fronting the property. **Contrasting** with the background to enhance visibility. Displayed in **Arabic numerals or alphabetical letters**, not spelled out.
- 3) Every time I try to open an account that has something to do with Finance, be it a bank or brokerage or anything of that nature, the requirement is that I enter my primary residence address. The reason for this is the requirement for a physical address as part of the Customer Identification Program (CIP) outlined in **31 CFR 1020.220**. This regulation specifies the minimum requirements for banks' Customer Identification Programs under the USA PATRIOT Act. Entering a '0' in front of Torres in many cases makes no difference as the institution's computer system does not "recognize the address". The same is the case with most, if not all GPS systems.

- 4) The explanation from Police Chief Tomasi at the Special City Council meeting this evening, quote 'not everyone understands the address system'.

When I order a taxi to come here to pick me up, or when I have a service person come to the house, I have to stand out on the street and flag them down while I'm on the cell phone with them, so they can find the house.

If I need an ambulance some day and I am not able to go out and flag it down, how will they find the house?

I would suggest to you, that '**aging safely in place**' in Carmel should be on priority list of the Mayor or the City Council.

To get proper addresses (house numbers) on the properties in Carmel is a matter of safety first and foremost, and I hereby request that the Mayor and City Council take action to get house numbers on the properties in Carmel without further hesitation.

Sincerely,


Ole M. Pedersen


March 31.

To Mayor and Council Members,

This is the 3rd iteration of my reasons for having street numbers. They remain the same with even more urgency as we age.

My name is Ann Lonstein and my husband John and I have owned a cottage in Carmel since May 2001. Over the years we have visited for 2 to 3 weeks at a time. Since John's retirement we have extended our stay to 4 to 5 months. As we live in Minnesota we are now snowbirds. Here is a list of our frustrations with living in a town that has no real addresses.

1 – Postal service

Over the years we had to pay mail services companies in town to provide an address.

Finally we decided to apply for a mail box. But to get one meant that we had to appear in person, with papers proving we owned property in town. This meant that we had to have someone in MN pick up our mail and only forward it once we had a box number.

2 – Parcels being mis-delivered.

Over the years when we weren't using it, we have donated the cottage to the Bach Festival and to CHOMP for their short term nurses program. One nurse was diabetic. Her insulin was delivered next door. Fortunately the resident called us and she was able to take it over. That was the most serious of the deliveries going astray but there have been many.

We became so frustrated we asked friends who live in Carmel if we could use their street address. We now use the postal address of the Realty company that manages the cottage.

3 – Deliveries and Service Companies

Since owning it we have had many large items delivered. Last winter we replaced our mattress and our dishwasher. Our address, Junipero [REDACTED] 7th means nothing to anyone outside of the village. So John would stand outside our gate with his phone and talk them into our driveway. That is also what happens when we have friends visiting us.

When we need water, gas or appliance services or repairs the company cannot find our address and John has to "talk them here".

We celebrate two special occasions when we are in Carmel. Our wedding anniversary is in Dec and my birthday is in Feb. In 2022 I turned 80. John let all our family and friends know. A few sent flowers and gifts using the Junipero address. I never received them.

4 – Internet

We have had problems with internet service due to the fact we do not have an address. We wanted to upgrade our service from DSL to cable, and spent wasted time online looking for information but our address is not recognized online. We tried the AT and T store in Del Monte Center and wasted time there while they tried very hard to connect us.

We eventually went to the Verizon store in Sand City, and after working for nearly an hour they were able to get us service.

5. Power disconnected

San Carlos agency manages and rents our cottage when we are not using it. In the summer they called to tell us that our heat had been disconnected. When Laurie Pfeiffer went to our cottage she found the

gas connection to the house on the ground. The house next to us is supposed to be knocked down so we assumed PG and E made a mistake and mixed up addresses.

7. Age and accidents.

John and I are now both in our early 80's. I'm very concerned that if and when we need emergency services they will not be able to find us. Last summer the cottage was rented to a couple from Texas. The woman slipped in the kitchen and broke her ankle. Emergency services did find her but only after banging on the window of our neighbor's house because they thought that must be 2 SE of 7th. Although we are in good health, we are old. I have difficulty hearing and wear hearing aids.

8. The absolute craziness of the numbering system. There are about 10 houses on Junipero between Ocean and 8th. The first one is 1 E of Ocean, the second is 0 SE of 7th, the third is 1 SE of 7th, the fourth is ours, 2 SE of 7th. Then everything changes. The fifth house in the line, next door to us is 6th NE of 8th. Have you ever in your life heard of anything so bizarre?

As we are not full time residents we have no vote in this stupid referendum. So a small minority will have the say over our lives because they want to live in the past. There is absolutely no reason to continue to live like this.

What we don't understand is why there is such a negative attitude to street numbers. Most visitors and tourists don't distinguish between Carmel by the Sea and Carmel which has both mail boxes and street numbers and charming names. We love Carmel by the Sea and support it with donations to the Library, the Carmel Foundation, The Carmel Art Association and Monterey County Gives. We shop in the stores and eat in the restaurants. We walk on the beach and we help pick up trash. We should feel safe in our home.

We beg you to vote to assign street numbers using the plan that the last Council produced in line with State law. We are available by phone if you wish to talk to us. Cell# [REDACTED]

Ann and John Lonstein.

Ann's Cottage

From: Jenny Masquelier
to: cityclerk@ci.carmel.ca.us
date: Mar 31, 2025, 12:06 PM
subject: Fwd: City of Carmel— Need for Physical Home Addresses

To the City Clerk:

Can you please make sure this is given to the Mayor and City Council Members to read for the meeting this week discussing addresses in Carmel. Thank you very much.

Hello City Council Members,

We want to thank you in advance for fresh eyes to take a look at what we feel is a very important need in Carmel—the need for physical addresses for our homes.

We are unable to be at this important meeting, and hope that you will consider this email as our input on the subject to be considered.

We purchased our home in Carmel on September 4, 2020, and can't believe we've almost been here 5 years now. We may still be considered "new-comers," but we have quickly grown to love and become a part of our neighborhood community.

Our first introduction to the need for better and more organized house numbers came soon after we moved in, when one evening I looked out our front window to see a police officer walking around at the end of our street. (Our house number is **0 Monte Verde and 3rd NE** and we are right on the corner of both streets.) Out of curiosity I walked out to ask him what was going on and he responded that he was trying to locate an alarm that was going off. He did not know what house the alarm call was coming from and I'm not sure if he ever found it.

We have had friends who've had to call for directions to our home several times because their GPS wouldn't direct them to us as given above. I now always give a physical description of our home and it's location with specific directions, and even typed an emergency card on our refrigerator in case of emergency for family members to be able to spell out exactly where we are in case they need to call for emergency assistance. We have three small grandchildren that are often at our home and I want to know that in an

emergency, we will have quick response times for help if we need it. As our address is now, I do not trust that will be the case. You will see why in the examples below.

When we decided on mail service in Carmel, we looked at all of our service billings we would be receiving (PGE, Water/Garbage, Taxes, Xfinity) and noticed that every single one of them had our address spelled out differently. Zero were the same! Zero would let us change the address to the one listed below. We decided since we go between two homes, we could at least have them all directed to our home address in Tracy, CA to make sure they were received by us. This has worked well, except in April of 2022, I began to notice that our PGE billing from Carmel, which comes combined with our Tracy PGE bill, did not appear to be showing Carmel's billing. I began to look back several billings as I had not been paying close attention. I found that we had not been billed by PGE since January of 2022. I contacted PGE to find that someone had changed our billing (and meters) to a new address effective January 28, 2022. I informed PGE that the meters were still our's and the we still owned our home in Carmel. It was not easy to find out through PGE who had changed our service but I put two and two together to realize we had new neighbors that moved in on that date.

Here is our address: 0 Monte Verde and 3rd NE, Carmel, CA

Here is their address: Monte Verde 3 NE of 3rd, Carmel, CA

It took us both at least a year to get this all straightened out and bills adjusted. This was because our addresses are **too similar!**

Delivery service has been extremely hard here as well. I tried several times to deliver a gift to a friend and both times the delivery driver stated they could not find the address. Out of frustration I ended up cancelling the order. Another example is I needed to have a new cell phone delivered to our "billing address" of our Xfinity account in Carmel. They would not let me deliver it to our home in Tracy nor let me pick it up. The Fed Ex truck could not locate us. I even posted a huge hot pink poster board hanging from our balcony to "DELIVER HERE" and they were still not able to locate our home. I was finally able to get Fed Ex to agree to let me pick it up at their Carmel facility. I had to take time to sit in my home for two days waiting for that delivery, which never came because they could not find our address. I can only imagine the frustration of other people not voicing their problems or not being listened to when they do.

I know when addresses began to be discussed, that a rumor began that our post office would be taken away if we were able to receive physical home addresses. This caused a lot of panic from people worried that they would lose service downtown. The focus became on that, when the focus actually should've been on the fact that people were worried about

emergency services not being able to locate them. It was NOT that they wished for mail to be delivered to their homes. It was more for emergency purposes that we'd be able to have more identifiable home addresses. It is becoming a dangerous situation for people that may have medical needs that are not being taken seriously. At some point, someone is going to lose their life because emergency services will not be able to locate them in time.

I think the most important fact and focus, including the possibility of someone dying because they aren't located in an emergency, is that the City has ignored the State-required fire code of addresses being displayed for emergency purposes. I'm not sure how the State has missed that this requirement is being ignored in Carmel, but at some point, it may be costly to the City and possibly some of its leaders responsible for encouraging blocking more easily identifiable addresses. Both the Chiefs of Police and Fire have verified the need for better addresses. Voting to change CA requirements, would only be skirting and building more proof that the City should be held responsible, if an emergency results in a catastrophic outcome. It should be simple. Fire and Police should make the decision on the location that is most easily findable and seen by them. It doesn't need to be huge. Perhaps a small post located at the end of each home's driveway with a simple, findable-numbered address. It does not need to be a complicated design issue taking a long time to decide.

The vote was taken, and passed by the last council that we do need emergency-identifiable addresses and that they are required by the State of CA fire code. It was then put on a back burner. I hope that our new City Council members will take this seriously, and not take too long to get physical addresses expedited. Thank you for your time and consideration.

Don and Jenny Masquelier

Sent from Jenny's iPhone

March 31, 2025

Mr. Evan Kort
Associate Planner
City of Carmel-by-the-Sea
Post Office Drawer G
Carmel-by-the-Sea, California 93921

RE: Lim Residence (DS 22-057 / APP 25-038)

APN: 010-225-003
City Council Appeal of the Planning Commission Denial
January 15, 2025

Mr. Kort, Mayor Byrne, and Members of the Carmel-by-the-Sea City Council:

I am writing on behalf of the applicant, Hastings Construction, regarding the proposed Lim Residence located at North Casanova Street 2 southeast of Palou Avenue.

I am a licensed California Architect who has completed dozens of residential and commercial projects in and around the City of Carmel-by-the-Sea since 2009. For the last 12 years, as principal Architect of my own firm, I have successfully obtained permits for more than 28 houses and represented my clients at the Planning Commission for all these projects. I am not the Architect for the subject Project; however, I have been asked to advise the applicant on the proposed residence in view of my experience, acute knowledge of the guidelines and municipal code, and familiarity with the design study process.

The project is considered a “tear-down/rebuild” new residence in an established neighborhood on a typical 40’ x 100’ lot. All new dwellings in Carmel-by-the-Sea are required to conform to the municipal code standards, including: floor area, site coverage, building height, setbacks, and design study findings. The code standards and guidelines work together to ensure an objective review of each project, with specific findings applicable to the particular circumstances of each lot.

The Project was considered by the Planning Commission on three separate occasions for Concept Design review, and on each occasion, the project planner recommended approval of the new residence: stating the project conforms to all zoning standards and is fully consistent with the design guidelines. The project was carefully analyzed with respect to site design, simplicity of building forms and roof plan, human scale and mass, public and private views, and tree preservation. In sum, the applicant followed all required codes and guidelines in their application, design process, and project plans.

I strongly agree with the Planning department’s assessment and recommendation for approval at the three previous Planning Commission hearings on July 12, 2023, August 14, and December 11, 2024.

On many of my own projects, objections have been raised by neighbors in response to the perceived impacts of new construction. For better or worse, the usual process to address these concerns is to initiate a meaningful dialogue with the neighbor (/s) about those impacts, study possible modifications to the design, and return to the Planning Commission with a revised set of plans that includes changes to mitigate impacts. The Lim residence followed this process to the letter, with design revisions that include the following to address specific objections of the north neighbor:

- The plate height at the 1st story was reduced to 8', and the plate height at the 2nd story was reduced to 7'-3".
- The ridge height (top point of the building) was reduced from 57.16' to 54.5' (a total of 2'-8").
- The 2nd story footprint was reduced by 31 SF.
- The distance from the stairwell to the property line was increased from 7'-8" to 11'-3".

These significant changes were described in detail by the staff report, illustrated by photographs and renderings to support the findings, and thoughtfully presented by the applicant. Unfortunately, the Planning Commission failed to take action consistent with staff's findings. In the design guidelines, from the section regarding views, the code states:

" 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 [...] No single parcel should enjoy a greater right than other parcels except the natural advantages of each site's topography. Building which substantially eliminate an existing significant view enjoyed on another parcel should be avoided." (17.10.010 K)

The proposed Lim residence follows the municipal code objectives and respects the neighbors. It is unreasonable to enjoy a completely unobstructed view from a window that faces the side yard on a 40' x 100' lot with 3' setbacks. Every home in town sees at least a portion of one, if not more than a dozen, of their surrounding neighbors' homes. This is the beauty of living in our village in the forest, and the reason for a process that includes objective standards, adherence to the guidelines, and a public hearing process. I urge the city council to follow these documents and accepted process in their review, and grant the appeal by Hastings Construction for the Lim Residence, Concept and Final Design Study.

Thank you,



Adam Jeselnick AIA
aejarch@gmail.com
[831.620.5164](tel:831.620.5164)



Nova Romero <nromero@ci.carmel.ca.us>

Comment on Agenda Item #2, 4/1/25 City Council Mtg.

'Kevan' via cityclerk <cityclerk@ci.carmel.ca.us>

Mon, Mar 31, 2025 at 9:52 PM

Reply-To: Kevan <[REDACTED]>

To: dbyrne@ci.carmel.ca.us, rdelves@ci.carmel.ca.us, jbaron@ci.carmel.ca.us, hbuder@ci.carmel.ca.us, adramov@ci.carmel.ca.us

Cc: cityclerk@ci.carmel.ca.us, crerig@ci.carmel.ca.us

Dear Mayor & Council Members:

Please decide on how to get us a USPS listed home address by any means and in any format necessary ASAP! This does not need a vote! Do not waste time and money, and risk the City's funds defending the inevitable lawsuit(s) for willfully refusing to comply with modern laws, and government mandates. We can have BOTH legally recognized home addresses AND mail delivery only to the USPS local post office, as well as continue the tradition of the option to not post an address and instead name your house.

Please see examples below of the effects that not having a street-address in the USPS-database has had on the citizens of Carmel by the Sea, and all of which I have personally experienced.

- 1) Many vendors will not ship to a PO Box due to rampant mail order fraud via PO Box addressees. This can include essential medicines or medical devices that many insurance plans restrict you to getting through their contracted on-line vendor. They won't pay local pharmacy pricing. Blocking people from receiving essential medicines or medical devices at their real home address is a clear and unequivocal violation of the ADA, for which a predatory lawsuit could be filed any day, and the City would definitely lose and pay damages.
- 2) Many vendors will not ship even to a business using our common local's format of: X NW of Y on Z, since it does not appear in the national USPS database of verified addresses.
- 3) Thus due to #1 + #2 we are blocked from ordering from a significant number of vendors. For some items there are no longer any local, nor multiple national vendors, so this means you can't buy a product you need or want. This is a real problem in these days of supply chain delays/interruptions, and lack of local store inventory. This artificial restriction on commerce is illegal, and likely would fail a court challenge [e.g., restraint of trade, ADA, etc.].
- 4) I have been affected multiple times by #3 above and have been forced to stop and try and find items while on road trips outside of the Monterey

Peninsula, or wait to have visiting friends buy & bring them from elsewhere. Attachment 2

- 5) Many of us are retired and no longer have work addresses outside of town to use as alternative delivery addresses. Many employers prohibit or restrict such personal deliveries in any case.
- 6) Those who work full time out of town as I used to, can't take of work to drive here and access the PO to do business 10-4, M-F. They can only pick up packages 12-2 on Saturday, which is unfair to them. This shipping bottleneck also forces them to rely more heavily on our inconsistent UPS/FedEx home delivery services, undermined by our lack of official addresses.
- 7) Returned mis-deliveries have also forced me to pay reshipping fees to a sole source vendor, or they won't redeliver, even to a different address.
- 8) Vendors don't always tell you that they are going to use UPS/FedEx "Drop to USPS" services to cut shipping costs. When that occurs the item is immediately returned to the shipper by the local USPS without any notification to the local purchaser. You then often have to spar with the vendor to not pay shipping/reshipping fees, since they'll contend that you misaddressed the package in the first place. You are not allowed to put BOTH a PO Box and a simulated street address on the same package. Some vendors don't print more than one street address line, so the Business Name or "#XXXX" as a placeholder for your PO Box in lieu of an apartment or suite # doesn't make it onto the address label.
- 9) FedEx Ground out of Watsonville now uses subcontracted independent drivers that rotate routes daily, so they don't know and will never effectively learn Carmel by the Sea. They often drop packages in the wrong part of town or deem them undeliverable and return them to sender. Since ~50%+ of the homes aren't occupied full time, you are at great risk of having your mis-delivered package stolen. We've had stuff delivered to the right street but at the other end of town on some vacant vacation home's porch. Unlike UPS or FedEx Overnight & 2nd Day Air ONLY services based in Ryan Ranch, FedEx Ground does not allow any public access at any time to the locked and fenced local distribution warehouse in Watsonville.
- 10) Many Federal, State, and Local on-line government contact forms [e.g., St. Senate/Assembly legislative contact forms] require you to input a USPS-database-verified street-address to leave a comment for your legislator. We don't have any, so we are locked out of that option with some of our legislators, and forced to sit on long phone wait lines only during business hours/M-F, or do business by mail instead. Many don't have on-line chat options either. This is unfair, and would likely fail a legal challenge as it interferes with modern communication methods to petition your government. Many government

agencies and essential service businesses are de-emphasizing phone support, and forcing you to do most business via their web pages.

11) The CA St. Attorney General's corporate reporting web pages DO NOT accept our local simulated street addresses for legally-mandated LLC/Corporate report submissions. They now want these done only on-line. You have to call, wait on hold a long time, and argue with a clerk in Sacramento have them either somehow manually force the report entry, & you then have to e-mail directly to them, or give you a case number to mail it in with.

12) It is very difficult and time consuming to get a State & Federal Corporate Tax ID # for a new business without a USPS-database-verified address. They assume you are a con-artist or a fraud, and require extra time consuming documentation, creating unnecessary delays.

13) You have a hard time getting a new Personal or Corporate Credit Card. Instead of instantly on line with good credit as it is for the rest of the USA. Instead you have to call in live during business hours, explain Carmel by the Seas address system to an incredulous clerk, then and FAX or certified mail in a multiple sources of alternative documentation to prove you are real. This process takes many weeks for residents vs hours for anyone living anywhere else.

14) When you want to open or change addresses on a bank or investment account, you have to prove our unrecognized and legally unofficial home/business address are real by time consuming means. When I moved here in 2001, I had to take 3 separate days off work to stay home and wait for an overnight FedEx/UPS delivery to the physical Carmel by the Sea address I was claiming as our real legal home address, and sign for and verify myself in person. This is getting worse under ever more restrictive banking and finance fraud protection laws and procedures

15) If you have an identity theft, credit card, or bank fraud incident it can be very difficult and time consuming to get it corrected, as you cannot give the telephone support staff a physical, USPS-database-verified street address. They may require you to text/FAX/overnight them documentation, or go in person to their local service center, if they even have one. The documents [e.g. multiples of CA ID, Passport, SS Card, Utility or Property Tax bills/Voter or Vehicle Registration] will be accepted as adequate >ONLY IF< they show the simulated street address. It can actually make it impossible to solve if you are traveling! A national bank with a branch in town locked up my son's account erroneously due to perceived fraud while he was in Asia, yet required he come in-person to unlock his accounts. Yes, they expected him to somehow buy a ticket and fly home with his bank account & CCs locked up! Even though all three of us were well known to local bankers who vouched for us, we had to

take multiple IDs for us, and copies of his ID, his original SS Card, and ~~officially~~ stamped original copy of his birth certificate to sit with the local banker on the phone to their HQ to get them to make an exception to their rules. We sat there while the local banker verified we and the paperwork were real and present in – person, then texted copies in real time to a reviewer at their HQ. That took two days while he had no funds. Good luck if you don't have relatives in town to help you with a friendly local banker who knows you.

16) Private/Legal Courier services usually can't find our addresses. The Moss Landing fresh fish cooperative "Real Good Fish" that drops weekly deliveries at EcoCarmel, uses a courier service with random drivers from out of area that have botched deliveries of perishable goods multiple times a year. For some drivers I have to give them the GPS UTM coordinates or Latitude/Longitude. Same problems for non-local Uber/Lyft & food delivery drivers.

17) On my street there are two homes that are down narrow pathways and invisible from the street. A failure of emergency services to reach these sites in a timely manner would be a slam dunk lawsuit against the City. This also makes it impossible for a delivery person to use our default unofficial address naming process, as they can't see the houses to be able to count from the intersection accurately.

This long tediously detailed list is probably not exhaustive, and other local residents could likely submit different, equivalent, or even worse examples of what they have had to endure.

The City Council needs to find a creative way to have the town effectively join the rest of the nation to live in 21st century using modern commerce & communication, while still preserving the social benefits of the USPS PO for all but ADA mail deliveries. I have no objection to going there every day as I always do.

Sincerely,

Kevan Urquhart



Carmel by the Sea, CA 93921-2612



Nova Romero <nromero@ci.carmel.ca.us>

Emailed comments for the April Council Meeting

'Betty Maurutto' via cityclerk <cityclerk@ci.carmel.ca.us>

Mon, Mar 31, 2025 at 4:56 PM

Reply-To: Betty Maurutto [REDACTED]
To: "cityclerk@ci.carmel.ca.us" <cityclerk@ci.carmel.ca.us>

Dear Mayor Byrne and Council members,
As a VERY STRONG advocate for assigning street addresses to our homes in Carmel;-by-the-Sea, I have the following comments:

- 1) Assigning each home an address will not change the charm/quaintness of our village. Please see the attached photo of my front entry that has my descriptive address. Once given an address (which is a mandated law), We will merely have a new sign of equal charm made with my real address.
- 2) Please stop listening to the emotional reactions of those fearing our village will have ugly, cluttered signage. Our residents have more sense and class than that!!
- 3) Stop waffling around making our city leadership look foolish and unable to follow through on decisions made! A decision was made to assign addresses - DO IT!! Abide by the law and move on!! Use your time efficiently and wisely and stop all the meetings, after meetings, after meetings going over things already decided!

Thank you for your thoughtful consideration.

Sincerely,
Michael and Betty Maurutto

Michael and Betty Maurutto 🌐
NEC Mountain View and Guadalupe
P.O. Box [REDACTED]
Carmel, Ca. 93921
949-510-0570

[REDACTED] m



IMG_1284.jpeg
5082K



**Carmel-
by-the-Sea**

Nova Romero <nromero@ci.carmel.ca.us>

Please distribute to all city council members

Carolyn <[REDACTED]>
To: cityclerk@ci.carmel.ca.us

Mon, Mar 31, 2025 at 1:34 PM

I am writing in support of being assigned an address in Carmel that works with the USPS data base. I am concerned about the confusion for safety (police, fire, ambulance, etc.) and for all the issues associated with utilities, maintenance, deliveries and services. It is also very difficult with financials, the DMV, passports and other institutions. Some simply will not allow us to even request a service as their software requires a USPS database address.

This issue needs no further study. Nothing new is going to come to light. The address must meet the USPS data standard or you will not be solving the problem. Consistent physical addresses and signage will never meet the USPS standard. It might be "cute", but it will not solve the problem. Please recognize that it is now time for implementation, not for ignoring the reality of the standard requirement in today's world.

I wish I could attend the Council meeting this week and express this in person, but I can not. I hope that someone will express or read this message to the City Council and hear the pain that this causes Carmel residents.

Carolyn Ticknor
[REDACTED]
Carmel, CA 93921
[REDACTED]



Public Comment

Charles Najarian <[REDACTED]>
To: Nova Romero <nromero@ci.carmel.ca.us>
Cc: Dale Byrne <dbyrne@cbts.us>

Mon, Mar 31, 2025 at 1:51 PM

Nova,
Please provide this as public comment to the City Council for the April 1st meeting.
Please copy the Planning Commission, City Attorney, and staff's CEQA consultant attorney.
Confirmation of receipt would be appreciated.
Regards,
Chuck Najarian

Mayor Byrne and City Council members,
I'm provided input for the street address agenda item. The purpose of my input is to raise awareness of possible CEQA applicability. In doing so I'm offering AI's response to this important question for your consideration moving forward, as follows:
Chuck Najarian

STREET NUMBER ADDRESSES:

Would a discretionary decision to require street number addresses in Carmel on every house and business with over 260 historic structures, when the city has never had street numbers, require CEQA review?

Yes, a **discretionary decision** to require street number addresses on every house and business in **Carmel-by-the-Sea**, a city known for its historic character and **over 260 historic structures**, could trigger **CEQA review** if it has the potential to result in a **physical change to the environment**—including **aesthetic, historic, or cultural impacts**.

Why CEQA Review May Be Required

1. CEQA Applies to Discretionary Decisions

- The decision to **require street numbers** is **not purely ministerial** (automatic approval with no agency discretion).
- Under **CEQA Guidelines § 15378(a)**, discretionary actions that can cause a physical change in the environment qualify as a **“project”** under CEQA.

2. Potential Adverse Impact on Historic Resources (§ 15300.2(f))

- CEQA prohibits categorical exemptions if a project **may affect historic resources**.
- Many of Carmel's **historic buildings have never had visible street numbers**.
- Installing numbers could **alter the historic character** of the district, triggering the need for environmental review (*San Diego Trust & Savings Bank v. Friends of Gill*, 1999).

3. Unusual Circumstances Exception (§ 15300.2(c))

- CEQA prohibits categorical exemptions if **“unusual circumstances” exist that may cause significant impacts**.
- Carmel's **unique history of avoiding street numbers** makes this an unusual case.
- The change **could impact the town's identity and aesthetics**, requiring further analysis.

4. Cumulative Impact Consideration (§ 15300.2(b))

- If street numbers **alter the visual setting of an entire historic district**, the cumulative impact may be significant.

Conclusion

- If the City **mandates** street numbers through a discretionary action, it **may be subject to CEQA review**.
- The City would need to **assess potential historic and aesthetic impacts** before proceeding.
- A **CEQA challenge** could argue that the decision is **not exempt** and requires an **Initial Study** to determine if an EIR or Negative Declaration is needed.



Nova Romero <nromero@ci.carmel.ca.us>

Street addresses

3 messages

Richard Luther [REDACTED] >
To: cityclerk@ci.carmel.ca.us

Tue, Apr 1, 2025 at 12:44 AM

Please distribute this email to all council members. Thank you.

I apologize that my wife and I are unable to attend Tuesday's council meeting. However, we strongly favor having street addresses recognized by the USPS, Google and others.

We believe the "charm" and "character" of Carmel is measured by how the residents look after and care for their neighbors, not whether a street number is attached to a house. The fact is, the lack of standard street numbers slows down first responders and hampers the timely delivery of life saving medicines and medical supplies. It is not just an issue of inconvenience with Amazon; it is an issue of potential injury to life or property. We need to have street numbers to protect ourselves and our neighbors.

In addition to protecting our neighbors, we also need to protect the financial wellbeing of the city. If we don't have numbers, eventually someone will be injured or die due to a slow response time of first responders. The city will find itself financially responsible for that loss due to its willful violation of state laws. And the city's insurer may refuse to cover the loss for the same reason.

There is also a practical problem that needs to be addressed. Under the current system of identifying houses in relation to the number of houses or parcels to the nearest cross street, how will we address new houses and ADUs built under the recently enacted state laws? A neighbor is building an ADU between his house and ours. The ADU is almost the size of our house. Will a first responder stop at that house thinking it is ours as it counts the houses in from the corner? If the neighbor rents or sells the ADU, what number will be assigned to it so that first responders can find it? The same goes for the new law allowing owners to subdivide their property and build multiple houses. Will every other house on the block then need to change its house number under the existing scheme? Our existing address system doesn't work with these newly enacted laws.

This is not an issue for a public vote. This is an issue of utmost importance and urgency that demands strong leadership by the city council. Please move forward with standardized street addresses as soon as possible.

Thank you for your attention.

Richard and Debra Luther

Nova Romero <nromero@ci.carmel.ca.us>

Tue, Apr 1, 2025 at 10:08 AM

To: Jeff Baron <jbaron@ci.carmel.ca.us>, Hans Buder <hbuder@ci.carmel.ca.us>, Alissandra Dramov <renewcarmel@outlook.com>, Dale Byrne <dbyrne@ci.carmel.ca.us>, Robert Delves <rdelves@ci.carmel.ca.us>
Cc: Brandon Swanson <bswanson@ci.carmel.ca.us>, Brian Pierik <bpierik@ci.carmel.ca.us>, Chip Rerig <crerig@ci.carmel.ca.us>

Please see email re: street addresses.



Carmel Public Library Foundation Memorandum

To: Carmel-by-the-Sea Mayor and City Council Members

From: Marci Meaux and Alexandra Fallon

Date: March 11, 2025

Subject: Carmel Public Library Foundation (Foundation) & City of Carmel by-the-Sea (City) Harrison Memorial Library Centennial Restoration Agreement

Following the February 4th City Council meeting, where revisions to the agreement were directed based on the City Attorney's concerns, we received an updated version and have carefully reviewed it. Our attorney, Brian Call, has been working with the City's attorney, Brian Pierik, to address these revisions and craft a response that fosters a fair and mutually acceptable resolution.

The Centennial Restoration of Carmel's Harrison Memorial Library is governed by principles grounded in the philanthropic heritage of the historic 1928 Maybeck and Murphy Building:

I. Privately Funded: Architectural design, engineering, construction, physical accessibility, seismic upgrades, technology, furnishings, and signage will all be paid for through the major Centennial Fundraising Campaign undertaken by the Carmel Public Library Foundation. The estimated project cost, including the contingency, is \$17.5 million.

II. Community-Based: Project leadership is community-based in a private/public partnership with the City, beginning with the formation in 2024 of the Architect Selection Committee chaired by Lacy Williams Buck and Marci Meaux. The distinguished architect selected for this prestigious assignment is Moore Ruble Yudell Architects. Buzz Yudell is a long-time Carmel resident and homeowner.

III. Faithfulness to Architectural Preservation and the Spirit of Carmel: From the beginning of the Architect Selection Process, the project has been defined by fidelity to the preservation and historical ethos that has given Carmel much of its character and distinctiveness.

IV. Highly Participatory: Carmel's Harrison Memorial Library is an iconic community asset and a beloved institution. The design process will be highly inclusive, with major community input sought and incorporated during the initial schematic design phase.

V. Timeliness: The Centennial Restoration is urgent, with the need for this major undertaking having built up over the last quarter-century. The Carmel Public Library Foundation is committed to having the work completed within the Library's Centennial Year, ending December 31, 2028.

Two key tenets remain central to this agreement:

1. **Partnership with the City** – Collaboration is essential to ensuring the success of this project. A shared commitment between the City and the Foundation will help achieve an outcome the community can take pride in. In response to concerns regarding the Project Executive Committee, we have removed references to a joint committee. Instead, we propose that the City Council establish an ad-hoc committee composed of two appointed council members. The ad-hoc committee members can then join committees established by the Foundation in order that the City and the Foundation can establish effective communication as they proceed as partners to achieve the goals of the Project.
2. **Funding Model** – CPLF will hold the funds and pay invoices. To address the City's concern about avoiding any unnecessary disputes regarding contractors' invoices possibly leading to legal action, we have formalized the process that invoices certified as payable by the City Finance Director will be paid by CPLF. During the construction phase, the architect will also certify that work meets specifications, and the City Finance Director will certify that payment is due—at which point CPLF will process the payment. We acknowledge the City's concerns and believe this structure represents a significant concession by CPLF to provide assurance regarding invoice payments.

Revisions Based on City Council's Motion:

- **Project Executive Committee Eliminated** – To address concerns related to governance, CPLF will instead form internal committees as needed, while the City will appoint an ad hoc committee composed of two Council Members to facilitate coordination and cooperation.
- **Mutual Approval on Key Decisions** – CPLF and the City will have joint approval authority over design, design modifications, and contracts with the architect and construction contractor.
- **Funding Commitments & Payment Process** – CPLF will acknowledge that funds have been raised prior to the start of each phase and, as expressed above, will pay invoices as due following certification by the City Finance Director. During construction, the architect will certify that work meets specifications, after which the City Finance Director will confirm payment is due—at which point CPLF will process the payment.
- **Contingency & Cost Overruns** – A construction contingency will be set at 15%, with CPLF committing to cover this amount if needed. Any cost overruns are subject to review and approval by the City and the CPLF. Approved cost overruns can be allocated between the City and CPLF at the time of a cost overrun approval. With best practices contract management and thorough pre-construction due diligence, the likelihood of

cost overruns that would exceed the 15% contingency should be minimal to non-existent.

- **Contractual & Regulatory Compliance** – All processes will adhere to state law, City Municipal Code, and oversight by relevant City boards and commissions.
- **City Fees & Agreement Terms** – The City will cover all application and permitting fees. The provision allowing the City to terminate the agreement without cause has necessarily been removed.

We greatly appreciate your thoughtful engagement and our historic partnership and look forward to finalizing an agreement that upholds our shared commitment to restoring Harrison Memorial Library by its centennial in 1928.