



CITY OF CARMEL-BY-THE-SEA PLANNING COMMISSION

Mel Ahlborn, Erin Allen, Stefan Karapetkov, Michael
LePage, Stephanie Locke

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

REGULAR MEETING Wednesday, July 9, 2025

TOUR 3:30 PM

MEETING 4:00 PM

THIS MEETING WILL BE HELD VIA TELECONFERENCE AND IN PERSON AT CITY HALL. 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 attend in person, visit the City Council Chambers at City Hall located on Monte Verde Street between Ocean and Seventh Avenues. To view or listen to the meeting remotely, you may access the YouTube Live Stream at:

<https://www.youtube.com/@CityofCarmelbytheSea/streams>, or use the link below to view or listen to the meeting via Zoom teleconference:

[https://ci-carmel-ca-us.zoom.us/j/85075274055?](https://ci-carmel-ca-us.zoom.us/j/85075274055?pwd=xjGuf1VHPManTYPLVc94aalwt24Tld.1)

[pwd=xjGuf1VHPManTYPLVc94aalwt24Tld.1](https://ci-carmel-ca-us.zoom.us/j/85075274055?pwd=xjGuf1VHPManTYPLVc94aalwt24Tld.1). To attend Zoom webinar via telephone, dial +1 (669) 444-9171. Webinar ID: 850 7527 4055. Passcode: 001916.

HOW TO OFFER PUBLIC COMMENT: Public comments may be given in person at the meeting, 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 agINETTE@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.

CALL TO ORDER AND ROLL CALL - TOUR

TOUR OF INSPECTION

The Planning Commission will meet and convene the public hearing at the first location listed below on the Tour of Inspection. The public is welcome to join the Commission on its tour. The tour is intended only to give the Commission an opportunity to view project sites scheduled for a public hearing later that day. No deliberations on the merits of projects will take place during the Tour of Inspection. Following completion of the tour, the

Commission will recess and return to the Council Chambers to reconvene the public hearing at 4:00 p.m., or as soon thereafter as possible.

- A. **DS 25017 (Hobbs):** Santa Rita Street 3 northeast of 1st Avenue
- B. **DS 25126 (Chroman):** Mission Street 2 northwest of 2nd Avenue

CALL TO ORDER AND ROLL CALL - CHAMBERS

PUBLIC APPEARANCES - Under the Brown Act, public comments 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. Hateful, violent, and threatening speech is impermissible public comment, as it disrupts the conduct of the public meeting. This is a warning that if a member of the public attending this meeting remotely violates the Brown Act by failing to comply with these requirements of the Brown Act meeting, that speaker will then be muted.

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. Matters not appearing on the agenda will not receive action at this meeting and may be referred to staff. Persons are not required to provide their names, and it is helpful for speakers to state their names so they may be identified in the minutes of the meeting.

ANNOUNCEMENTS

CONSENT AGENDA

Items on the consent agenda are routine in nature and do not require discussion or independent action. Members of the Commission or the public may ask that any items be considered individually for purposes of Commission discussion and/ or for public comment. Unless that is done, one motion may be used to adopt all recommended actions.

1. June 11, 2025 Regular Meeting Minutes
2. **UP 25150 (Gelato by the Sea):** Consideration of a Use Permit (UP 25150) for the establishment of a new Specialty Restaurant located on San Carlos Street 2 NE of 7th Avenue in Unit #6 in the Central Commercial (CC) District. APN: 010-141-005-000

Proposed CEQA Action: Find the project categorically exempt pursuant to CEQA Guidelines Section 15301 and no exceptions to the exemption listed in Section 15300.2 can be made.

ORDERS OF BUSINESS

3. **Reasonable Accommodation Policy Updates:** The Planning Commission will consider revisions to the Reasonable Accommodation Policy (C11-01) and make a recommendation to the City Council. This action is an implementation measure of Program 3.2.A (Reasonable Accommodation Procedures-AFFH) in the adopted General Plan Housing Element (2023-2031).
4. **Director's Interpretation:** Consideration of a Resolution accepting a Director's interpretation, clarifying how to measure and dimension basement spaces for the purpose of calculating floor area in basement and underground spaces.

PUBLIC HEARINGS

5. **DS 25017 (Hobbs):** Consideration of a Concept Design Study (DS 25017) for the demolition of an existing 1,111-square-foot one-story single-family residence, and construction of a new 1,795-square-foot one-story single-family residence inclusive of a 224-square-foot detached garage located at Santa Rita Street 3 northeast of 1st Avenue in the Single-Family Residential (R-1) District. APN: 009-146-029-000

Proposed CEQA Action: Find that consideration and/or continuance of a Concept Design Study is “not a project” as defined Public Resources Code section 21065 and section 15378 of the CEQA Guidelines.

6. **DS 25126 (Chroman):** Consideration of a Track 1 Design Study referral for the installation of a new 3-foot-tall wall and driveway gate in the front setback, as well as the removal of an existing retaining wall, and installation of a new wall system exceeding height limits located at Mission Street 2 NW of 2nd Avenue in the Single-Family Residential (R-1) District, Park (P) Overlay, and Archaeological Significance (AS) Overlay District. APN: 010-121-015

Proposed CEQA Action: Find the project categorically exempt from environmental review pursuant to CEQA Guidelines Section 15301 and that none of the exceptions to the exemptions in Section 15300.2 can be made.

7. **UP 25024 (Samali Perfumes, LLC):** Consideration of a Use Permit (UP 25024) for the establishment of a new Cosmetic Store for the sale of perfumes with two ancillary uses of retail sales of clothing and jewelry located on Lincoln Street 2 southwest of Ocean Avenue in Unit A in the Central Commercial (CC) District. APN: 010-201-002-000

Proposed CEQA Action: Find the project categorically exempt pursuant to CEQA Guidelines Section 15301 and no exceptions to the exemptions listed in Section 15300.2 can be made.

DIRECTORS REPORT

FUTURE AGENDA ITEMS

8. Next Regular Meeting: August 13, 2025

ADJOURNMENT

CORRESPONDENCE

9. **PUBLIC CORRESPONDENCE:** Additional items not associated with Public Hearings and/or other items appearing on the Agenda

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 Planning Commission regarding any item on this agenda, received after the posting of the agenda will be available 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 PLANNING COMMISSION Staff Report

July 9, 2025
CONSENT AGENDA

TO: Chair LePage and Planning Commissioners

SUBMITTED BY: Shelby Gorman, Administrative Coordinator

APPROVED BY: Anna Ginette, AICP, Director of Community Planning and Building

SUBJECT: June 11, 2025 Regular Meeting Minutes

Application:

APN:

Block:

Lot:

Location:

Applicant:

Property Owner:

Executive Summary:

The Planning Commission routinely approves minutes of its meetings.

Recommendation:

Approve draft minutes

Background and Project Description:

None.

Staff Analysis:

None.

Other Project Components:

None.

Attachment 1 - June 11, 2025 Regular Meeting Minutes

**REGULAR MEETING
Wednesday, June 11, 2025**

TOUR 3:00 PM

MEETING 4:00 PM

CALL TO ORDER AND ROLL CALL – TOUR

The following Commission members were present for the tour: Mel Ahlborn, Erin Allen, Stefan Karapetkov, Michael LePage, and Stephanie Locke

The following Commission members were absent: None

TOUR OF INSPECTION

Item A: DS 24298 (Gonzales): Southeast Corner Santa Fe Street & 5th Avenue

Item B: DS 24083 (Dyas): Southwest corner of Santa Fe Street & 5th Avenue

Item C: DS 25071 (Morsello): Northeast corner of Santa Fe Street and 8th Avenue

CALL TO ORDER AND ROLL CALL - CHAMBERS

The following Commission members were present: Mel Ahlborn, Erin Allen, Stefan Karapetkov, Michael LePage, and Stephanie Locke

The following Commission members were absent: None

PUBLIC APPEARANCES

The following members of the public appeared before the Commission: None

ANNOUNCEMENTS

None

CONSENT AGENDA

Item 1: Monthly Activity Report: May 2025

Item 2: May 14, 2025 Regular Meeting Minutes

Item 3: DS 24289 (Your Golden Key No 1 LLC): Consideration of a Final Design Study (DS 24289) and associated Coastal Development Permit for the demolition of an existing approximately 1800-square-foot, one-story single-family residence, inclusive of a 200-square-foot garage, and the construction of a 2435-square-foot, two-story single-family residence, inclusive of a 200-square-foot attached garage, located on 13th Avenue 2 southeast of Mission Street in the Single-Family Residential (R-1)

District. APN: 010-161-018-000

Proposed CEQA Action: Find the project categorically exempt from environmental review pursuant to CEQA Guidelines Section 15302 and that none of the exceptions pursuant to Section 15300.2 can be made in this case

Chair LePage opened the meeting for public comment. The following members of the public appeared before the Commission: None

Chair LePage closed the meeting for public comment.

It was moved by Chair LePage and seconded by Commissioner Locke to approve the consent agenda.

The motion passed by the following roll call vote:

AYES:	Commission Member(s): Ahlborn, Allen, Karapetkov, Locke, LePage
NOES:	Commission Member(s): None
ABSTAINED:	Commission Member(s): None
ABSENT:	Commission Member(s): None

ORDERS OF BUSINESS

Item 4: Capital Improvement Program (CIP) General Plan Consistency

Anna Ginette, Director of Community Planning and Building, presented a summary of the Capital Improvement Program, noting it's part of the City budget and requires the Planning Commission to find consistency with individual projects and the General Plan. An anticipated CEQA action was noted, indicating that CEQA would be applied to projects.

Chair LePage opened the meeting for public comment. The following members of the public appeared before the Commission: None

Chair LePage closed the meeting for public comment.

Commissioner Locke asked about Item 8, the Picadilly Restroom Design, as it's on restaurant property, saying she hopes the City will assist with improvements due to the desperate need for public restrooms.

The Commission supported fire station upgrades and the Police and Public Works building, which has been on the list for a long time. Sidewalks and shoreline stairs repairs were also highlighted as important.

Commissioner Ahlborn questioned the detail of Item 9, ADA Upgrades, and staff clarified they relate to City facilities, based on a 2018 study.

It was moved by Commissioner Locke and seconded by Commissioner Allen to approve a resolution finding that the General Plan Consistency Determination is not a project under CEQA as defined in Public Resources Code Section 21065 and CEQA Guidelines Section 15378 and that the Capital Improvement Plan (CIP) is consistent with the City's General Plan.

The motion passed by the following roll call vote:

AYES:	Commission Member(s): Ahlborn, Allen, Karapetkov, Locke, LePage
NOES:	Commission Member(s): None

ABSTAINED: **Commission Member(s): None**

Item 5: Discussion and direction from the Planning Commission to staff on roofing materials, including but not limited to metal roofs

Jacob Olander, Associate Planner, provided an update on the roofing discussion, noting increased applications for alternative materials due to fire concerns and style changes.

The current Design Guidelines deem metal, plastic, and glass roofs inappropriate in all neighborhoods. Due to growing concerns for insurance coverage, standing seam metal roofs are regularly being brought to the Planning Commission for review. Current Commission apprehensions about alternative roofing materials include high-contrast roofs, the modern farmhouse look, vertical standing seams, and incongruity with the Design Guidelines. However, precedents exist where deviations from the Design Guidelines were approved if they met design objectives.

Associate Planner Olander sought direction on staff-level approvals for alternative roofing materials, proposing adoption to the City Council or approval with changes. To reduce public frustration and establish clear standards, staff would continue approving like-material re-roof permits (wood for wood, slate for slate) and expand approvals to include alternative materials that meet Design Guideline requirements. Roofing materials to remain not approvable at the staff-level include non-earth tone metal, high-contrast shingles, PVC on second stories, non-drought resistant green roofs, and corrugated plastic.

A palette of earth tones was presented for consideration. Samples of galvanized aluminum, stainless steel, and zinc were provided to the Commission. Copper roof shingles remain prohibited.

Chair LePage opened the meeting for public comment. The following members of the public appeared before the Commission: Adam Jeselnick

Chair LePage closed the meeting for public comment.

The Commissioners raised concerns about synthetic materials, referring to the mimicking of natural projects, potential environmental impacts, and setting a precedent for further use of plastic exterior materials. Previous Fire Marshal comments were referenced that during a fire, the entire site would be a hazmat site regardless of roof material, as all materials outgas. They spoke to a change in the definition of authenticity, stating it needs to be broadened, moving bias away from the wood shingle look, as many materials mimic shingles. They acknowledged fire danger and insurance needs as the primary driver for the discussion.

The Commission gave direction to Staff to research specific synthetic materials for environmental factors, to include warranty, useful life, recyclability, off-gassing, and microplastics. Staff proposed recommending adoption of the current policy to City Council, with continued research and future updates, and suggested adding language to tie the policy to design objectives, clarifying that deviations may be acceptable if they align with those objectives.

The earth tone palette was discussed. The Commission agreed that staff has the expertise to identify inappropriate colors. Lighter hues from the palette were questioned but generally accepted due to the natural aging of wood shake.

It was moved by Chair LePage and seconded by Commissioner Ahlborn to approve a resolution recommending the City Council adopt a Roofing Material Policy applicable citywide with additions to reference the design objectives and make findings to justify approved materials and deviations; add an analysis of toxicity, recyclability, and lifespan;

and to include a non-approvable roofing list consisting of PVC on second stories, corrugated plastic, and high contrast colors.

The motion passed by the following roll call vote:

AYES: Commission Member(s): Ahlborn, Allen, Karapetkov, Locke, LePage
 NOES: Commission Member(s): None
 ABSTAINED: Commission Member(s): None

PUBLIC HEARINGS

Item 6: DS 25017 (Hobbs): Consideration of a Concept Design Study (DS 25017) for the demolition of an existing 1,111-square-foot one-story single-family residence, and construction of a new 1,795-square-foot one-story single-family residence inclusive of a 224-square-foot detached garage located at Santa Rita Street 3 northeast of 1st Avenue in the Single-Family Residential (R-1) District. APN: 009-146-029-000
 RECOMMENDED FOR CONTINUANCE.

Proposed CEQA Action: Consideration and/or continuance of a Concept Design Study is “not a project” pursuant to section 15378 of the CEQA Guidelines.

Evan Kort, Senior Planner, recommended the item for continuance because the story poles were not installed.

Adam Jeselnick, Architect for the project, confirmed the scheduling conflict with the story pole contractor and late notification for pole installation due to a related land use matter at the City/County boundary and requested continuance to the next regular meeting.

Chair LePage opened the meeting for public comment. The following members of the public appeared before the Commission: None

Chair LePage closed the meeting for public comment.

It was moved by Chair LePage and seconded by Commissioner Locke to continue Item 6: DS 25017 (Hobbs) to the next regular Planning Commission meeting.

The motion passed by the following roll call vote:

AYES: Commission Member(s): Ahlborn, Allen, Karapetkov, Locke, LePage
 NOES: Commission Member(s): None
 ABSTAINED: Commission Member(s): None

Item 7: DS 24298 (Gonzales): Consideration of a Concept Design Study (DS 24298) for a 134-square-foot addition to an existing 1,244-square-foot one-story single-family residence, as well as a 457-square-foot second story Accessory Dwelling Unit addition located at the southeast corner of 5th Avenue and Santa Fe Street in the Single-Family Residential (R-1) District. APN: 010-038-017-000

Proposed CEQA Action: Consideration and/or continuance of a Concept Design Study is “not a project” pursuant to section 15378 of the CEQA Guidelines.

Evan Kort, Senior Planner, presented the project involving a 134 sq ft addition to an existing 1,244 sq ft single-story family residence and a 457 sq ft second-story ADU. The property has a parking variance from 1999. Staff recommended not accepting the Design Study and continuing the hearing with direction from the Commission.

Four of seven findings for concept acceptance were not met. The project does not conform to zoning standards, conflicts with General Plan goals and policies, has issues with the 6-foot setback from significant trees, and has issues with plate height, mass, and bulk. A solution involving counting underfloor area as floor area was discussed but has not yet been applied.

The Forest and Beach Commission approved the removal of Tree #12, one of 15 oak trees on site, finding sufficient coverage would remain and preempt future conflicts. Staff's opinion was that this supports Concept Finding #2 but not #7, as #7 requires an "imminent or reasonably foreseeable threat" rather than potential.

Neighbor correspondence noted a discrepancy in square footage, questioned the ADU allowance, and identified potential privacy impacts from the second-story deck.

Adam Jeselnick, Architect, spoke to his clients' objectives to add a third bedroom, upgrade the interior of the property, enlarge the kitchen, and maintain cottage character. He spoke to site constraints noting the property is on a corner lot with no existing covered parking and 52 trees. The project aims to avoid impacts to 20 of 22 significant trees. Tree #12 is presently impacting the foundation and obstructing an exit, posing a safety issue. Tree #10 has a proposed bridge footing to avoid root impacts. The Architect explained that the existing non-conforming plate heights are due to topography. The proposed 8-foot first floor and 7-foot second floor plate heights exceed 18 feet in some areas, for an approximately 18-inch deviation. The solutions presented include counting underfloor area or lowering the ADU plate height by up to 6 inches. Approval was requested with conditions for ongoing consultation with staff and the City Forester for tree preservation and feedback on overall design.

Justin Ono, City Forester, clarified that the Forest and Beach Commission approved the removal of Tree #12 based on tree-related considerations and not overall development. Staff's recommendation was to deny the permit. The Commission's finding was based on "potential future conflicts," while Planning Commission finding #7 requires an "imminent or reasonably foreseeable threat".

Chair LePage opened the meeting for public comment. The following members of the public appeared before the Commission: None

Chair LePage closed the meeting for public comment.

The Commission discussed the project with a consensus that plate height needs to comply and that an 18-inch deviation is significant.

Commissioner Karapetkov supported the removal of Tree #12, viewing it as a cost-benefit to lose one healthy tree for a larger kitchen and ADU, given the more than 20 other trees on site.

Commissioners Locke and Allen did not support removal of a healthy tree for construction, given the Municipal Code requirements and the Forester's assessment. They questioned if the design could be reconfigured to avoid removal.

Commissioner Locke noted the applicant's stated intent to add a "third bedroom" to the house, clarifying the ADU is a standalone second unit.

It was moved by Chair LePage and seconded by Commissioner Locke to continue Item 7: DS 24298 (Gonzales) to a date uncertain.

The motion passed by the following roll call vote:

AYES: Commission Member(s): Ahlborn, Allen, Karapetkov, Locke, LePage
NOES: Commission Member(s): None
ABSTAINED: Commission Member(s): None

Item 8: DS 24083 (Dyas): Consideration of a Track 1 Design Study (DS 24083) referral for the after-the-fact replacement of the existing wood windows with 100 Series Fibrex windows on a single-family residence located at the southwest corner of 5th Avenue and Santa Fe Street in the Single-Family Residential (R-1) District. APN: 010-092-001-000

Proposed CEQA Action: Find the project statutorily exempt from environmental review pursuant to CEQA Guidelines Section 15270

Jacob Olander, Associate Planner, presented the project for an after-the-act permit, as the Fibrex windows were installed at the property roughly six months prior. A previous Design Study, DS 23319 (Schneider), was approved by the Planning Commission as a deviation due to Fibrex's sustainable and innovative nature. At the time, the Commission preferred the 400 series. The Applicant submitted the Design Review application, pending the DS 23319 (Schneider) decision, and installed the windows before receiving Planning Commission approval

Staff presented two resolutions, one for denial and one for approval, with a possible condition requiring the 400 series.

Mike Marrah, contractor on behalf of the Applicant, showed the 100 series and 400 series Fibrex products to the Commission. He highlighted the benefits of Fibrex benefits: sustainability (recycled product), Wildland-Urban Interface (WUI) compliance, value as a lower cost alternative, and ability to be painted. The contractor acknowledged that the windows were installed without a permit and claimed a "runner" or "third party" indicated preliminary approval based on the Schneider project, or an exemption form that they couldn't produce.

Chair LePage stressed that a Planning permit is always required and that the vendor, who should know this, put their client in a bad situation.

Mr. Marrah apologized for the misunderstanding, stating they want to work within the guidelines and improve due diligence.

Chair LePage opened the meeting for public comment. The following members of the public appeared before the Commission: None

Chair LePage closed the meeting for public comment.

The Commission supported both the 100 and 400 series Fibrex window products due to their appearance, energy efficiency, matte finish, no fading, and potential assistance in high fire zones. They voiced a strong concern over the lack of proper permits and due diligence by the vendor, emphasizing that it undermines the Planning Commission's authority and sends the wrong message.

Commissioner Karapetkov raised concerns about egress windows and fire safety, noting the benefits of following the process to ensure compliance. The Commission suggested conditioning the approval on Building Department review for egress requirements, but staff noted this is beyond the authority of the Planning Commission if there is no change in window opening size. The Commissioners agreed the homeowner should not be penalized due to the confusion and vendor's error.

It was moved by Chair LePage and seconded by Commissioner Locke to approve a resolution finding that the installation of Fibrex windows is a minor alteration to an existing property which qualifies as categorically exempt pursuant to CEQA Guidelines Section 15301 and none of the exceptions to the exemptions pursuant to Section 1300.2 can be made and approving Design Study DS 24083 (Dyas) for the installation of composite Fibrex windows at a single-family residence located at the southwest corner of 5th Avenue and Santa Fe Street in the Single-Family Residential (R-1) District. APN: 010-092-001-000

The motion passed by the following roll call vote:

AYES: Commission Member(s): Ahlborn, Allen, Karapetkov, Locke, LePage
NOES: Commission Member(s): None
ABSTAINED: Commission Member(s): None

Item 9: DS 25071 (Morsello): Consideration of a Track 1 Design Study (DS 25071) referral for the replacement of the existing wood windows with 100 Series Fibrex windows on a single-family residence located at the northeast corner of Santa Fe Street and 8th Avenue in the Single-Family Residential (R-1) District. APN: 010-044-007-000

Proposed CEQA Action: Find the project statutorily exempt from environmental review pursuant to CEQA Guidelines Section 15270

Jacob Olander, Associate Planner, described DS 25071 (Morsello) as identical to the previous project, but for a different property. The current application is for eight windows to be replaced, but on the meeting tour, five of the windows were observed to be already installed.

Staff clarified that any exterior change requires a Design Study, even if exempt from a Building permit. A Notice of Authorized Work can be issued by the City for approved projects not requiring a Building Permit.

John Bellinger, contractor on behalf of the Applicant, confirmed the work was to be completed in two phases with five windows installed in March and three still waiting. The contractor again claimed a "no permit required" understanding for like-for-like replacements within the same opening but admitted no Design Review application was filed for the initial five windows. He reiterated his commitment to follow guidelines for future projects.

Chair LePage opened the meeting for public comment. The following members of the public appeared before the Commission: None

Chair LePage closed the meeting for public comment.

The Commissioners expressed frustration over the repeated after-the-fact situation and lack of adherence to permit processes.

The Commission noted that Fibrex windows can now be approved at a staff level going forward, streamlining the process if applicants follow proper procedures.

It was moved by Chair LePage and seconded by Commissioner Allen to approve a resolution finding that the installation of Fibrex window is a minor alteration to an existing property which qualifies as categorically exempt pursuant to CEQA Guidelines Section 15301 and none of the exceptions to the exemptions pursuant to Section 1300.2 can be made and approving Design Study DS 25071 (Morsello) for the installation of composite Fibrex

windows at a single-family residence located at the northeast corner of 8th Avenue & Santa Fe Street in the Single-Family Residential (R-1) District. APN 010-044-007-000

The motion passed by the following roll call vote:

AYES: Commission Member(s): Ahlborn, Allen, Karapetkov, Locke, LePage
 NOES: Commission Member(s): None
 ABSTAINED: Commission Member(s): None

DIRECTORS REPORT

Anna Ginette, Director of Community Planning and Building, gave a report and answered questions of the Commission.

- **Fire Hazard Severity Zone Map Ordinance:** The second reading of the ordinance will be on the July 1, 2025 City Council agenda as a consent item.
- **Draft ADU Ordinance:** Staff is targeting a workshop for the Planning Commission in July 2025, with a draft ordinance potentially coming back in the Fall.
- **Wireless Communication Facility Ordinance:** The ordinance is scheduled for adoption review at the California Coastal Commission this Friday, June 13, 2025; their staff report recommends no changes.
- **Housing Element Amendment:** The Housing Element Amendment has been sent to State HCD for friendly review. If revisions are required, the amendment will come back to the Planning Commission and City Council before being resubmitted to the State.
- **Objective Design Standards:** A consultant proposal was received, emphasizing capturing uniqueness and authenticity driven by material authenticity. A request was made to prioritize ADU standards.
- **City Permits:** The railings at Devendorf Park are being replaced. An Emergency Coastal Development Permit was requested for the 10th Avenue stairs replacement with work anticipated to begin in July 2025.
- **Upcoming Council Meetings:** The City Council will be discussing water at the July 1, 2025 regular meeting and the JP Pastor Appeal at the June 30, 2025 special meeting.

FUTURE AGENDA ITEMS

Item 10: Next Regular Meeting: July 9, 2025

ADJOURNMENT

6:35 PM

APPROVED:

ATTEST:

Michael LePage, Chair

Shelby Gorman, Recording Secretary



CITY OF CARMEL-BY-THE-SEA PLANNING COMMISSION Staff Report

July 9, 2025
CONSENT AGENDA

TO: Chair LePage and Planning Commissioners

SUBMITTED BY: Jacob Olander, Associate Planner

APPROVED BY: Anna Ginette, AICP, Community Planning And Building Director

SUBJECT: **UP 25150 (Gelato by the Sea):** Consideration of a Use Permit (UP 25150) for the establishment of a new Specialty Restaurant located on San Carlos Street 2 NE of 7th Avenue in Unit #6 in the Central Commercial (CC) District. APN: 010-141-005-000

Proposed CEQA Action: Find the project categorically exempt pursuant to CEQA Guidelines Section 15301 and no exceptions to the exemption listed in Section 15300.2 can be made.

Application: UP 25150 (Gelato by the Sea)

APN: 010-141-005-000

Block: 77

Lot: 16 & 18

Location: San Carlos Street 2 NE of 7th Avenue, Unit 6 (Carmel Square)

Applicant: Danny Hala

Property Owner: Johanna C White

Executive Summary:

The applicant is seeking approval of a Use Permit to allow for the establishment of a Specialty Restaurant, "Gelato by the Sea". The restaurant would specialize in the sale of gelato, espresso, tea, and Italian soda.

Recommendation:

Staff recommends the Planning Commission adopt a resolution (Attachment 1):

- 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) Approving a Use Permit for the establishment of a new specialty restaurant, "Gelato by the Sea", with 14 indoor seats.

Background and Project Description:

The subject tenant space, Unit #6, located on San Carlos 2 NE of 7th Ave (Carmel Square), is

approximately 400 square feet. The space was most recently used as an overflow dining space by the Carmel Supper Club. The applicant is proposing to open a specialty restaurant specializing in the sale of gelato, espresso, tea, and Italian soda. The back of house is proposed to be used primarily for food storage and sanitation while the front of house area is used for storage, food preparation, serving, ordering, and a seating area designed to accommodate 14 seats. The proposed hours of operation are from 12:00 pm to 7:00 pm, 7 days a week.

The applicant provided a brief description of the proposed business; stating, “The ice cream shop will seek sustainably sourced, local ingredients that celebrate the rich European-influenced heritage of Carmel-by-the-Sea, area farmers and artisans. Warmly lit and thoughtfully furnished, Gelato by the Sea is intended to be enjoyed by visitors and locals alike.” The applicant further elaborated on the aesthetics; stating, “The shop will be designed around an Italian-style Gelateria. Bistro-style chairs will supply fourteen seats. Scatter cushions, framed paintings, and tasteful objet d’art will evoke old-world elegance and provide an ideal setting for light socialization.” The proposed business is inspired by a combination of Italian gelateria and an American ice cream shop and has a consistent theme that will fit in with the character of Carmel-by-the-Sea.

Staff Analysis:

Conditional Use Permit Required: The proposed business requires a Conditional Use Permit as the primary use is a Specialty Restaurant. The criteria for a Specialty Restaurant are listed below. Also discussed below is staff’s analysis of project compliance with the applicable requirements.

Specialty Restaurant: Carmel-by-the-Sea Municipal Code (CMC) Section 17.68.050 defines Specialty Restaurants as: *“Restaurants providing a limited range of food products for immediate consumption on the site. These restaurants provide seating but are not required to provide table service or menus. Specialty restaurants provide, as a primary use, two or fewer of the following lines of foods: pastries and doughnuts, frozen desserts, candy and nuts, juices, and coffee and tea.”*

In accordance with CMC Section 17.14.030, use classifications, defined in Chapter 17.68, are based on the use classifications listed in the current edition of the North American Industry Classification System (NAICS). As such, the determination of inclusion or exclusion of a particular use in a particular category shall be made according to the characteristics of the use and upon the Director’s interpretation of the land use code, the NAICS Use Categories List and the current edition of the NAICS.

The 2022 Edition of NAICS (most recent year available) describes “Snack and Nonalcoholic Beverage Bars” (NAICS Code: 722515) as:

This U.S. industry comprises establishments primarily engaged in (1) preparing and/or serving a specialty snack, such as ice cream, frozen yogurt, cookies, or popcorn, or (2) serving nonalcoholic beverages, such as coffee, juices, or sodas for consumption on or near the premises. These establishments may carry and sell a combination of snack, nonalcoholic beverage, and other related products (e.g., coffee beans, mugs, coffee makers) but generally promote and sell a unique snack or nonalcoholic beverage.

Index entries in the NAICS classification (722515), which serve as detailed descriptors to assist users in locating the correct industry classification directly applicable to the proposed use include ice cream parlors.

As such the NAICS classification a “Snack and Nonalcoholic Beverage Bar” (NAICS 722515) is consistent with the city’s land use classification of a specialty restaurant as the business primarily sells gelato, espresso, tea, and Italian soda.

CMC Section 17.14.040.I.4 - Specialty Food Store Standards

1. Minimum size: 400 square feet.

Staff Analysis: Consistent. The subject business space is approximately 725 square feet.

2. The minimum number of customer seats on-site: is 14 seats. The customer seating area must be open to patron use during all hours of operation, and the use must be managed to encourage on-premises consumption of food products.

Staff Analysis: Consistent. A minimum of 14 seats are proposed (and conditioned) to be located at the front of the business between the business entry and the point of sale. The seating will be provided through a bistro seating. Condition of Approval #19 requires a minimum of 14 seats be maintained at all times and open to patron use during all hours of operation, and the use must be managed to encourage on-premises consumption of food products

3. Sales of soup, salads, and sandwiches may be allowed in up to 10 percent of sales.

Staff Analysis: Consistent. The sales of soup, salads, and sandwiches are not currently being proposed.

4. The sale of alcohol is prohibited.

Staff Analysis: Consistent. The sale of alcohol is not proposed.

5. Drive-in, fast food, take-out, or formula establishments are prohibited.

Staff Analysis: Consistent. The proposed use, as represented by the applicant, does not exhibit the characteristics of a drive-in establishment, fast food establishment, take-out, or formula establishment.

6. The service counter must be located within the interior of the business premises and arranged so that customers must first pass by or through the seating area to reach the counter and patron queues will be contained within the building.

Staff Analysis: Consistent. The service counter is located in the rear part of the building allowing the queue to be contained within the building. As a patron enters the business, they would first enter the seating area. After passing the seating area, the customer would reach the service counter and cash register to place their order.

7. Outside seating may be allowed, subject to CMC Chapter 17.58, Design Review.

Staff Analysis: Not applicable. The applicant is not proposing outside seating.

8. All products sold for consumption off the premises, other than frozen desserts, must be placed in covered containers or wrappings.

Staff Analysis: Consistent. All restaurants within the City utilizing disposable food packaging shall exclusively use biodegradable/compostable or recyclable products and maintain written records as detailed in CMC Chapter 8.68. Condition of Approval #10 has been incorporated requiring food sold for consumption off-premises, other than frozen desserts, shall be placed in covered containers or wrapping in accordance with these code requirements.

9. Cooking equipment is limited to indoor stoves and ovens.

Staff Analysis: Consistent. No cooking equipment is being proposed.

10. The maximum number of food stores and/or restaurants located within structures fronting Ocean Avenue allowed: 15.

Staff Analysis: Not applicable. The proposed business does not front Ocean Avenue.

11. The operator of the use shall be responsible for the clean-up of all on-site and off-site litter generated by the use, including twice-daily clean-up of all sidewalks and gutters within 50 feet of the storefront and twice-yearly steam cleaning of this area. A practical plan for monitoring and implementing this standard shall be submitted for review with the application for a use permit and will be adopted as a condition of approval of the use.

Staff Analysis: Consistent. Condition of Approval #21 has been incorporated stating the business operator shall be responsible for clean-up, including twice-daily clean-up of all sidewalks and gutters within 50 feet of the storefront and twice-yearly steam cleaning of this area.

12. See subsection (I)(1) of this section, All Eating and Drinking Establishments.

a. The sale of nonfood merchandise that is directly related to the use may be allowed when determined to be incidental to the primary use. The display of nonfood merchandise shall be ancillary to the primary use.

Staff Analysis: Consistent. The sale of nonfood merchandise is not proposed.

b. Adequate facilities shall be provided on the site for the closed storage of trash and garbage

generated by the use. The on-site storage shall be designed so that the area can be cleaned and the refuse removed without creating a public nuisance and without being placed on the sidewalks or other public ways. If the method of cooking used will generate hot ashes, a storage facility and disposal method shall first be approved by the Fire Department.

Staff Analysis: Consistent. The business will utilize the enclosed trash and recycle bin as outlined on the plans. The existing trash enclosure is located at the rear of the property. The proposed use is not anticipated to generate hot ashes.

c. At least one restroom shall be available for use by all persons within, or conveniently adjacent to, the specific business premises and on the same property on which the use is located. This restroom shall comply with all provisions of the State Uniform Building and Plumbing Codes as to the required size, location, and accessibility standards, and shall be available for use by both the employees and patrons of the business.

Staff Analysis: Consistent. Customer restrooms will be provided by the existing common area restrooms located at to the side of the business. The existing business space will utilize the same restroom for employees.

Use Permit Findings. In Accordance with CMC Section 17.64.010.A, in its review of applications for use permits, the Planning Commission shall evaluate each proposed use in order to consider its impact on the City. No use permit shall be granted unless all of these general findings can be made:

1. That the proposed use will not be in conflict with the City's General Plan.
2. That the proposed use will comply with all zoning standards applicable to the use and zoning district.
3. That granting the use permit will not set a precedent for the approval of similar uses whose incremental effect will be detrimental to the City, or will be in conflict with the General Plan.
4. That the proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.
5. That the proposed use will not be injurious to public health, safety or welfare.
6. That the proposed use will be compatible with surrounding land uses and will not conflict with the purpose established for the district within which it will be located.
7. That the proposed use will not generate adverse impacts affecting health, safety, or welfare of neighboring properties or uses.

Staff Analysis: As proposed and conditioned, the use meets the required findings outlined in CMC Section 17.64.010. The use contributes to the unique, quality commercial uses that serve the intellectual, social, material, and day-to-day needs of both the local community and visitors. As proposed and conditioned, the project (use) complies with all applicable zoning standards and approval of the use is not precedent setting for the approval of similar uses. The site has adequate water available for the use, as determined by Monterey Peninsula Water Management District (MPWMD), and the use will not result in excessive demands on public services. The proposed use is compatible with surrounding land uses and is consistent with the purpose of the Central Commercial (CC) zoning district.

Commercial Use Permit findings. In accordance with CMC Section 17.64.020, in addition to the general findings required for all use permits listed above (CMC Section 17.64.010.A), no use permit shall be granted for commercial or business uses unless all of these general findings can be made:

1. That allowing the proposed use will not conflict with the City's goal of achieving and maintaining a balanced mix of uses that serve the needs of both local and nonlocal populations.
2. That proposed use will provide adequate ingress and egress to and from the proposed location.
3. That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.

Staff Analysis: The proposed use meets the findings outlined in CMC Section 17.64.010. The proposed use is a conditionally permitted use in the Central Commercial (CC) zoning district and the additional zoning requirements for the use have been made in the affirmative. The use will be located within an existing business space and shall be required to comply with all applicable building and fire codes related to building occupancy. The surrounding streets have adequate capacity for automobile and delivery truck traffic generated by the proposed use.

Other Project Components:

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 the operation, maintenance, permitting, and minor alterations to existing private structures involving negligible or no expansion of an existing or former use. The project consists of the conversion of an existing retail establishment to a specialty restaurant (primarily selling gelato, espresso, tea, and Italian soda.). 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.

Attachment 1 - Resolution

Attachment 2 - Business Description

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

PLANNING COMMISSION RESOLUTION NO. 2025-XXX-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA FINDING THE PROJECT EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CEQA GUIDELINES SECTION 15301 AND THAT NONE OF THE EXCEPTIONS TO THE EXEMPTIONS CONTAINED IN SECTION 15300.2 CAN BE MADE IN THIS CASE; AND APPROVING A USE PERMIT FOR THE ESTABLISHMENT OF A NEW SPECIALTY RESTAURANT , “GELATO BY THE SEA”, WITH 14 INDOOR SEATS. THE PROPERTY IS LOCATED ON SAN CARLOS 2NE OF 7TH, UNIT 6 (CARMEL SQUARE) IN THE CENTRAL COMMERCIAL (CC) DISTRICT. APN: 010-141-005-000

WHEREAS, Danny Hala (“Applicant”), on behalf of the property owner, Johanna C White (“Owner”), submitted an application requesting approval of a Use Permit application (“UP 25150, Gelato by the Sea”) described herein (“Application”); and

WHEREAS, the applicant is proposing to establish a new Specialty Restaurant, called the “Gelato by the Sea” to be located in a 400 square foot commercial space located in Unit #6 located on San Carlos 2 northeast of 7th in the Central Commercial (CC) Zoning District; and

WHEREAS, Specialty Restaurant are permitted in the Central Commercial or “CC” zoning district upon issuance of a Conditional Use Permit by the Planning Commission pursuant to Carmel-by-the-Sea (CMC) Section 17.14.030; and,

WHEREAS, notice of the public hearing was published on June 27, 2025, in the Carmel Pine Cone in compliance with State law (California Government Code 65091), as well as hand-delivery of the public notice by the Applicant to each property owner within a 100-foot radius of the project site indicating the date and time of the public hearing on or before the notice by date of June 29, 2025; and

WHEREAS, on July 9, 2025, 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, 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 Chapter 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the project proposes the establishment of a Specialty Restaurant within an existing commercial space. Therefore, pursuant to CEQA regulations, the project is categorically exempt under

Section 15301 (Existing Facilities). Class 1 exemptions include the operation, maintenance, permitting, and minor alterations to existing private structures involving negligible or no expansion of an existing or former use. The project consists of establishing a specialty food store within an existing commercial space; and

WHEREAS, pursuant to Section 15300.2 of the CEQA Guidelines, the proposed use does not present any unusual circumstances that would result in a potentially significant environmental impact due to the fact the project is permitted with a Conditional Use Permit within the site's designated Commercial zoning district, and there are no exceptions to the exemption; 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 Conditional Use Permit:

FINDINGS REQUIRED FOR USE PERMIT APPROVAL (CMC Chapter 17.64) For each of the required findings listed below, staff has indicated whether the submitted plans support the adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate the Planning Commission's decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
Municipal Code Findings – CMC Section 17.64.010 General Findings Required for All Use Permits	YES	NO
1. The proposed use will not conflict with the City's General Plan.	✓	
2. That the proposed use will comply with all zoning standards applicable to the use and zoning district.	✓	
3. That granting the use permit will not set a precedent for the approval of similar uses whose incremental effect will be detrimental to the City or will be in conflict with the General Plan.	✓	
4. That the proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection	✓	
5. That the proposed use will not be injurious to public health, safety, or welfare.	✓	
6. That the proposed use will be compatible with surrounding land uses and will not conflict with the purpose established for the district within which it will be located.	✓	
7. That the proposed use will not generate adverse impacts affecting the health, safety, or welfare of neighboring properties or uses.	✓	
Municipal Code Findings – 17.64.020 General Findings Required for Commercial Use Permits		
1. That allowing the proposed use will not conflict with the City's goal of achieving and maintaining a balanced mix of uses that serve the needs of both local and nonlocal populations.	✓	
2. That proposed use will provide adequate ingress and egress to and from the proposed location.	✓	
3. That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.	✓	

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby

FIND the project categorically exempt from environmental review pursuant to CEQA Guidelines Section 15301 and not exceptions to the exemptions contained in Section 15300.2 can be made in this case, and APPROVE the Use Permit UP 25150 (Gelato by the Sea) for the establishment of a new Specialty Restaurant. The property is located on San Carlos 2NE of 7th, Unit 6 (Carmel Square) in the Central Commercial (CC) District, APN: 010-141-005-000. Approval of the use permit is subject to the following Conditions of Approval:

CONDITIONS OF APPROVAL		
No.		
1.	Authorization. This approval Use Permit (UP 251510) authorizes: a new Specialty Restaurant, “Gelato by the Sea”, with 14 indoor seats to operate from 12 pm to 7 pm daily located on San Carlos 2NE of 7th, Unit 6 (Carmel Square) in the Central Commercial (CC) District. APN: 010-141-005-000. The business shall operate consistent with the plans and business description approved by the Planning Commission on July 9, 2025.	✓
2.	Codes and Ordinances. The business shall operate consistent with the requirements for a Cosmetics Store as established in CMC 17.14.040.T.18	✓
3.	Codes and Ordinances. Any tenant improvements associated with the project shall be constructed in conformance with all requirements of the Central Commercial (CC) district. All adopted building and fire codes shall be adhered to in preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested at the time such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission. Violations of the terms of this Use Permit or other ordinances of the City may constitute grounds for revocation of this Use Permit and the associated business license by the Planning Commission.	✓
4.	Sale of Nonfood Merchandise. The sale of nonfood merchandise directly related to the use may be allowed if it is determined to be incidental to the specialty restaurant. The display of nonfood merchandise shall be ancillary to the specialty restaurant.	✓
5.	Closed Storage of Trash. Adequate facilities shall be provided on-site for the closed storage of trash and garbage generated by the full-line restaurant. The on-site storage shall be designed so that the area can be cleaned and the refuse removed without creating a public nuisance and without being placed on the sidewalks or other public ways. If the method of cooking used will generate hot ashes, a storage facility and disposal method shall first be approved by the Fire Department. a. The trash storage area shall be designed and maintained to prevent storm water contamination by loose trash and debris. b. All drainage from adjoining roofs and pavement shall be diverted around the trash area to minimize water flow through the storage area. c. The trash storage area shall be maintained in a screened or walled area to prevent off-site transport of trash.	✓
6.	Public Restroom. At least one restroom shall be available for use by all persons within, or conveniently adjacent to, the specific business premises and on the same property on which the full-line restaurant is located. The restroom shall comply with all provisions of the California Building and Plumbing Codes as to the required size, location and accessibility standards, and shall be available for use by both the employees and patrons of the business.	✓
7.	Alcoholic Beverage Sales. Alcoholic beverage sales are prohibited.	✓

8.	Formula and Fast Food Establishments Not Permitted. The restaurant shall not operate as a “Drive-in, Formula Food or Fast Food” establishment as defined in CMC Section 17.70.	✓
9.	Seating Capacity. The seating capacity for the use approved as part of this use permit is fourteen (14) indoor seats. No exterior seating is authorized as part of this approval. The actual maximum seating capacity shall not exceed the standards in the California Building and Fire Codes or the number of seats approved by this Use Permit, whichever is less.	✓
10.	Food Sold for Consumption off Premise. Food sold for consumption off the premises, , other than frozen desserts, shall be incidental to the primary use. Such food shall be placed in covered containers or wrapping. Except as provided in CMC Sections 8.68.070 and 8.68.080, no restaurant shall provide prepared food to its customers in CFC-processed food packaging or polystyrene foam food packaging, nor shall any restaurant purchase, obtain, keep, sell, distribute, provide to customers or otherwise use in its business any CFC-processed food packaging or polystyrene foam food packaging. The restaurant shall comply with all other requirements in CMC Chapter 8.68.	✓
11.	Indemnification. The applicant agrees, at its sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.	✓
12.	Water Units. 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 not available for this site, this permit will be scheduled for reconsideration and appropriate findings prepared for review and adoption by the Planning Commission.	✓
13.	Monterey County Health Department Permits. The applicant shall obtain all necessary permits from the Monterey County Health Department prior to building permit issuance.	✓
14.	Consistency with Approved Application and Seating Plan. The use shall be conducted in a manner consistent with the plans, and application materials submitted with the project, and any change in the use which would alter the findings or conditions adopted as part of this permit shall require approval of a new or amended Use Permit by the City.	✓

15.	Use Permit Must be Initiated within 12 Months. This Use Permit shall become void and in no further force or effect if the use is not initiated within twelve (12) months of the issuance of the Certificate of Occupancy from the Building Official.	✓
16.	Violation of the Terms of this Use Permit. Violations of the terms of this Use Permit or other ordinances of the City may constitute grounds for revocation of this Use Permit and the associated business license by the Planning Commission.	✓
17.	Summary Sheet of Use Permit Must be Posted on the Premises. A summary sheet of basic Use Permit requirements (allowed days, allowed hours, special conditions) shall be posted on the premises or shall be available upon request by any enforcement officer of the City.	✓
Use Permit Special Conditions		
18.	Permitted Hours of Operation. Permitted hours of operation are from 12:00 pm to 7:00 pm, 7 days a week.	✓
19.	Permitted Interior Seating. The restaurant is permitted a maximum fourteen (14) interior seats. A minimum of fourteen (14) interior seats shall be maintained at all times.	✓
20.	Exterior Seating. Outside seating may be allowed, subject to CMC Chapter 17.58, Design Review. Prior to the establishment any outdoor seating, the applicant shall apply for and obtain approval of a Design Review Application for any associated outdoor seating.	✓
21.	Exterior cleaning. The business operator shall be responsible for the clean-up of all on-site and off-site litter generated by the use, including twice-daily clean-up of all sidewalks and gutters within 50 feet of the storefront and twice-yearly steam cleaning of this area.	✓
22.	Business License. A business license shall be obtained prior to the commencement of business operation.	✓

Applicant Signature

Printed Name

Date

Property Owner Signature

Printed Name

Date

Once signed, please return it to the Community Planning & Building Department.

**PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA
this 9th day of July 2025, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Michael LePage
Chair

Shelby Gorman
Planning Commission Secretary

Danny Hala

PO BOX 7044
Carmel by the Sea, CA 93921
(831) 869-7798
d.hala15@icloud.com

20th May 2025

City of Carmel by the Sea

Community Planning and Building

Re: Gelato by the Sea

Conditional Use Permit Application

San Carlos 2 NE of 7th Ave (Carmel Square) Unit 6, Block 77 Lots 16 & 18

It is our pleasure to submit for your consideration a Conditional Use Permit application for “Gelato by the Sea”.

Description of Business

Gelato by the Sea will be a 400 square foot 14-seat ice cream shop presenting authentic Italian style Gelato for the afternoon and evening. The ice cream shop will seek sustainably sourced, local ingredients that celebrate the rich European-influenced heritage of Carmel-by-the-Sea, area farmers and artisans. Warmly lit and thoughtfully furnished, Gelato by the Sea is intended to be enjoyed by visitors and locals alike.

Aesthetic

The shop will be designed around an Italian-style Gelateria. Bistro style chairs will supply fourteen seats. Scatter cushions, framed paintings, and tasteful objet d’art will evoke old-world elegance and provide an ideal setting for light socialization.

Operation & Employees

Gelato by the Sea intends to operate 7 days a week, between the hours of 12 noon and 7pm. One to three employees will generally be on hand to service customers and attend to inventory and display needs.



Gelato by the Sea, the brainchild of husband and wife team, Danny & Angelina Hala, will be Carmel by the Sea's premier destination for authentic Gelato. Danny is the founder of the popular coffee shop Cafe dal Mare on Dolores Street. The Hala's were inspired to start Gelato by the Sea because of their sons Max and Michael's love of the popular Italian delicacy.

We strive to promote a commitment to hospitality service training in Carmel by the Sea, encouraging local hires, inward mobility, and the retention of elegant service standards for all local establishments.

Please review the enclosed proposition at your earliest convenience. We welcome any questions or points of discussion you may wish to address. Thank you for your kind consideration.

Our best regards,

Danny Hala

Atmosphere

Gelato by the Sea intends to build a faithful following of local customers by maintaining the highest culinary standards and consistently presenting a welcoming, unimposing environment in which they feel remembered and at home.

The previous tenant of San Carlos 2 NE of 7th Ave Unit 6, Block 77 Lots 16 & 18, Barmel Supper Club:



Outfitting and design inspiration for Gelato by the Sea:



Products

Our mission at Gelato by the Sea is to celebrate the beautiful rituals of fine Gelato while providing a sustainable and inviting environment for guests and employees. Rather than functioning as “just another dessert place,” Gelato by the Sea is intended to become a destination unto itself for locals seeking an intimate celebration, a savory after lunch or dinner treat, or simply a place for an exceptionally satisfying stop. Gelato by the Sea will serve exclusive custom artisanal Gelatos. Each menu item will be unique and we will not serve any formula foods.

Through researched demographics and our own experiences, we have identified our primary rotation of products to include:

- A seasonal rotation of 12-16 Gelato flavors specifically made by our supplier for Gelato by the Sea
- Perfectly executed espresso drinks
- Casual tea service
- Bottled Italian Sodas & Waters

Gelato by the Sea will serve their menu for onsite consumption in non-disposable serving pieces and cups. For take away orders, Gelato by the Sea will rigorously adhere to Carmel by the Sea regulations for compostable packaging, cups, and utensils.

Presentation

We intend to create a premium, interesting experience for guests while maintaining the approachable price points for a gourmet experience expected by most visitors to Carmel-by-the-Sea

Food & Beverage Service Inspirations:



Gelato will be served in cups or cones



Affogato - Espresso with Gelato



Gelato varieties will vary by season



Sodas will be imported from Italy

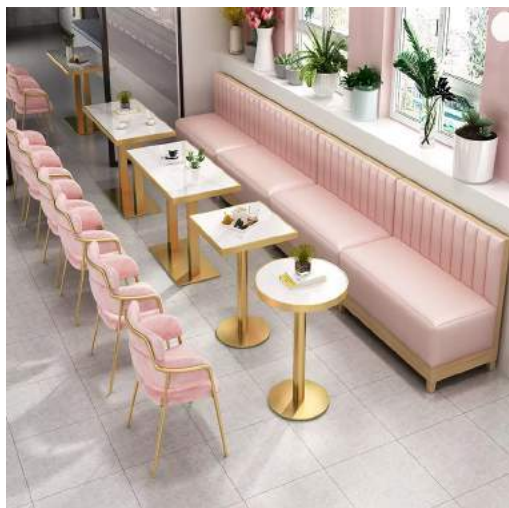
Retail display

The centerpiece of Gelato by the Sea will be our Gelato display case at the center of the space, located after our dining area and adjacent to our order counter. This display case will show our selection of Gelato available to order. We do not plan any other retail display.

Seating clarification

All 14 bistro style seats will include tables, as indicated in the attached floor plan. Gelato by the Sea is a “european-style” Gelateria, so the seating is designed to be casual, but very relaxing (cushions and pillows to encourage patrons to linger and relax while chatting and enjoying their gelato and beverages).

Examples of “bistro-style” seating:

**Bathroom**

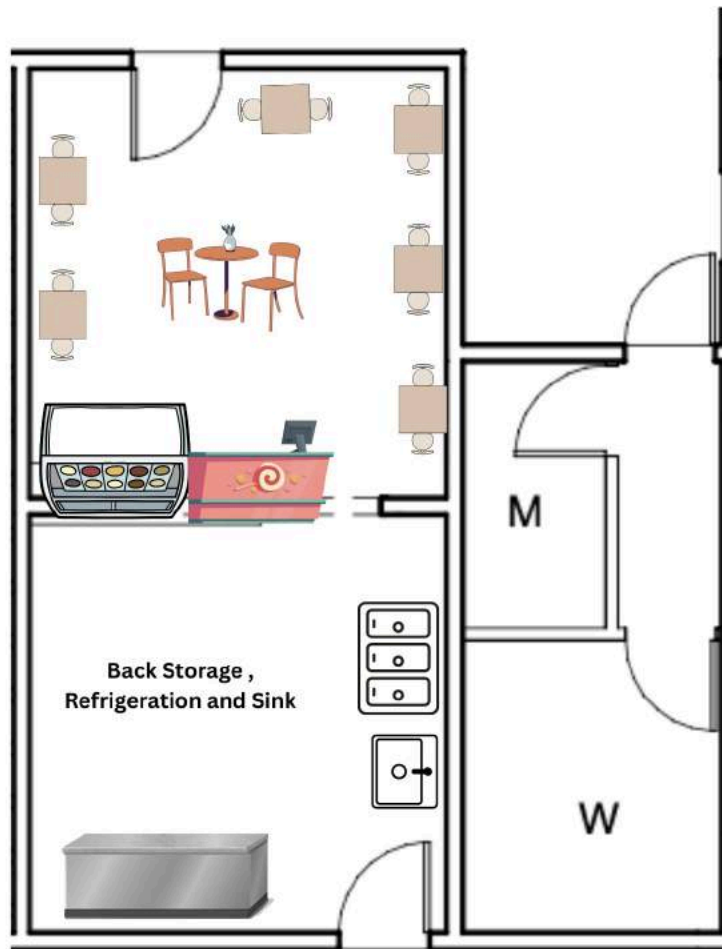
The existing bathrooms are located directly adjacent to Gelato by the Sea. Please see attached floor plan with “W” and “M” identifying the existing Womens and Mens restrooms.

Kitchen appliances

Gelato by the Sea will utilize a gelato display freezer case, small espresso machine, fridges for drinks, and freezers for storage. We will utilize a three compartment sink and hand wash station to meet Health Department requirements. We will not have a stove.

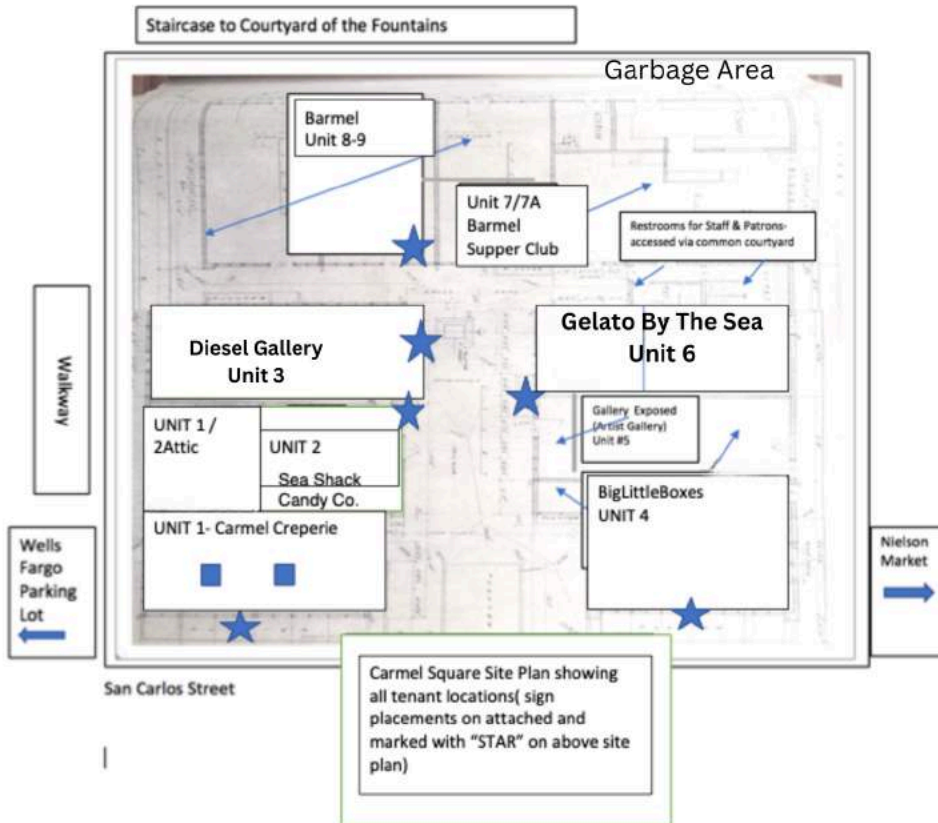
Renovation expenditures

Renovation costs are expected to stay under \$20,000. They will be limited to floor tile repairs/replacement, the addition of new furniture and kitchen appliances including a sink replacement. We will install an ADA compliant checkout counter.

Proposed Floor Plan (400 Square Feet):**Unit 6 Carmel Square
Gelato By The Sea**

Site Plan Identifying Gelato by the Sea location within Carmel Square:

Carmel Square Site Plan





CITY OF CARMEL-BY-THE-SEA PLANNING COMMISSION Staff Report

July 9, 2025
ORDERS OF BUSINESS

TO:	Chair LePage and Planning Commissioners
SUBMITTED BY:	Marnie R. Waffle, AICP, Principal Planner
APPROVED BY:	Anna Ginette, AICP, Community Planning And Building Director
SUBJECT:	Reasonable Accommodation Policy Updates: The Planning Commission will consider revisions to the Reasonable Accommodation Policy (C11-01) and make a recommendation to the City Council. This action is an implementation measure of Program 3.2.A (Reasonable Accommodation Procedures-AFFH) in the adopted General Plan Housing Element (2023-2031).

Application:

APN:

Block:

Lot:

Location: Citywide

Applicant: City of Carmel-by-the-Sea

Property Owner:

Executive Summary:

The Planning Commission is reviewing revisions to the City's Reasonable Accommodation Policy (C11-01) to improve access to housing for individuals with disabilities. The updates remove subjective language from required findings, limit appeal rights to applicants and abutting property owners, and clarify procedures. These changes align with state law, the California Coastal Act, and the City's 6th Cycle Housing Element goals. Staff also reviewed permit fees but recommends no changes.

Recommendation:

Staff recommends the Planning Commission:

1. Find that their recommendation to the City Council is not a project under CEQA as defined in Public Resources Code Section 21065 and CEQA Guidelines Section 15378; and
2. Adopt a Resolution (Attachment 1) recommending that the City Council approve a revised Reasonable Accommodation policy and procedure (C11-01) to ensure individuals with disabilities have equal access to housing.

Background and Project Description:

Senate Bill (SB) 520 (2001) required California jurisdictions to address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. Further, a Housing Element must include a program that removes constraints to, or provides reasonable accommodations for, housing intended for occupancy by persons with disabilities. An individual with a disability is generally defined as someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment.

The City's 4th cycle Housing Element (2007-2014) included Program 3-5.1.a to adopt Reasonable Accommodation

Procedures pursuant to SB 520. On 8 September 2010, the Planning Commission unanimously recommended that the City Council approve a Reasonable Accommodation policy. On July 12, 2011, the City Council adopted Resolution 2011-36 approving City Council Policy C11-01, Reasonable Accommodation (Attachment 2).

Reasonable Accommodation Policy and Procedure

The existing Reasonable Accommodation policy and procedures contain eight sections. Each section is listed below, followed by a brief description.

I. Purpose. This section describes the purpose of the policy as providing individuals with disabilities reasonable accommodation in rules, policies, practices, and procedures to ensure equal access to housing.

II. Applicability. Any individual (or representative) with a disability may apply for a reasonable accommodation when a specific rule, policy, or regulation limits their ability to use or access housing. This is consistent with federal and state requirements.

III. Notice of Reasonable Accommodation Policy. The policy requires the City to provide public notice that a procedure exists to apply for reasonable accommodations. This is done primarily at City Hall and on the City's website.

IV. Application Process. The policy establishes a clear application process for requesting accommodations and describes what is required to make file a complete application.

V. Review Authority. The policy grants the Department of Community Planning and Building the authority to approve requests for reasonable accommodation for projects that do not require review by the Planning Commission or City Council. For projects that require review by the Planning Commission and/or City Council, the final decision-making body shall have the authority to approve the requested accommodation.

VI. Required findings. The policy establishes the findings required to approve a requested accommodation. These ensure that the requested accommodation is necessary and will not fundamentally alter the City's General Plan and governing policies.

VII. Conditions of Approval. The policy establishes the ability to place special conditions of approval on the accommodation. This could include a requirement that the accommodation be removed or rectified in the future when the need no longer exists and/or other conditions as deemed appropriate to the specific situation.

VIII. Appeals. The policy establishes an appeal process for aggrieved applicants or other members of the public.

Since 2011, 14 requests for reasonable accommodation have been granted, with almost half (43 percent) including requests for more than one waiver. The majority of requests (70 percent) included waivers of site coverage regulations to allow for accessible ramps, walkways, and/or wheelchair lifts. Additionally, 36 percent of requests included a setback waiver.

2023-2031 Housing Element Update

State law requires that the General Plan Housing Element be updated every 8 years. Part of the update includes identifying housing needs for people with disabilities and identifying potential constraints to equal housing opportunities.

During the 6th cycle Housing Element update, a review of City Council Policy C11-01, Reasonable Accommodation, identified three potential issues. Program 3.2.A, Reasonable Accommodation Procedures, was created to address these issues and includes the following actions:

1. Explore reduced or waived permit fees for persons with disabilities.
2. Eliminate subjectivity from the following required finding: "the requested accommodation will not result in a significant and unavoidable negative impact on adjacent uses or structures."
3. Amend the definition of "aggrieved party" to limit the parties eligible to appeal a request for a reasonable accommodation to the applicant or the personal beneficiary.

The Planning Commission is considering revisions to the current policy and procedure and making a recommendation to the City Council on whether to adopt the revisions as proposed or with modifications.

Staff Analysis:

The revised Reasonable Accommodation policy and procedure implements Goal H3, Policy 3.2, and Program 3.2.A of

the 6th cycle Housing Element. The text below has been copied directly from the adopted Housing Element.

Goal H3: Provide opportunities for new affordable and other special needs housing.

Policy 3.2: Recognize the special needs of persons with disabilities and the need to retain flexibility in the design review process to accommodate these needs.

Program 3.2.A: Reasonable Accommodation Procedures – AFFH

A reasonable accommodation is any change, exception or adjustment to a rule, policy, practice or service that allows a person with a disability to have an equal opportunity to participate. Information on reasonable accommodation procedures will continue to be provided at City Hall and on the City's website. The City will evaluate and revise Policy C11-01, which describes procedures to provide reasonable accommodation and will explore reduced or waived permit fees for persons with disabilities in compliance with the provisions of SB 520, in an effort to remove any additional barriers and encourage those with disabilities to apply.

To eliminate subjectivity from the required findings for requests for reasonable accommodation, the City will amend the Municipal Code to remove the findings requirement for requested accommodations stating, "the requested accommodation will not result in a significant and unavoidable negative impact on adjacent uses or structures."

Further, the City will amend the definition of aggrieved parties in the Municipal Code. An exception for reasonable accommodation appeals will limit the parties eligible to appeal a request for a reasonable accommodation permit to the applicant or the personal beneficiary.

Quantified Objective: 8 applications
Timeframe: Adoption of revised policy and Municipal Code amendment by June 2025
Responsible Party: Community Planning and Building Department
Funding Source: General Fund
(Formerly Program 3-5.1: Reasonable Accommodation Procedures)

Explore Reduced or Waived Permit Fees

State and federal fair housing laws require local jurisdictions to permit reasonable accommodations; however, they do not standardize the fees associated with these accommodations. Cities may charge nothing, assess a modest administrative cost, or roll the cost into other permit fees (if applicable). The Design Review and Appeal fees collected by the City of Carmel are based on cost recovery and do not generate revenue for the city.

The Fiscal Year 2025-2026 fee schedule established an application fee of \$205 for requests for reasonable accommodations. This fee is in addition to any other design review fee that may be required for the project. Design review fees range from \$373 for a streamlined review (e.g., new fence) to \$6,235 for a track two design study (e.g., new house).

Applicants who pay fees by credit card are assessed a bank service fee of 3.5%. The cost to appeal a decision by the Director to the Planning Commission is \$2,044. The cost to appeal a decision by the Planning Commission to the City Council is \$2,190. **Table 1** below provides a summary of fees. Of the 14 applications submitted since 2011 for reasonable accommodations, all were associated with either a streamlined or track one design study, and none were appealed. Staff does not recommend any changes to the current fee structure.

Table 1. Permit Fees

Permit Type	Streamlined Design Study/ Review	Track One Design Study/ Review - Minor	Track One Design Study/ Review - Major	Track Two Design Study/ Review - Minor	Track Two Design Study/ Review - Major
Reasonable Accommodation	\$ 205.00	\$ 205.00	\$ 205.00	\$ 205.00	\$ 205.00
Design Review Permit Fee	\$ 373.00	\$ 708.00	\$ 1,016.00	\$ 4,012.00	\$ 6,235.00
Total Permit Fees	\$ 578.00	\$ 913.00	\$ 1,221.00	\$ 4,217.00	\$ 6,440.00
Credit Card Service Fee 3.5%	\$ 20.23	\$ 31.96	\$ 42.74	\$ 147.60	\$ 225.40
Grand Total	\$ 598.23	\$ 944.96	\$ 1,263.74	\$ 4,364.60	\$ 6,665.40

An “aggrieved person” means any person who, in person or through a representative, appeared at a City public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the City of the nature of his/her concerns or who for good cause was unable to do either (i.e., defective notice). “Aggrieved person” includes the applicant for a permit.

This definition has been identified as a potential governmental constraint, as it allows for anyone to file an appeal of a decision on a reasonable accommodation request, regardless of whether they are directly impacted. To address this constraint, Housing Element Program 3.2.A recommends that the Carmel Municipal Code definition of “aggrieved person” be amended.

Staff does not recommend amending the definition of “aggrieved person” in the Carmel Municipal Code because this would alter who has standing to appeal on all decisions, not just decisions on reasonable accommodation requests. Instead, Staff recommends that the constraint be addressed within the Reasonable Accommodation policy by specifying who can file an appeal.

The proposed language in the revised Reasonable Accommodation policy limits who can file an appeal (the “aggrieved person”) to the applicant, personal beneficiary (resident with the disability), or an abutting property owner. “Abutting” refers to being next to or having a common boundary with the project site. No changes are proposed to the definition of an aggrieved person in the Carmel Municipal Code.

Other Revisions

Staff also recommends updating the language throughout the policy to reflect best practices, improve grammar, establish consistent formatting, and provide additional clarity (Attachment 3).

Other Project Components:

Staff recommends that the Planning Commission find that the recommendation to the City Council is not a project under California Environmental Quality Act (CEQA), State CEQA guidelines, and local environmental regulations, as defined in Public Resources Code Section 21065 and CEQA Guidelines Section 15378.

Attachment 1 – Resolution

Attachment 2 - City Council Resolution 2011-36 adopting Policy C11-01, Reasonable Accommodation

Attachment 3 - Policy C11-01, Reasonable Accommodation Redlined

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION

PLANNING COMMISSION RESOLUTION NO. 2025-XXX-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA FINDING THAT THEIR RECOMMENDATION IS NOT A PROJECT UNDER CEQA AS DEFINED IN PUBLIC RESOURCES CODE SECTION 21065 AND CEQA GUIDELINES SECTION 15378 AND RECOMMENDING THAT THE CITY COUNCIL APPROVE A REVISED REASONABLE ACCOMMODATION POLICY AND PROCEDURE TO ENSURE INDIVIDUALS WITH DISABILITIES HAVE EQUAL ACCESS TO HOUSING

WHEREAS, the City of Carmel-by-the-Sea is a unique community that prides itself on its village-in-the-forest character; and

WHEREAS, the City has adopted a General Plan that provides clear goals, policies, and objectives regarding maintaining and improving this character; and

WHEREAS, California Senate Bill (SB) 520 (2001) required that California jurisdictions adopt policies and procedures to provide reasonable accommodation for people with disabilities; and

WHEREAS, the City Council of the City of Carmel-by-the-Sea adopted Resolution 2011-36 on July 12, 2011, establishing a Reasonable Accommodation policy and procedures; and

WHEREAS, Program 3.2.A Reasonable Accommodation Procedures of the 6th cycle Housing Element of the General Plan, adopted on April 8, 2024, identified a potential governmental constraint in the findings required to grant a reasonable accommodation and in the definition of an “aggrieved person”; and

WHEREAS, on June 27, 2025, a notice of public hearing was published in the Carmel Pine Cone for the July 9, 2025, Planning Commission meeting in compliance with State law (California Government Code 65091), indicating the date and time of the public hearing; and

WHEREAS, on or before July 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 July 9, 2025, a revised Reasonable Accommodation policy was considered by the Planning Commission at a duly noticed public hearing; 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 the recommendation to the City Council is not a project under California Environmental Quality Act (CEQA), State CEQA guidelines, and local environmental regulations, as defined in Public Resources Code Section 21065 and CEQA Guidelines Section 15378; and

WHEREAS, the revised Reasonable Accommodation policy and procedure complies with federal and state housing laws and is consistent with the City of Carmel-by-the-Sea General Plan; 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 recommend that the City Council adopt the revised Reasonable Accommodation policy and procedures.

PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 9th day of July 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Michael LePage
Chair

Shelby Gorman
Planning Commission Secretary

CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

RESOLUTION 2011-36

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CARMEL-BY-THE-SEA ADOPTING A CITY COUNCIL POLICY ESTABLISHING
PROCEDURES TO PROVIDE REASONABLE ACCOMMODATIONS FROM
LAND USE AND BUILDING LAWS TO INDIVIDUALS WITH DISABILITIES**

WHEREAS, the City of Carmel-by-the-Sea is a unique community that prides itself in its village in a forest character; and

WHEREAS, the City has adopted a General Plan that provides clear goals, policies and objectives regarding maintaining and improving this character; and

WHEREAS, Title II of the Americans with Disabilities Act (ADA) requires jurisdictions to make reasonable modifications to their policies, land use regulations and practices when necessary to avoid discrimination against individuals with disabilities; and

WHEREAS, The Fair Housing Amendments Act of 1988 (FHAA) and California's Fair Employment and Housing Act prohibits regulations that deny housing opportunities to people with disabilities; and

WHEREAS, California Senate Bill (SB) 520 requires that California jurisdictions adopt policies and procedures to provide reasonable accommodations for persons with disabilities; and

WHEREAS, Program 3-5.1.a of the City's Housing Element of the General Plan commits the City to adopt reasonable accommodation procedures; and

WHEREAS, the attached policy complies with federal and state housing laws and is consistent with the General Plan; and

WHEREAS, the attached policy is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b) (3) of the CEQA Guidelines.

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

Adopt the attached City Council Policy C11-01 establishing a Reasonable Accommodation procedure.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 12th day of July 2011 by the following roll call vote:

AYES:	COUNCIL MEMBERS:	BURNETT; HAZDOVAC; SHARP; TALMAGE & McCLOUD
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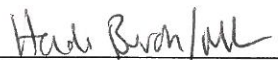
NOES:	COUNCIL MEMBERS:	NONE
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ABSENT:	COUNCIL MEMBERS:	NONE
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SIGNED,


SUE McCLOUD, MAYOR

ATTEST:


Heidi Burch, City Clerk

**CITY COUNCIL POLICY C11-01
REASONABLE ACCOMMODATION**

- I. Purpose.
- II. Applicability.
- III. Notice of Reasonable Accommodation Policy.
- IV. Application Process.
- V. Review Authority.
- VI. Required Findings.
- VII. Conditions of Approval.
- VIII. Appeals.

I. Purpose.

The purpose of the reasonable accommodation policy is to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities pursuant to the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act and California Senate Bill (SB) 520.

This policy establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the City of Carmel-by-the-Sea to comply fully with the intent and purpose of fair housing laws.

II. Applicability.

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use, zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to afford individuals with disabilities equal opportunity and access to housing.

An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment. A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to the individual(s) with disabilities.

III. Notice of Reasonable Accommodations Policy.

Notice of the availability of reasonable accommodation shall be prominently displayed at the public information counter in the Department of Community Planning and Building, advising the public of the availability of the procedure for eligible individuals.

IV. Application Process.

A. Requests for reasonable accommodation shall be submitted on an application form provided by the City, or in the form of a letter, to the Department of Community Planning and Building and shall contain the following information:

- (1) The applicant's name, address and telephone number;
- (2) The physical address, Block and Lot and Assessor's Parcel Number of the property for which the request is being made;
- (3) The current use of the property;
- (4) Statement under penalty of perjury indicating that the requested accommodation is required for an individual(s) with disabilities.
- (5) Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought;
- (6) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the property; and
- (7) Applicable design plans depicting the requested accommodation.

C. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

D. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

E. If an individual needs assistance in making the request for reasonable accommodation, the jurisdiction will provide assistance to ensure that the process is accessible.

V. Review Authority.

(A) Director of Community Planning and Building. Requests for reasonable accommodations shall be reviewed by the Director of Community Planning and Building (Director), or his or her designee, if no approval is sought that requires review by a City Board, Commission or Council. The Director may refer the request to the Planning Commission.

(B) Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application, or when otherwise referred by the Director, shall be reviewed by the Planning Commission.

VI. Required Findings.

The reviewing authority shall not grant an accommodation(s) unless the following findings can be made:

- (1) That the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws; and

- (2) That the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws and cannot reasonably be accomplished without special accommodations; and
- (3) That the requested accommodation will not impose an undue financial or administrative burden on the City; and
- (4) That the requested accommodation will not require a fundamental alteration in the nature of the City's land use, zoning, building or Local Coastal Program; and
- (5) That the requested accommodation will not result in a significant and unavoidable negative impact on adjacent uses or structures.

VII. Conditions of Approval.

The reviewing authority may approve a request for accommodation(s) with appropriate special conditions. These conditions could include, but are not limited to:

- (1) Inspection of the affected premises periodically as needed;
- (2) Removal of the improvements if the need for which the accommodation was granted no longer exists and/or upon transfer of interest in the property; and
- (3) Other conditions deemed necessary to protect the public health, safety and welfare.

VIII. Appeals.

The final decision of the reviewing authority may be appealed by following the appeal procedures established in CMC Chapter 17.64 unless the final reviewing authority is the City Council, in which case the decision shall be final.

Approved by Council Resolution 2011-36
July 12, 2011

CITY COUNCIL POLICY C11-01 (REVISED 2025)
REASONABLE ACCOMMODATION

- I. Purpose.
- II. Applicability.
- III. Notice of Reasonable Accommodation Policy.
- IV. Application Process.
- V. Review Authority.
- VI. Required Findings.
- VII. Conditions of Approval.
- VIII. Interactive Process.
- IX. Appeals.

I. Purpose.

The purpose of the reasonable accommodation policy is to provide a procedure for individuals with disabilities to request reasonable accommodations in seeking equal access to housing in the application of zoning laws and other land use regulations, rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities pursuant to the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act and California Senate Bill (SB) 520 (2001).

~~This policy establishes a procedure for making requests for reasonable accommodations in land use, zoning, and building regulations, policies, practices, and procedures of the City of Carmel-by-the-Sea to comply fully with the intent and purpose of fair housing laws.~~

II. Applicability.

- A. A request for reasonable accommodation may be made by any individual with a disability, his/her/their representative, or a developer or provider of housing for individuals with disabilities, when a requirement of the zoning code or other requirement, regulation, policy, or practice acts as a barrier to fair housing opportunities. This policy is intended to apply to individuals with disabilities as "disability" is defined under the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act and California Senate Bill (SB) 520 (2001). ~~Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use, zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to afford individuals with disabilities equal opportunity and access to housing.~~
- B. A request for reasonable accommodation may include a modification or exception to the rules, standards, practices, and procedures for the siting, development, use of housing or housing-related facilities, and any other land use requirements that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to

housing of his/her/their choice. ~~An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment. A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to the individual(s) with disabilities.~~

- C. A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.
- D. A reasonable accommodation shall be a ministerial grant in compliance with this policy without the need for the approval of a variance, conditional use permit, special use permit or other exception process.

III. Notice of Reasonable Accommodations Policy.

Notice of the availability of reasonable accommodations shall be prominently displayed at the public information counter in the Department of Community Planning and Building, advising the public of the availability of the procedure for eligible individuals.

IV. Application Process.

- A. Requests for reasonable accommodation shall be submitted on an application form provided by the City, or in the form of a letter, to the Department of Community Planning and Building and shall contain the following information:
 - (1) The applicant's name, address, and telephone number.
 - (2) The physical address, Block and Lot, and Assessor's Parcel Number of the property for which the request is being made.
 - (3) The current use of the property.
 - (4) ~~The basis for the claim that the individual is considered disabled under the Federal and State Acts or that the housing which is the subject of the request will be used by an individual with a disability (protected health information, including a specific diagnosis, is not required to verify disability status). Statement under penalty of perjury indicating that the requested accommodation is required for an individual(s) with disabilities.~~
 - (5) Description of the requested accommodation and the ~~zoning code or land use provision,~~ regulation(s), policy or procedure for which the reasonable accommodation is ~~being requested sought.~~
 - (6) ~~Why the reasonable Reason that the requested~~ accommodation ~~may be~~ is necessary to make the specific property accessible to ~~for~~ the individual(s) with the ~~disability to use and enjoy the property.~~
 - (7) Applicable design plans depicting the requested accommodation.

(8) Statement under penalty of perjury indicating that the requested accommodation is required for an individual(s) with disabilities.

- B. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- C. If the project for which the request for a reasonable accommodation is being made requires some other discretionary approval (including use permit, design review, ect.), then the applicant shall file the information required by subsection A of this section for concurrent review with the application for discretionary approval.

~~A request for reasonable accommodation in regulations, policies, practices, and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.~~

- D. If an individual needs assistance in making the request for reasonable accommodations, the ~~jurisdiction~~ Department of Community Planning and Building will provide assistance to ensure that the process is accessible.

V. Review Authority.

- A. Director of Community Planning and Building. Requests for reasonable accommodations shall be reviewed by the Director of Community Planning and Building (Director), or ~~his or her~~ their designee, if no approval is sought ~~other than the request for reasonable accommodation.~~ The Director or their designee shall make a written determination within 30 days of the application being deemed complete and either grant, grant with modifications/conditions of approval, or deny a request for reasonable accommodation. ~~that requires review by a City Board, Commission or Council.~~ The Director may refer the request to the Planning Commission ~~for a written determination.~~
- B. Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application ~~that requires review by the Planning Commission,~~ or when otherwise referred to the Planning Commission by the Director, shall be reviewed ~~and acted upon~~ by the Planning Commission. ~~The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the Planning Commission in compliance with the applicable review procedure for the discretionary review.~~

VI. Required Findings.

The reviewing authority shall not grant an accommodation(s) unless the following findings can be made:

- A. The person(s) requesting the accommodation has a disability as defined under the Federal and State Acts or ~~That~~ the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
- B. ~~That the~~ The requested accommodation is necessary for the individual to have equal opportunity to use and enjoy the housing and housing-related services ~~to make housing available to an individual with disabilities protected under the fair housing laws and cannot reasonably be accomplished without special accommodations;~~
- C. ~~That the~~ The requested accommodation will not impose an undue financial or administrative burden on the City;
- D. ~~That the~~ The requested accommodation will not require a fundamental alteration in the nature of the City's program or law, including but not limited to land use, and zoning, ~~building, or Local Coastal Program;~~ and
- E. The requested accommodation is consistent with Chapter 3 of the California Coastal Act of 1976, and with the Interpretative Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977, and any subsequent amendments, and, within the certified Local Coastal Program Land Use Plan. Where a request for reasonable accommodation is not consistent with these regulations, the City may waive compliance with an otherwise applicable provision of these regulations and approve the request for reasonable accommodation if the City finds:
 - a. That the requested reasonable accommodation is consistent, to the maximum extent feasible, with the regulations identified in this subsection.
 - b. The accommodation minimizes inconsistencies with and will not require a fundamental alteration of the City's Local Coastal Program.
 - c. That there are no feasible alternative means for providing an accommodation at the property that would provide greater consistency with the regulations identified in this subsection.
 - d. Alternative accommodations which may provide an equivalent level of benefit do not exist.
- ~~F. That the requested accommodation will not result in a significant and unavoidable negative impact on adjacent uses or structures.~~

VII. Conditions of Approval.

The reviewing authority may approve a request for accommodation(s) with appropriate special conditions. These conditions ~~could~~ include, but are not limited to:

- A. Inspection of the affected premises periodically as needed;
- B. Removal of the improvements if the need for which the accommodation was granted no longer exists and/or upon transfer of interest in the property; and
- C. Other conditions deemed necessary to protect the public health, safety, and welfare.

VIII. Interactive Process.

Prior to denying a request for reasonable accommodation, the Director shall engage in the interactive process to discuss with the applicant an alternative accommodation that will meet the needs of the individual.

IX. Appeals.

- A. For the purposes of this policy and procedure, the following aggrieved persons have standing to appeal a determination of a request for reasonable accommodation: the applicant, the personal beneficiary (resident with the disability), or the owner(s) of real property physically abutting the project site. Abutting refers to being next to or having a common boundary with the project site.

An appeal must be filed in accordance with CMC 17.54.040 (Filing Appeals). An appeal shall be made in writing and shall specify the reasons for the appeal and the grounds asserted for relief. If an appeal is not filed within the time or in the manner prescribed in this section, the right to review of the action against which the complaint is made shall be deemed to have been waived.

- B. The City may, by resolution, adopt, and from time to time amend, a fee for the filing of appeals. The fee shall be for the sole purpose of defraying costs incurred for the administration of appeals. The fee for an appeal shall be paid at the time of, and with the filing of, an appeal. No appeal shall be deemed valid unless the prescribed fee has been paid.
- C. The Planning Commission or City Council shall review de novo the entire proceeding or proceedings relating to the decision, and may make any order it deems just and equitable, including the approval of the application. Any hearing may be continued from time to time.
- D. At the conclusion of the appeal hearing, the hearing body shall prepare a written decision which either grants or denies the appeal and contains findings of fact and conclusions. The written decision, including a copy thereof, shall be provided to the appellant and the project applicant.

~~The final decision of the reviewing authority may be appealed by following the appeal procedures established in CMC Chapter 17.64 17.54.040 (Filing Appeals) unless the final reviewing authority is the City Council, in which case the decision shall be final.~~

Approved by Council Resolution 2025-XXX
Month, Day, 2025



CITY OF CARMEL-BY-THE-SEA PLANNING COMMISSION Staff Report

July 9, 2025
ORDERS OF BUSINESS

TO:	Chair LePage and Planning Commissioners
SUBMITTED BY:	Evan Kort, Senior Planner
APPROVED BY:	Anna Ginette, AICP, Community Planning And Building Director
SUBJECT:	Director's Interpretation: Consideration of a Resolution accepting a Director's interpretation, clarifying how to measure and dimension basement spaces for the purpose of calculating floor area in basement and underground spaces.

Application:

APN:

Block:

Lot:

Location:

Applicant:

Property Owner:

Executive Summary:

This report recommends adopting a director's interpretation that clarifies how to measure basement spaces when calculating floor area. The interpretation explains that basement height should be measured from the floor to the underside of the structure above, and that certain design features, such as dropped ceilings or raised floors, cannot be used to avoid or exclude counting portions of the basement space as floor area.

Recommendation:

Adopt a Resolution (Attachment 1) accepting a Director's interpretation clarifying how to measure and dimension basement spaces for the purpose of calculating floor area in basement and underground spaces.

Background and Project Description:

Over the last several years, the department has become aware of a trend in where building designers propose "drop ceilings" or shelved floor as a means to reduce the total amount of floor area which is proposed in a building or structure.

CMC section 17.10.030.D.1 defines floor area, in part, as: *"The total gross square footage included within the surrounding exterior walls of all floors contained within all enclosed buildings on a building site whether finished or unfinished. ... All attic, basement and storage shed spaces with five or more*

feet of clearance between the floor or walking surface and the ceiling or roof surface shall be counted as floor area... (emphasis added).

The inclusion of a dropped ceiling or raised floor has been used to reduce the clearance between the floor and ceiling to a dimension of less than feet, thus excluding the space from floor area.

However, CMC 17.10.030.D.4.c states that, *“the limits on the amount of volume that may be built in a basement are the defined interior ceiling height for basements and the requirement that all basement space shall be located within the perimeter established by the exterior, above-ground walls of the primary dwelling on the site.”*

This provision and the definition of “floor area” work together to limit the size of a basement by restricting both its location and usable volume. That is, basement space must be entirely contained within the perimeter of the exterior, above-ground walls of the building above, thereby capping its horizontal extent. Vertically, any space with five or more feet of interior height counts as floor area, and the definition of a basement further limits interior height to no more than nine feet. Together, these standards ensure that basements are subject to specific size limitations comparable to those applied to above-ground floor area.

When a drop ceiling or elevated floor structure is proposed within this excavated space, it artificially reduces the useable floor area for the space while still maintaining the same amount of volume within the underfloor area. This practice is contrary to CMC section 17.10.030.D.4.c which provides, in part, restrictions on: ***“the limits on the amount of volume that may be built in a basement...”***. The total volume of the basement space still exists as the basement area is defined as *“an underground room or excavated space between five and nine feet of interior height”* (CMC section 17.70). The just making the space unusable does not actually make the basement any smaller.

While the zoning code encourages the use of basements and provides a floor area bonus floor area for an incentive to use some of the base floor area and exterior volume in a basement; the result being reduce above-ground floor area and reduce exterior volume (CMC section 17.10.030.D.4), there is no General Plan/Land Use Plan Policy that directly speaks to basements. Rather, there are a number of policies that encourage the construction of residences compatible with the forest setting, and site design.

For example: General Plan/Land Use Plan Policy P1-42 which states in part: *“...Minimize the extent of excavation and fill on a site to avoid adverse impacts on trees and ensure that new development follows the natural contours of the site. (LUP)”*. While not every site may have trees or topography, the practice of excluding floor area from the volume space calculation is contrary to the general plan policy intended to minimize excavation on a site. While the some floor area or usable may be precluded, the actual extent of the excavation and impact to the site is unchanged (refer to Figure 1a and 1b, below).

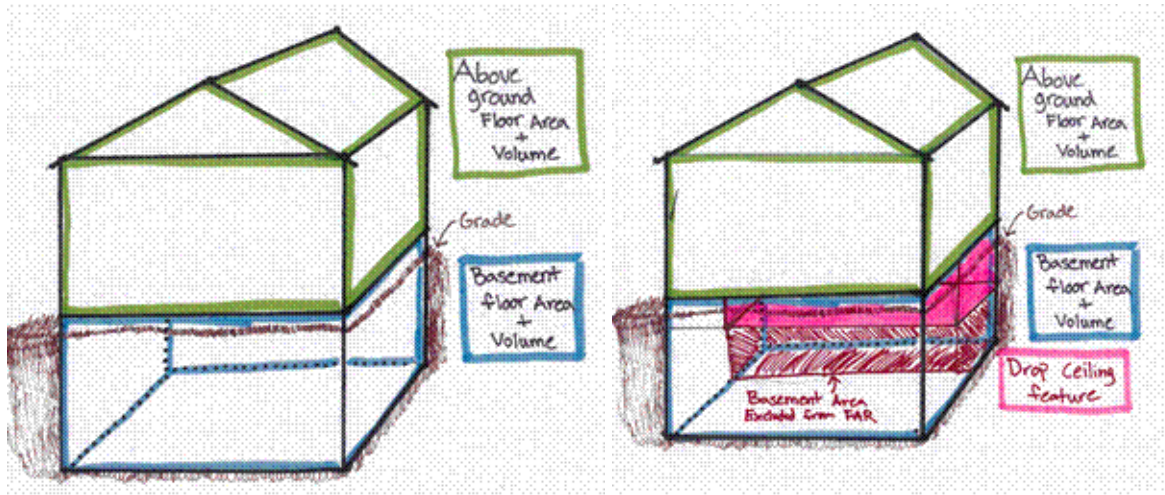


Figure 1a (left) & 1b (right). Both figures illustrate a basement area under a one story house. Figure 1a shows a full basement with no drop ceiling or raised floor whereas Figure 1b has this feature. Both basements have the same total basement volume which is intended to be limited by CMC section 17.10.030.D.4.c: *“the limits on the amount of volume that may be built in a basement are the defined interior ceiling height for basements and the requirement that all basement space shall be located within the perimeter established by the exterior, above-ground walls of the primary dwelling on the site.”*

Furthermore, during construction, basement spaces are often not built to the approved plans when features such as drop ceilings, previously relied upon to artificially reduce measured height, are omitted in the field. This results in projects being constructed that do not comply with zoning standards, typically with the project being constructed in excess of the allowable floor area as the as built condition then exceeds the allowable floor area for the site. After-the-fact enforcement on such violations then becomes resource-intensive, disruptive to property owners, and often ineffective at restoring compliance once construction is complete.

An illustrative example is provided below in figure 2a-2c. While this is just one example provided, this is a common and reoccurring enforcement issue similar to that presented below.

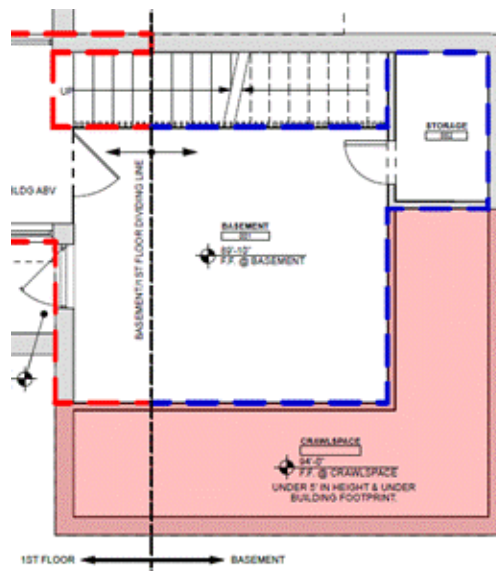


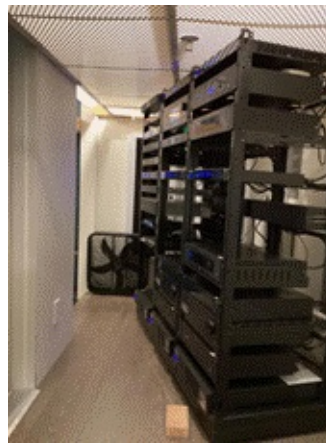
Figure 2a. Approved (Design Study) partial floor plan. Basement finished floor level 89'10"; crawlspace finished floor level 94'0". Included note stating "under 5' in height" and was not included in floor area calculations.



Figure 2b. As built condition. 1st attempt to correct following correction notice.

Staff Correspondence (via email), October 25, 2024: “...See the attached inspection card which includes notes from the 7/10/2023 Planning Rough inspection regarding the Crawl Space/Mechanical Space.” (The crawl space was not constructed with the approved plans and corrections were given to fix the subject area).

Applicant Response: “The ceiling has ben lowered to 5’ in the utility rooms, all equipment is [serviceable].”



Figures 2c. As built condition. 2nd attempt to correct following correction notice. Department approvals January 2025.

Staff Analysis:

Authority

CMC section 17.06.030.A, Zoning Text, finds that: “In the implementation of this title, the Director shall determine the intent of all provisions. The determination of the Director may be appealed in accordance with the provisions of Chapter 17.54 CMC, Appeals.” While no appeal has been filed, the Planning Commission also has the power and responsibility to interpret the meaning and intent of the City’s land use code (CMC section 17.52.060.F).

As this interpretation is a change in a long-standing practice of allowing for floor area exclusions, the Director is seeking concurrence from the Planning Commission to formally recognize the director’s interpretation and ensure consistent application of the City’s zoning code.

CMC section 17.06.030.C also requires that “the Director shall keep a record of interpretations made

pursuant to this section that shall be available to the public.” By the Planning Commission accepting the director’s interpretation, this would act as the record of the interpretation. To staff’s knowledge there was no record of the interpretation allowing basement area to be exempted if less than 5 feet in height; it was just a long-standing practice. It is also important to note that not all of the director’s interpretations need to be adopted or accepted by the Planning Commission and any determination not adopted by the commission could otherwise be appealed.

Policy

For the purposes of applying CMC section 17.10.030.D.1 (i.e. determining floor area), the term “clearance” in a basement shall be measured vertically from the top of the basement floor, slab, or poured foundation (i.e. “floor or walking surface”) to the underside of the lowest permeant supporting structural member of the finished floor above (i.e. “ceiling”). This may include joists, beams, or other primary framing components, but does not include any lowered or decorative ceilings installed below the structural floor system.

CMC section 17.10.030.D.1 defines floor area, in part, as: *“The total gross square footage included within the surrounding exterior walls of all floors contained within all enclosed buildings on a building site whether finished or unfinished. ... **All attic, basement and storage shed spaces with five or more feet of clearance between the floor or walking surface and the ceiling or roof surface shall be counted as floor area...**”* (emphasis added).

The installation of dropped ceilings, utility equipment enclosures, or other overhead elements that artificially reduce the interior height or clearance of the basement space shall not be used to exempt basement space in the floor area calculation.

Likewise, the construction of partial or elevated interior floor shall not be used to avoid floor area calculations if the actual excavated depth and structural configuration meet or exceed five feet of clearance. If the true structural clearance from walking surface or slab of the basement to the underside of the supporting framing is five feet or more, that space shall be counted toward total floor area, regardless of any later ceiling or floor modifications (refer to Figure 3a-3c, below, and Attachment 2 for additional illustrative examples).

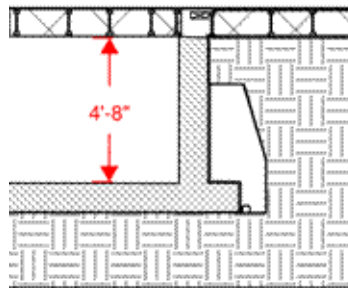


Figure 3a. Structural clearance < 5 feet from basement /crawl space slab to underside of finished floor framing, above. This area does not count toward floor area. Similarly, if the unfinished basement /crawl space floor surface to underside of finished floor framing, above, is less than 5', this area would not count toward floor area.

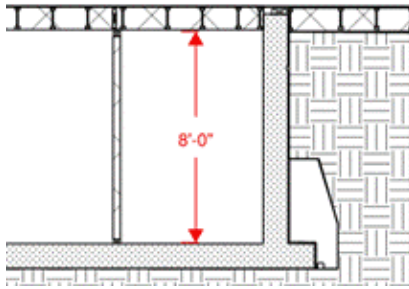


Figure 3b. Structural clearance ≥ 5 feet from basement /crawl space slab to underside of finished floor framing, above. This area counts toward floor area.

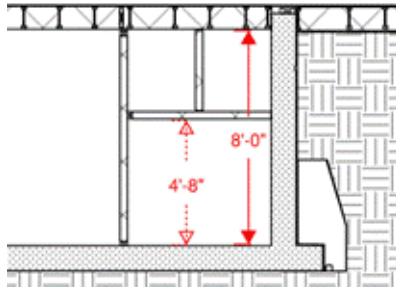


Figure 3c. Structural clearance ≥ 5 feet from unfinished basement /crawl space slab to underside of finished floor framing, above. This full area counts toward floor area. Installing a ceiling or shelf to superficially lower the height or interior clearance of the basement area to less than 5'0" (4'8" dimension in figure) shall not constitute a reduction in floor area.

This policy ensures consistent application of the Zoning Code by measuring the volume of basement spaces consistent with CMC Section 17.10.030.D.4.c. This section, CMC section 17.10.030.D.4.c, and the definition of "floor area", CMC section 17.10.030.D.1, work together to limit the size of a basement by restricting both its location and usable volume. Basement space must be entirely contained within the perimeter of the exterior, above-ground walls of the primary dwelling, thereby capping its horizontal extent. Vertically, any space with five or more feet of interior height counts as floor area, and the definition of a basement further limits interior height to no more than nine feet. Together, these standards ensure that basements are subject to specific size limitations comparable to those applied to above-ground floor area, as indented by the zoning code.

When dropped ceilings or raised floors are used to circumvent basement size requirements, floor area may be excluded; however, the total volume of the basement area still reflect a scale of development that exceeds what is allowed under the City's zoning limitations for basement size.

The formal written policy/director's interpretation has been included as Attachment 2 and will be included as Exhibit A to the resolution (Attachment 1).

Other Project Components:

Staff recommends that acceptance of a Director's interpretation be found to be "not a project" pursuant to section 15378 of the CEQA Guidelines. Acceptance of a Director's interpretation does not grant any permits or entitlements approving a project which would result in a direct or indirect physical change in the environment, and is an administrative clarification of existing regulations.

Attachment 1 – Resolution

Attachment 2 - Basement Floor Area Draft Policy

**CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION RESOLUTION NO. 2025-XX-PC**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA
ACCEPTING A DIRECTOR’S INTERPRETATION OF CALCULATING FLOOR AREA AND VOLUMES IN
BASEMENT SPACES**

WHEREAS, Carmel Municipal Code (CMC) Section 17.06.030 grants the Director of Planning & Building authority to interpret provisions of the Zoning Code, with such interpretations subject to appeal and available for public record; and

WHEREAS, CMC Section 17.52.060.F authorizes the Planning Commission to interpret the meaning and intent of the City’s land use regulations; and

WHEREAS, while no appeals have been filed, the Director is seeking concurrence from the Planning Commission to formally recognize this subject director’s interpretation and ensure consistent application of the City’s zoning code as this interpretation is a change in a long-standing practice; and

WHEREAS, CMC Section 17.10.030.D.1 defines floor area, in part, to include all basement spaces with five or more feet of vertical clearance between the floor and ceiling; and

WHEREAS, CMC Section 17.10.030.D.4.c limits basement development by restricting both the interior ceiling height and horizontal location of basement spaces; and

WHEREAS, the Planning Department has observed a pattern of applicants using artificial design features, such as dropped ceilings and raised floors, to reduce measurable clearance in order to avoid counting certain basement areas as floor area thus resulting in basement areas which exceed the basement size than what should otherwise be permitted; and

WHEREAS, such practices undermine the intent of the zoning regulations to limit development intensity, such as minimizing site grading and excavation, and promote compatibility with the natural setting as outlined in General Plan/LUP Policy P1-42; and

WHEREAS, the Director has prepared a written a director’s interpretation, as provided by the provisions of CMC sections 17.06.030.A and 17.06.030.C, clarifying how basement clearance must be measured and when basement space shall count as floor area, consistent with the definitions and intent of the zoning code; and

WHEREAS, the Planning Commission wishes to formally recognize and adopt this interpretation to ensure consistent and enforceable application of the City's zoning standards;

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Carmel-by-the-Sea does hereby accept the Director's interpretation ("Policy"), attached hereto as **Exhibit A**, and incorporated herein by reference, with the following findings:

1. **Clarity and Consistency:** The adopted Policy provides clear and consistent guidance for measuring basement floor area and volume in accordance with CMC Sections 17.10.030.D.1 and 17.10.030.D.4.c.
2. **Prevention of Circumvention:** Artificial design elements, including dropped ceilings and raised floors, shall not be used to circumvent zoning limitations on floor area and basement volume as established in CMC Sections 17.10.030.D.1 and 17.10.030.D.4.c.
3. **Implementation Standards:** For the purpose of determining floor area, vertical clearance between the floor or walking surface and the ceiling, as referenced in CMC section 17.10.030.D.1, shall be measured from the basement slab or walking surface to the underside of the lowest structural member of the floor above. Any portion of the basement with five feet or more of clearance shall count as floor area, regardless of any later modifications.
4. **Application:** This policy shall take effect on July 10, 2025, and shall guide staff review, project approval, inspection, and enforcement processes for any project that includes basement or underfloor space.

PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 9th day of May 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Michael LePage

Chair

Shelby Gorman

Planning Commission Secretary

Resolution 2025-xx-PC**Policy Statement: Director's interpretation of calculating floor area and volumes in Basement Spaces****Purpose:**

This policy provides clarification on how to measure vertical clearance in basement spaces for purposes of floor area considerations under the Carmel Municipal Code. Specifically, this policy reinforces that artificial design features shall not be used to circumvent applicable floor area or volume limits in basement spaces.

Policy:

CMC section 17.10.030.D.1 defines floor area, in part, as: *"The total gross square footage included within the surrounding exterior walls of all floors contained within all enclosed buildings on a building site whether finished or unfinished. ... All attic, basement and storage shed spaces with five or more feet of clearance between the floor or walking surface and the ceiling or roof surface shall be counted as floor area...."*

For the purposes of applying CMC section 17.10.030.D.1, the term "clearance" in a basement shall be measured vertically from the top of the basement floor, slab, or poured foundation (i.e. "floor or walking surface") to the underside of the lowest permeant supporting structural member of the finished floor above (i.e. "ceiling"). This may include joists, beams, or other primary framing components, but does not include any lowered or decorative ceilings installed below the structural floor system of the floor level above.

The installation of dropped ceilings, utility equipment enclosures, cabinets, or other overhead elements that artificially reduce the interior height or clearance of the basement space shall not be used to exempt basement space in the floor area calculation.

Likewise, the construction of partial or elevated interior floor shall not be used to avoid floor area calculations if the actual excavated depth and structural configuration meet or exceed five feet of clearance. If the true structural clearance from walking surface or slab of the basement to the underside of the supporting framing is five feet or more, that space shall be counted toward total floor area, regardless of any later ceiling or floor modifications.

Rationale:

This policy ensures consistent application of the Zoning Code by measuring the volume of basement spaces consistent with CMC Section 17.10.030.D.4.c. and the definition of "floor area" (CMC section 17.10.030.D.1) which work together to limit the size of a basement by restricting both its location and usable volume. Basement space must be entirely contained within the perimeter of the exterior, above-ground walls of the primary dwelling, thereby capping its horizontal extent. Vertically, any space with five or more feet of interior height counts as floor area, and the definition of a basement further limits interior height to no more than nine feet. Together, these standards ensure that basements are subject to specific size limitations comparable to those applied to above-ground floor area.

When dropped ceilings or raised floors are used to circumvent basement size requirements, floor area may be excluded; however, the total volume of the basement area still reflect a scale of development that

exceeds what is allowed under the City’s zoning limitations for basement size. When a drop ceiling or elevated floor structure is proposed within this excavated space, it artificially reduces the useable floor area for the space while still maintaining the same amount of volume within the underfloor area. This practice is contrary to CMC section 17.10.030.D.4.c which provides, in part, restrictions on: “the limits on the amount of volume that may be built in a basement...”.

A further reason for this policy is that, during construction, basement spaces are often not built to the approved plans when features such as drop ceilings, previously relied upon to artificially reduce measured height, are omitted in the field. This results in projects being constructed that do not comply with zoning standards, typically with the project being constructed in excess of the allowable floor area as the as built condition then exceeds the allowable floor area for the site. After-the-fact enforcement on such violations then becomes resource-intensive, disruptive to property owners, and often ineffective at restoring compliance once construction is complete.

Implementation:

At a minimum, all development applications involving basement or underfloor areas must include a clear architectural, civil, and structural details and/or sections that clearly depict the vertical distance from the walking surface or the top of the slab to the underside of the supporting structural floor system above. Any area with a structural clearance of five feet or more shall be included in the calculated floor area, and constructed consistent with the approved plans.

No inspection shall be passed or permit finalized until the project is constructed in accordance with the zoning code, the approved plans, and is consistent with this policy.

Effective date:

This policy shall apply to all planning applications approved on or July 10, 2025.

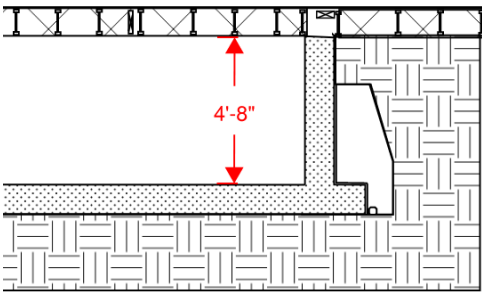
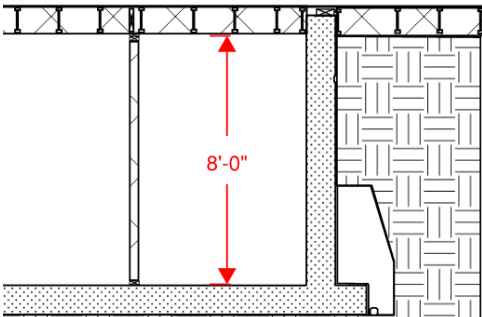
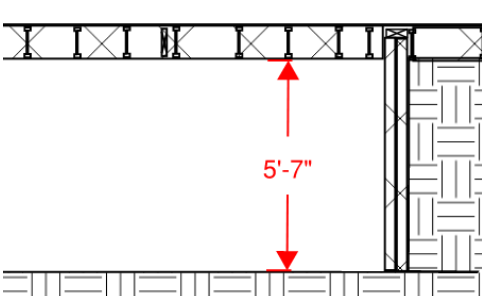
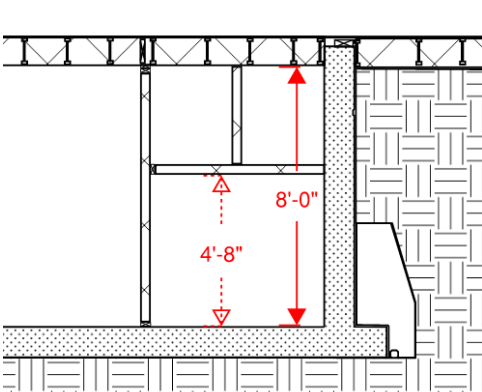
Authority

&

Citations:

CMC sections: 17.06.030.A, 17.10.030.D.1, 17.10.030.D.4.c, 17.52.060.F, 17.70
Resolution 2025-XX-PC (July 9, 2025 Planning Commission)

Illustrative Examples

	Structural clearance < 5 feet from basement /crawlspace slab to underside of finished floor framing, above. This area does not count toward floor area. Similarly, if the unfinished basement /crawlspace floor surface to underside of finished floor framing, above, is less than 5', this area would not count toward floor area.
	Structural clearance $\geq$ 5 feet from basement /crawlspace slab to underside of finished floor framing, above. This area counts toward floor area.
	Structural clearance $\geq$ 5 feet from unfinished basement /crawlspace slab to underside of finished floor framing, above. This area counts toward floor area.
	Structural clearance $\geq$ 5 feet from unfinished basement /crawlspace slab to underside of finished floor framing, above. This full area counts toward floor area. Installing a ceiling or shelf to superficially lower the height or interior clearance of the basement area to less than 5'0" (4'8" dimension in figure) shall not constitute a reduction in floor area.

	Structural clearance ≥ 5 feet from unfinished basement /crawl space slab to underside of finished floor framing, above. This full area counts toward floor area. Installing a ceiling or shelf to superficially lower the height or interior clearance of the basement area to less than 5'0" (4'8" dimension in figure) shall not constitute a reduction in floor area.
	Structural clearance ≥ 5 feet from unfinished basement /crawl space slab to underside of finished floor framing, above. This full area counts toward floor area. Area where structural clearance is < 5 feet from basement /crawl space slab to underside of finished floor framing, above does not count toward floor area (shown as 3'7" in figure, and in hatch, for example).
	Structural clearance ≥ 5 feet from unfinished basement /crawl space slab to underside of finished floor framing, above. This full area counts toward floor area.



CITY OF CARMEL-BY-THE-SEA PLANNING COMMISSION Staff Report

July 9, 2025
PUBLIC HEARINGS

TO: Chair LePage and Planning Commissioners

SUBMITTED BY: Evan Kort, Senior Planner

APPROVED BY: Anna Ginette, AICP, Community Planning and Building Director

SUBJECT: **DS 25017 (Hobbs):** Consideration of a Concept Design Study (DS 25017) for the demolition of an existing 1,111-square-foot one-story single-family residence, and construction of a new 1,795-square-foot one-story single-family residence inclusive of a 224-square-foot detached garage located at Santa Rita Street 3 northeast of 1st Avenue in the Single-Family Residential (R-1) District. APN: 009-146-029-000

Proposed CEQA Action: Find that consideration and/or continuance of a Concept Design Study is “not a project” as defined Public Resources Code section 21065 and section 15378 of the CEQA Guidelines.

Application: DS 25017 (Hobbs)

APN: 009-146-029

Block: 4

Lot: 2

Location: Santa Rita Street 3 NE of 1st Avenue

Applicant: Adam Jeselnick, Architect

Property Owner: HOBBS KAREN RUTH TR

Executive Summary:

The applicant is requesting approval of a Concept Design Study to demolish an existing single-family residence. The applicant is proposing to reconstruct the existing dwelling largely in within the same footprint as the existing dwelling and is also proposing to expand the footprint and construct a new garage in the front setback.

Recommendation:

Staff recommends the Planning Commission adopt a Resolution (Attachment 1):

1. Finding that the Concept Design Study is “not a project” as defined in Public Resources Code Section 21065 and section 15378 of the CEQA Guidelines; and

2. Accepting a Concept Design Study (DS 25017) for the demolition of an existing 1,111-square-foot one-story single-family residence, and construction of a new 1,795-square-foot one-story single-family residence inclusive of a 224-square-foot detached garage located at Santa Rita Street 3 northeast of 1st Avenue in the Single-Family Residential (R-1) District. APN: 009-146-029-000

Background and Project Description:

The project site is a 6,000-square-foot lot developed with an existing 1,111-square-foot, two-story, single-family residence, as well as a 665 square foot two story guesthouse. The subject building site comprises of two parcels with one parcel located in the City of Carmel-by-the-Sea (APN 009-146-029-000) and the other in unincorporated Monterey County (APN 009-146-028-000). The owner of the subject building site, through the applicant, submitted an application to the City to remodel and expand the existing improvements on the subject parcels.

Due to jurisdictional complexities, the parcels cannot be formally merged without approval by the Monterey County Local Agency Formation Commission (LAFCO). Thus, the applicant and the City, in cooperation with the County of Monterey, have approved a Land Use Regulatory Jurisdiction Agreement and Covenant to hold the two parcels as one for planning and regulatory purposes (refer to Attachment 2).

This agreement was approved by the Carmel-by-the-Sea City Council on June 2, 2025, and the Monterey County Board of Supervisors on June 16, 2025. Simply put, while the site is comprised of two parcels, one in unincorporated Monterey County, and one within the City Limits of Carmel-by-the-Sea, through this land use agreement, the building site, including the immediate adjacent right-of-way, is treated as part of the City of Carmel-by-the-Sea for land use purposes.

The primary purpose of this conceptual review meeting is to formally evaluate and consider site planning, privacy and views, and the mass and scale of the project. However, the Commission may provide input on other aspects of the design. Staff will use the direction from this concept review to work with the applicant on a final design, which will ultimately be brought back to the Planning Commission for consideration and a decision, including the review of a Coastal Development Permit.

Staff Analysis:

Forest Character: Residential Design Guidelines 1.1 through 1.4 encourages preserving significant trees and minimizing impacts on established trees; protecting the root systems of all trees to be preserved; and, maintaining a forested image on the site. Residential Design Guidelines 1.5 through 1.7 discuss the characteristics of the Right-of-Way.

Finding #2 for Concept acceptance requires that, “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.”

Finding #7 for Concept acceptance required that, “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.”

The site currently contains 2 trees: a significant 14” oak at the northeast corner of the site and a non-significant 6” mayten tree in the front setback. A significant 12” oak also bisects the front property line near the northwest corner of the site. The mayten tree is proposed for removal, however, the significant trees are proposed to be retained and protected.

According to the preliminary site assessment and Carme-by-the-Sea Municipal Code (CMC) section 17.48.080, the recommended tree density is 4 upper canopy trees and 3 lower canopy trees. The new

recommended tree planting has not been shown on the proposed site plan or landscape plan, however, condition of approval #2 for concept acceptance requires the tree planning requirement adhering to the recommended tree density be shown on the proposed plans prior to scheduling for final details review with the city forester approving of the species and locations.

One of two existing driveways are proposed to be removed. The area of the right-of-way where the removed driveway was located is proposed to be planted, as noted on the site plan: "(P) Planter," however, the actual landscaping palette has not been identified. Consistent with Residential Design Guideline 1.5 which states, "*Maintain and enhance the informal, vegetated, open space character of the right-of-way*" condition of approval #2 has been included requiring the forthcoming landscaping plan to include landscaping throughout the right-of-way. General Plan/Land Use Plan Policy P5-92 also mandates landscape plans associated with development applications include public rights-of-way:

General Plan/Land Use Plan Policy P5-92: Look for opportunities to reduce or eliminate hardscape areas Citywide on public and private lands. Identify hardscape in the public rights-of-way and on-site that does not meet current policies or codes during preliminary site assessments and/or design review for all projects in the R-1 District. Require that project landscaping plans include the public rights-of-way. (LUP)

Landscaping within the right-of-way is also a requirement for the approval of a detached garage in the front setback (discussed below).

As conditioned, the project is consistent the applicable Residential Design Guidelines pertaining to Forest Character, and meets Concept Phase Approval Findings #2, and #7 pertaining to the protection and enhancement of the urbanized forest (CMC section 17.64.080).

Privacy and Views: Residential Design Guidelines 5.1 through 5.3 encourages designs that preserve reasonable privacy for adjacent properties and maintain view opportunities to natural features.

Staff has not identified any adverse privacy or view impacts associated with the project. In respect to privacy impacts, the proposed fenestration alterations (re-arranged, new, and larger door and window openings) do not appear to substantially impact the privacy of adjacent neighbors. There are no new second story balconies or decks associated with the project and the outdoor living space at the rear of the property, while proposed to be improved with new paving and an at grade deck, is substantially the same size and configuration.

At the time of writing this report, staff has not received any written correspondence regarding the project.

Based on the information available at the time of writing this report, the project is consistent the applicable Residential Design Guidelines pertaining to Privacy and Views and meets Concept Phase Approval Findings #5 pertaining to public and private views, and solar access.

Mass/Bulk and Building/Roof Form: Residential Design Guidelines 7.1 through 7.7 encourages a building's mass to relate to the context of other homes nearby; minimize the mass of a building as seen from the public way or adjacent properties; and, relate to a human scale in its basic forms. Residential Design Guidelines 8.1 through 8.5 encourages traditional building forms; using restraint with variations in building planes; using simple roof forms that are in proportion to the scale of the building; and, roof eave lines that are low in scale. Guideline 8.3 states to "*limit the number of subordinate attachments, such as dormers, to avoid cluttered design.*"

The building form is proposed to substantially maintain its primary form and massing. New additions are proposed to be attached to be primary building form that include: a 441 square foot addition at the north of the existing building form, and a 24 square foot entry addition. The applicant is also proposing a new 224 square foot detached garage in the front setback.

both CMC sections 17.10.030.A.1 and 17.34. As conditioned, the project meets standard no. 2.

3. The proposed setback encroachment would not impact significant trees.

Staff Response: The proposed garage is located near a significant oak tree; however, is outside of the structural root zone of the tree. The city forester does not anticipate impacts to the significant tree provided the tree standard protection measures adopted at the final details hearing are followed. As an additional precaution, the forester is recommending root exploration around the significant tree. A condition of approval to be included in the resolution for the final design shall read as follows:

Significant Tree Root Exploration. *Prior to the issuance of a building permit, the contractor overseeing the project shall conduct root exploration with a pneumatic excavator, hydro-vac at low pressure, or another method that does not sever roots to identify any conflicts between significant roots and the building foundation. A licensed arborist approved by the City Forester shall supervise all work. Once the roots have been exposed, the contractor shall schedule an inspection with the City Forester. Any conflict between significant roots and the building foundation shall require that the building foundation be adjusted to avoid the tree roots. The project shall be redesigned if the tree roots cannot be avoided.*

As conditioned, the project meets standard no. 3.



Figure 2. Proposed garage setback approximately 6'7" from significant tree.

4. The protection of the free and safe movement of pedestrians and vehicles.

Staff Response: The garage location would not impact the free and safe movement of pedestrians or vehicles. The garage is setback approximately 7'1" from the front property line and is approximately 19'

from the street edge –as such there is limited potential from the garage to impact free and safe movement of pedestrians or vehicles.

5. All development on site will be in scale with adjacent properties.

Staff Response: As assessed by the story poles installed on site, the story poles appear to be installed inconsistent with the proposed plans. The plans identify that the garage will be 10'8.5" tall and have 7'6" plates. However, on site, the plates dimension approximately 5'6" and the ridge is approximately 8'7"; i.e. the story poles appear to be about 2-feet shorter than what is actually proposed. Based on this discrepancy, staff was unable to assess for this criteria.

The plans do not show any grading in the vicinity of the driveway or garage that would suggest the garage is being sunken into the grade (adjacent driveway elevation maintains an elevation of 53.0' and the garage finished floor is 53.25') and maintaining the existing driveway grade is critical for protection of the existing significant oak tree and prohibited pursuant to CMC section 17.48.110.A.3.

Condition of Approval #3 requires story poles to be modified to accurately reflect the garage and the garage will be re-evaluated at the final details hearing.



Figure 3. Elevations and dimensions of proposed garage. Plate height dimensioned in the elevations show approximately 5'6" and the ridge is approximately 8'7"

6. Placement of the garage within the front setback will add diversity to the neighborhood streetscape.

Staff Response: The inclusion of a new detached garage in the front setback on the subject site would add diversity to the neighborhood. This would be the only home on the block with a detached garage in the front setback, and few homes in the vicinity have a detached garage located in the front setback.

Public Correspondence: At the time of writing this report, staff has not received any correspondence relating to the revised set of plans received following the first concept hearing.

Considerations for Final Details Review: While the primary purpose of this concept review is to review and consider the site planning, privacy and views, and mass and scale related to the project, the Commission may provide input on other aspects of the project as well allow the applicant an opportunity to address identified issues ahead of the final details hearing. The items below are not an all inclusive list of potential items to be discussed at the final details hearing, and the Commission may provide input on other aspects or components of the project as well.

- **Lighting:** The applicant has proposed a wall sconce noted in the plans a “Nate 9 outdoor wall.” Specifications were not noted in plans, however, a photo of the fixture was. The Residential Design Guidelines and the standard condition of approval pertaining to light fixtures require all fixtures shall be shielded and down-facing. A backlit, wall washing fixture could not be approved.
- **Drainage Plan:** The applicant has submitted a preliminary drainage plan; however, the standard condition of approval requires that the drainage plan comply with SOG 17-07 and that runoff be dispersed throughout the site, rather than concentrated in a single area. The current preliminary plan concentrates drainage in one corner of the property, which is not acceptable.

Due to the site’s soil conditions and other factors, the final drainage plan must be prepared by a civil engineer licensed in the State of California. The final plan must fully comply with all applicable zoning and building code requirements.

If revisions to the site design are necessary to accommodate the final drainage plan, those changes may require additional review, as the inclusion of a compliant drainage plan is a required component of the project, and does not supersede or override other project requirements.

- **Application completeness for Final Details Review:** While the project included sufficient information for application completeness for Concept Review, the project is deficient in respect to the required materials needed for review and scheduling for a final details hearings. As such, staff has included condition of approval #3 for Concept acceptance stating, prior to scheduling for Final Details review, the applicant shall work with staff to revise the plan set to include the requisite information necessary for scheduling for final details review, as determined by the Community Planning and Building Department. Staff had previously provided the applicant with a list of outstanding items to be addressed as part of the completeness review for the project and the applicant elected to defer these items until the Final Details submittal.

Other Project Components:

Environmental Review: Staff recommends that acceptance of a Concept Design Study be found to be “not a project” as defined in Public Resources Code section 21065 and section 15378 of the CEQA Guidelines. Acceptance of a Concept Design Study does not grant any permits or entitlements approving a project which would result in a direct or indirect physical change in the environment. CEQA analysis and

determination of exemption status will be done as part of the Final Design Study hearing.

Attachment 1 - Resolution

Attachment 2 - Land Use Regulatory Jurisdiction Agreement (Resolution 2025-049)

Attachment 3 - Project Plans

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

PLANNING COMMISSION RESOLUTION NO. 2025-XXX-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA FINDING THE CONCEPT DESIGN STUDY IS “NOT A PROJECT” AS DEFINED IN PUBLIC RESOURCES CODE SECTION 21065 AND SECTION 15378 OF THE CEQA GUIDELINES AND ACCEPTING A CONCEPT DESIGN STUDY (DS 25017) FOR THE DEMOLITION OF AN EXISTING 1,111-SQUARE-FOOT ONE-STORY SINGLE-FAMILY RESIDENCE, AND CONSTRUCTION OF A NEW 1,795-SQUARE-FOOT ONE-STORY SINGLE-FAMILY RESIDENCE INCLUSIVE OF A 224-SQUARE-FOOT DETACHED GARAGE LOCATED AT SANTA RITA STREET 3 NORTHEAST OF 1ST AVENUE IN THE SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT. APN: 009-146-029-000

WHEREAS, on February 2, 2023, Adam Jeselnick, Architect (“Applicant”) submitted an application on behalf of Karen Ruth Hobbs, Trustee of the Karen Ruth Hobbs Trust dated January 28, 2004 (“Owner”) requesting approval of Track 2 Design Study application DS 25017 (Hobbs) described herein as (“Application”); and

WHEREAS, the Application has been submitted for a 6,000-square-foot site located at Santa Rita Street 3 northeast of 1st Avenue in the Single-Family Residential (R-1) Zoning District; and

WHEREAS, the applicant is proposing to demolition of an existing 1,111-square-foot one-story single-family residence, and construction of a new 1,795-square-foot one-story single-family residence inclusive of a 224-square-foot detached 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, CMC Section 17.58.040.B.2 requires a Design Concept Review prior to consideration of the Final Details Review for project approval; and

WHEREAS, a Coastal Development Permit is required for the project in accordance with CMC Section 17.52.090 and will be considered at the Final Details hearing; and

WHEREAS, the City Council of the City of Carmel-by-the-Sea and the County of Monterey Board of Supervisor’s have entered into a agreement with the property owner to execute a Land Use Regulatory Jurisdiction Agreement and Covenant and Agreement to hold parcels identified as APNs 009-146-029-000 and 009-146-028-000 as one building site under sole land use jurisdiction of the City, as described in City Council Resolution 2025-049; and

WHEREAS, on June 27, 2025, a notice of the public hearing scheduled for July 9, 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 June 29, 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 July 4, 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 July 9, 2025, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the combined concept and final design study, 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 Chapter 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, acceptance of a Concept Design Study is "not a project" as defined in Public Resources section 21065 and section 15378 of the CEQA Guidelines. Acceptance of a Concept Design Study does not grant any permits or entitlements approving a project which would result in a direct or indirect physical change in the environment. CEQA analysis and determination of exemption status will be done as part of the Final Design Study hearing; 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, conditioned, or with supplemental findings, 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.	✓	

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby **FIND** that the Concept Design Study is not a project under CEQA as defined in Public Resources Code section 21065 and CEQA Guidelines section 15378, and **ACCEPT** a Concept Design Study (DS 25017) for the demolition of an existing 1,111-square-foot one-story single-family residence, and construction of a new 1,795-square-foot one-story single-family residence inclusive of a 224-square-foot detached garage located at Santa Rita Street 3 northeast of 1st Avenue in the Single-Family Residential (R-1) District, APN: 009-146-029-000, subject to the conditions listed below:

CONDITIONS FOR CONCEPT ACCEPTANCE	
No.	
1.	Volume Study. The required Volumetric Study shall be successfully completed prior to scheduling for Final Details Review. The applicant shall provide one full size printed set of plans following Concept Hearing to the Community Planning and Building Department as part of the required Volume Study. Any additional changes required by the Planning Commission at the Concept Hearing that would affect volume (changes in massing, heights, site planning, grading, etc) shall be incorporated into the plans submitted for the volume study.
2.	Landscape Plan. Prior to scheduling for final details review, the applicant shall submit a preliminary landscape plan for review by the Planning Division and City Forester that meets the submittal requirements of the Track 2 submittal checklist, and additionally includes the following:

	a) The species, size, and location of all new trees to be planted on-site to meet the site's recommended tree density (4 upper canopy; 3 lower canopy); and b) Include right-of-way landscaping on the landscape plan submitted at final details in a manner consistent with the requirements of both CMC sections 17.10.030.A.1 and 17.34. The landscape plan shall comply with the requirements of CMC Chapter 17.34 and the applicable Residential Design Guidelines.
3	Story Poles. Prior to scheduling for final details review, the garage story poles shall be revised to reflect the project dimensions, as represented in the proposed plans for re-evaluation of the criteria in CMC section CMC 17.10.030.A.1 at the final details hearing.
4	Submittal Requirements. Prior to scheduling for Final Details review, the applicant shall work with staff to revise the plan set to include the requisite information necessary for scheduling for final details review, as determined by the Community Planning and Building Department.

PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 9th day of July 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Michael LePage
Chair

Shelby Gorman
Planning Commission Secretary

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

RESOLUTION NO. 2025-049

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA FINDING THE FOLLOWING ACTION TO BE "NOT A PROJECT" PURSUANT TO SECTION 15378 OF THE CEQA GUIDELINES; RESCINDING THE NOTICE OF MERGER WHICH WAS RECORDED WITH THE COUNTY ON JULY 14, 2004 (MONTEREY COUNTY RECORDER DOCUMENT NO. 2004073684); AND ENTERING INTO A LAND USE REGULATORY JURISDICTION AGREEMENT AND COVENANT AND AGREEMENT TO HOLD PROPERTY AS ONE PARCEL (CITY OF CARMEL-BY-THE-SEA (APN: 009-146-029) AND UNINCORPORATED MONTEREY COUNTY (APN: 009-146-028))

WHEREAS, the City of Carmel-by-the-Sea ("City") received an application from Karen Ruth Hobbs, Trustee of the Karen Ruth Hobbs Trust dated January 28, 2004 ("Owner") requesting approval of improvements on properties identified as APNs 009-146-029 (within the City limits) and 009-146-028 (unincorporated Monterey County); and

WHEREAS, the subject parcels span jurisdictional boundaries of the City and County, complicating the permitting and regulatory process, and a formal lot merger would require approval from the Monterey County Local Agency Formation Commission (LAFCO); and

WHEREAS, on July 14, 2004, a Notice of Merger (Monterey County Recorder Document No. 2004073684) was erroneously recorded and is now required to be rescinded and superseded by a Land Use Regulatory Jurisdiction Agreement; and

WHEREAS, the proposed Land Use Regulatory Jurisdiction Agreement and Covenant and Agreement to Hold Property as One Parcel ("Agreement") will provide unified regulatory oversight by placing sole jurisdictional authority under the City, simplifying the administrative process for all future permitting activities and improvements while maintaining the current property tax structure and boundaries; and

WHEREAS, the City Attorney's office, City Planning staff, and Applicant's legal counsel collaboratively reviewed and prepared the proposed Agreement to ensure consistency with the General Plan, Local Coastal Plan, Carmel-by-the-Sea Municipal Code (CMC), and Residential Design Guidelines; and

WHEREAS, this action has been coordinated with County of Monterey and supported by LAFCO staff as an efficient alternative to an annexation process; and

WHEREAS, the City Council considered all pertinent information provided in the Staff Report and all attachments, and independently reviewed and considered the facts and information presented; and

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

WHEREAS, pursuant to Section 15378 of the CEQA Guidelines, the subject action is "not a project" and is therefore not subject to CEQA.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Carmel-by-the-Sea, as follows:

SECTION 1: The City Council hereby finds the Notice of Merger recorded on July 14, 2004 (Monterey County Recorder Document No. 2004073684) to be null and void, and approves and authorizes the City Administrator or designee to execute the Notice of Recission of Notice of Merger attached hereto Exhibit A and incorporated herein by reference.

SECTION 2: The City Council hereby approves and authorizes the City Administrator or designee to execute the Land Use Regulatory Jurisdiction Agreement and Covenant and Agreement to Hold Property as One Parcel (APNs 009-146-029 and 009-146-028) attached hereto as Exhibit B and incorporated herein by reference.

SECTION 3: The City Council requires the owner to record the fully executed Exhibits A and B with the Monterey County Recorder's Office. The owner shall be responsible for any fees assessed by the Monterey County Recorder's Office for the recordation of said documents.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 2nd day of June, 2025, by the following vote:

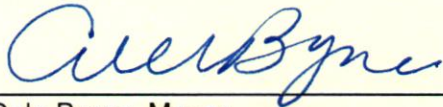
AYES: Councilmembers Baron, Buder, Delves, Dramov, and Mayor Byrne

NOES: None

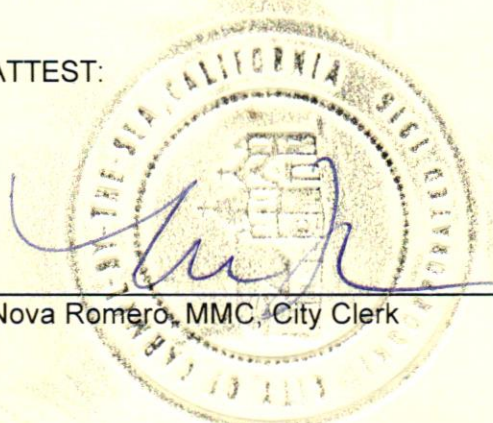
ABSENT: None

ABSTAIN: None

APPROVED:


Dale Byrne, Mayor

ATTEST:


Nova Romero, MMC, City Clerk

GENERAL NOTES

1. VERIFY ALL EXISTING DIMENSIONS AND CONDITIONS AT THE SITE; CONFIRM ANY VARIATIONS OR CONFLICTING OR MISSING DIMENSIONS OR DATA PRIOR TO COMMENCING WORK. USE WRITTEN DIMENSIONS ONLY; DO NOT SCALE DRAWINGS FOR THE PURPOSE OF DETERMINING A DIMENSION DURING CONSTRUCTION.
2. CONSTRUCTION DETAILS NOT SPECIFICALLY SHOWN ON THE DRAWINGS SHALL BE BUILT TO CONFORM TO SIMILAR CONSTRUCTION, IN ACCORDANCE WITH THE BEST COMMON PRACTICE AND/OR MANUFACTURER'S SPECIFICATIONS FOR THE INSTALLATION OF THEIR MATERIALS OR ITEMS.
3. ALL CONSTRUCTION (MATERIALS, WORKMANSHIP & METHODS) SHALL COMPLY WITH TITLE 24 AND THE **2022 CALIFORNIA RESIDENTIAL BUILDING** CODE (CBC); CALIFORNIA PLUMBING CODE (CPC), CALIFORNIA MECHANICAL CODE (CMC), CALIFORNIA ELECTRICAL CODE (CEC), CALIFORNIA ENERGY CODE, FIRE CODE, AND CALGREEN; AND ALL LOCAL AMENDMENTS AS ADOPTED BY COUNTY ORDINANCE.
4. THE OWNER-CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR SAFETY ON THE JOB SITE AND MUST ADHERE TO ALL FEDERAL, STATE LOCAL AND O.S.H.A. SAFETY REGULATIONS.
5. DEMOLITION: CONFIRM ALL DEMOLITION REQUIREMENTS WITH THE OWNER. VERIFY WITH OWNER WHICH ITEMS, IF ANY, HE/SHE WISHES TO RETAIN FOR HIS/HER USE. ALL OTHER ITEMS TO BECOME PROPERTY OF THE CONTRACTOR AND ARE TO BE PROPERLY REMOVED FROM THE PREMISES. SEE DEMOLITION PLANS FOR ADDITIONAL INFORMATION.
6. THE OWNER-CONTRACTOR SHALL BE RESPONSIBLE FOR ALL BRACING AND SHORING REQUIRED DURING CONSTRUCTION UNTIL ALL CONSTRUCTION IS COMPLETE.
7. DO NOT STORE CONSTRUCTION MATERIALS, OR OPERATE CONSTRUCTION EQUIPMENT IN SUCH A MANNER THAT DESIGN LIVE LOADS OF THE STRUCTURES ARE EXCEEDED. DO NOT STORE CONSTRUCTION MATERIALS ON OVERHANGING FRAMING.
8. IF DURING THE COURSE OF CONSTRUCTION, CULTURAL, ARCHAEOLOGICAL, HISTORICAL, OR PALEONTOLOGICAL RESOURCES ARE UNCOVERED AT THE SITE (SURFACE OR SUBSURFACE RESOURCES) WORK SHALL BE HALTED IMMEDIATELY WITHIN 50 METERS (150 FEET) OF THE FIND UNTIL A QUALIFIED PROFESSIONAL ARCHAEOLOGIST CAN EVALUATE IT. MONTEREY COUNTY - RMA PLANNING AND A QUALIFIED ARCHAEOLOGIST (I.E. AN ARCHAEOLOGIST REGISTERED WITH THE REGISTER OF PROFESSIONAL ARCHAEOLOGISTS) SHALL BE IMMEDIATELY CONTACTED BY THE RESPONSIBLE INDIVIDUAL PRESENT ON-SITE. WHEN CONTACTED, THE PROJECT PLANNER AND THE ARCHAEOLOGIST SHALL IMMEDIATELY VISIT THE SITE TO DETERMINE THE EXTENT OF THE RESOURCES AND TO DEVELOP PROPER MITIGATION MEASURES REQUIRED FOR RECOVERY.
9. COORDINATE NEW UNDERGROUND ELECTRICAL SERVING WITH PG&E.
10. NEW FIRE SPRINKLERS TO BE INSTALLED UNDER SEPARATE PERMIT.

SHEET INDEX

A0	TITLE (PROJECT DATA AND SITE LOCATION)	A12	SOUTH (SIDE) ELEVATIONS
A1	SITE SURVEY AND TREE ASSESSMENT	A13	GARAGE ELEVATIONS
A2	EXISTING SITE PLAN	A14	DEMOLITION ELEVATIONS
A3	SITE DEMOLITION AND GRADING PLAN	A15	DEMOLITION ELEVATIONS
A4	PROPOSED SITE PLAN	A16	STREETSCAPE ELEVATIONS
A5	PROPOSED DRAINAGE PLAN	A17	EXISTING ROOF PLAN
A6	EXISTING FLOOR PLAN	A18	PROPOSED ROOF PLAN
A7	DEMOLITION PLAN	A19	PROPOSED WINDOW AND DOOR SCHEDULES
A8	PROPOSED FLOOR PLAN	A20	PROPOSED MATERIALS
A9	WEST (FRONT) ELEVATIONS	A21	PROPOSED RENDERINGS
A10	EAST (REAR) ELEVATIONS	A22	PROPOSED RENDERINGS
A11	NORTH (SIDE) ELEVATIONS	A23	PROPOSED RENDERINGS

EXISTING SITE PHOTOGRAPHS



FRONT VIEW OF THE EXISTING RESIDENCE



REAR VIEW OF THE EXISTING RESIDENCE

PROJECT DATA

SCOPE OF WORK: EXTENSION OF AN EXISTING SINGLE FAMILY RESIDENCE TO INCLUDE A NEW MASTER BEDROOM. NEW ROOF. NEW EXTERIOR FINISH. MODIFY INTERIOR OF RESIDENCE TO INCLUDE NEW KITCHEN, NEW BATHROOMS. REPLACE EXISTING LIGHTING, PLUMBING FIXTURES, AND CABINETS. REPLACE DOORS AND WINDOWS. NEW DETACHED GARAGE.	
CONSTRUCTION TYPE:	V-B
OCCUPANCY:	R-3 / U
FIRE SPRINKLERS:	YES
WATER:	CAL AM
SEWER:	CARMEL AREA WASTEWATER DISTRICT
TREE REMOVAL:	THREE MAYTEN TREES (#2, #3, #4)
GRADING:	90 CUBIC YARDS CUT/ 5 CUBIC YARDS FILL

SITE COVERAGE CALCULATIONS:

LOT SIZE	6,000 SF
MAX. ALLOWABLE FLOOR AREA	= 2,460 SF
MAX. ALLOWABLE SITE COVERAGE	= 541 SF / 781 SF

FLOOR AREA CALCULATIONS:

EXISTING		
(E) RESIDENCE	1,111 SF	
(E) GUEST HOUSE	665 SF	
TOTAL, (E)	1,776 SF	(29.60%OF LOT AREA)
PROPOSED		
(E) RESIDENCE	1,098 SF	
(P) ADDITION	24 SF	
(P) ADDITION	441 SF	
(P) FIREPLACE	8 SF	
(P) GARAGE	224 SF	
(E) GUEST HOUSE	665 SF	
TOTAL, (P)	2,460 SF	(41,00% OF LOT AREA)

SITE COVERAGE CALCULATIONS:

EXISTING		
(E) ASPHALT NORTH DRIVEWAY	640 SF	IMPERMEABLE
(E) ASPHALT SOUTH DRIVEWAY	337 SF	IMPERMEABLE
(E) FRONT STONE PORCH AND STAIRS	245 SF	IMPERMEABLE
(E) STEPPING STONES PATH	147 SF	PERMEABLE
(E) WATER HEATER SHED	6 SF	IMPERMEABLE
(E) STORAGE SHED	82 SF	IMPERMEABLE
(E) STONE STEPS	13 SF	IMPERMEABLE
(E) STONE PATIO	379 SF	IMPERMEABLE
(E) HOT TUB WOOD DECK	155 SF	PERMEABLE
(E) HOT TUB	50 SF	IMPERMEABLE
(E) CONCRETE WALKWAY	33 SF	IMPERMEABLE
(E) AGGREGATE WALKWAY	53 SF	PERMEABLE
TOTAL, (E)	2,140 SF	
EXISTING NON CONFIRMING		
PROPOSED		
(P) CONC. PAVERS STRIPS DRIVEWAY	28 SF	PERMEABLE
(P) GARAGE CONCRETE LANDING	9 SF	IMPERMEABLE
(P) FRONT GRAVEL PATH	48 SF	PERMEABLE
(P) FRONT STONE PORCH	90 SF	IMPERMEABLE
(P) FRONT WOOD DECK	153 SF	PERMEABLE
(P) BED 1 STONE PATIO	95 SF	IMPERMEABLE
(P) WOOD STEPS	10 SF	PERMEABLE
(P) HOT TUB WOOD DECK	127 SF	PERMEABLE
(E) HOT TUB	50 SF	IMPERMEABLE
(P) BACK COURTYARD STONES	112 SF	IMPERMEABLE
(P) GUEST HOUSE GRAVEL WALKWAY	12 SF	PERMEABLE
(P) GUEST HOUSE CONC. LANDING	20 SF	IMPERMEABLE
TOTAL, (P)	754 SF	(378=50,13% PERM.)

PROJECT DATA

ADDRESS:	SANTA RITA STREET 3 NE OF 1ST AVE CARMEL-BY-THE-SEA, CALIFORNIA 93921
A.P.N.	009-146-029
ZONING:	R-1 SINGLE FAMILY
OWNER:	KAREN AND MARK HOBBS SANTA RITA STREET 3 NE OF 1ST AVE CARMEL-BY-THE-SEA, CALIFORNIA 93921
ARCHITECT:	ADAM JESELNICK ARCHITECT SAN CARLOS STREET 2 N/W 8TH AVENUE SUITE 200 CARMEL-BY-THE-SEA, CA 93921 PHONE: (831) 620.5164 m CONTACT: ADAM JESELNICK AIA EMAIL: aejarch@gmail.com
SURVEYOR:	LUCIDO SURVEYORS 2 SAUCITO AVENUE, DEL REY OAKS, CA 93940 831-443-6970 info@lucidosurveyors.com

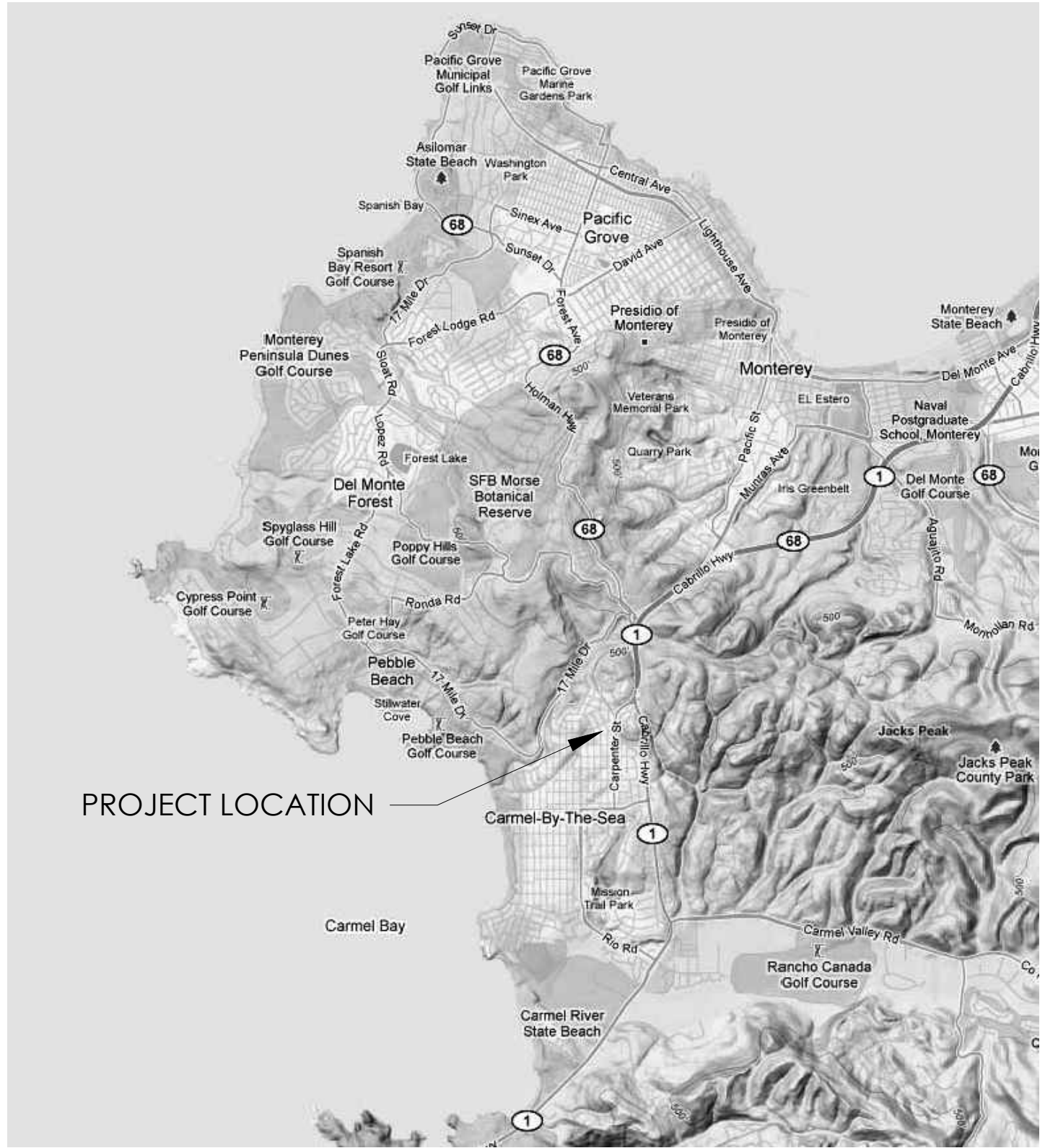
SETBACKS

LOCATION	EXISTING	PROPOSED	REQUIRED
FRONT - WEST	20'-2 ³ / ₄ "	18'-1 ¹ / ₂ "	15'-0"
SIDE - NORTH	19'-5 ¹ / ₄ "	5'-2"	3'-0"
BACK- EAST	34'-6 ¹ / ₄ "	27'-1 ¹ / ₄ "	15'-0" / 3'-0"
SIDE - SOUTH	9'-11 ³ / ₄ "	9'-11 ³ / ₄ "	3'-0"

REAR STRUCTURE IS LESS THAN 15 FEET IN HEIGHT
MIN. COMPOSITE SETBACK: 18'-3 ¹/₂" (30.5% OF 60'-0")

HEIGHTS

LEVEL	EXISTING	PROPOSED	REQUIRED
PLATE	11'-9"	11'-9"	12'-0" (E)NON-CONF.
RIDGE	15'-9 ³ / ₄ "	17'-11 ³ / ₄ "	18'-0"



1 VICINITY MAP
SCALE: N.T.S.

ADAM JESELNICK
ARCHITECT



HOBBS RESIDENCE
SANTA RITA STREET 3 NE OF 1ST AVE,
CARMEL-BY-THE-SEA CALIFORNIA 93921

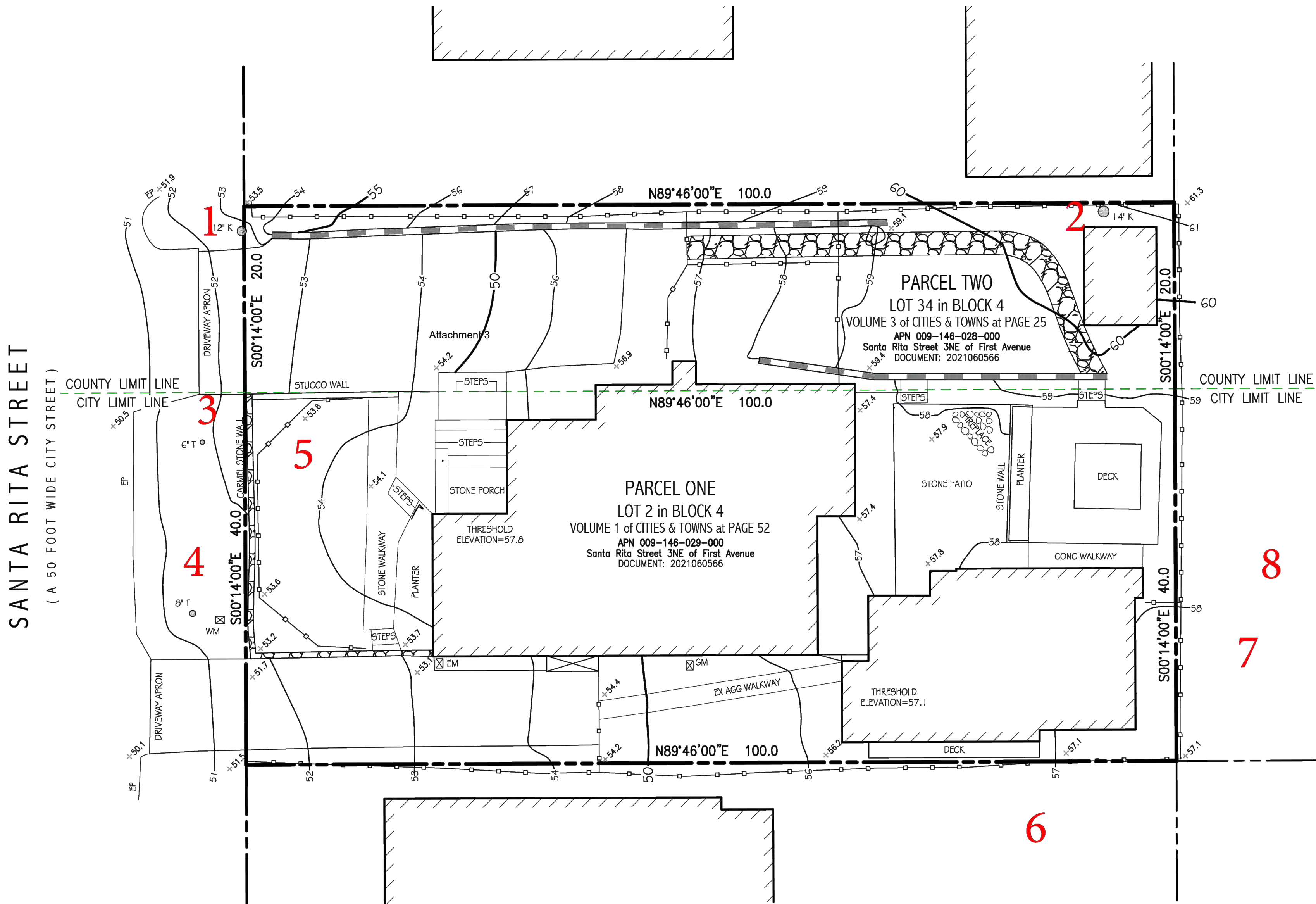
TITLE SHEET

5/1/2025

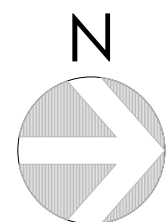
1/4" = 1'-0"

A0

LEGEND:			
	RECORD BOUNDARY		WOOD FENCE
	RECORD RIGHT OF WAY		WIRE FENCE
	RECORD LOT LINE		CHAIN LINK FENCE
	RECORD CENTERLINE		STREET SIGN
	RECORD EASEMENT LINE		SIGN POST
	COUNTY/CITY LIMIT LINE		MAIL BOX
	OLD RECORD LINE		BOLLARD
	PROJECT BENCHMARK		PILLAR
	CONTOUR (MAJOR)		RAILROAD TIE WALL
	CONTOUR (MINOR)		RAILROAD TIE STEPS
	SET FENCE CONSTRUCTION STAKE		ROCK RETAINING WALL
	EDGE OF PAVEMENT		BRICK WALKWAY/PATIO
	LIP OF GUTTER		CARMEL STONE
	FACE OF CURB		
	BACK OF CURB		
	BACK OF SIDEWALK		
	EDGE OF DRIVEWAY		ASPHALT CONCRETE
	CURB AND GUTTER		
	SIDEWALK		
	DRIVEWAY		
			FLOWLINE
			APPROXIMATE BUILDING OUTLINE
			CHIMNEY
			APPROXIMATE FLOOR ELEVATION
			DECK
			CONCRETE 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
			CARMEL STONE
			EDGE OF FOLIAGE
			TREE WITH SIZE AND TYPE
			ACACIA
			CYPRESS
			OAK
			PINE
			REDWOOD
			TREE
			STORM DRAIN
			STORM DRAIN MANHOLE
			AREA DRAIN
			STORM DRAIN CATCH BASIN
			ELECTRIC LINE
			UTILITY POLE
			GUY WIRE
			ELECTRIC VAULT
			UTILITY VAULT
			ELECTRIC METER
			STREET LIGHT
			LAMP POST
			GAS LINE
			GAS METER
			TELEPHONE LINE
			TELEPHONE STANDARD
			CABLE TELEVISION LINE
			CABLE TELEVISION BOX
			SPOT ELEVATION



1 SITE SURVEY
SCALE: 1/8" = 1'-0"



Significant Tree Evaluation Worksheet

APN: 009-148-029-000
Street Location: Santa Rita 3 NE of First
Planner: Evan kort
City Forester: Justin Ono
Property Owner: Hobbs
Recommended Tree Density: 4 upper, 3 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						

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	CLO	CLO	May	May	May	CLO	JM	RW							
YES	x	x				x	x	x							
NO			x	x	x										

MP-Monterey pine MC-Monterey cypress BP-Bishop pine CS-coast redwood CO-coast live oak
CI-Catalina ironwood CS-California sycamore BL-big leaf maple Pod-Podocarpus 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			6	6	6										

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

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	2	1				2	2	2							

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	8	5	8	8	8	8	8	8							

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							
NO			x	x	x										

B. Are there any other factors that would disqualify a tree from a determination of significance? (Explain any 'yes' answer)

Yes _____

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
SIGNIF	x	x				x	x	x							
MOD															
SIGNIF															
NOT			x	x	x										
SIGNIF															

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							

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	1				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	2	1				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.

Items to note:

Required Structural Root Zone

Tree #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Feet	6	6	6	6	6	6	8	8	8						

Required Tree Protection Zone

Tree #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
YES	9	9	9	9	9	12	12	12							

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' 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.

ADAM JESELNICK
ARCHITECT



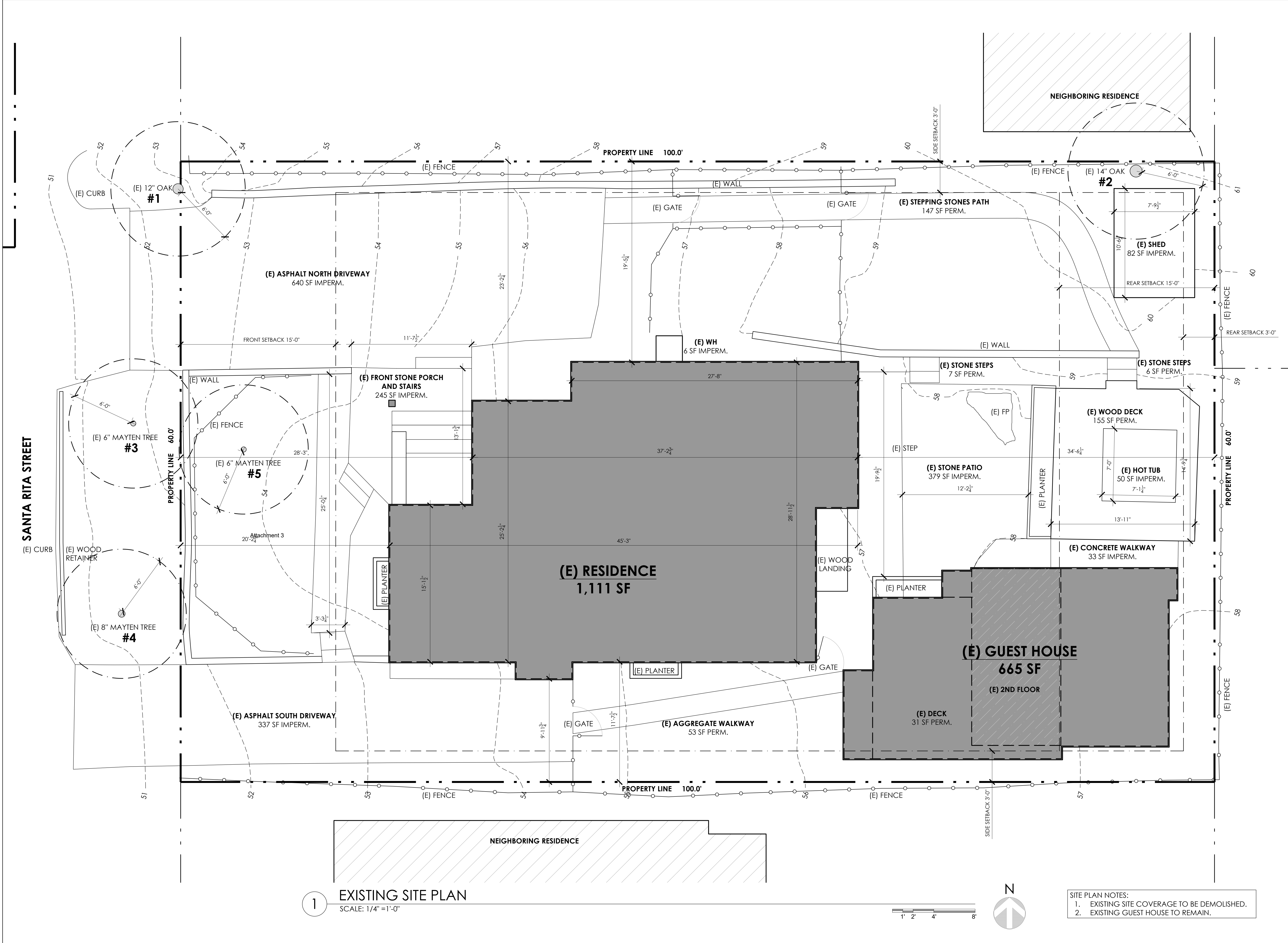
HOBBS RESIDENCE
SANTA RITA STREET 3 NE OF 1ST AVE,
CARMEL-BY-THE-SEA CALIFORNIA 93921

SITE SURVEY AND
TREE ASSESSMENT

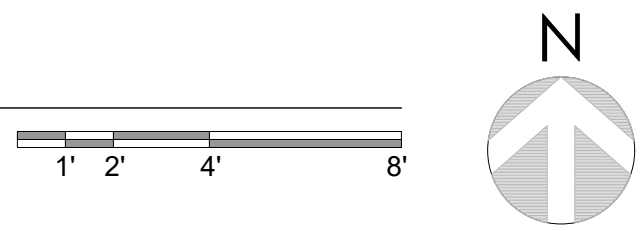
5/1/2025

1/8" = 1'-0"

A1

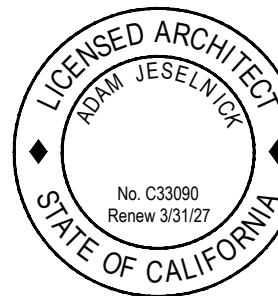


1 EXISTING SITE PLAN
SCALE: 1/4" = 1'-0"



- SITE PLAN NOTES:
1. EXISTING SITE COVERAGE TO BE DEMOLISHED.
2. EXISTING GUEST HOUSE TO REMAIN.

ADAM JESELNICK
ARCHITECT



HOBBS RESIDENCE
SANTA RITA STREET 3 NE OF 1ST AVE,
CARMEL-BY-THE-SEA CALIFORNIA 93921

EXISTING SITE PLAN

5/1/2025

1/4" = 1'-0"

A2

SANTA RITA STREET

(E) CURB

DEMOLISH (E) WOOD RETAINER

REMOVE (E) 8" MAYTEN TREE
#4

REMOVE (E) 6" MAYTEN TREE
#3

REMOVE (E) 6" MAYTEN TREE
#5

Attachment 3

DEMOLISH (E) FENCE

(E) WALL

DEMOLISH (E) ASPHALT DRIVEWAY

DEMOLISH (E) PLANTER

EXCAVATION FOR NEW FIREPLACE

DEMOLISH (E) FENCE AND GATE

DEMOLISH (E) PLANTER

DEMOLISH (E) WALKWAY

(E) RESIDENCE
*SEE DEMOLITION PLAN

EXCAVATION FOR NEW ADDITION
GRADING: 3 CY

DEMOLISH (E) PORCH AND STAIRS

DEMOLISH (E) ASPHALT DRIVEWAY

DEMOLISH (E) WH SHED

EXCAVATION FOR NEW ADDITION
GRADING: 60 CY

DEMOLISH (E) FENCES

DEMOLISH (E) WOOD LANDING

DEMOLISH (E) STONE PATIO AND STEPS

(E) FIREPLACE TO REMAIN

DEMOLISH (E) PLANTER

DEMOLISH (E) WOOD DECK

(E) HOT TUB TO REMAIN

DEMOLISH (E) WALKWAY

(E) GUEST HOUSE
TO REMAIN

(E) 2ND FLOOR

(E) PLANTER

(E) GATE

PROPERTY LINE 100.0'

(E) FENCE

(E) FENCE

(E) FENCE

PROPERTY LINE 60.0'

(E) FENCE

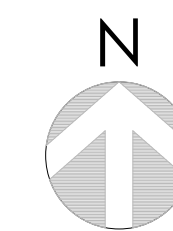
DEMOLISH (E) SITE COVERAGE

EXCAVATION FOR (P) ADDITION

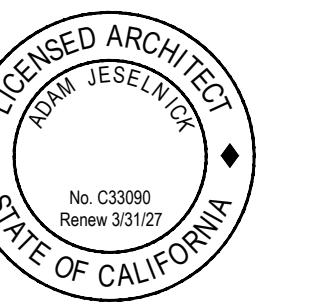
SITE PLAN NOTES:
1. EXISTING SITE COVERAGE TO BE DEMOLISHED.
2. EXISTING GUEST HOUSE TO REMAIN.

1 SITE DEMOLITION AND GRADING PLAN
SCALE: 1/4" = 1'-0"

1' 2' 4' 8'



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HOBBS RESIDENCE
SANTA RITA STREET 3 NE OF 1ST AVE,
CARMEL-BY-THE-SEA CALIFORNIA 93921

SITE DEMOLITION
PLAN

5/1/2025

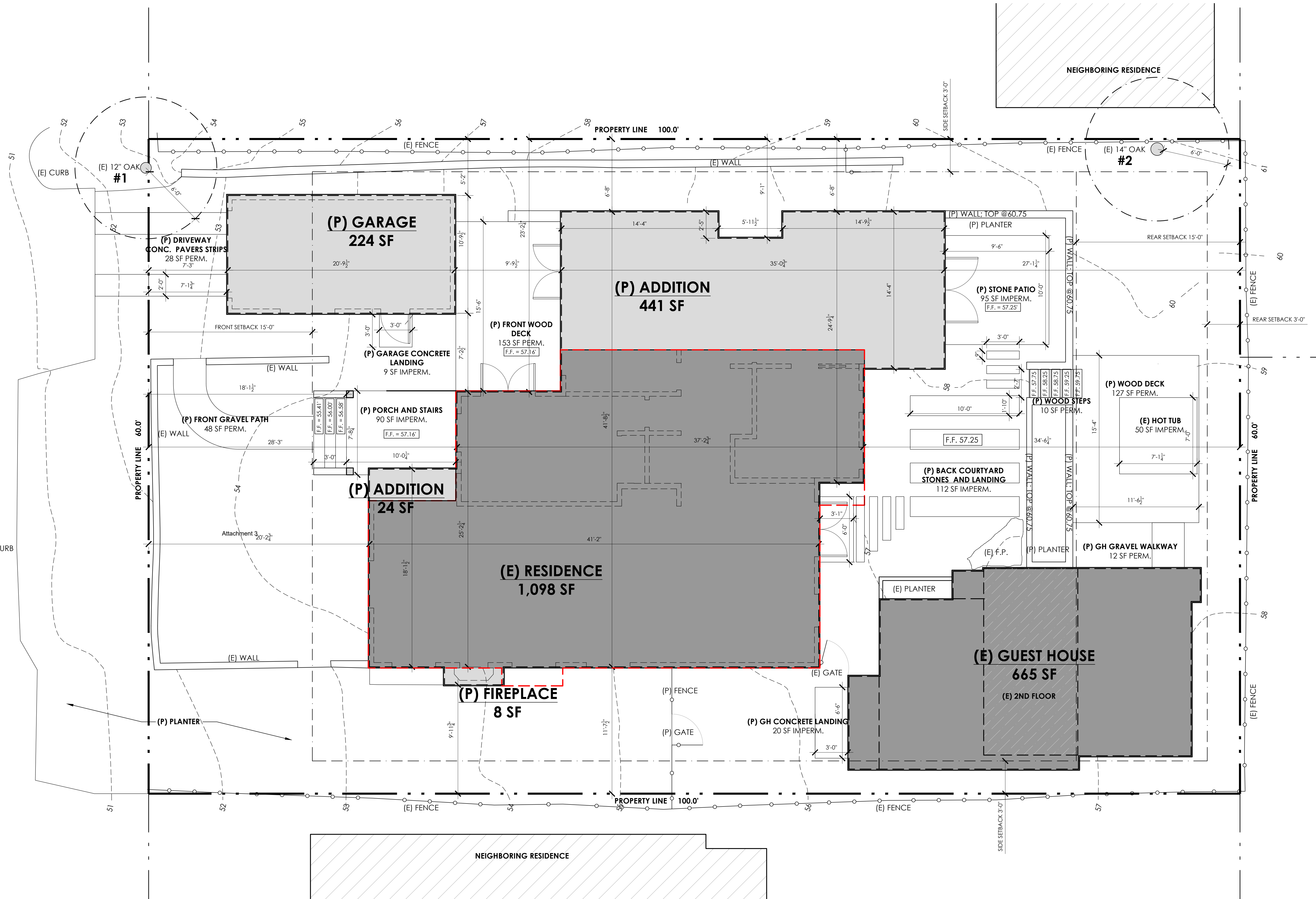
1/4" = 1'-0"

A3

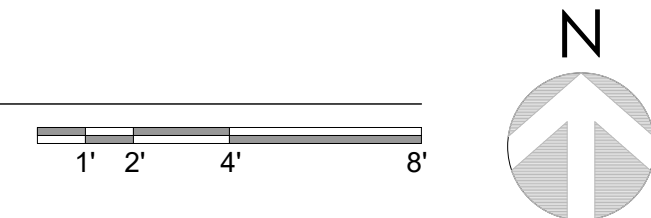
TRACK 2 DESIGN APPROVAL SET

SANTA RITA STREET

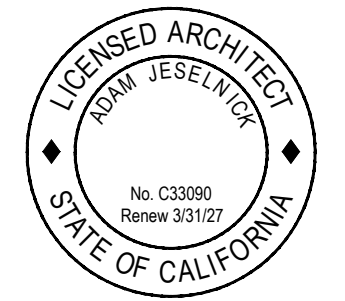
(E) CURB



1 PROPOSED SITE PLAN
SCALE: 1/4" = 1'-0"



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HOBBS RESIDENCE
SANTA RITA STREET 3 NE OF 1ST AVE,
CARMEL-BY-THE-SEA CALIFORNIA 93921

PROPOSED SITE
PLAN

5/1/2025

1/4" = 1'-0"

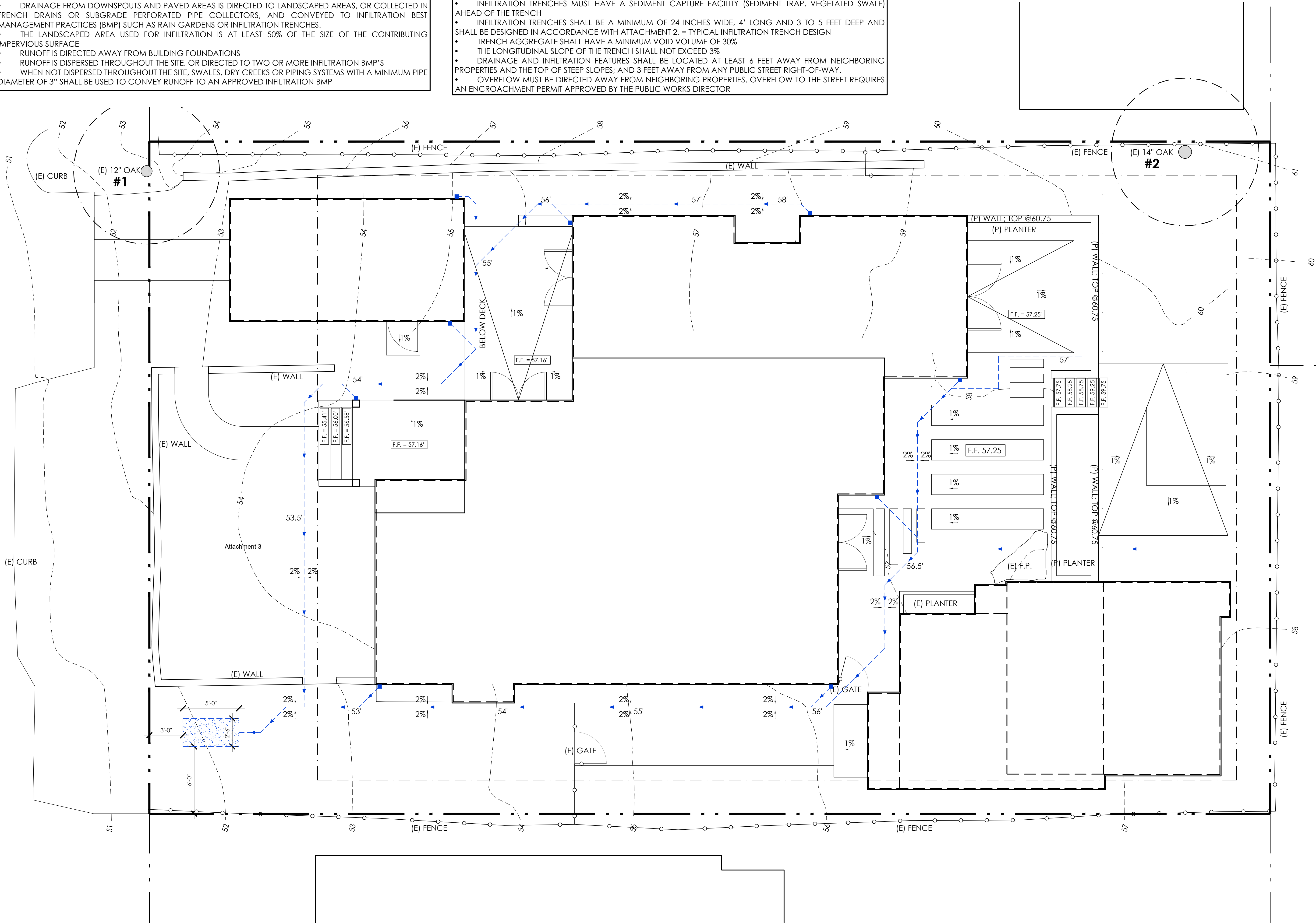
A4

DRAINAGE REQUIREMENTS:

- DRAINAGE FROM DOWNSPOUTS AND PAVED AREAS IS DIRECTED TO LANDSCAPED AREAS, OR COLLECTED IN FRENCH DRAINS OR SUBGRADE PERFORATED PIPE COLLECTORS, AND CONVEYED TO INFILTRATION BEST MANAGEMENT PRACTICES (BMP) SUCH AS RAIN GARDENS OR INFILTRATION TRENCHES.
- THE LANDSCAPED AREA USED FOR INFILTRATION IS AT LEAST 50% OF THE SIZE OF THE CONTRIBUTING IMPERVIOUS SURFACE
- RUNOFF IS DIRECTED AWAY FROM BUILDING FOUNDATIONS
- RUNOFF IS DISPERSED THROUGHOUT THE SITE, OR DIRECTED TO TWO OR MORE INFILTRATION BMP'S
- WHEN NOT DISPERSED THROUGHOUT THE SITE, SWALES, DRY CREEKS OR PIPING SYSTEMS WITH A MINIMUM PIPE DIAMETER OF 3" SHALL BE USED TO CONVEY RUNOFF TO AN APPROVED INFILTRATION BMP

- RAIN GARDENS ARE DESIGNED IN ACCORDANCE WITH THE BAY AREA STORMWATER MANAGEMENT AGENCIES ASSOCIATION (BASMAA) PUBLICATION RAIN GARDENS, STORMWATER CONTROL FOR SMALL PROJECTS
- INFILTRATION TRENCHES MUST HAVE A SEDIMENT CAPTURE FACILITY (SEDIMENT TRAP, VEGETATED SWALE) AHEAD OF THE TRENCH
- INFILTRATION TRENCHES SHALL BE A MINIMUM OF 24 INCHES WIDE, 4' LONG AND 3 TO 5 FEET DEEP AND SHALL BE DESIGNED IN ACCORDANCE WITH ATTACHMENT 2. = TYPICAL INFILTRATION TRENCH DESIGN
- TRENCH AGGREGATE SHALL HAVE A MINIMUM VOID VOLUME OF 30%
- THE LONGITUDINAL SLOPE OF THE TRENCH SHALL NOT EXCEED 3%
- DRAINAGE AND INFILTRATION FEATURES SHALL BE LOCATED AT LEAST 6 FEET AWAY FROM NEIGHBORING PROPERTIES AND THE TOP OF STEEP SLOPES; AND 3 FEET AWAY FROM ANY PUBLIC STREET RIGHT-OF-WAY.
- OVERFLOW MUST BE DIRECTED AWAY FROM NEIGHBORING PROPERTIES. OVERFLOW TO THE STREET REQUIRES AN ENCROACHMENT PERMIT APPROVED BY THE PUBLIC WORKS DIRECTOR

SANTA RITA STREET



1 PROPOSED DRAINAGE PLAN
SCALE: 1/4" = 1'-0"

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ARCHITECT



HOBBS RESIDENCE
SANTA RITA STREET 3 NE OF 1ST AVE,
CARMEL-BY-THE-SEA CALIFORNIA 93921

PROPOSED
DRAINAGE PLAN

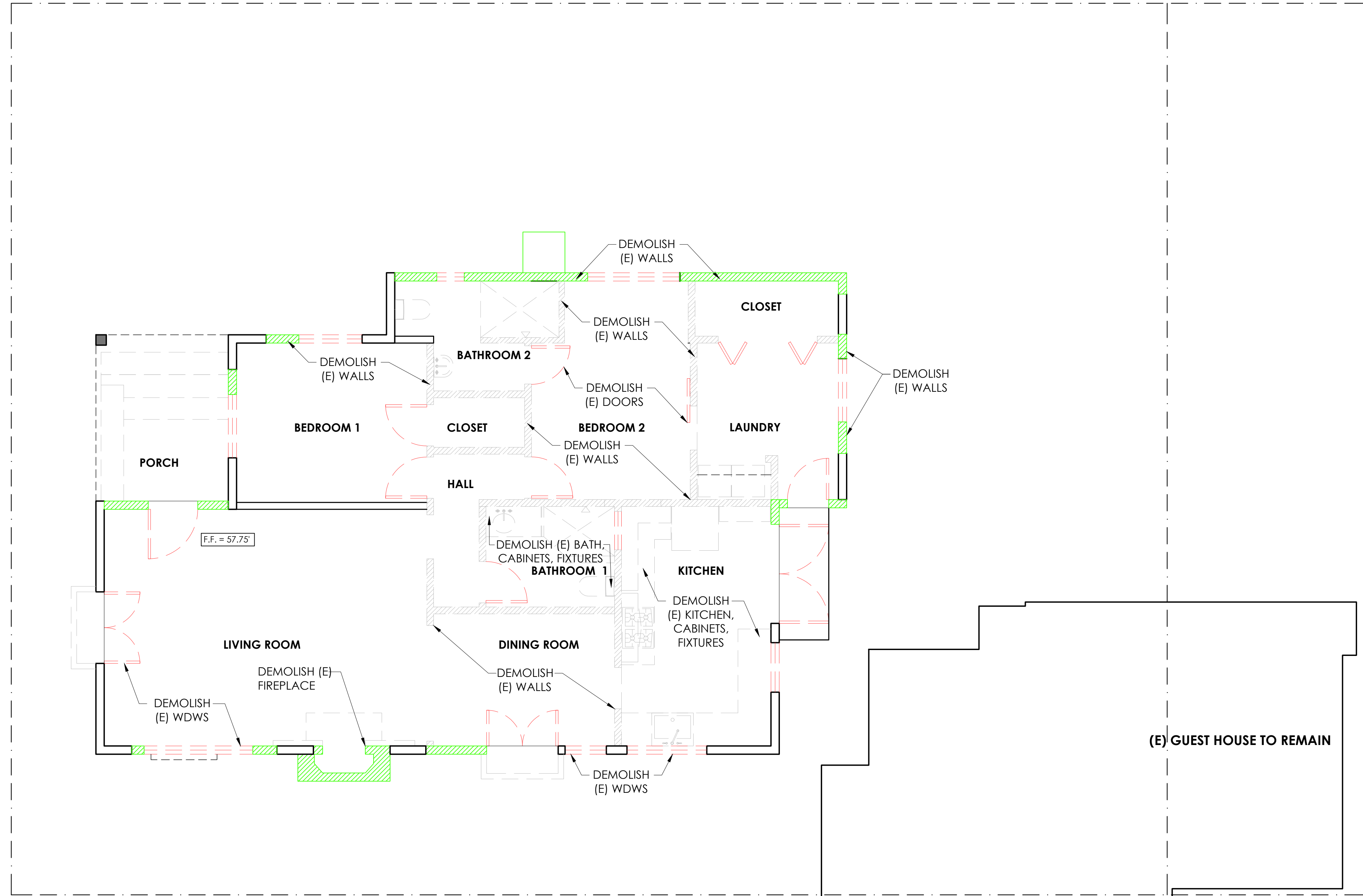
5/1/2025

1/4" = 1'-0"

A5

PROPERTY LINE 60.0'

Attachment 3



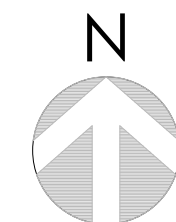
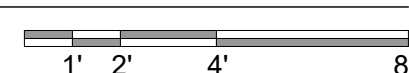
(E) GUEST HOUSE TO REMAIN

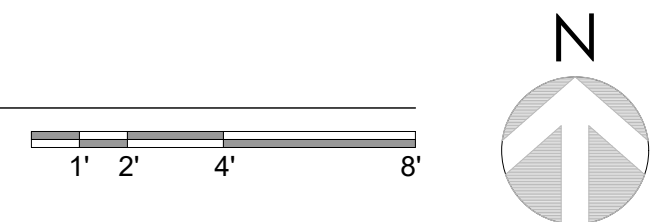
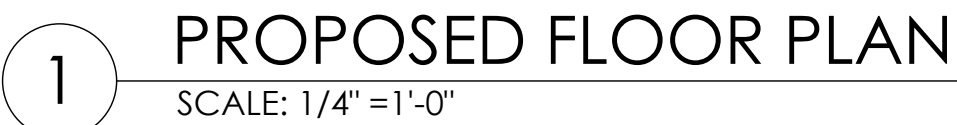
EXTERIOR WALLS DEMOLITION:
EXISTING WALLS: 149'-3"
DEMOLITION WALLS: 67'-8"
% DEMO: 45.33%

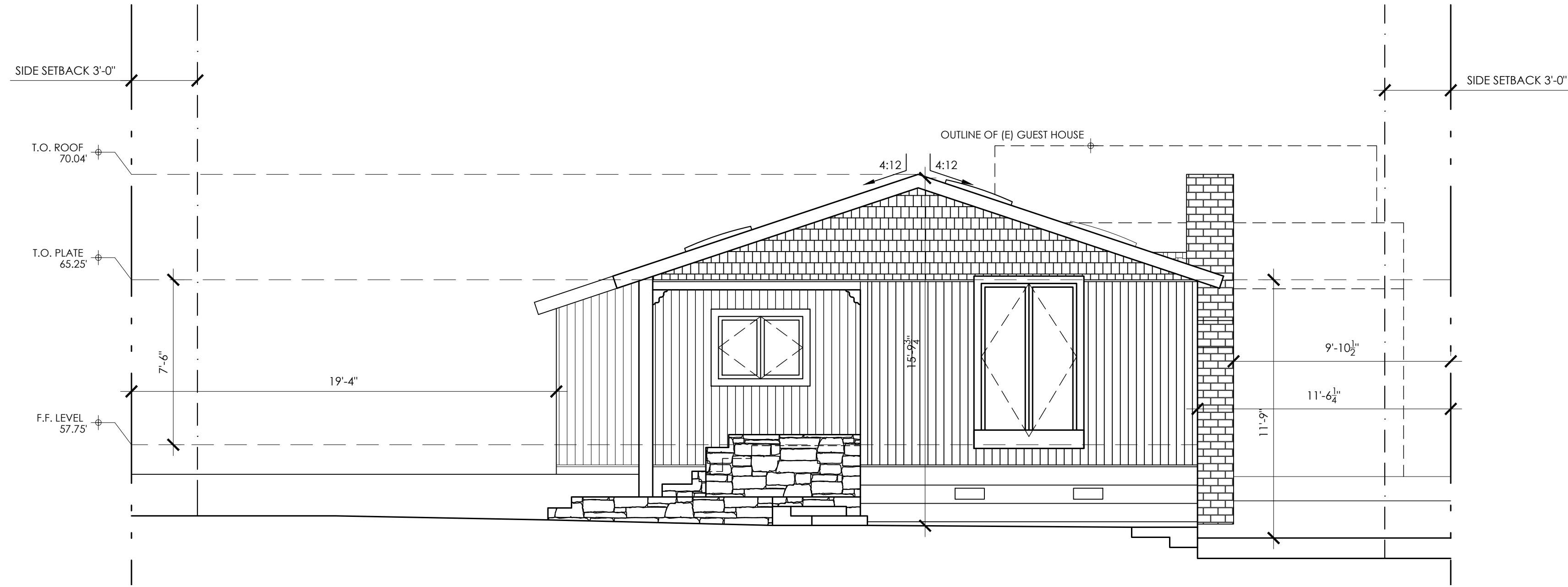
DEMOLITION LEGEND:
■ WALL TO REMAIN
■ EXTERIOR WALL TO BE DEMOLISHED
■ INTERIOR WALL TO BE DEMOLISHED
■ WINDOW TO BE REMOVED

DEMOLITION NOTES:
1. ALL EXISTING ROOFS TO BE DEMOLISHED.
2. ALL EXISTING SKYLIGHTS TO BE DEMOLISHED.
3. EXISTING KITCHEN FINISHED FLOOR TO BE RAISED TO ALIGN WITH REST OF THE HOUSE.
4. EXISTING HUEST HOUSE TO REMAIN

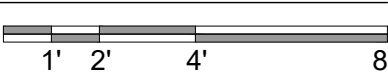
1 DEMOLITION PLAN
SCALE: 1/4" = 1'-0"



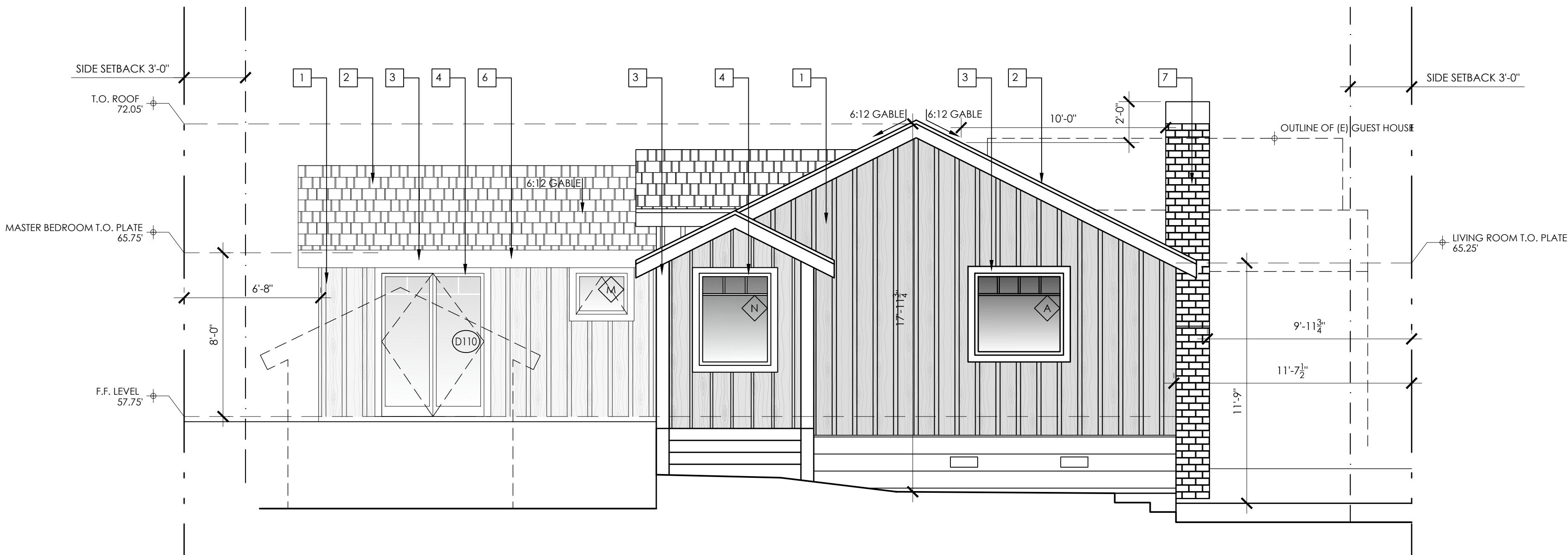




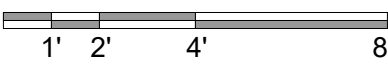
1 EXISTING WEST (FRONT) ELEVATION
SCALE: 1/4" = 1'-0"



Attachment 3



2 PROPOSED WEST (FRONT) ELEVATION
SCALE: 1/4" = 1'-0"



KEYNOTES

1	WALL: WOOD, BOARD AND BATTEN. 2 1/2" EVERY 12". COLOR: SW7064, PASSIVE.
2	ROOF: COMPOSITE SLATE TILE, 'BRAVA', 22"x12" COLOR: ONYX
3	WINDOW TRIM AND FASCIA: WOOD, PAINTED. COLOR: SNOWBOUND SW7004.
4	DOOR AND WINDOWS: ALUMINUM CLAD WOOD. COLOR: SIERRA PACIFIC, DIVIDED LITES, FRENCH LINEN 112.
5	DECK RAILING: WOOD COLOR: PAINTED TO MATCH WINDOW TRIM.
6	GUTTERS AND DOWNSPOUTS: ALUMINUM. COLOR: PAINTED TO MATCH WINDOW TRIM.
7	CHIMNEY BRICK: SBI MATERIALS, 2.75" H. x 8.19" L. CULTURED STONE - HANDMADE BRICK, TITANIUM.
8	OUTDOOR LIGHT FIXTURE: NATE 9 OUTDOOR WALL COLOR: BRONZE.

ADAM JESELNICK
ARCHITECT



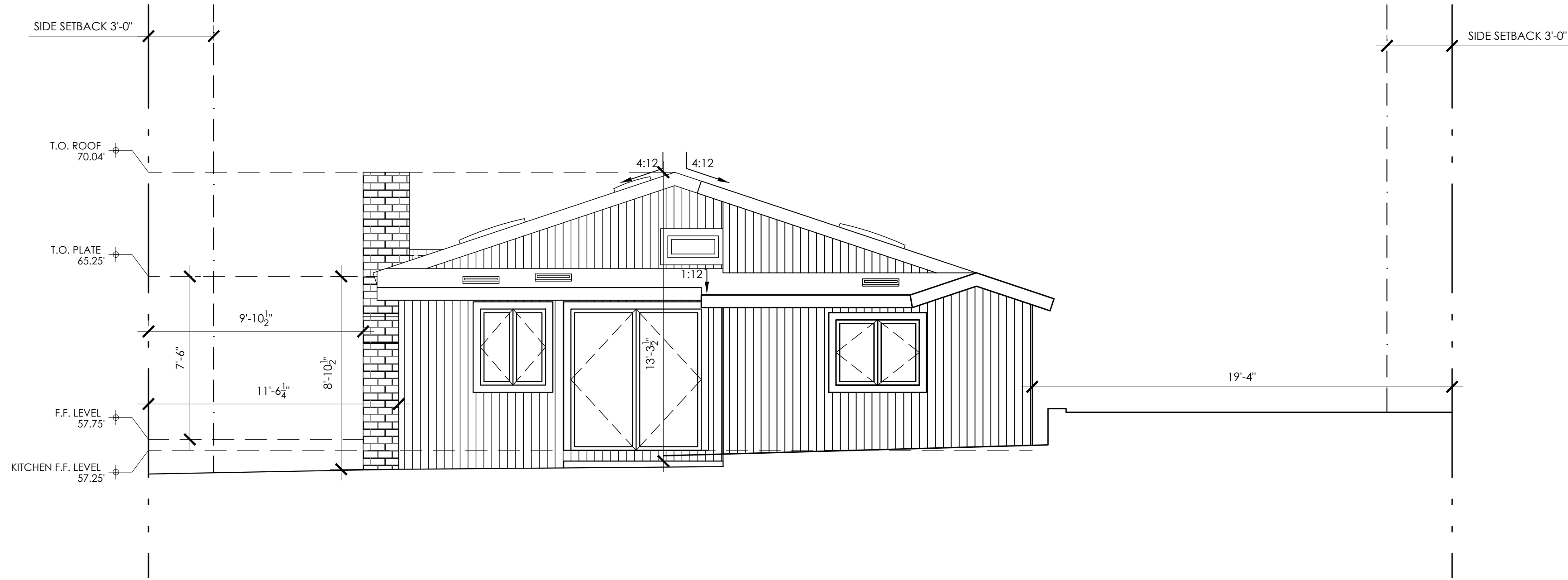
HOBBS RESIDENCE
SANTA RITA STREET 3 NE OF 1ST AVE,
CARMEL-BY-THE-SEA CALIFORNIA 93921

WEST ELEVATIONS

5/1/2025

1/4" = 1'-0"

A12



1 EXISTING EAST (REAR) ELEVATION
SCALE: 1/4" = 1'-0"

Attachment 3



2 PROPOSED EAST (REAR) ELEVATION
SCALE: 1/4" = 1'-0"

KEYNOTES

1	WALL: WOOD, BOARD AND BATTEN. 2 1/2" EVERY 12". COLOR: SW7064, PASSIVE.
2	ROOF: COMPOSITE SLATE TILE, BRAVA, 22"x12" COLOR: ONYX
3	WINDOW TRIM AND FASCIA: WOOD, PAINTED. COLOR: SNOWBOUND SW7004.
4	DOOR AND WINDOWS: ALUMINUM CLAD WOOD. COLOR: SIERRA PACIFIC, DIVIDED LITES, FRENCH LINEN 112.
5	DECK RAILING: WOOD COLOR: PAINTED TO MATCH WINDOW TRIM.
6	GUTTERS AND DOWNSPOUTS: ALUMINUM. COLOR: PAINTED TO MATCH WINDOW TRIM.
7	CHIMNEY BRICK: SBI MATERIALS, 2.75" H. x 8.19" L. CULTURED STONE - HANDMADE BRICK, TITANIUM.
8	OUTDOOR LIGHT FIXTURE: NATE 9 OUTDOOR WALL COLOR: BRONZE.

ADAM JESELNICK
ARCHITECT



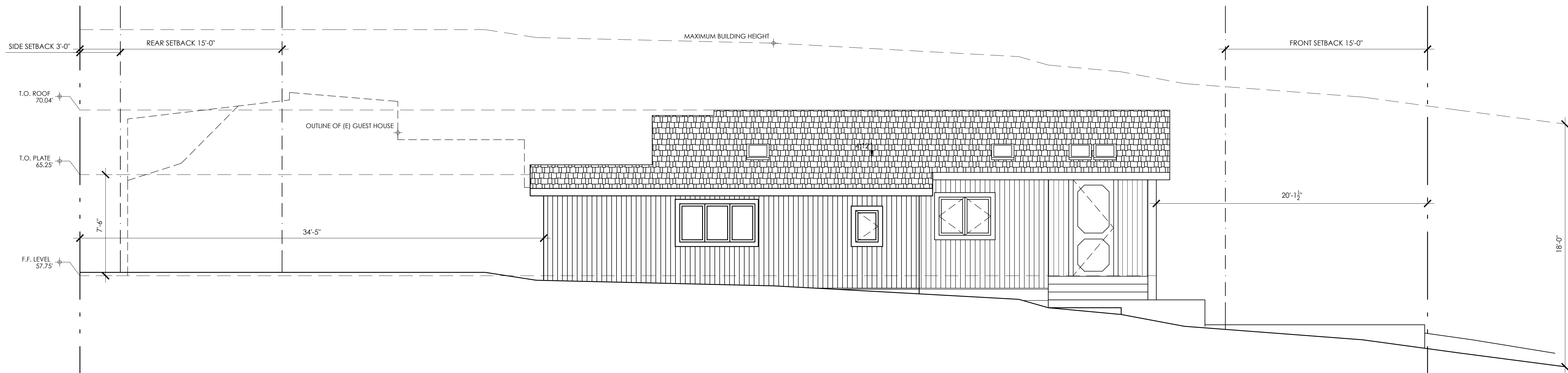
HOBBS RESIDENCE
SANTA RITA STREET 3 NE OF 1ST AVE,
CARMEL-BY-THE-SEA CALIFORNIA 93921

EAST ELEVATIONS

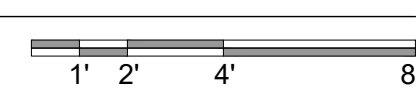
5/1/2025

1/4" = 1'-0"

A10

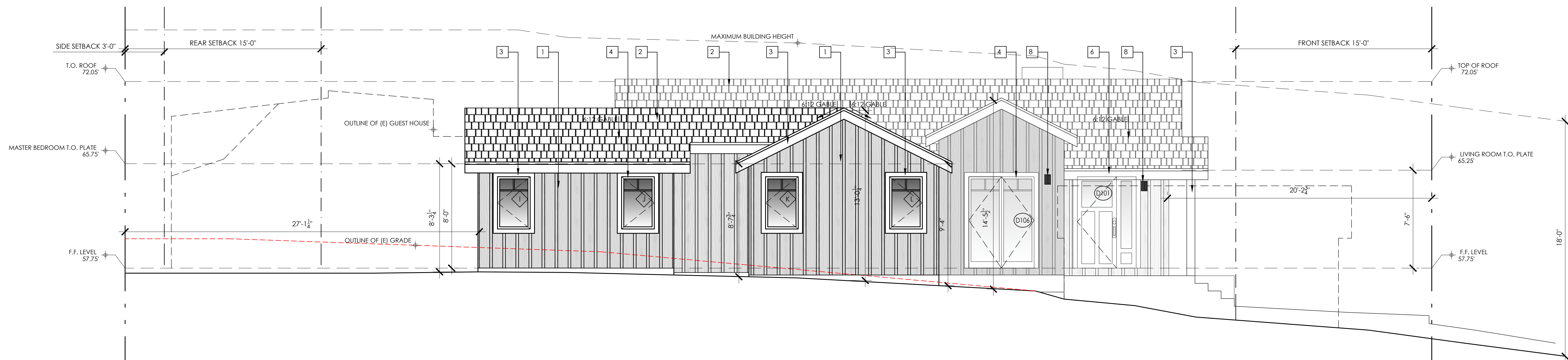


1 EXISTING NORTH (SIDE) ELEVATION
SCALE: 1/4" = 1'-0"

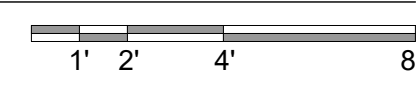


KEYNOTES

1	WALL: WOOD, BOARD AND BATTEN. 2 1/2" EVERY 12". COLOR: SW7064, PASSIVE.
2	ROOF: COMPOSITE SLATE TILE, BRAVA, 22"x12" COLOR: ONYX
3	WINDOW TRIM AND FASCIA: WOOD, PAINTED. COLOR: SNOWBOUND SW7004.
4	DOOR AND WINDOWS: ALUMINUM CLAD WOOD. COLOR: SIERRA PACIFIC, DIVIDED LITES, FRENCH LINEN 112.
5	DECK RAILING: WOOD COLOR: PAINTED TO MATCH WINDOW TRIM.
6	GUTTERS AND DOWNSPOUTS: ALUMINUM. COLOR: PAINTED TO MATCH WINDOW TRIM.
7	CHIMNEY BRICK: SBI MATERIALS, 2.75" H. x 8.19" L. CULTURED STONE - HANDMADE BRICK, TITANIUM.
8	OUTDOOR LIGHT FIXTURE: NATE 9 OUTDOOR WALL COLOR: BRONZE.



2 PROPOSED NORTH (SIDE) ELEVATION
SCALE: 1/4" = 1'-0"



Attachment 3

ADAM JESELNICK
ARCHITECT



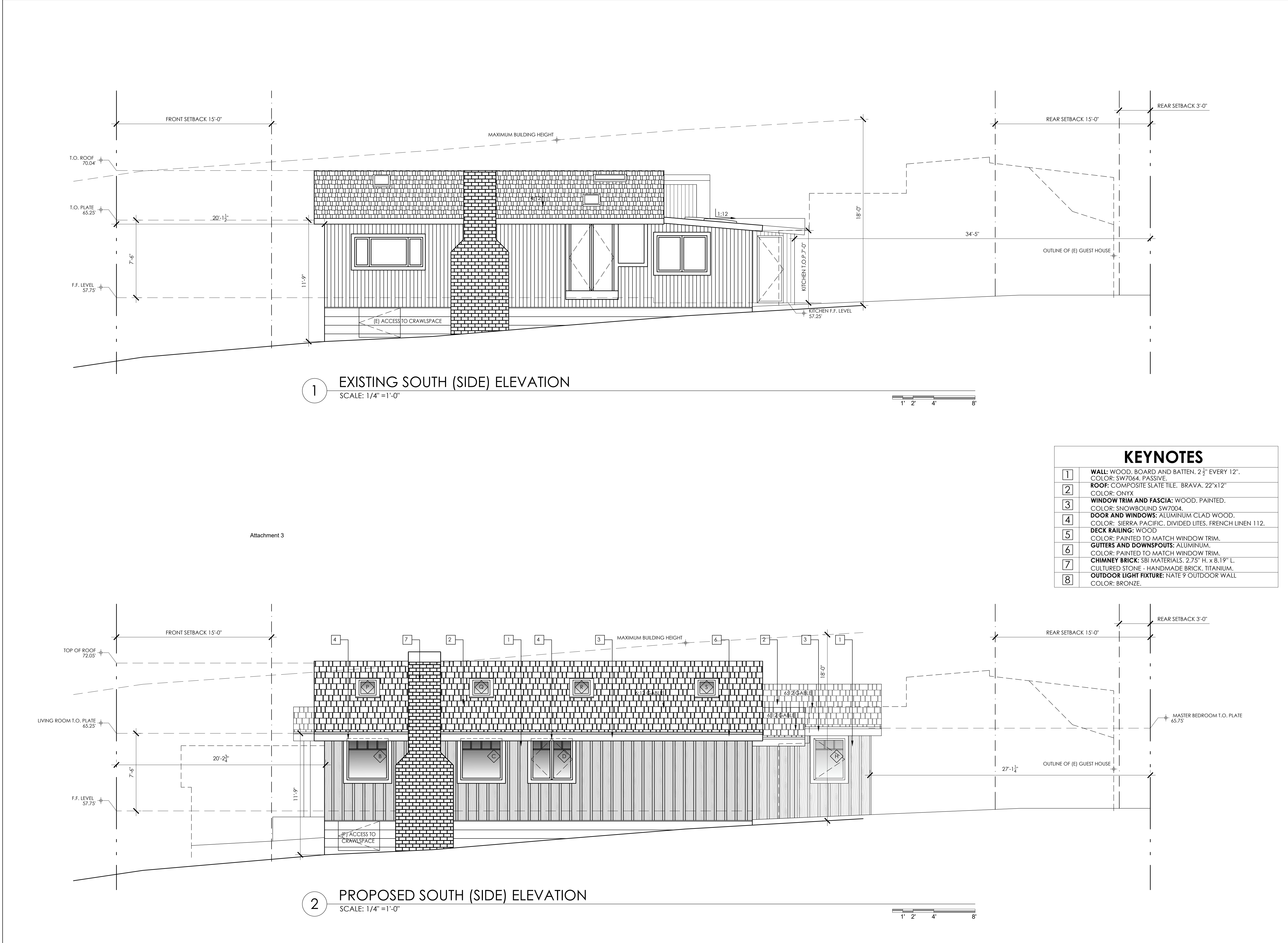
HOBBS RESIDENCE
SANTA RITA STREET 3 NE OF 1ST AVE,
CARMEL-BY-THE-SEA CALIFORNIA 93921

NORTH ELEVATIONS

5/1/2025

1/4" = 1'-0"

A11



ADAM JESELNICK
ARCHITECT

LICENSED ARCHITECT
ADAM JESELNICK
No. C33090
Renew 3/31/27
STATE OF CALIFORNIA

HOBBS RESIDENCE

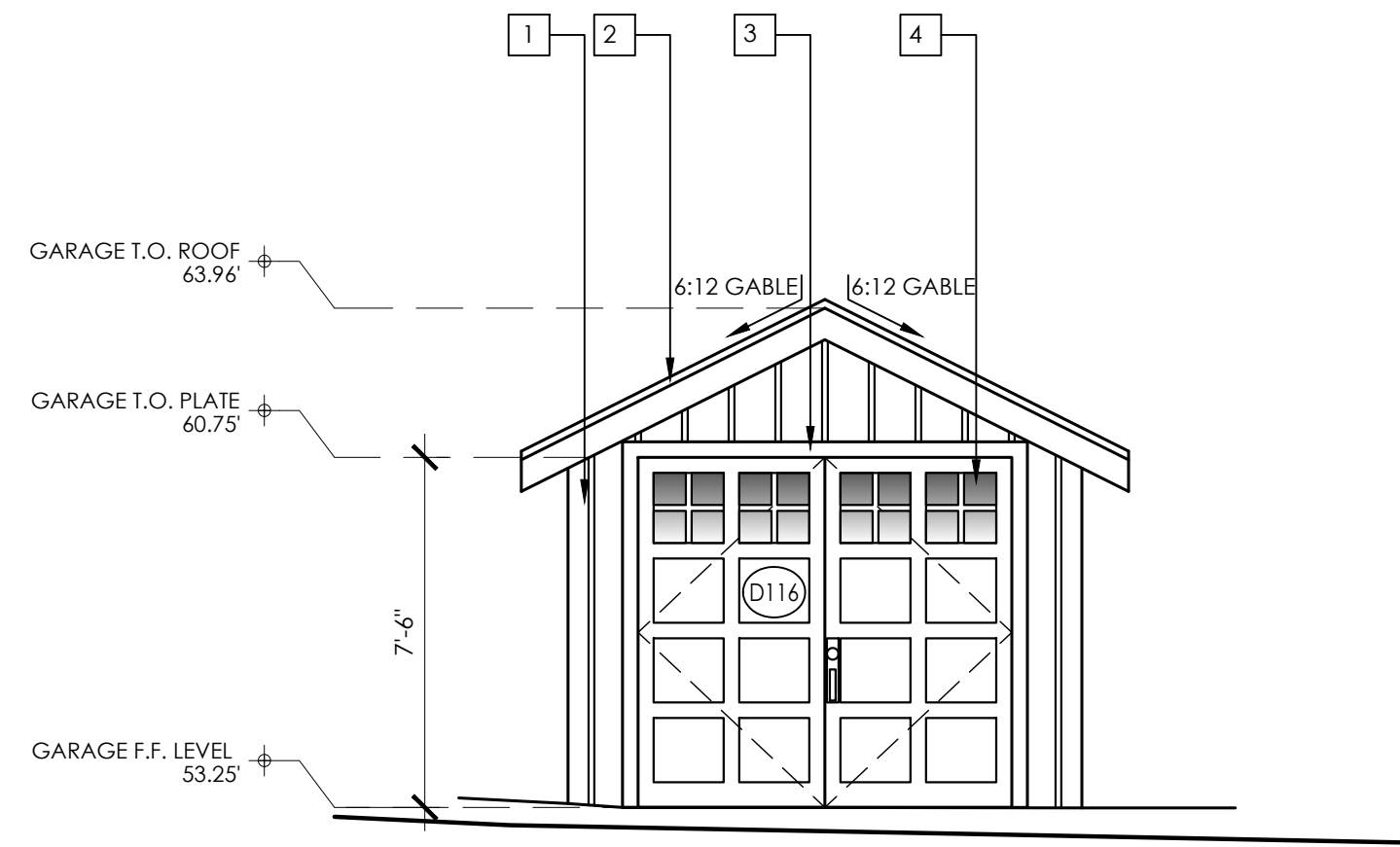
SANTA RITA STREET 3 NE OF 1ST AVE,
CARMEL-BY-THE-SEA CALIFORNIA 93921

NORTH ELEVATIONS

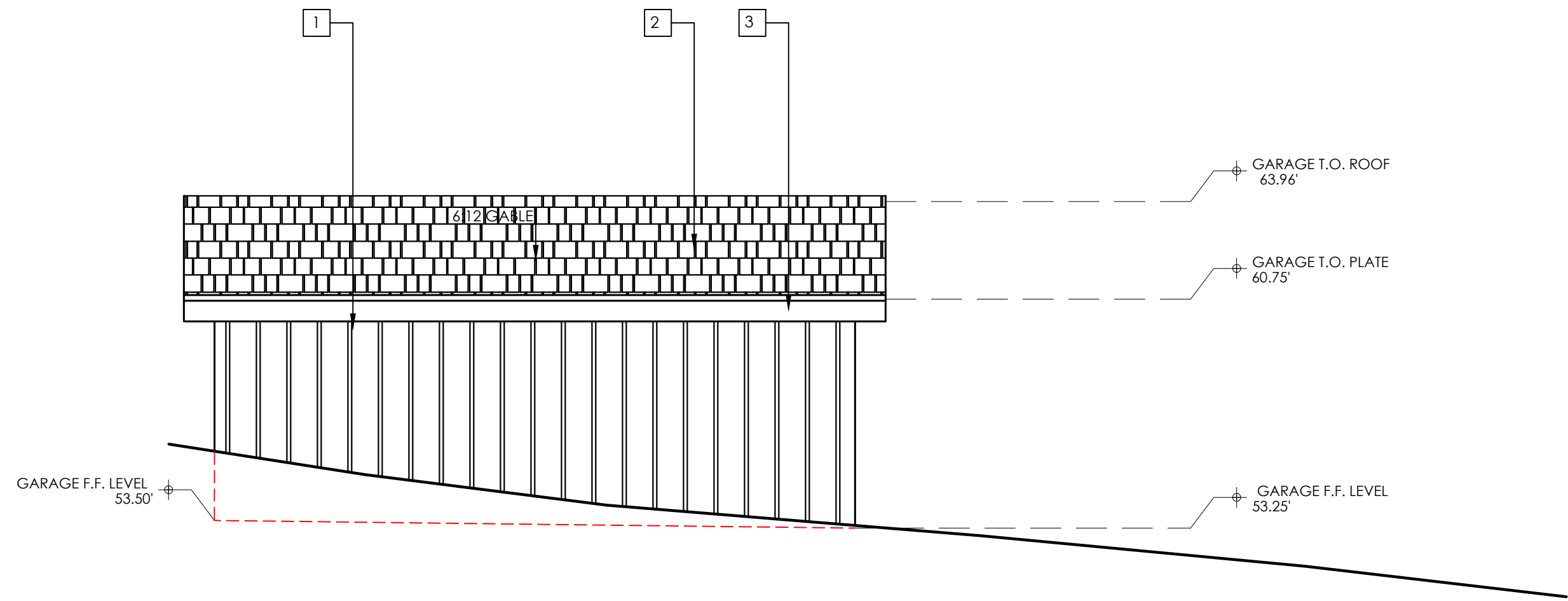
5/1/2025

1/4" = 1'-0"

A12

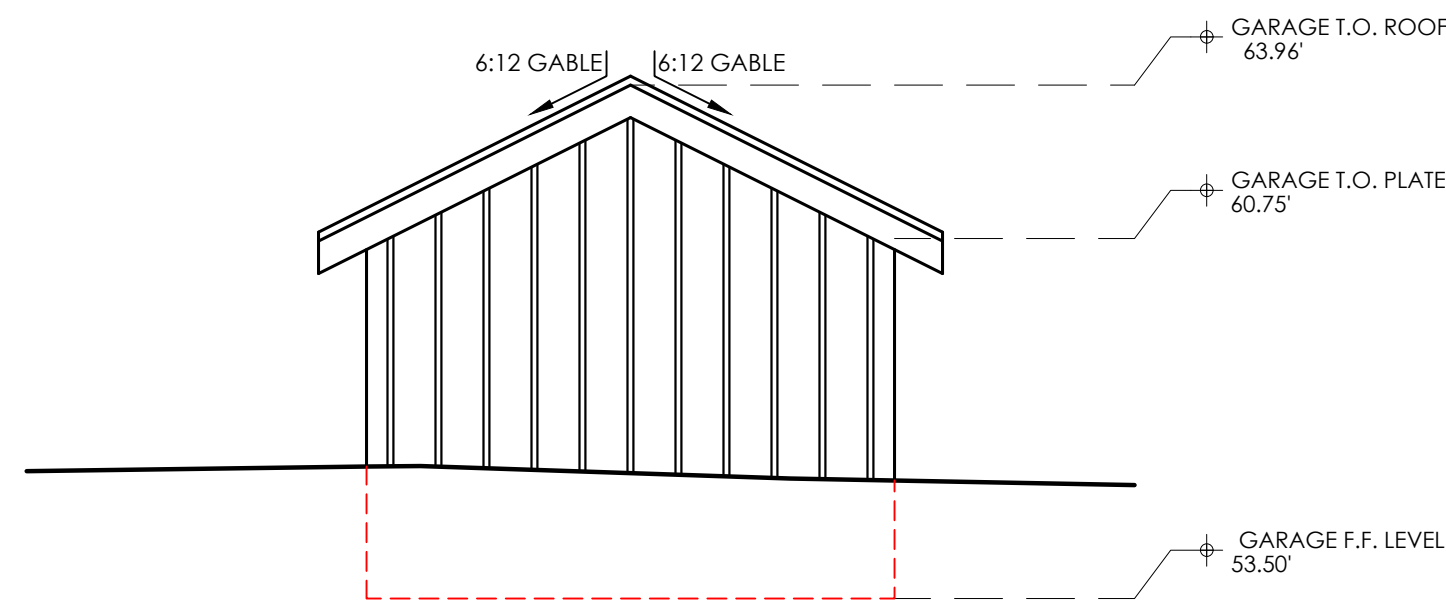


1 PROPOSED GARAGE - WEST (FRONT) ELEVATION
SCALE: 1/4" = 1'-0"

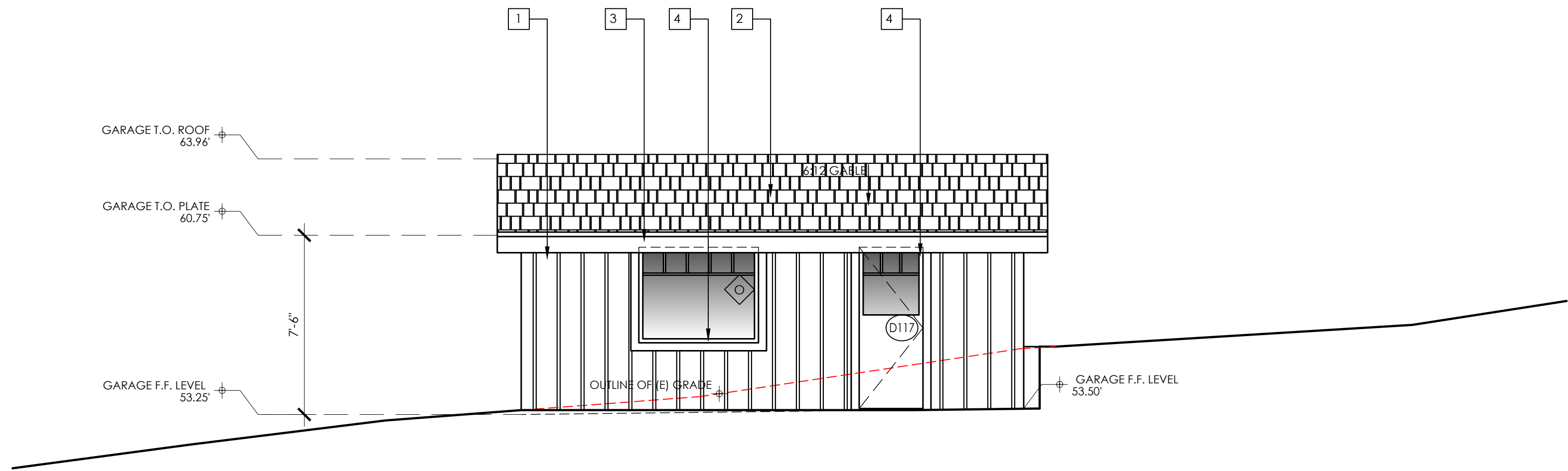


2 PROPOSED GARAGE - NORTH (SIDE) ELEVATION
SCALE: 1/4" = 1'-0"

Attachment 3



3 PROPOSED GARAGE - EAST (BACK) ELEVATION
SCALE: 1/4" = 1'-0"



4 PROPOSED GARAGE - SOUTH (SIDE) ELEVATION
SCALE: 1/4" = 1'-0"

ADAM JESELNICK
ARCHITECT



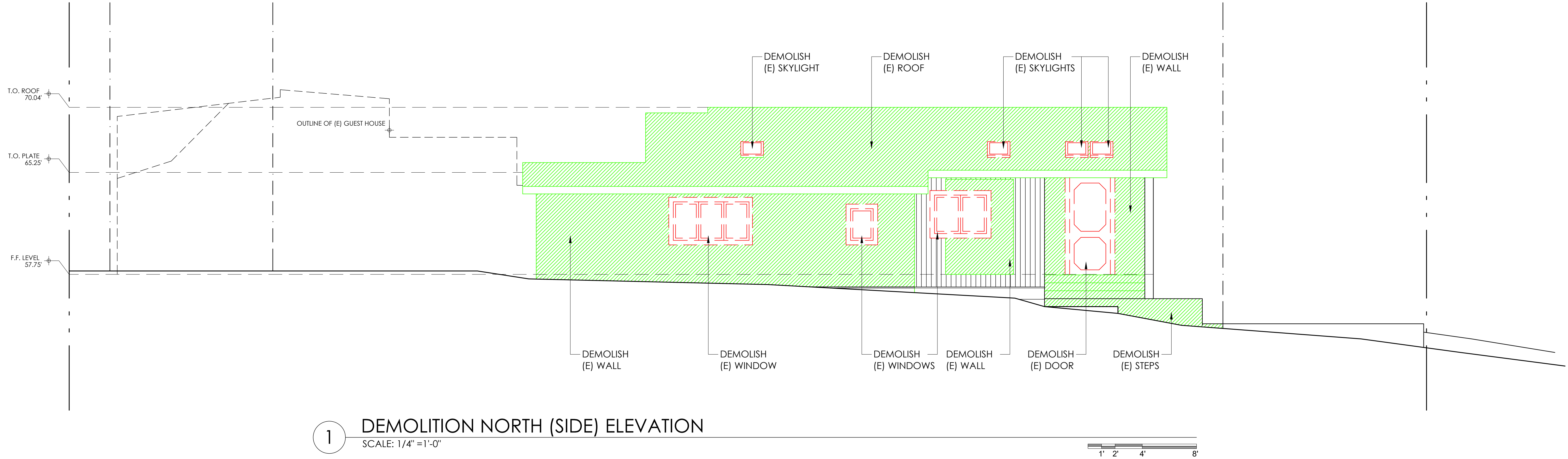
HOBBS RESIDENCE
SANTA RITA STREET 3 NE OF 1ST AVE,
CARMEL-BY-THE-SEA CALIFORNIA 93921

PROPOSED
GARAGE
ELEVATIONS

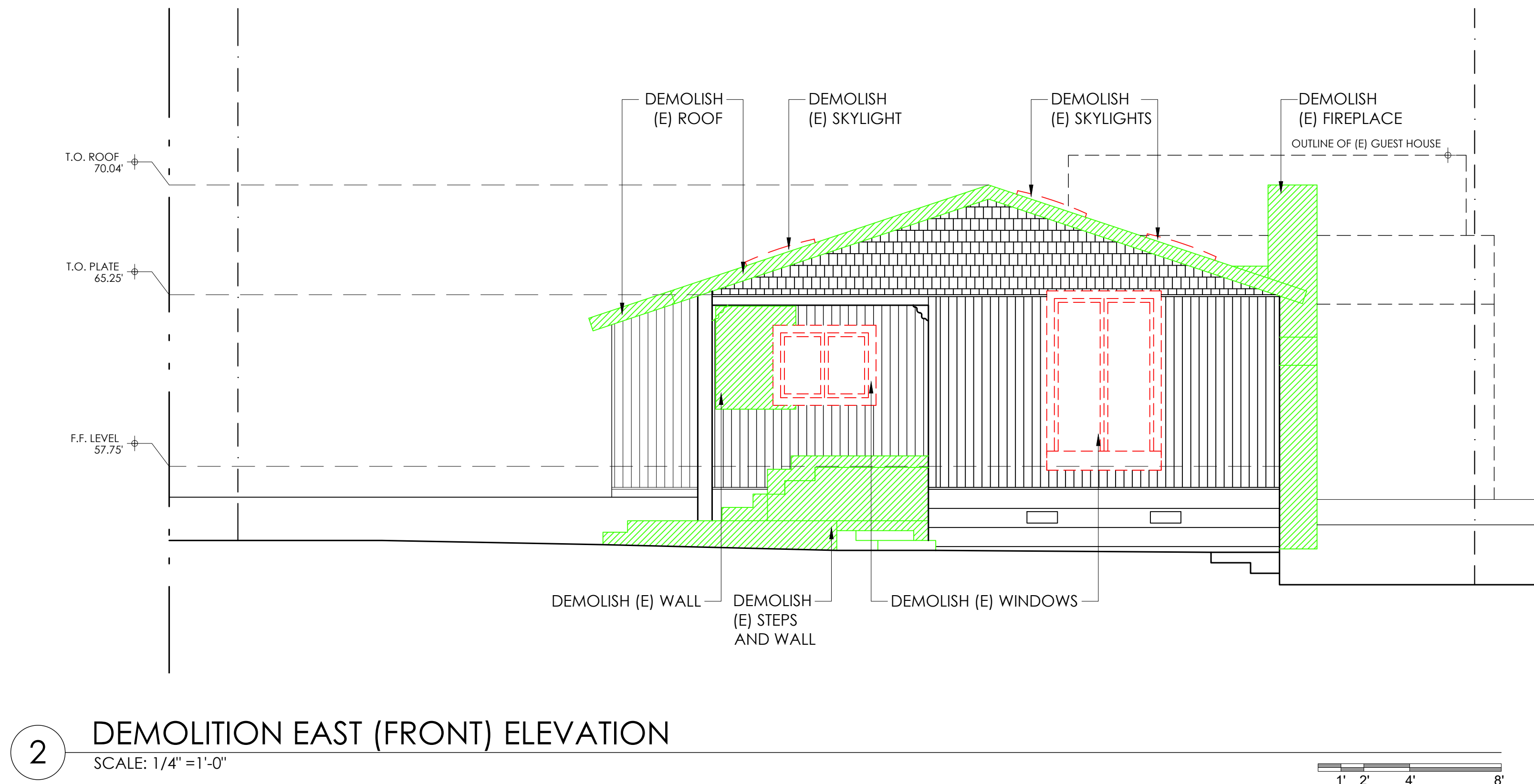
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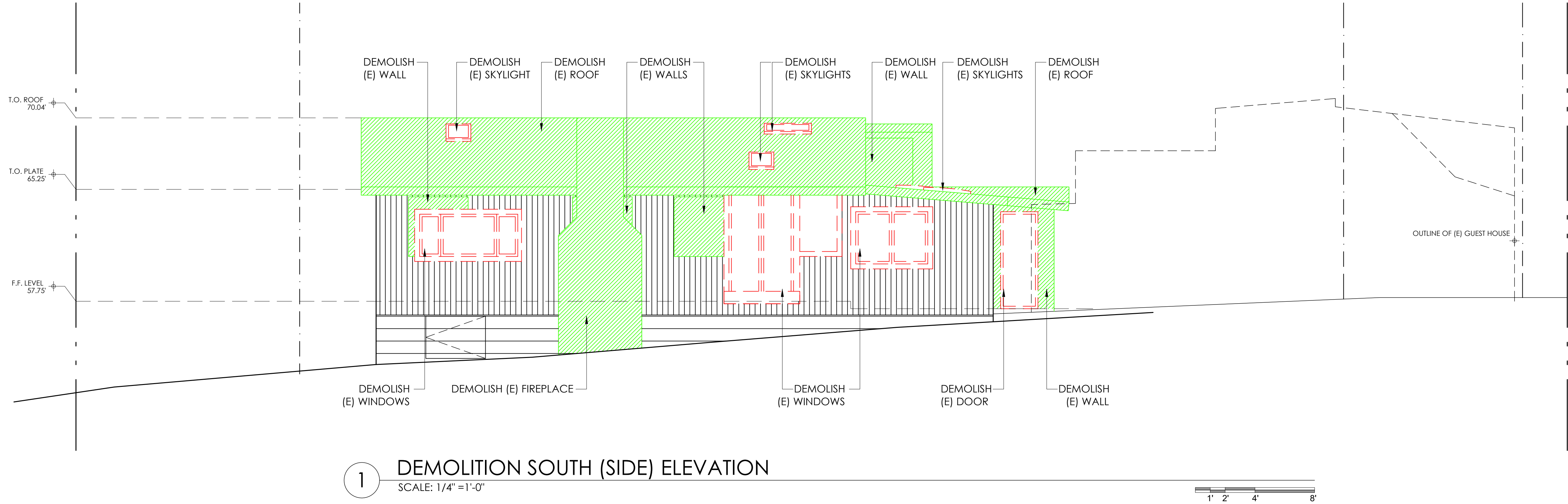
1/4" = 1'-0"

A13

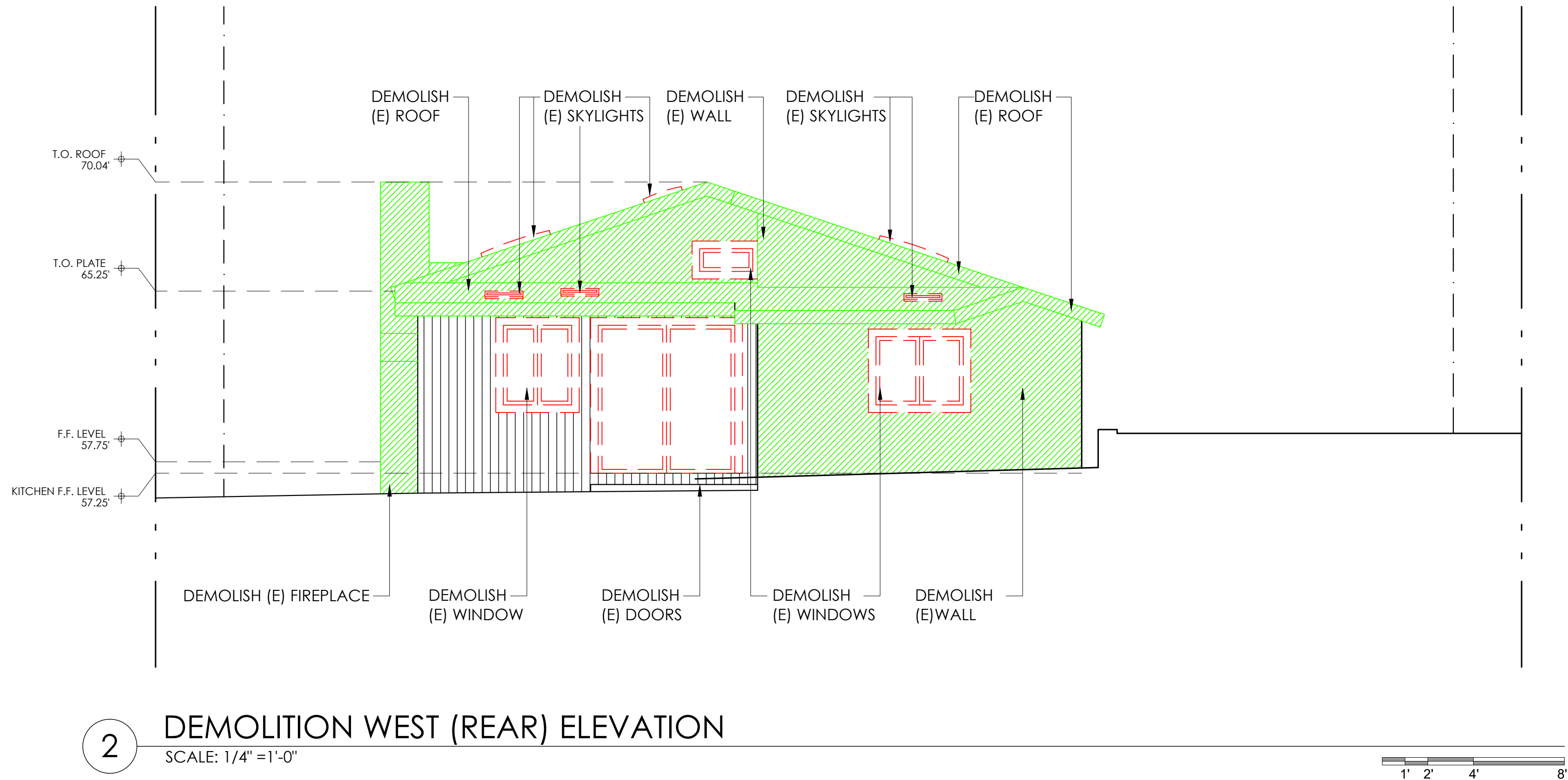


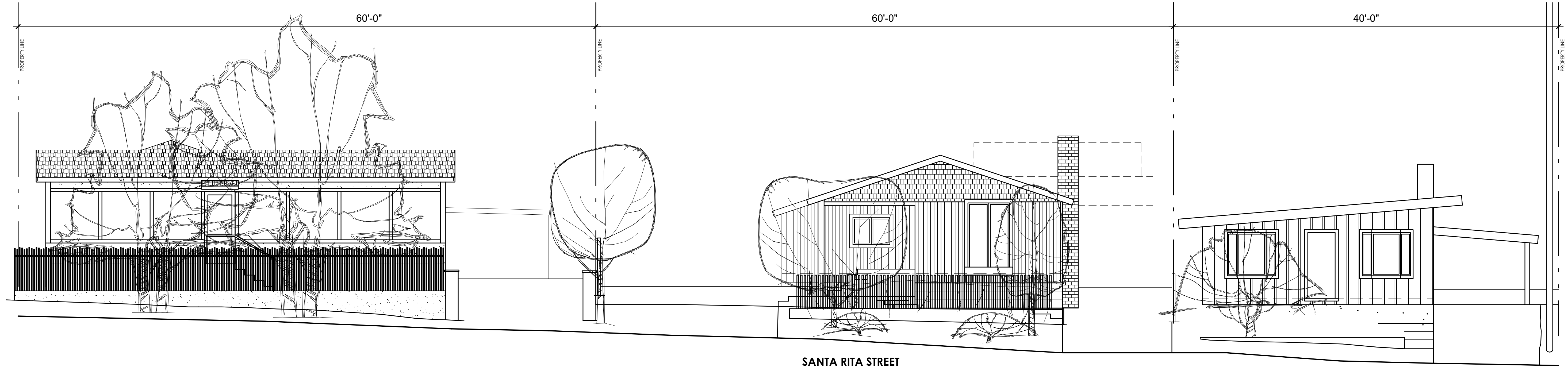
Attachment 3





Attachment 3





1 EXISTING STREETScape ELEVATION
SCALE: 3/16" = 1'-0"



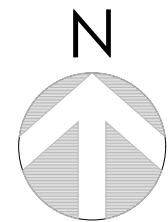
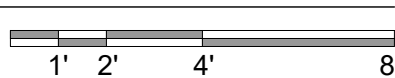
2 PROPOSED STREETScape ELEVATION
SCALE: 3/16" = 1'-0"

PROPERTY LINE 60.0'

Attachment 3



1 EXISTING ROOF PLAN
SCALE: 1/4" = 1'-0"



- NOTES:
1. ALL EXISTING ROOFS TO BE DEMOLISHED.
 2. ALL EXISTING SKYLIGHTS TO BE DEMOLISHED.

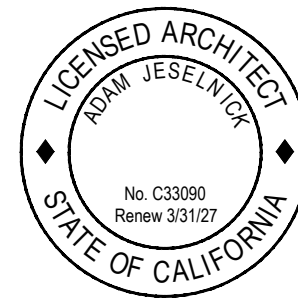
EXISTING ROOF
PLAN

5/1/2025

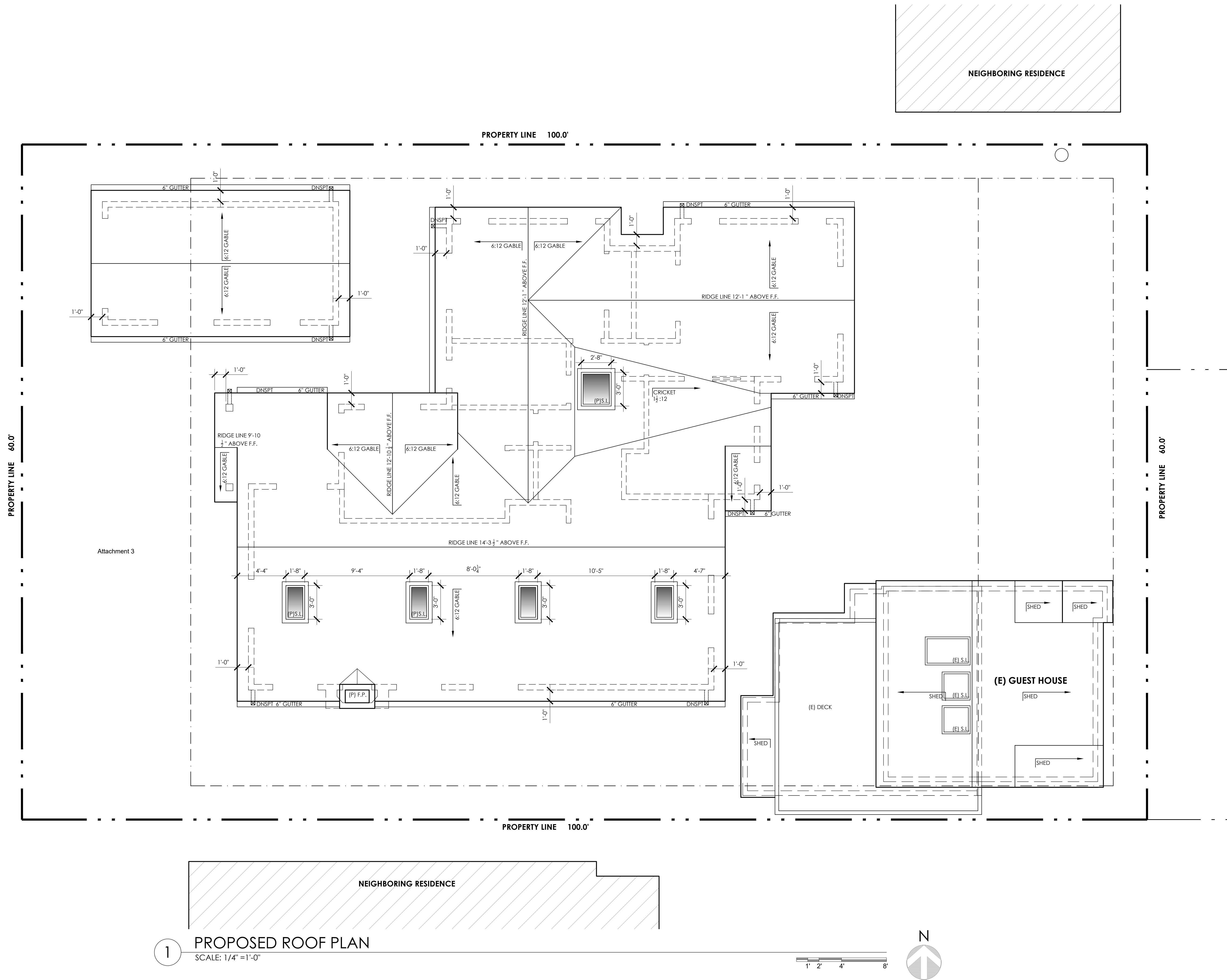
1/4" = 1'-0"

A17

HOBBS RESIDENCE
SANTA RITA STREET 3 NE OF 1ST AVE,
CARMEL-BY-THE-SEA CALIFORNIA 93921



ADAM JESELNICK
ARCHITECT



HOBBS RESIDENCE DOOR SCHEDULE						
			DOOR TYPE	THICKNESS	HAND	H.W. TYPE
	UPPER LEVEL					
	101	3'-0" x 7'-0" + 1'-0" x 7'-0" SIDE LITE	1	2"	LH	ENTRY DOOR. WOOD.
	102	5'-0" x 7'-0" (DOUBLE; 2'-6" W.EACH)	5	2"	LHRH	EXTERIOR FRENCH DOORS. ALUMINUM CLAD WOOD
	103	4'-4" X 7'-0" (DOUBLE; 2'-2" EACH)	6	1 3/4"	LHRH	FOLDING DOORS. ALUMINUM CLAD WOOD
	104	2'-6" X 7'-0"	6	1 3/4"	RH	EXTERIOR FRENCH DOORS. ALUMINUM CLAD WOOD
	105	4'-4" X 7'-0" (DOUBLE; 2'-2" EACH)	6	1 3/4"	LHRH	INTERIOR WOOD DOOR
	106	5'-0" x 7'-0" (DOUBLE; 2'-6" W.EACH)	5	2"	LHRH	POCKET DOOR
	107	2'-6" X 7'-0"	6	1 3/4"	LH	INTERIOR WOOD DOOR
	108	2'-6" X 7'-0"	6	1 3/4"	RH	CLOSET WOOD DOORS
	109	5'-0" x 7'-0" (DOUBLE; 2'-6" W.EACH)	6	1 3/4"	LHRH	INTERIOR WOOD DOOR
	110	5'-0" x 7'-0" (DOUBLE; 2'-6" W.EACH)	5	2"	LHRH	POCKET DOOR
	111	2'-8" X 7'-0"	6	1 3/4"	RH	POCKET DOOR
	112	5'-0" x 7'-0" (DOUBLE; 2'-6" W.EACH)	6	1 3/4"	LHRH	POCKET DOOR
	113	6'-0" x 7'-6" (DOUBLE; 3'-0" W.EACH)	5	2"	LHRH	POCKET DOOR
	114	2'-6" X 7'-0"	7	1 3/4"	LHRH	CLOSET WOOD DOORS
	115	3'-0" X 7'-0"	8	1 3/4"	LHRH	CLOSET WOOD DOORS
	116	8'-0" X 7'-6"	10	2"	LHRH	CLOSET WOOD DOORS
	117	2'-8" X 6'-9"	1	2"	LHRH	CLOSET WOOD DOORS
	DOOR TYPE LEGEND					
	HARDWARE TYPE LEGEND					
	TYPE 1	ENTRY DOOR, HALF LITE, WOOD				TYPE 1: --.
	TYPE 2	ENTRY DOOR, DUTCH DOOR 1/2 LITE WOOD				
	TYPE 3	EXTERIOR FOLDING DOORS. ALUMINUM CLAD WOOD.				TYPE 2: --.
	TYPE 4	FRENCH DOORS. FULL LITE GLASS W / SIDE LITES. ALUMINUM CLAD WOOD.				TYPE 3: --.
	TYPE 5	FRENCH DOORS. FULL LITE GLASS. ALUMINUM CLAD WOOD.				
	TYPE 6	INTERIOR HINGED MDF DOOR, PRIMED				
	TYPE 7	POCKET DOOR, MDF, PRIMED				
	TYPE 8	GLASS INTERIOR DOOR				
	TYPE 9	INTERIOR BARN DOOR				
	TYPE 10	GARAGE DOOR				
	TYPE 11	INTERIOR SLIDING DOORS				
	TYPE 10	GARAGE DOOR				

1

PROPOSED WINDOW SCHEDULE

Attachment 3

HOBBS RESIDENCE - WINDOW SCHEDULE						
REVISION	TYPE / LETTER	SIZE [WIDTH x HEIGHT]	R.O.	MATERIAL	TYPE	NUMBERED NOTES / REMARKS
	UPPER LEVEL					
	A	4'-4" x 4'-0"		ALUMINUM CLAD WOOD	FIXED	
	B	4'-0" x 4'-0"		ALUMINUM CLAD WOOD	FIXED	
	C	4'-0" x 4'-0"		ALUMINUM CLAD WOOD	FIXED	
	D	4'-0" x 4'-0" [2 PANELS]		ALUMINUM CLAD WOOD	CSMT	
	E	3'-0" x 4'-0"		ALUMINUM CLAD WOOD	CSMT	
	F	2'-0" x 2'-6"		ALUMINUM CLAD WOOD	CSMT	
	G	2'-0" x 2'-6"		ALUMINUM CLAD WOOD	CSMT	
	H	3'-0" x 4'-0"		ALUMINUM CLAD WOOD	CSMT	
	I	2'-6" x 4'-0"		ALUMINUM CLAD WOOD	CSMT	
	J	2'-6" x 4'-0"		ALUMINUM CLAD WOOD	CSMT	
	K	2'-6" x 4'-0"		ALUMINUM CLAD WOOD	CSMT	
	L	2'-6" x 4'-0"		ALUMINUM CLAD WOOD	CSMT	
	M	2'-6" x 2'-0"		ALUMINUM CLAD WOOD	AWNING	
	N	3'-6" x 4'-6"		ALUMINUM CLAD WOOD	FIXED	
	O	5'-0" x 4'-0"		ALUMINUM CLAD WOOD	FIXED	
	P	1'-8" x 3'-0"		ALUMINUM CLAD WOOD	FIXED	SKYLIGHT
	Q	1'-8" x 3'-0"		ALUMINUM CLAD WOOD	FIXED	SKYLIGHT
	R	1'-8" x 3'-0"		ALUMINUM CLAD WOOD	FIXED	SKYLIGHT
	S	1'-8" x 3'-0"		ALUMINUM CLAD WOOD	FIXED	SKYLIGHT
	T	3'-0" x 2'-8"		ALUMINUM CLAD WOOD	FIXED	SKYLIGHT

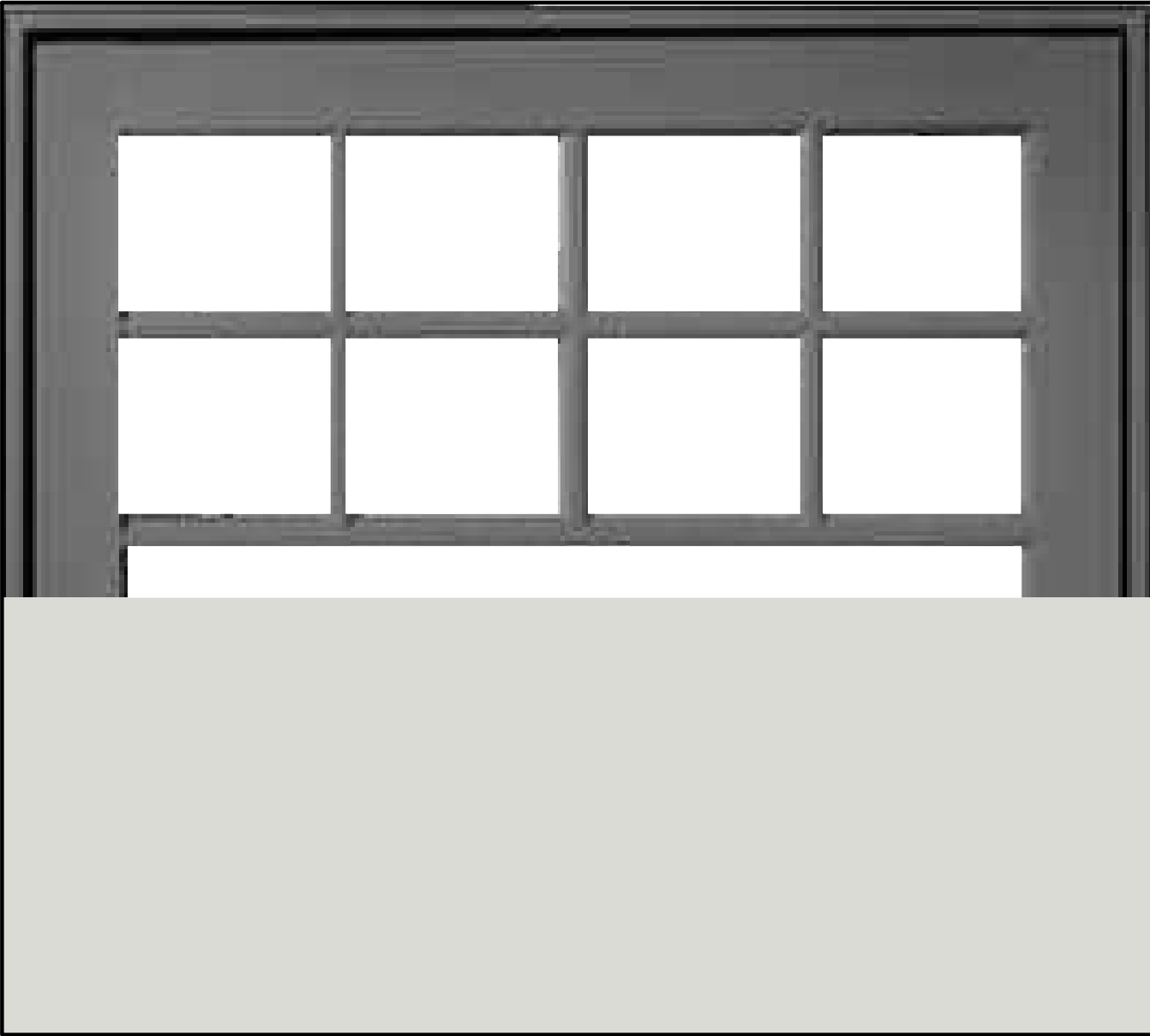
2

PROPOSED DOOR SCHEDULE



1 WALL

WOOD. BOARD AND BATTEN. 2 1/2" EVERY 12".
COLOR: SW7064. PASSIVE.



4 DOORS AND WINDOWS

WOOD. SIERRA PACIFIC. DIVIDED LITES.
COLOR: FRENCH LINEN 112.



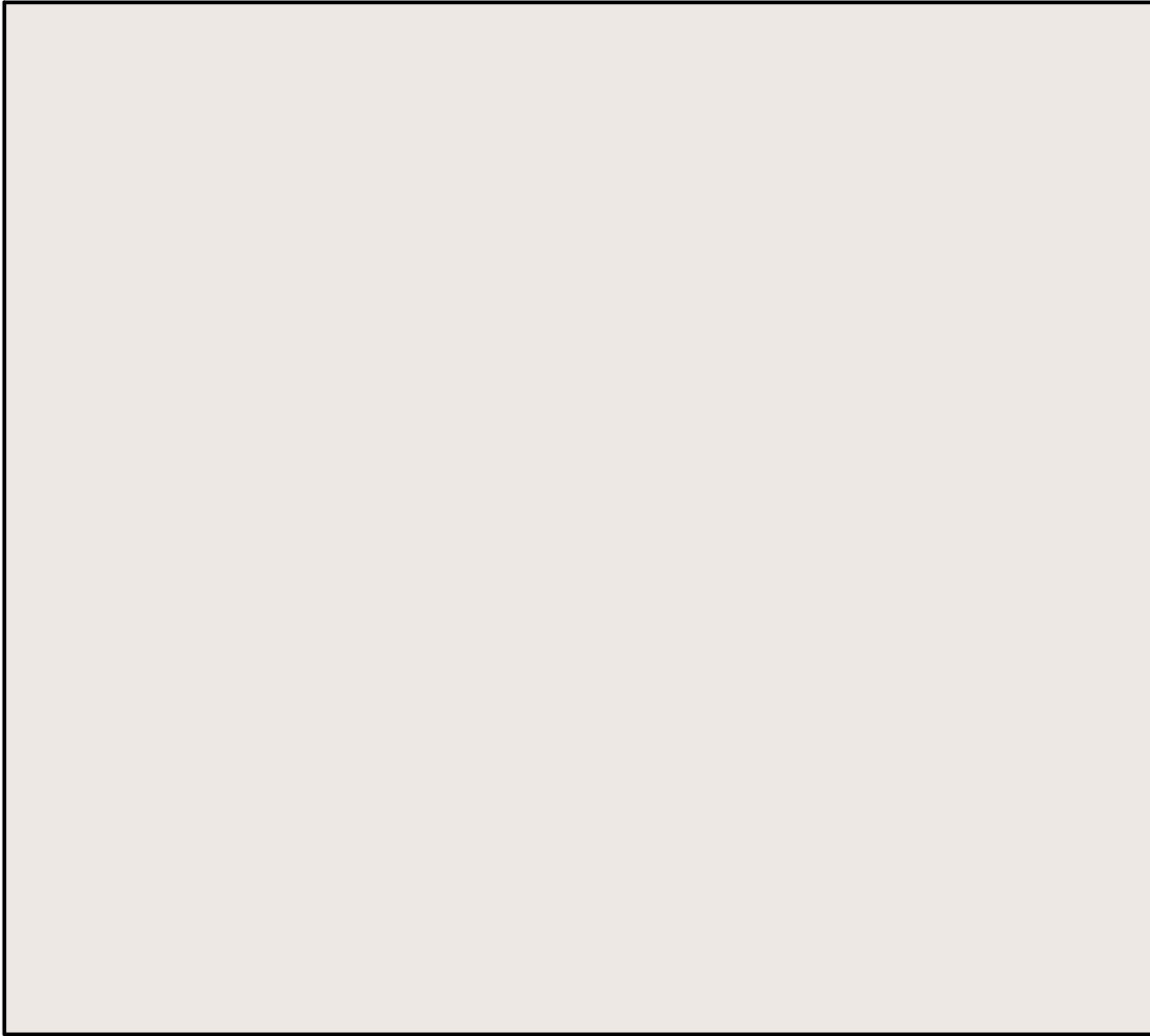
2 ROOF

COMPOSITE SLATE TILE. BRAVA. 22"x12"
COLOR: ONYX



7 CHIMNEY BRICK

SBI MATERIALS. 2.75"H. x 8.19" L.
HANDMADE BRICK. TITANIUM.



3 WOOD TRIM

WOOD. PAINTED.
COLOR: SW7004. SNOWBOUND.



8 OUTDOOR LIGHT FIXTURE

NATE 9 OUTDOOR WALL.
COLOR: BRONZE.

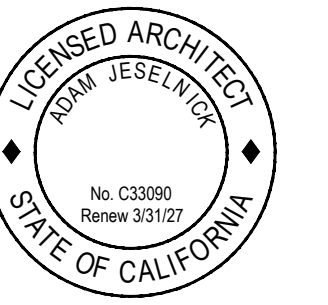


1 PROPOSED FRONT VIEW FROM THE NORTH
N.T.S.



2 PROPOSED FRONT VIEW FROM THE SOUTH
N.T.S.

ADAM JESELNICK
ARCHITECT



HOBBS RESIDENCE
SANTA RITA STREET 3 NE OF 1ST AVE,
CARMEL-BY-THE-SEA CALIFORNIA 93921

PROPOSED
RENDERINGS

5/1/2025

N.T.S.

A21

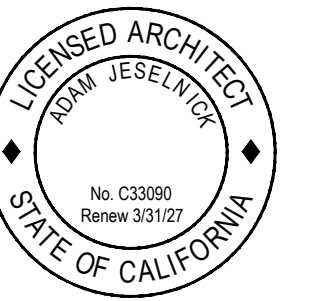


1 PROPOSED REAR VIEW FROM THE NORTH
N.T.S.



2 PROPOSED REAR VIEW FROM THE SOUTH
N.T.S.

ADAM JESELNICK
ARCHITECT



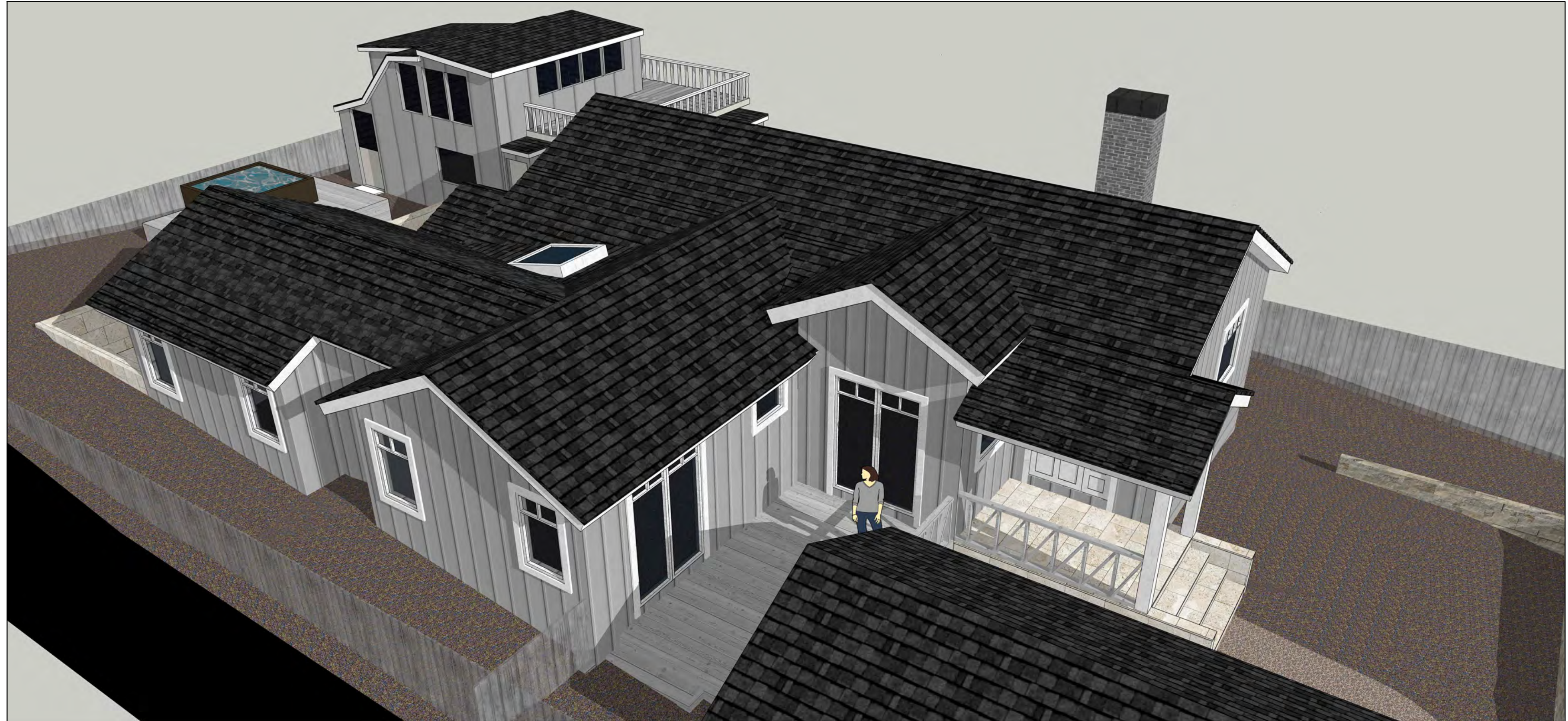
HOBBS RESIDENCE
SANTA RITA STREET 3 NE OF 1ST AVE,
CARMEL-BY-THE-SEA CALIFORNIA 93921

PROPOSED
RENDERINGS

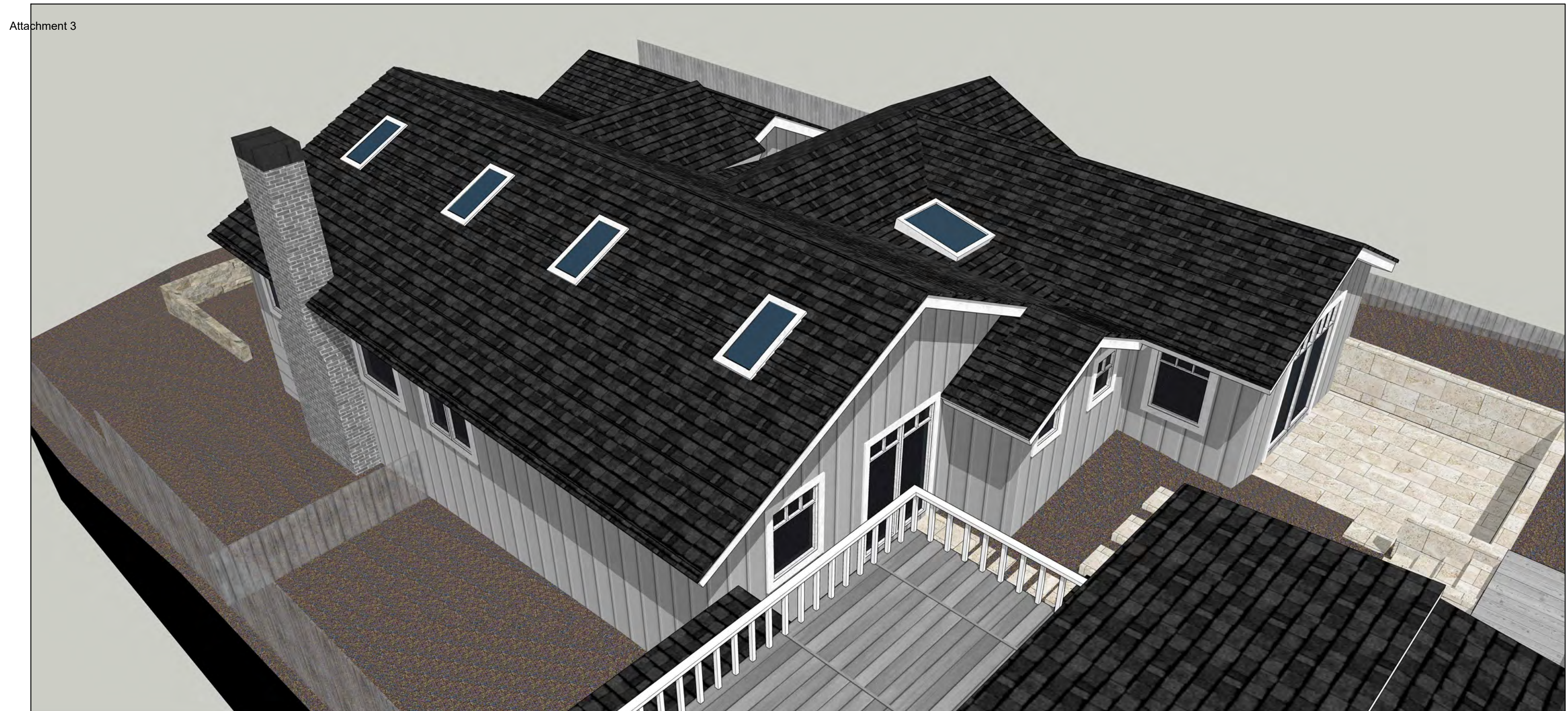
5/1/2025

N.T.S.

A22



1 PROPOSED BIRD VIEW FROM THE NORTH
N.T.S.



2 PROPOSED BIRD VIEW FROM THE SOUTH
N.T.S.



CITY OF CARMEL-BY-THE-SEA PLANNING COMMISSION Staff Report

July 9, 2025
PUBLIC HEARINGS

TO: Chair LePage and Planning Commissioners

SUBMITTED BY: Evan Kort, Senior Planner

APPROVED BY: Anna Ginette, AICP, Community Planning and Building Director

SUBJECT: **DS 25126 (Chroman):** Consideration of a Track 1 Design Study referral for the installation of a new 3-foot-tall wall and driveway gate in the front setback, as well as the removal of an existing retaining wall, and installation of a new wall system exceeding height limits located at Mission Street 2 NW of 2nd Avenue in the Single-Family Residential (R-1) District, Park (P) Overlay, and Archaeological Significance (AS) Overlay District. APN: 010-121-015

Proposed CEQA Action: Find the project categorically exempt from environmental review pursuant to CEQA Guidelines Section 15301 and that none of the exceptions to the exemptions in Section 15300.2 can be made.

Application: DS 25126 (Chroman)

APN: APN: 010-121-015

Block: 11

Lot: 15 & 17

Location: Mission Street 2 NW of 2nd Avenue

Applicant: Scott Hall, Landscape Architect

Property Owner: CHROMAN JORDAN S & HEATHER A

Executive Summary:

The applicant is seeking approval for the construction of a new 3-foot stone wall and driveway gate within the front setback, and the replacement of an existing failing retaining wall with a new engineered retaining wall at a height requiring Planning Commission approval.

Recommendation:

Staff recommends the Planning Commission adopt a Resolution (Attachment 1):

1. Finding the project qualifies as a categorical exemption pursuant to CEQA Guidelines Section 15301 and that none of the exceptions to the exemptions in Section 15300.2 can be made; and

2. Approving a Track 1 Design Study referral for the installation of a new 3-foot-tall wall and driveway gate in the front setback, as well as the removal of an existing retaining wall, and installation of a new wall system exceeding height limits located at Mission Street 2 NW of 2nd Avenue in the Single-Family Residential (R-1) District, Park (P) Overlay, and Archaeological Significance (AS) Overlay District. APN: 010-121-015

Background and Project Description:

The subject property is located on the west side of Mission Street, 2 northwest of 2nd Avenue, in the R-1 District, Park (P) Overlay, and Archaeological Significance (AS) Overlay District. The site is developed with a two-story residence and accessory structure. The building site is 4,500 square feet in size and primarily level, with a significant slope at the northern edge of the developed building pad.

The project includes the demolition/removal of an existing approximately 6-foot-tall wood retaining wall north of the residence, and construction of a new retaining wall system approximately 75 feet in length and up to approximately 6.5-feet in height. A portion of the subject wall is proposed to be between 5 and 6 feet and located in the front setback. The new retaining wall is proposed to be a stucco finish to match the color and texture of the existing residence.

The applicant has also proposed the installation of a new 3-foot stone wall, driveway gate, and 7-foot archway near the front property line.

An archaeological resource management report, dated May 2025, was prepared by Dana E. Supernowicz, RPA, of Historic Resource Associates and submitted with the application. The report states that no prehistoric or historical archaeological resources were identified during the implementation of the subject study and no further archaeological study was recommended for this proposed project. Standard Condition of Approval #9 requiring the ceasing of work and reporting of cultural resources, if cultural resources are discovered, has been incorporated.

Staff Analysis:

Carmel-by-the-Sea Municipal Code (CMC) section 17.10.030.E.1 establishes height limits for fences and walls that may be approved through a Track 1 Design Review at the staff level. Approval of taller fences and walls require approval from the Planning Commission.

Pursuant to this section, retaining walls outside of the front setback are limited to 6-feet in order to qualify for Track 1 processing; the proposed wall is 6.5-feet tall. Retaining walls in the front setback are limited to 3 feet in order to qualify for Track 1 processing; the proposed wall is between 5-6 feet in this area.

While the proposed wall exceeds typical height limitations that may be permitted as part of a Track 1 approval, the Municipal Code allows for retaining walls in excess of these height limits when approved by the Planning Commission (CMC sections 17.10.030.E.1 & 17.10.030.E.4.c). A maximum height limit is not established in the zoning code.

The replaced and enlarged retaining walls are necessary for site stabilization. The applicant has provided both a structural engineering analysis (Attachment 2) and a geotechnical report (Attachment 3) demonstrating the need to replace the existing failed wall and install a new structural retaining system.

To facilitate construction of the new retaining wall, the existing landscaping is required to be removed above and around the existing retaining wall to accommodate access to personnel and small equipment. CMC section 17.20.090.D requires, "When any construction activity is proposed on a site in the park overlay

district, the site design shall include a landscaping plan in accordance with Chapter 17.34 CMC, Landscaping.” Condition of approval #20, has been included requiring submission of a landscaping plan for the re-establishment of landscaping in the area of the new retaining wall in accordance with the requirements of the P-overlay. The new and/or replaced landscaping should screen the majority of the reconstructed wall from public view, as illustrated in Figure 1, below.



Figure 1. Existing site walls with existing landscaping. Sept. 2024. Source: Google Maps.

The applicant has also proposed the installation of a new 3-foot stone wall, wood clad driveway gate over a metal frame structure, and 7-foot stone archway with pedestrian gate near the front property line.

According to the applicant, the pedestrian gate is proposed to be an open metal picket stainless steel painted gate to allow view into the garden, and the driveway gate is proposed to be a custom shop fabricated painted metal gate.

Neither the zoning code nor Residential Design Guidelines explicitly address driveway gates. These documents address “fences” and “gates” separately, however, they do not address “driveway gates” specifically. Community Planning and Building Department and Planning Commission practice has been to align driveway gates with fences in the application of height limits, and their treatment and application of the Residential Design Guidelines as a driveway gate functions as an extension of a fence, more than the pedestrian gate which is described in Residential Design Guidelines 11.6-11.7, “gates and arbors”. The Planning Commission has previously found that driveway gates are consistent with the Residential Design Guidelines when designed consistent with the requirements for fences in the front yard:

Fences and Walls along Street Frontages

RDG 11.1 Designing without a fence or wall along the street frontage(s) should be considered first.

- Blending on-site landscaping with landscaping in the right-of-way can make open spaces appear larger and improve the site's contribution to the urban forest.
- Where a sense of enclosure or privacy is desired shrubs, hedges or other vegetation are

encouraged instead of fence or wall structures.

RDG 11.2 Respect the neighborhood context when designing a fence or wall.

- Fences and walls should convey a simple, hand-crafted design.
- The use of grapestakes or wood pickets for fences is traditional in most neighborhoods.
- The use of river rock, Carmel stone, brick or plastered masonry for short walls is traditional in most neighborhoods. Ornate, "Victorian" wrought iron and chain link fences are inappropriate.

RDG 11.3 When designing a fence or wall along a street, preserve the open space resources of the immediate neighborhood.

- Continue the pattern of fences, walls and landscaping on other properties nearby and respect any existing patterns on nearby properties (height, materials, vegetation, visibility into the site).
- Keep a sense of openness into the site as seen from the street.
- Fences and walls along street frontages should be kept low and should not impede visibility for motorists at street intersections.
- Fences and gates should have open, transparent qualities, such as open pickets, that permit filtered views into the front garden.

With respect to pedestrian gates, the Residential Design Guidelines state:

When a fence or low wall is used at the street frontage, the entry is often marked by a gate or arbor. These features should be small and intimate in their proportions and should be an integral part of the overall landscape design. Gates should reflect a hand-crafted design. Fences, gates and arbors provide an opportunity to include unique details that provide interest along the street. Creative design approaches are encouraged if they are subtle and well integrated with the site.

Design Guideline 11.6 specifically states: *"The use of distinctive design details is encouraged. This provides an opportunity for individuality and craftsmanship; Gates should have open or transparent qualities that allow filtered views into the property."*

For both the driveway gate and the pedestrian gate within the stone arch, the commission should consider whether the painted metal is an appropriate material based on the Design Guidelines, or if an alternative material is more appropriate. The applicant is proposing to match, or construct a gate and arch substantially similar to, an existing gate and arch nearby (refer to Figure 3). This application was considered by the Design Review Board (DRB) in October 2005 for the consideration of the after-the-fact construction of the feature in which the DRB also was asked to consider the appropriateness of the materials. The staff report at the time recommended denial of stone arbor, the metal fencing, and the metal gate. [CLICK HERE](#) for staff report from October 2005 (refer to Pages 186-194). According to the October 26, 2005 meeting minutes project was continued to the November 11, 2005 hearing, however, according to the November meeting minutes, the item was not on that agenda. At the time of writing this report, staff has unable to determine if, or how, the item was ever resolved.

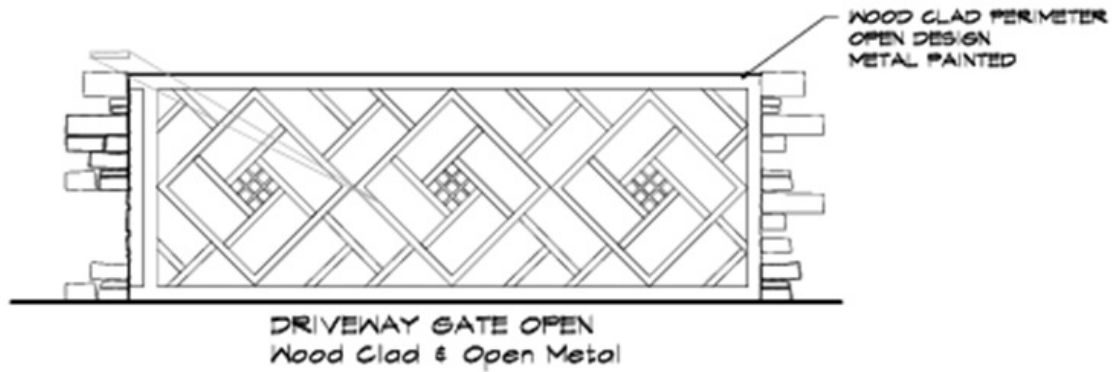


Figure 2. Proposed driveway gate.



Figure 3. Proposed example of arch and pedestrian gate.

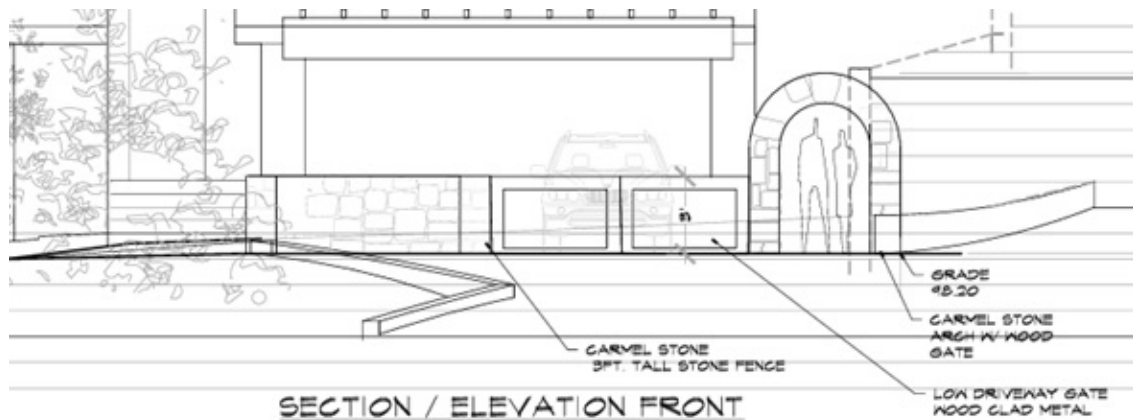


Figure 4. Proposed street front elevation.

The new retaining wall will be faced with stucco finish to match the color and texture of the existing

residence. With respect to walls, Residential Design Guidelines 11.5 states: *“Native stone is the preferred material to blend with the forest setting; A plain-textured plaster wall may be appropriate if kept low in scale and when consistent with the building architecture.”*

While stone is preferred, the applicant has proposed to match finish of the retaining wall to that of the residence, as also permitted by the Residential Design Guidelines, while having the new front wall be finished in stone.

As the primary issue at hand is the replacement of the retaining wall due to potential life safety issues, staff has prepared a resolution for approval. The potential design issues pertaining to the gates can be addressed through discussion and conditions of approval, if necessary, as appropriate.

Other Project Components:

Environmental Review: Staff recommends that the Planning Commission find the project categorically exempt from environmental review pursuant to section 15301 of the CEQA Guidelines and that none of the exceptions to the exemptions contained in section 15300.2 can be made in this case. The Class 1 exemption applies to projects involving the repair and maintenance of existing facilities. As demonstrated above, the project is limited to replacing an existing failing retaining wall an minor work within the front setback. The subject property is not located within an officially designated scenic highway or a hazardous waste site. The project does not include a substantial adverse change to a historical resource and there is no evidence that project implementation would result in a significant or cumulative impact. No unusual circumstances have been identified during review of the project.

Attachment 1 - Resolution

Attachment 2 - Engineer Letter

Attachment 3 - Geotechnical Report

Attachment 4 - Project Plans

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

PLANNING COMMISSION RESOLUTION NO. 2025-XX-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA FINDING THE PROJECT QUALIFIES FOR A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15301 AND NONE OF THE EXCEPTIONS TO THE EXEMPTIONS CONTAINED IN SECTION 15300.2 CAN BE MADE IN THIS CASE, AND APPROVING A TRACK 1 DESIGN STUDY REFERRAL FOR THE INSTALLATION OF A NEW 3-FOOT-TALL WALL AND DRIVEWAY GATE IN THE FRONT SETBACK, AS WELL AS THE REMOVAL OF AN EXISTING RETAINING WALL, AND INSTALLATION OF A NEW WALL SYSTEM EXCEEDING HEIGHT LIMITS LOCATED AT MISSION STREET 2 NW OF 2ND AVENUE IN THE SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT, PARK (P) OVERLAY, AND ARCHAEOLOGICAL SIGNIFICANCE (AS) OVERLAY DISTRICT. APN: 010-121-015

WHEREAS, on May 1, 2025, Scott Hall, (“Applicant”) submitted an application on behalf of Jordan and Heather Chroman (“Owner”) requesting approval of Track 1 Design Study application DS 25126 (Chroman) described herein as (“Application”); and

WHEREAS, the Application has been submitted for the property located on Mission Street 2 northwest of 2nd Avenue in the Single-Family Residential (R-1) District, Park (P) Overlay, and Archaeological Significance (AS) Overlay District; and

WHEREAS, the Applicant is proposing to the demolition/removal of an existing approximately 6-foot-tall wood retaining wall north of the residence, and construction of a new retaining wall system approximately 75 feet in length and up to approximately 6.5-feet in height including a portion of the to be between 5 and 6 feet and located in the front setback. The applicant has also proposed the installation of a new 3-foot stone wall and driveway gate, and 7-foot archway near the front property line; and

WHEREAS, the project has been referred to the Planning Commission in accordance with Carmel Municipal Code (CMC) sections 17.10.030.E.1 & 17.10.030.E.4.c as the retaining wall(s) exceed the heights which may be approved through an administrative review; and

WHEREAS, on June 27, 2025, a notice of the public hearing scheduled for July 9, 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 June 29, 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 July 9, 2025, the Planning Commission held a public hearing to receive public testimony regarding the Track 1 Design Study Referral, including without limitation, information provided to the Planning Commission by City staff and through public testimony on the conceptual design of the project; and

WHEREAS, this Resolution and its findings are made based upon evidence presented to the Commission at the hearing 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 Chapter 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 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**:

<u>FINDINGS REQUIRED FOR DESIGN REVIEW 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 17.58.060, Findings for Design Review Approval	YES	NO
<i>Before approving an application for design review in any district, the Director, Historic Preservation Board, or the Planning Commission shall find that the final design plans:</i>		
1. Conform to the applicable policies of the General Plan and the Local Coastal Program;	✓	
2. Comply with all applicable provisions of this code; and	✓	
3. Are consistent with applicable adopted design review guidelines.	✓	

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby **FIND** the project categorically exempt from environmental review pursuant to section 15301 of the CEQA Guidelines and that none of the exceptions to the exemptions contained in section 15300.2 can be made in this case; and **APPROVE** a Track 1 Design Study referral (DS 25126, Chroman) for the installation of a new 3-foot-tall wall and driveway gate in the front setback, as well as the removal of an existing retaining wall, and installation of a new wall system exceeding height limits located at Mission

Street 2 NW of 2nd Avenue in the Single-Family Residential (R-1) District, Park (P) Overlay, and Archaeological Significance (AS) Overlay District. APN: 010-121-015.

CONDITIONS OF APPROVAL	
No.	Standard Conditions
1.	Authorization. Approval of Design Study application (DS 25126, Chroman) for the installation of a new 3-foot-tall wall and driveway gate in the front setback, as well as the removal of an existing retaining wall, and installation of a new wall system exceeding height limits located at Mission Street 2 NW of 2nd Avenue in the Single-Family Residential (R-1) District, Park (P) Overlay, and Archaeological Significance (AS) Overlay District. APN: 010-121-015. The project shall be constructed as depicted in the plans as approved by the Planning Commission on July 9, 2025 unless modified by the Conditions of Approval contained herein.
2.	Codes and Ordinances. The project shall be constructed in conformance with all requirements of the R-1 zoning district, Archaeological Significance (AS) Overlay, and Beach and Riparian (BR) Overlay. All adopted building and fire codes shall be adhered to in preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested at the time such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.
3.	Permit Validity. This approval shall be valid for a period of one year from the date of action unless an active building permit has been issued and maintained for the proposed construction.
4.	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 2 weeks of the City being notified. A cease work order may be issued 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 final inspection.
5.	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 that are not listed on this form, shall not be deemed approved upon issuance of a building permit.
6.	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 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 that are 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.
7.	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 shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.
8.	Conditions of Approval. All conditions of approval for the Planning permit(s) shall be printed on a full-size sheet and included with the construction plan set submitted to the Building Safety Division.
9.	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.
10.	Stonework. Prior to the issuance of a building permit, the Applicant shall clearly identify in the construction drawings the masonry pattern for all stonework. Stonework 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 and terminated at 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.
11.	BMP Tracking Form. Prior to issuance of a building permit, if requested by the building division, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments a completed BMP Tracking form.
12.	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.
13.	Drainage Plan. Prior to the issuance of a building permit, if required by the Building Division and/or Public Works Department, 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.
14.	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.
15.	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).
16.	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.
17.	Tree Protection Measures. Requirements for tree preservation shall adhere to the following tree protection measures on the 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, 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.

18.	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.
Special Condition	
19.	Building Permit. The applicant shall apply for and obtain a building permit prior to commencing work.
20.	Landscaping Plan Required. Prior to issuance of a building permit, the applicant shall include a landscaping plan in accordance with Chapter 17.34 CMC, Landscaping, in the building plan set for review and approval by the Planning and Forestry Divisions. The landscape plan shall include new landscaping for all landscaping removed to facilitate the replacement of the subject retaining wall.
21.	Construction Management Plan. Prior to the issuance of a building permit, the Applicant shall submit a Construction Management Plan for review and approval by the Community Planning & Building Director.

PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 9th day of July, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Michael LePage

Chair

Shelby Gorman

Planning Commission Secretary



April 28, 2025

City of Carmel-by-the-Sea
Community Planning & Building
P.O. Box CC
Carmel-by-the-Sea, CA 93921

RE: Letter of Urgency - Failing Retaining Wall at;
Mission St. 2NW 2nd Ave, Carmel-by-the-Sea, CA

To whom it may concern,

On January 30th, 2025, in the company of Scott Hall, Landscape Architect, I inspected the existing retaining wall at the subject location.

The existing retaining wall is pier supported steel WF columns at approximately 6 foot centers. The lagging between the WF columns is composed of used railroad ties.

In general a majority of the existing retaining wall leaning away from the slope it is supporting. Several of the WF columns are leaning as much as 6 inches out of plumb. The leaning WF columns are an indication of the failure of the existing pier foundations to resist the lateral pressures present to retain the hillside.

The failure of the existing retaining wall is causing the hillside to slide downhill. This soil movement is referred to as soil creep. I observed clear evidence of soil creep examining the soil-foundation interface of the existing residence above the failing retaining wall. There was a 2" +/- gap from the face of the existing foundation to the face of the soil. Under normal conditions, there should be no gap. This soil movement is placing additional strain on the existing foundation of the residence and has the potential to cause differential settlement if not addressed.

The movement of the soil will continue until such time that the retaining wall is replaced with a competent retaining wall in its place. The failing retaining wall currently presents a hazard to both residences. In the event of severe series of rain storms or significant seismic activity, the existing retaining wall could fail more significantly.

If you have any questions in regards to this letter, please bring them to my attention.

Sincerely,
Morris Shaffer Engineering, LLP



Robert Shaffer, P.E.
C45322 – Exp 9/30/2026

GEOTECHNICAL INVESTIGATION DESIGN PHASE

FOR
PROPOSED RETAINING WALL REPLACEMENT
MISSION STREET 2NW OF 2ND AVENUE
CARMEL-BY-THE-SEA, CALIFORNIA

PREPARED FOR
JORDAN CHROMAN
PROJECT NO. 24-214-M



PREPARED BY
BUTANO GEOTECHNICAL ENGINEERING, INC.
OCTOBER 2024



Attachment 3

BUTANO GEOTECHNICAL ENGINEERING, INC.
404 WESTRIDGE DRIVE, WATSONVILLE, CALIFORNIA 95076
PHONE: 831.724.2612
WWW.BUTANOGEOTECH.COM

October 22, 2024
Project No. 24-213-M

Jordan Chroman
PO Box 4715
Carmel-by-the-Sea, CA 93921

SUBJECT: GEOTECHNICAL INVESTIGATION - DESIGN PHASE
Proposed Retaining Wall Replacement
Mission Street 2NW of 2nd Avenue
Carmel-by-the-Sea, California

In accordance with your authorization, we have completed a geotechnical investigation for the subject project. This report summarizes the findings, conclusions, and recommendations from our field exploration and engineering analysis. It is a pleasure being associated with you on this project. If you have any questions, or if we may be of further assistance, please do not hesitate to contact our office.

Sincerely,

BUTANO GEOTECHNICAL ENGINEERING, INC.



Greg Bloom, PE, GE
Principal Engineer

Eugenio Jimenez
Staff Engineer
E.I.T. 182532

Appendices: 1. Appendix A Figures and Standard Details
2. Appendix B Field Exploration Program
3. Appendix C Laboratory Program

Distribution: (4) Addressee

Geotechnical Investigation - Design Phase
Mission Street 2NW of 2nd Avenue
Carmel-by-the-Sea, California

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1.0 INTRODUCTION

This report presents the results of our geotechnical investigation for the proposed retaining wall replacement at Mission Street 2NW of 2nd Avenue in Carmel-by-the-Sea, California.

The purpose of our investigation is to provide preliminary geotechnical design parameters and recommendations for the proposed retaining wall replacement. Conclusions and recommendations related to site grading, drainage, retaining walls, and foundations are presented herein.

This work includes site reconnaissance, subsurface exploration, soil sampling, laboratory testing, engineering analyses, and preparation of this report. The scope of services for this investigation is outlined in our agreement dated August 12, 2024.

The recommendations contained in this report are subject to the limitations presented in Section 8.0 of this report. The Association of Engineering Firms Practicing the Geosciences has produced a pamphlet for your information titled *Important Information About Your Geotechnical Report*. This pamphlet has been included with the copies of your report.

2.0 PROJECT DESCRIPTION

Based on our discussions with the client the project consists of replacing and shifting the existing retaining wall north of the residence. The existing failing retaining wall is a soldier beam and wood lagging wall approximately 6 ½ feet tall and retains a cut slope and a second retaining wall north of the residence. The total amount to be retained will be a minimum of 10 feet in height.

The retaining wall on the south portion of the parcel has also failed.

3.0 FIELD EXPLORATION AND LABORATORY TESTING PROGRAMS

Our field exploration program included drilling, logging, and interval sampling of two borings on September 23, 2024. The borings were advanced to depths ranging from 11 to 17 feet using 6-inch solid stem augers mounted on a tractor drill rig. Details of the field exploration program, including the boring Logs and the Key to the Logs, are presented in Appendix B, Figures B-3 through B-5.

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Representative samples obtained during the field investigation were taken to the laboratory for testing. Laboratory tests were used to determine physical and engineering properties of the in-situ soils. Details of the laboratory testing program are presented in Appendix C. Test results are presented on the Boring Logs and in Appendix C.

4.0 SITE DESCRIPTION

4.1 Location

The project site is located west of Highway 1 at Mission Street 2NW of 2nd Avenue in Carmel-by-the-Sea, California. The site location is shown on the Site Location Plan, Appendix B, Figure B-1.

4.2 Surface Conditions

The parcel is approximately 4,500 square feet in size, rectangular in shape and is relatively level. The parcel was graded level via cutting in the north and filling in the south. The pre-grading slope of the parcel was approximately 15 to 20 percent grade towards the south. The subject retaining wall is 6 ½ feet tall, approximately 75 feet in length and supports a cut slope northeast of the residence up to 10 feet tall.

The slope above the retaining wall has a 50 to 65 percent gradient.

The site has been improved with a two story single family residence with attached garage, accessory dwelling unit, landscaping and hardscape. The vegetation at the site consists of landscape bushes and trees.

4.3 Subsurface Conditions

The parcel is geologically mapped as being underlain by Marine Sandstone/Siltstone (Tus). Our geotechnical exploration generally agrees with the geologic mapping of the area.

Boring B1 was drilled on the south portion of the building pad and encountered very loose silty sand (non-engineered fill-Af) from the surface to a depth of 7 feet. Dense to very dense siltstone (Tus) was encountered at 7 feet to the end of the boring at 17 feet.

Boring B2 was drilled north of the driveway (at the base of subject retaining wall) and encountered very loose silty sand (non-engineered fill-Af) from the surface to

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a depth of 2 ½ feet. Medium dense to very dense siltstone (Tus) was encountered at 2 ½ feet to the end of the boring at 9 ½ feet.

Groundwater was not encountered in either boring. The depth to groundwater may vary seasonally.

Complete soil profiles are presented in the Boring Logs, Appendix B, Figures B-4 and B-5. The boring locations are shown on the Boring Site Plan, Figure B-2.

5.0 GEOTECHNICAL HAZARDS

5.1 General

In our opinion the geotechnical hazards that could potentially affect the proposed project are:

- Intense seismic shaking
- Collateral seismic hazards

5.1.1 Intense Seismic Shaking

The hazard of intense seismic shaking is present throughout central California. Intense seismic shaking may occur at the site during the design lifetime of the proposed structure from an earthquake along one of the regions many faults. Generally, the intensity of shaking will increase the closer the site is to the epicenter of an earthquake, however, seismic shaking is a complex phenomenon and may be modified by local topography and soil conditions. The transmission of earthquake vibrations from the ground into the structure may cause structural damage.

The city of Carmel-by-the-Sea has adopted the seismic provisions set forth in the 2022 California Building Code to address seismic shaking. The seismic provisions in the 2022 CBC are minimum load requirements for the seismic design for the proposed structure. The provisions set forth in the 2022 CBC will not prevent structural and nonstructural damage from direct fault ground surface rupture, coseismic ground cracking, liquefaction and lateral spreading, seismically induced differential compaction, seismically induced landsliding, or seismically induced inundation.

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Table 1 has been constructed based on the 2022 CBC requirements for the seismic design of the proposed structure. The Site Class has been determined based on our field investigation and laboratory testing.

Table 1. Seismic Design Parameters

S _s	S ₁	Site Class	F _a	F _v	S _{DS}	S _{D1}	F _{PGA}	PGA _M	Risk Category	Seismic Design Category
1.268	0.477	C	1.2	1.5	1.014	0.477	1.2	0.667	II	D

Design Coordinates - (Lat: 36.56249535, Lng: -121.92037734)

5.1.2 Collateral Seismic Hazards

In addition to intense seismic shaking, other seismic hazards that may have an adverse affect to the site and/or the structure are: fault ground surface rupture, coseismic ground cracking, seismically induced liquefaction and lateral spreading, seismically induced differential compaction, seismically induced landsliding, and seismically induced inundation (tsunami and seiche). It is our opinion that the potential for collateral seismic hazards to affect the site and to damage the proposed structure is low.

6.0 DISCUSSIONS AND CONCLUSIONS

The south portion of the site was graded with at least 7 feet of non-engineered fill which consists of silty sand with gravel and rubble with low potential for expansion.

The retaining wall on the south side of the property has also failed.

Based on our investigation, it is anticipated that that the depth of the non-engineered fill is deeper at the south side retaining wall. A geologic cross-section of the site is shown in Appendix B, Figure B-6.

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7.0 RECOMMENDATIONS

7.1 General

Based on the results of our field investigation, laboratory testing, and engineering analysis it is our opinion that from the geotechnical standpoint, the subject site is suitable for the proposed retaining wall replacement.

7.2 Site Grading

7.2.1 Site Clearing

The site should be cleared of non-engineered fill, remaining root masses, loose soil, organics, and debris within the project limits.

7.2.2 Preparation of On-Site Soils

Areas to receive fill (subgrade) should be scarified, cleared of organics, moisture conditioned to 0 to 2 percent over-optimum moisture, and compacted to 90 percent relative compaction. The compacted subgrade should extend 2 feet laterally of any proposed improvements.

Engineered fill should be well mixed and homogenous, moisture conditioned to within 2 percent of optimum moisture, placed in relatively thin lifts, and compacted using heavy vibratory equipment.

Site Grading-General

The on-site soil may be re-used as engineered fill.

Imported fill material should be approved by a representative of Butano Geotechnical Engineering, Inc. prior to importing.

Imported fill should be primarily granular with **no material greater than 2½ inches in diameter** and no more than 20 percent of the material passing the #200 sieve. The fines fraction of fill should not consist of expansive material. The Geotechnical Engineer should be notified not less than 5 working days in advance of placing any fill or base course material proposed for import. Each proposed source of import material should be sampled,

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tested, and approved by the Geotechnical Engineer prior to delivery of any soils imported for use on the site.

Any surface or subsurface obstruction, or questionable material encountered during grading, should be brought immediately to the attention of the Geotechnical Engineer for proper processing as required.

Paved Areas

The paved areas should be prepared as above and the upper 6 inches of subgrade and all aggregate baserock in paved areas should be compacted to a minimum of **95 percent** relative compaction. The subgrade compaction should extend a minimum of 2 feet laterally of all paved areas.

7.2.3 Cut and Fill Slopes

Temporary cuts may be laid back at a 1:1 (H:V) gradient to heights up to 10 feet tall. Permanent cuts may be sloped at a gradient of 2:1 (H:V).

No significant cuts or fills are anticipated for this project. All disturbed slopes should be erosion controlled.

7.2.4 Excavating Conditions

The on-site soil may be excavated with standard equipment. The very dense siltstone may require rock teeth or jacking to excavate.

7.2.5 Surface Drainage

The water from the retaining wall backdrain should be released to an appropriate location approved by the project civil engineer or designer.

Positive drainage should be maintained away from the structures at a minimum gradient of 3 percent for 10 feet. If this is not feasible swales may be constructed to control drainage. Collected drainage should be released at approved locations as indicated by the project civil engineer or designer.

7.2.6 Utility Trenches

Utility trenches should be backfilled based on the City of Carmel by the Sea standard details. At a minimum this should consist of 4 inches of

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bedding sand below the utility and 8 inches of bedding sand above the utility.

Backfill of all exterior and interior trenches should be placed in thin lifts not to exceed 8 inches and mechanically compacted to achieve a relative compaction of not less than 95 percent in paved areas and 90 percent in other areas per ASTM D1557. Care should be taken not to damage utility lines.

The on-site native soils may be utilized for trench backfill above the bedding sand. If sand or granular material is used for trench backfill, a 3 feet concrete plug should be placed in each trench where it passes under the exterior footings.

Utility trenches that are parallel to the sides of a building should be placed so that they do not extend below a line sloping down and away at an inclination of 2:1 (V:H) from the bottom outside edge of all footings.

Trenches should be capped with 1 1/2 feet of relatively impermeable material. Import material must be approved by the Geotechnical Engineer prior to its use.

Trenches must be shored as required by the local regulatory agency, the State of California Division of Industrial Safety Construction Safety Orders, and Federal OSHA requirements.

7.3 **Foundations**

The proposed wall may be supported by a drilled pier or conventional shallow foundation. **Excavations for the new foundation must be checked by the Geotechnical Engineer before steel is placed and concrete is poured. Drilled piers must be inspected during drilling.**

7.3.1 **Drilled Pier Foundations (Soldier Beam with Lagging Wall)**

The drilled, cast-in-place concrete shafts, should have a minimum embedment depth of 6 feet below the non-engineered fill (approximately 2 ½ feet from grade on the north side and 7 feet on the south side). The minimum recommended shaft diameter is 18 inches. Shafts should be spaced no closer than 2 ½ diameters, with a minimum of 3 diameters, center to center.

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An allowable bearing capacity of 12,000 psf may be assumed with a 1/3 increase for short term loading. An allowable passive resistance of 400 psf over 2 pier diameters may be assumed within the siltstone.

The drilled excavations for the cast-in-place concrete shafts should be clean, dry and free of debris of loose soil. The drilled excavations should not deviate more than 1 percent from vertical.

For drilled, cast-in-place concrete shafts, with depths in excess of 8 feet, concrete should be placed via a tremie. The end of the tube must remain embedded a minimum of 4 feet into the concrete at all times.

All shaft construction must be observed and approved by the Geotechnical Engineer. Any shafts constructed without the full knowledge and continuous observation of Butano Geotechnical Engineering, Inc. will render the recommendations of this report invalid.

7.3.2 Conventional Shallow Foundations (Cantilevered Concrete Wall)

General

Shallow foundations should embed a minimum of 12 inches into the siltstone.

Footing Dimensions

Footing widths should be based on the allowable bearing value but not less than 30 inches. The minimum recommended depth of embedment is 24 inches into the siltstone. Embedment depths should not be allowed to be affected adversely, such as through erosion, softening, digging, etc. Should local building codes require deeper embedment of the footings or wider footings, the local codes must apply.

Bearing Capacity

The allowable bearing capacity used should not exceed 4,000 psf for footings bearing on siltstone. The allowable bearing capacity may be increased by one-third in the case of short duration loads, such as those induced by wind or seismic forces. In the event that footings are founded in structural fill consisting of imported materials, the allowable bearing capacities will depend on the type of these materials and should be re-evaluated.

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Lateral Resistance

Friction coefficient - 0.35, between the siltstone and rough concrete. A passive resistance of 400 pcf may be assumed below a depth of 12 inches against the siltstone. Where both friction and the passive resistance are utilized for sliding resistance, either of the values indicated should be reduced by one-third.

7.3.3 Settlements

Total and differential settlements beneath the new foundation elements are expected to be within tolerable limits. Vertical movements are not expected to exceed 1 inch. Differential movements are expected to be within the normal range ($\frac{1}{2}$ inch) for the anticipated loads.

7.4 Retaining Structures

The proposed retaining wall should be supported by one of the options provided in section 7.3.

7.4.1 Lateral Earth Pressures

The lateral earth pressures presented in Table 2 are recommended for the design of retaining structures with a gravel blanket and backfill soil consisting of engineered fill or in-situ siltstone.

Table 2. Lateral Earth Pressures

Soil Profile	Soil Pressure (psf/ft)	
	Active	At-rest
Level	37 1/2	57 1/2
2:1	50	70

Pressure due to any surcharge loads from adjacent footings, traffic, etc., should be analyzed separately. Pressures due to these loadings can be supplied upon receipt of the appropriate plans and loads. Refer to Appendix A, Figure A-1.

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7.4.2 Backfill

Backfill should be placed under engineering control. Backfill should be compacted per Subsection 7.2.2; however, precautions should be taken to ensure that heavy compaction equipment is not used immediately adjacent to walls, so as to prevent undue pressures against, and movement of the walls. Refer to Appendix A, Figure A-2.

The granular backfill should be capped with at least 12 inches of relatively impermeable material.

7.4.3 Backfill Drainage

A drain should be constructed behind the wall. The drain should be a minimum of 12 inches in thickness and should extend to within 12 inches from the surface. A filter fabric consisting of Mirafi 180N or approved equivalent should be placed between the gravel and backfill. Weep slits consisting of ½ inch thick galvanized steel spacers should be placed between the lagging. Weep holes may also be used if a concrete cantilevered wall is constructed.

7.5 Plan Review

The recommendations presented in this report are based on preliminary design information for the proposed project and on the findings of our geotechnical investigation. When completed, the Grading Plans, Foundation Plans and design loads should be reviewed by Butano Geotechnical Engineering, Inc. prior to submitting the plans and contract bidding. Additional field exploration and laboratory testing may be required upon review of the final project design plans.

7.6 Observation and Testing

Field observation and testing should be provided by a representative of Butano Geotechnical Engineering, Inc. to enable them to form an opinion regarding the adequacy of the site preparation, the adequacy of fill materials, and the extent to which the earthwork is performed in accordance with the geotechnical conditions present, the requirements of the regulating agencies, the project specifications, and the recommendations presented in this report.

Butano Geotechnical Engineering, Inc. should be notified **at least 5 working days** prior to any site clearing or other earthwork operations on the subject project in

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order to observe the stripping and disposal of unsuitable materials and to ensure coordination with the grading contractor. During this period, a preconstruction meeting should be held on the site to discuss project specifications, observation and testing requirements and responsibilities, and scheduling.

8.0 LIMITATIONS

The recommendations contained in this report are based on our field explorations, laboratory testing, and our understanding of the proposed construction. The subsurface data used in the preparation of this report was obtained from the borings drilled during our field investigation. Variation in soil, geologic, and groundwater conditions can vary significantly between sample locations. As in most projects, conditions revealed during construction excavation may be at variance with preliminary findings. If this occurs, the changed conditions must be evaluated by the Project Geotechnical Engineer, and revised recommendations be provided as required. In addition, if the scope of the proposed construction changes from the described in this report, our firm should also be notified.

Our investigation was performed in accordance with the usual and current standards of the profession, as they relate to this and similar localities. No other warranty, expressed or implied, is provided as to the conclusions and professional advice presented in this report.

This report is issued with the understanding that it is the responsibility of the Owner, or of his Representative, to ensure that the information and recommendations contained herein are brought to the attention of the Engineer for the project and incorporated into the plans, and that it is ensured that the Contractor and Subcontractors implement such recommendations in the field. The use of information contained in this report for bidding purposes should be done at the Contractor's option and risk.

This firm does not practice or consult in the field of safety engineering. We do not direct the Contractor's operations, and we are not responsible for other than our own personnel on the site; therefore, the safety of others is the responsibility of the Contractor. The Contractor should notify the Owner if he considers any of the recommended actions presented herein to be unsafe.

The findings of this report are considered valid as of the present date. However, changes in the conditions of a site can occur with the passage of time, whether they are due to natural events or to human activities on this or adjacent sites. In addition, changes in applicable or appropriate codes and standards may occur, whether they result from legislation or the broadening of knowledge. Accordingly, this report may become

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invalidated wholly or partially by changes outside our control. Therefore, this report is subject to review and revision as changed conditions are identified.

The scope of our services mutually agreed upon did not include any environmental assessment or study for the presence of hazardous to toxic materials in the soil, surface water, or air, on or below or around the site. Butano Geotechnical Engineering, Inc. is not a mold prevention consultant; none of our services performed in connection with the proposed project are for the purpose of mold prevention. Proper implementation of the recommendations conveyed in our reports will not itself be sufficient to prevent mold from growing in or on the structures involved.

REFERENCES

ASTM International (2015). *Annual Book of ASTM Standards, Section Four, Construction*. Volume 4.08, Soil and Rock (I): D 430 - D 5611.

ASTM International (2016). *Annual Book of ASTM Standards, Section Four, Construction*. Volume 4.09, Soil and Rock (II): D 5714 - Latest.

Dibblee, T.W. and Minch, J.A., 2007, Geologic map of the Monterey and Seaside quadrangles, Monterey County, California, Dibblee Geological Foundation, Dibblee Foundation Map DF-346, 1:24,000.

California Building Code (2022).

APPENDIX A

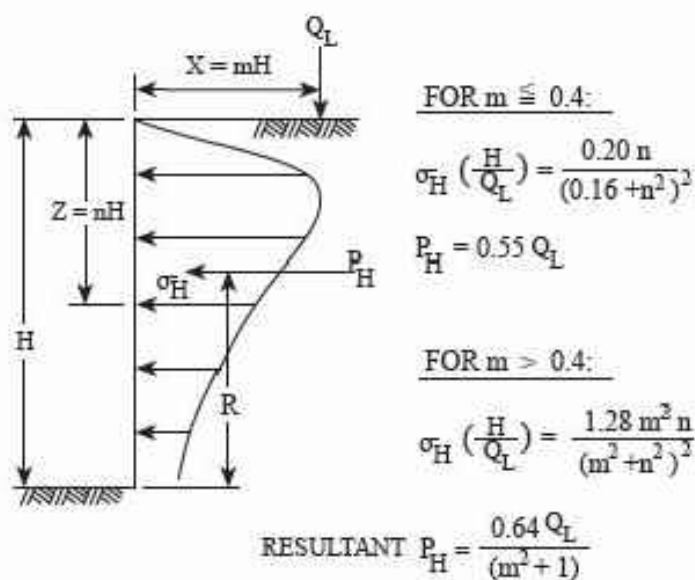
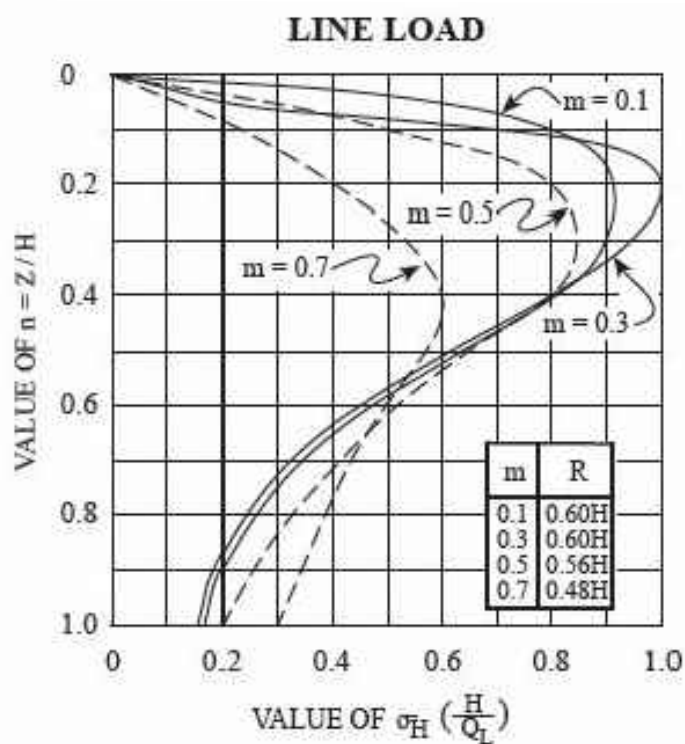
FIGURES AND STANDARD DETAILS

Surcharge Pressure Diagram

Figure A-1

Typical Retaining Wall Backdrain Detail

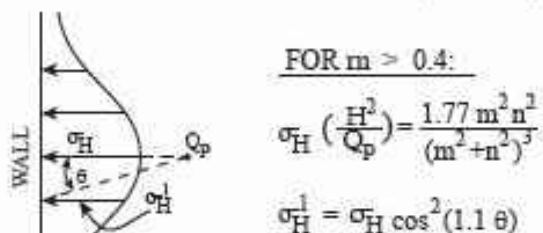
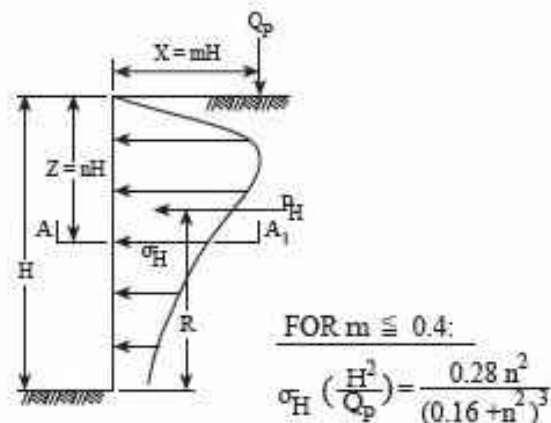
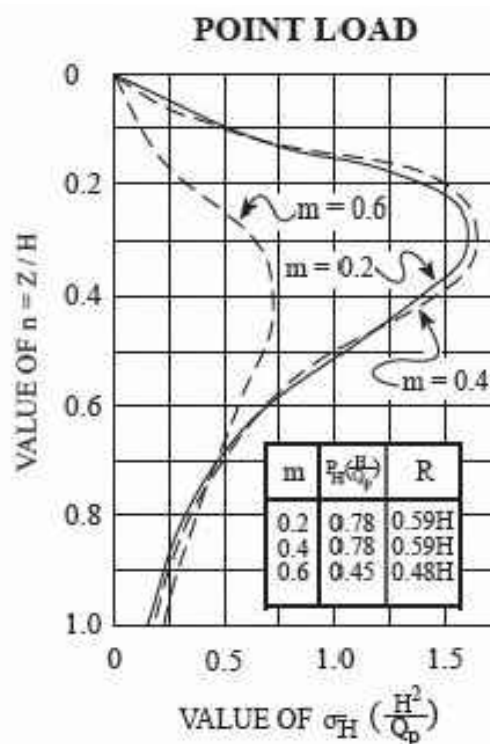
Figure A-2



PRESSURES FROM LINE LOAD Q_L

(BOISSINESQ EQUATION MODIFIED BY EXPERIMENT)

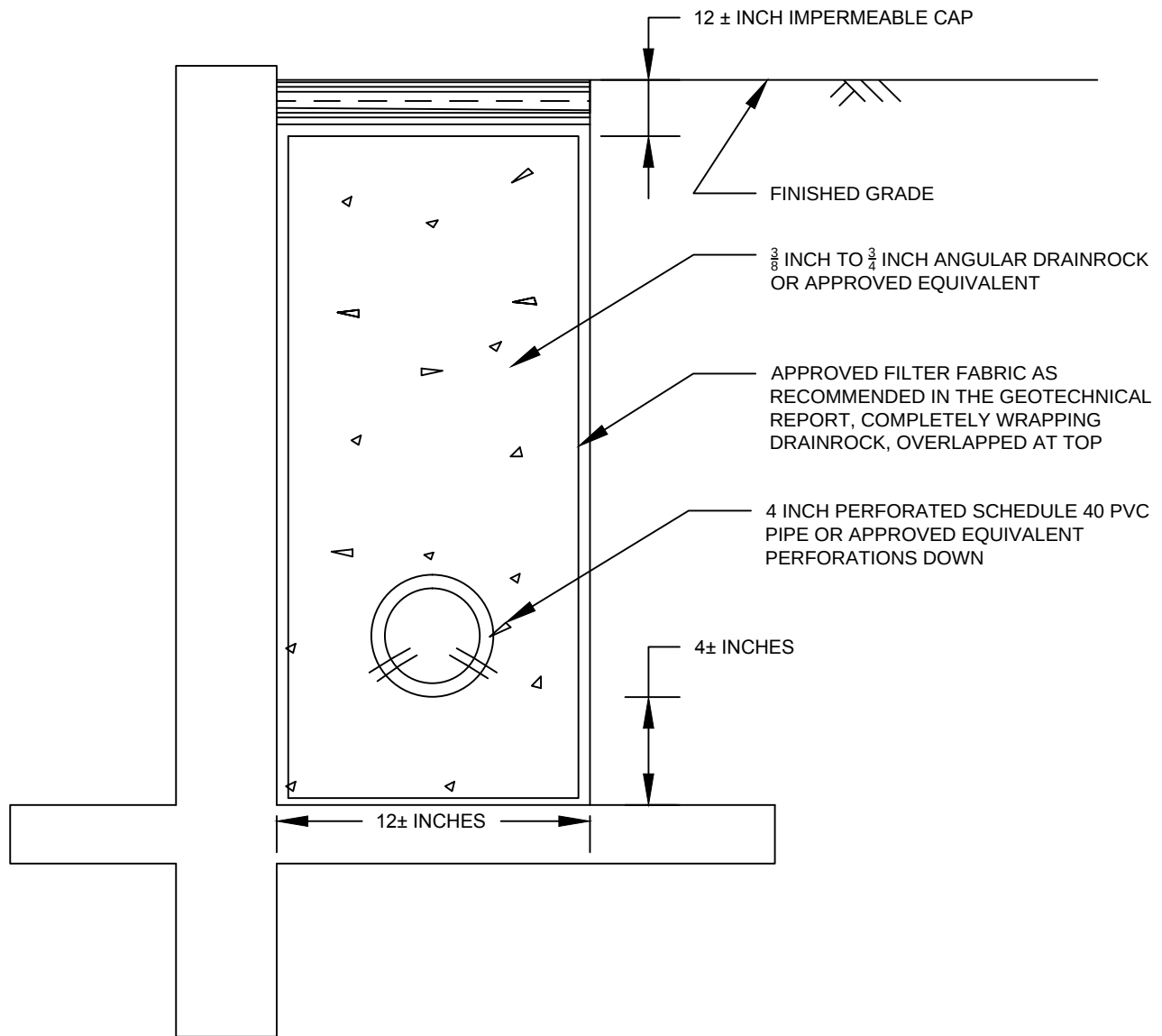
REFERENCE: Design Manual
NAVFAC DM-7.02
Figure 11
Page 7.2-74



SECTION A-A1

PRESSURES FROM POINT LOAD Q_P

(BOISSINESQ EQUATION MODIFIED BY EXPERIMENT)



NOTES:

1. DRAWING IS NOT TO SCALE.
2. 2±% GRADIENT TO PIPE AND TRENCH BOTTOM CONNECTED TO A CLOSED CONDUIT THAT DISCHARGES TO AN APPROVED LOCATION.

N.T.S.

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TYPICAL RETAINING WALL BACKDRAIN DETAIL

FIGURE

A-2

APPENDIX B

FIELD EXPLORATION PROGRAM

Field Exploration Procedures	Page B-1
Site Location Plan	Figure B-1
Boring Site Plan	Figure B-2
Key to the Logs	Figure B-3
Logs of the Borings	Figures B-4 and B-5
Geologic Cross-section X-X'	Figure B-6

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FIELD EXPLORATION PROCEDURES

Subsurface conditions were explored by advancing two borings below the existing grade. The borings were advanced using 6-inch diameter solid stem augers on a tractor mounted drill rig. The Key to The Logs and the Logs of the Borings are included in Appendix B, Figures B-3 through B-5. The approximate locations of the borings are shown on the Boring Site Plan, Figure B-2. The borings were located in the field by tape measurements from known landmarks. Their locations as shown are therefore within the accuracy of such measurement.

A geologic cross-section X-X' has been provided depicting the surface and subsurface soil profiles at the site (Figure B-6). The surface profiles were constructed using the topographic survey provided by Bestor Engineers, Inc. Subsurface data was interpolated from surface gradients and subsurface soil conditions encountered in the borings, the accuracy of the cross sections is limited by the site investigation and data collection methods.

The soils encountered in the borings were continuously logged in the field by a representative of Butano Geotechnical Engineering, Inc. Bulk and relatively undisturbed soil samples for identification and laboratory testing were obtained in the field. These soils were classified based on field observations and laboratory tests. The classifications are accordance with the Unified Soil Classification System (USCS: Figure B-3).



BUTANO GEOTECHNICAL ENGINEERING, INC.	SITE LOCATION PLAN Mission Street 2NW of 2nd Avenue	FIGURE B-1
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KEY TO LOGS

Attachment 3

UNIFIED SOIL CLASSIFICATION SYSTEM

PRIMARY DIVISIONS			GROUP SYMBOL	SECONDARY DIVISIONS
COARSE GRAINED SOILS More than half of the material is larger than the No. 200 sieve	GRAVELS More than half of the coarse fraction is larger than the No. 4 sieve	CLEAN GRAVELS (Less than 5% fines)	GW	Well graded gravels, gravel-sand mixtures, little or no fines
			GP	Poorly graded gravels, gravel-sand mixtures, little or no fines
		GRAVEL WITH FINES	GM	Silty gravels, gravel-sand-silt mixtures, non-plastic fines
			GC	Clayey gravels, gravel-sand-clay mixtures, plastic fines
	SANDS More than half of the coarse fraction is smaller than the No. 4 sieve	CLEAN SANDS (Less than 5% fines)	SW	Well graded sands, gravelly sands, little or no fines
			SP	Poorly graded sands, gravelly sands, little or no fines
		SAND WITH FINES	SM	Silty sands, sand-silt mixtures, non-plastic fines
			SC	Clayey sands, sand-clay mixtures, plastic fines
FINE GRAINED SOILS More than half of the material is smaller than the No. 200 sieve	SILTS AND CLAYS Liquid limit less than 50		ML	Inorganic silts and very fine sands, silty or clayey fine sands or clayey silts with slight plasticity
			CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays
			OL	Organic silts and organic silty clays of low plasticity
	SILTS AND CLAYS Liquid limit greater than 50		MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts
			CH	Inorganic clays of high plasticity, fat clays
			OH	Organic clays of medium to high plasticity, organic silts
HIGHLY ORGANIC SOILS			Pt	Peat and other highly organic soils

GRAIN SIZE LIMITS

SILT AND CLAY	SAND			GRAVEL		COBBLES	BOULDERS
	FINE	MEDIUM	COARSE	FINE	COARSE		
	No. 200	No. 40	No. 10	No. 4	3/4 in.	3 in.	12 in.
	US STANDARD SIEVE SIZE						

RELATIVE DENSITY

SAND AND GRAVEL	BLOWS/FT*
VERY LOOSE	0 - 4
LOOSE	4 - 10
MEDIUM DENSE	10 - 30
DENSE	30 - 50
VERY DENSE	OVER 50

CONSISTENCY

SILT AND CLAY	BLOWS/FT*
VERY SOFT	0 - 2
SOFT	2 - 4
FIRM	4 - 8
STIFF	8 - 16
VERY STIFF	16 - 32
HARD	OVER 32

MOISTURE CONDITION

CLAY	DRY
	MOIST
	SATURATED
SAND	DRY
	DAMP
	WET
	SATURATED

* Number of blows of 140 pound hammer falling 30 inches to drive a 2 inch O.D. (1 3/8 inch I.D.) split spoon (ASTM D-1586).

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FIGURE
B-3

LOG OF EXPLORATORY BORING

Attachment 3

Project No.: 24-213-M Boring: B1
 Project: Mission Street 2NW of 2nd Avenue Location: See Figure B-2
 Date: September 23, 2024 Elevation:
 Logged By: EJ Method of Drilling: 6-inch diameter solid stem augers tractor mounted drill rig

Depth (ft.)	Soil Type	Undisturbed	Bulk	2" Ring Sample 2.5" Ring Sample Terzaghi Split Spoon Sample Bulk Sample Perched Water Table Static Water Table Water Encountered During Drilling Change in Soil Gradation or Minor Change in Classification Description	Blows / Foot	N ₆₀	Dry Density (pcf)	Moisture Content (%)	Expansion Index (EI)	Particle Size(% Pass No.200)	Swell Pressure (Psf)	Atterberg Limits	
												L.L.	P.I.
0	SM (Af)			Dark brown Silty SAND, very loose, very damp, gravels, rubble, (Non-Engineered Fill-Af)	2	1	85.4	19.9					
1				Very loose, damp, rubble debris	5	4		11.7		19.8			
2				Very loose, very damp, with clay	8	3	75.9	23.8					
3				Loose, very damp	13	10		29.5					
4	Tus (BR)			Tan SILTSTONE, dense, very damp (Marine Sandstone/Siltstone)	52	47		30.9					
5				Loose, wet	9	7		45.1					
6				Very dense, damp	50/6"	N/A		19.7					
7													
8													
9													
10													
11													
12													
13													
14													
15													
16													
17													
18													
19													
20				Boring terminated at a depth of 17 feet. Groundwater was not encountered during drilling.									
21													
22													
23													
24													
25													
26													
27													
28													
29													
30													
31													
32													
33													
34													
35													

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FIGURE B-4

LOG OF EXPLORATORY BORING

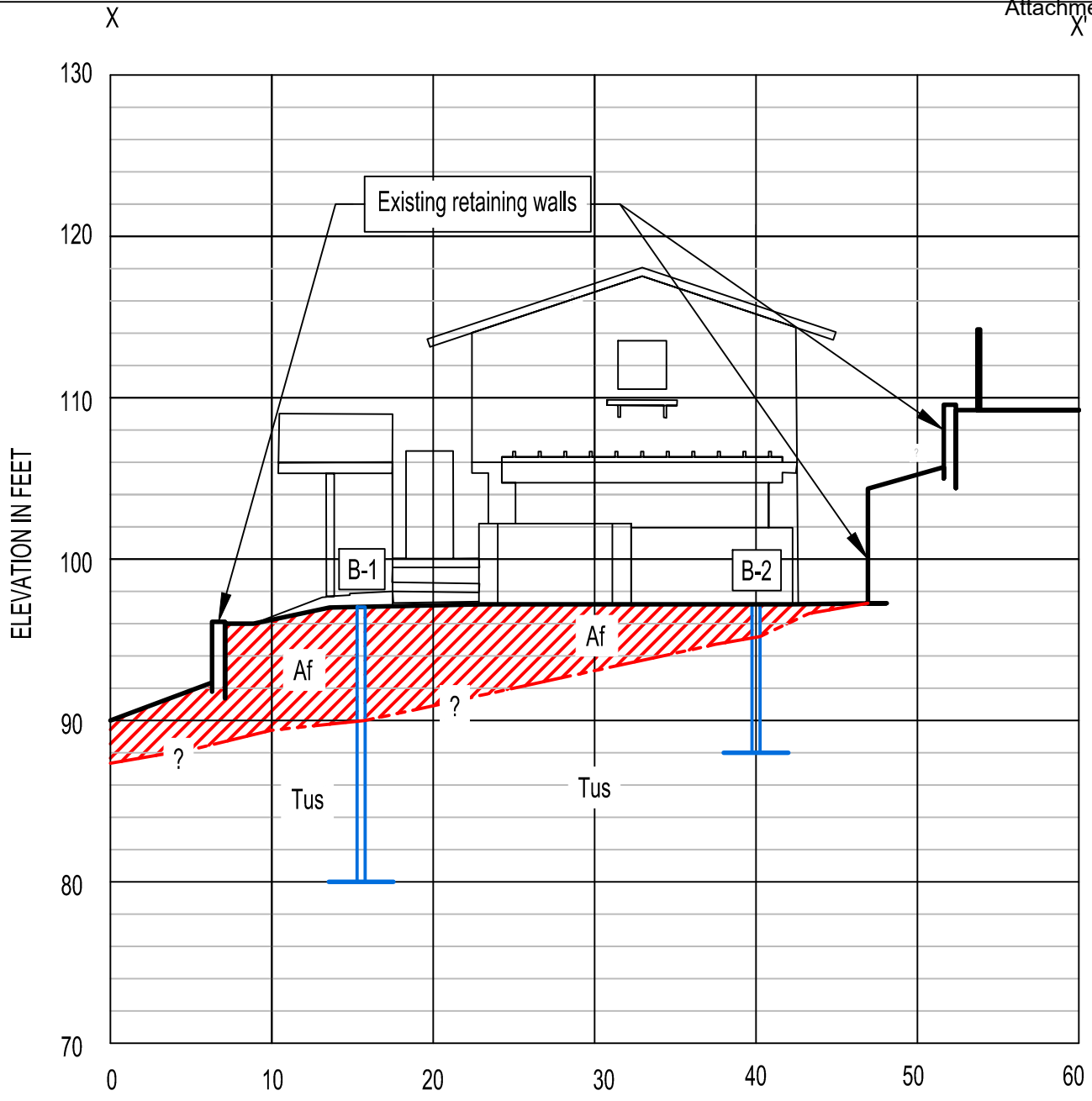
Attachment 3

Project No.: 24-213-M Boring: B2
 Project: Mission Street 2NW of 2nd Avenue Location: See Figure B-2
 Date: September 23, 2024 Elevation:
 Method of Drilling: 6-inch diameter solid stem augers
 Logged By: EJ tractor mounted drill rig

Depth (ft.)	Soil Type	Undisturbed	Bulk	 2" Ring Sample  2.5" Ring Sample  Terzaghi Split Spoon Sample  Bulk Sample	Blows / Foot	N ₆₀	Dry Density (pcf)	Moisture Content (%)	Expansion Index (EI)	Particle Size(% Pass No.200)	Swell Pressure (Psf)	Atterberg Limits	
				 Perched Water Table  Static Water Table  Water Encountered During Drilling  Change in Soil Description								L.L.	P.I.
	SM (Af)			Dark brown Silty SAND, very loose, very damp, gravels, rubble, (Non-Engineered Fill-Af)	3	1	89.3	25.9					
	Tus (BR)			Greyish-orange SILTSTONE, loose, very damp/wet Loose, very damp, (Marine Sandstone/Siltstone-Tus)	12	9		36.3					
5					23	8	77.8	40.3					
				Very dense, very damp	50/6"	N/A		34.1					
10				Boring terminated at a depth of 9 1/2 feet. Groundwater was not encountered during drilling.									
15													
20													
25													
30													
35													

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FIGURE
B-5



LEGEND

- Af - Non-engineered Fill
- Tus - Marine Sandstone/Siltstone
- ? - Queried Where Approximate
- B-X - Exploratory Boring

Scale 1" = 10'
Horizontal = Vertical

APPENDIX C

LABORATORY TESTING PROGRAM

Laboratory Testing Procedures	Page C-1
Particle Size Analysis	Figure C-1

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Mission Street 2NE of 2nd Avenue
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Page C-1

LABORATORY TESTING PROCEDURES

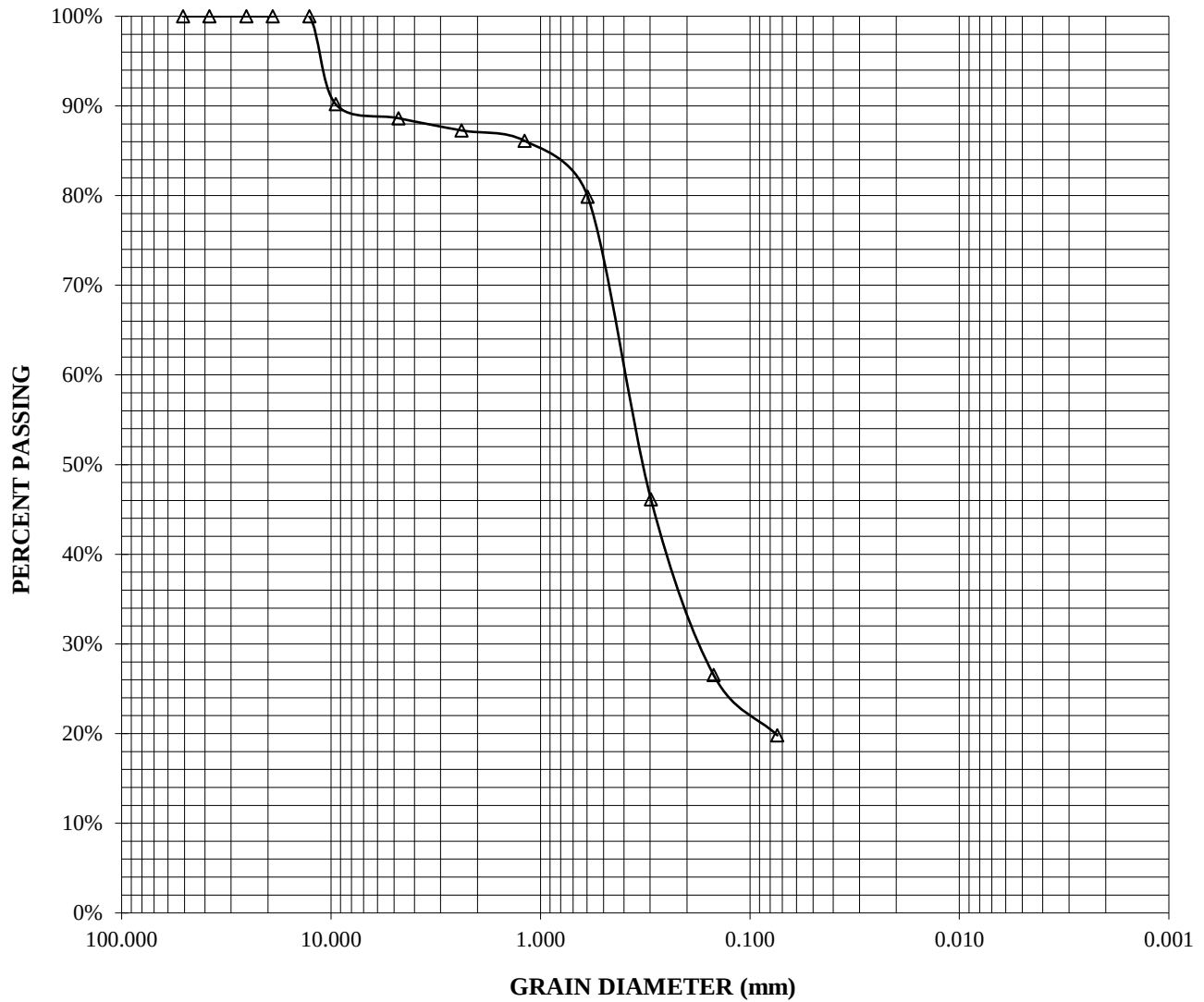
Classification

Soils were classified according to the Unified Soil Classification System in accordance with ASTM D 2487 and D 2488. Moisture content and density determinations were made for representative samples in accordance with ASTM D 2216. Results of moisture density determinations, together with classifications, are shown on the Boring Logs, Figures B-4 and B-5.

Particle Size Analysis

One sieve was performed on a representative sample in accordance with ASTM C 136 and C117. The grain size distribution from the result of the particle size analysis is shown on Figure C-1.

BORING:	B1-2	PERCENT	PERCENT
DEPTH (ft):	2.5	PASSING No. 4	PASSING No. 200
SOIL TYPE (USCS):	SM	88.6%	19.8%



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GRAIN SIZE DISTRIBUTION

Mission Street 2NW of 2nd Avenue

FIGURE

C-1

Important Information about Your Geotechnical Engineering Report

Subsurface problems are a principal cause of construction delays, cost overruns, claims, and disputes.

While you cannot eliminate all such risks, you can manage them. The following information is provided to help.

Geotechnical Services Are Performed for Specific Purposes, Persons, and Projects

Geotechnical engineers structure their services to meet the specific needs of their clients. A geotechnical engineering study conducted for a civil engineer may not fulfill the needs of a construction contractor or even another civil engineer. Because each geotechnical engineering study is unique, each geotechnical engineering report is unique, prepared *solely* for the client. No one except you should rely on your geotechnical engineering report without first conferring with the geotechnical engineer who prepared it. *And no one — not even you — should apply the report for any purpose or project except the one originally contemplated.*

Read the Full Report

Serious problems have occurred because those relying on a geotechnical engineering report did not read it all. Do not rely on an executive summary. Do not read selected elements only.

A Geotechnical Engineering Report Is Based on A Unique Set of Project-Specific Factors

Geotechnical engineers consider a number of unique, project-specific factors when establishing the scope of a study. Typical factors include: the client's goals, objectives, and risk management preferences; the general nature of the structure involved, its size, and configuration; the location of the structure on the site; and other planned or existing site improvements, such as access roads, parking lots, and underground utilities. Unless the geotechnical engineer who conducted the study specifically indicates otherwise, do not rely on a geotechnical engineering report that was:

- not prepared for you,
- not prepared for your project,
- not prepared for the specific site explored, or
- completed before important project changes were made.

Typical changes that can erode the reliability of an existing geotechnical engineering report include those that affect:

- the function of the proposed structure, as when it's changed from a parking garage to an office building, or from a light industrial plant to a refrigerated warehouse,

- elevation, configuration, location, orientation, or weight of the proposed structure,
- composition of the design team, or
- project ownership.

As a general rule, *always* inform your geotechnical engineer of project changes—even minor ones—and request an assessment of their impact. *Geotechnical engineers cannot accept responsibility or liability for problems that occur because their reports do not consider developments of which they were not informed.*

Subsurface Conditions Can Change

A geotechnical engineering report is based on conditions that existed at the time the study was performed. *Do not rely on a geotechnical engineering report* whose adequacy may have been affected by: the passage of time; by man-made events, such as construction on or adjacent to the site; or by natural events, such as floods, earthquakes, or groundwater fluctuations. *Always* contact the geotechnical engineer before applying the report to determine if it is still reliable. A minor amount of additional testing or analysis could prevent major problems.

Most Geotechnical Findings Are Professional Opinions

Site exploration identifies subsurface conditions only at those points where subsurface tests are conducted or samples are taken. Geotechnical engineers review field and laboratory data and then apply their professional judgment to render an opinion about subsurface conditions throughout the site. Actual subsurface conditions may differ—sometimes significantly—from those indicated in your report. Retaining the geotechnical engineer who developed your report to provide construction observation is the most effective method of managing the risks associated with unanticipated conditions.

A Report's Recommendations Are *Not* Final

Do not overrely on the construction recommendations included in your report. *Those recommendations are not final*, because geotechnical engineers develop them principally from judgment and opinion. Geotechnical engineers can finalize their recommendations only by observing actual

subsurface conditions revealed during construction. *The geotechnical engineer who developed your report cannot assume responsibility or liability for the report's recommendations if that engineer does not perform construction observation.*

A Geotechnical Engineering Report Is Subject to Misinterpretation

Other design team members' misinterpretation of geotechnical engineering reports has resulted in costly problems. Lower that risk by having your geotechnical engineer confer with appropriate members of the design team after submitting the report. Also retain your geotechnical engineer to review pertinent elements of the design team's plans and specifications. Contractors can also misinterpret a geotechnical engineering report. Reduce that risk by having your geotechnical engineer participate in prebid and preconstruction conferences, and by providing construction observation.

Do Not Redraw the Engineer's Logs

Geotechnical engineers prepare final boring and testing logs based upon their interpretation of field logs and laboratory data. To prevent errors or omissions, the logs included in a geotechnical engineering report should *never* be redrawn for inclusion in architectural or other design drawings. Only photographic or electronic reproduction is acceptable, *but recognize that separating logs from the report can elevate risk.*

Give Contractors a Complete Report and Guidance

Some owners and design professionals mistakenly believe they can make contractors liable for unanticipated subsurface conditions by limiting what they provide for bid preparation. To help prevent costly problems, give contractors the complete geotechnical engineering report, *but* preface it with a clearly written letter of transmittal. In that letter, advise contractors that the report was not prepared for purposes of bid development and that the report's accuracy is limited; encourage them to confer with the geotechnical engineer who prepared the report (a modest fee may be required) and/or to conduct additional study to obtain the specific types of information they need or prefer. A prebid conference can also be valuable. *Be sure contractors have sufficient time* to perform additional study. Only then might you be in a position to give contractors the best information available to you, while requiring them to at least share some of the financial responsibilities stemming from unanticipated conditions.

Read Responsibility Provisions Closely

Some clients, design professionals, and contractors do not recognize that geotechnical engineering is far less exact than other engineering disciplines. This lack of understanding has created unrealistic expectations that

have led to disappointments, claims, and disputes. To help reduce the risk of such outcomes, geotechnical engineers commonly include a variety of explanatory provisions in their reports. Sometimes labeled "limitations" many of these provisions indicate where geotechnical engineers' responsibilities begin and end, to help others recognize their own responsibilities and risks. *Read these provisions closely.* Ask questions. Your geotechnical engineer should respond fully and frankly.

Geoenvironmental Concerns Are Not Covered

The equipment, techniques, and personnel used to perform a *geoenvironmental* study differ significantly from those used to perform a *geotechnical* study. For that reason, a geotechnical engineering report does not usually relate any geoenvironmental findings, conclusions, or recommendations; e.g., about the likelihood of encountering underground storage tanks or regulated contaminants. *Unanticipated environmental problems have led to numerous project failures.* If you have not yet obtained your own geoenvironmental information, ask your geotechnical consultant for risk management guidance. *Do not rely on an environmental report prepared for someone else.*

Obtain Professional Assistance To Deal with Mold

Diverse strategies can be applied during building design, construction, operation, and maintenance to prevent significant amounts of mold from growing on indoor surfaces. To be effective, all such strategies should be devised for the *express purpose* of mold prevention, integrated into a comprehensive plan, and executed with diligent oversight by a professional mold prevention consultant. Because just a small amount of water or moisture can lead to the development of severe mold infestations, a number of mold prevention strategies focus on keeping building surfaces dry. While groundwater, water infiltration, and similar issues may have been addressed as part of the geotechnical engineering study whose findings are conveyed in this report, the geotechnical engineer in charge of this project is not a mold prevention consultant; ***none of the services performed in connection with the geotechnical engineer's study were designed or conducted for the purpose of mold prevention. Proper implementation of the recommendations conveyed in this report will not of itself be sufficient to prevent mold from growing in or on the structure involved.***

Rely, on Your ASFE-Member Geotechnical Engineer for Additional Assistance

Membership in ASFE/THE BEST PEOPLE ON EARTH exposes geotechnical engineers to a wide array of risk management techniques that can be of genuine benefit for everyone involved with a construction project. Confer with your ASFE-member geotechnical engineer for more information.



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DATA:
Permit Review # : 25126

MISSION ST. 2NW 2nd Avenue
APN 010-121-015
PROPERTY 4,500 square feet approx.
SLOPE ABOVE (North) 55 - 65% gradient

SCOPE OF LANDSCAPE WORK:
SCOPE OF TASKS INCLUDE:

1. INSTALLING NEW REPLACEMENT RETAINING WALL SYSTEM AT THE BOTTOM OF THE SLOPE ADJACENT THE HOUSE IN RESPONSE TO A FAILING HILL ABOVE THE NORTH PROPERTY
 - Replacement is for a failing metal channel (I BEAMS) with RXR Timbers mounted in the slots which no longer serve as adequate or safe retention system.
 - Slope gradient above the existing wall is called out by the Soil Engineer as 50 - 65% depending upon location taken THE SUBJECT RETAINING WALL IS APPROXIMATELY 75 LINEAL FEET & 6 ½ FEET TALL & RUNS NORTHEAST OF THE RESIDENCE. THE WALL SHALL BE FINISHED STUCCO CEMENT TO MATCH THE HOUSE.
2. CONSTRUCTION OF A NEW ENTRY GATE & LOW Carmel Stone WALL & MOVABLE DRIVEWAY GATE SYSTEM
 - The Entry Arch with a low profile Gate offers an Entry into the garden and property
 - The low and open profile Driveway Gate offers a backstop from the street while offering views into the garden

CONSTRUCTION NOTES:

- ALL CONSTRUCTION SHALL BE PREFORMED IN CONFORMANCE WITH LOCAL CITY OF CARMEL-BY-THE-SEA, COUNTY & STATE CODES, LAWS, ORDINANCES AND REGULATIONS. BUILDING CODES AND ALL OTHER ASSOCIATED CODE ITEMS WHICH SHALL INCLUDE BUT NOT BE LIMITED TO CURRENT UNIFORM BUILDING STANDARDS CODE 2022 Adopted January 2023. REGULATIONS (TITLE24) FOR MASONRY, ELECTRICAL & PLUMBING SCOPES OF WORK.
- THE CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT AT LEAST **48 HOURS PRIOR** TO ANY EXCAVATION ON THIS PROJECT **USA (800) 642-244) OR ON LINE.** ISSUANCE OF THE PERMIT RESTS WITH THE CONTRACTOR SHALL RECEIVE AN 811 TICKET PROVING ALL UTILITIES HAVE BEEN SURVEYED AND MARKED AT THE STREET BY THE APPROPRIATE AGENCIES PRIOR TO ISSUANCE OF THE BUILDING PERMIT.
- THE CONTRACTOR SHALL BE LICENSED IN STATE OF CALIFORNIA & HOLD CURRENT CITY BUSINESS LICENSE IN THE CITY - CARMEL -BY-THE-SEA, CA.
- CONTRACTOR SHALL CARRY AM MINIMUM 2 MILLION DOLLARS LIABILITY INSURANCE POLICY AND SHALL PROVIDE PROOF AND NAME THE OWNER IN THE ASSURANCE AT TIME OF THE CONTRACT SIGNING.
- THE CONTRACTOR SHALL PROVIDE A PORTABLE TOILET WHICH SHALL BE SCREENED FROM PUBLIC VIEW DURING THE PROJECT CONSTRUCTION.
- ADDITIONAL CONSTRUCTION NEEDS AND **TREE PROTECTION MEASURES ARE NOT** AT ISSUE AS NO TREES INHABIT THE WORK ZONE . THE ONE OAK TREE ON THE OPPOSITE SIDE OF THE PROPERTY AND BELOW A WOODEN THREE-FOOT TALL RETAINER WILL STILL BE FENCED ON THREE SIDES ABOVE FOR GOOD MEASURE.
- ALL PERFORMANCE INSPECTIONS ARE TO BE MADE DURING THE COARSE OF CONSTRUCTION BY THE STRUCTURAL ENGINEER OF RECORD. Attachment 4
- SOILS SHALL ALSO BE INSPECTED BY THE SOIL ENGINEER OF PROJECT RECORD AND REPORTS FILED WITH THE OWNER AND CITY
- ADDITIONAL PERFORMANCE OBSERVATION AND SPECIFICS MAY BE FOUND WITHIN THE STRUCTURAL ENGINEER'S GENERAL NOTES FOUND ON **SHEET S0.1**

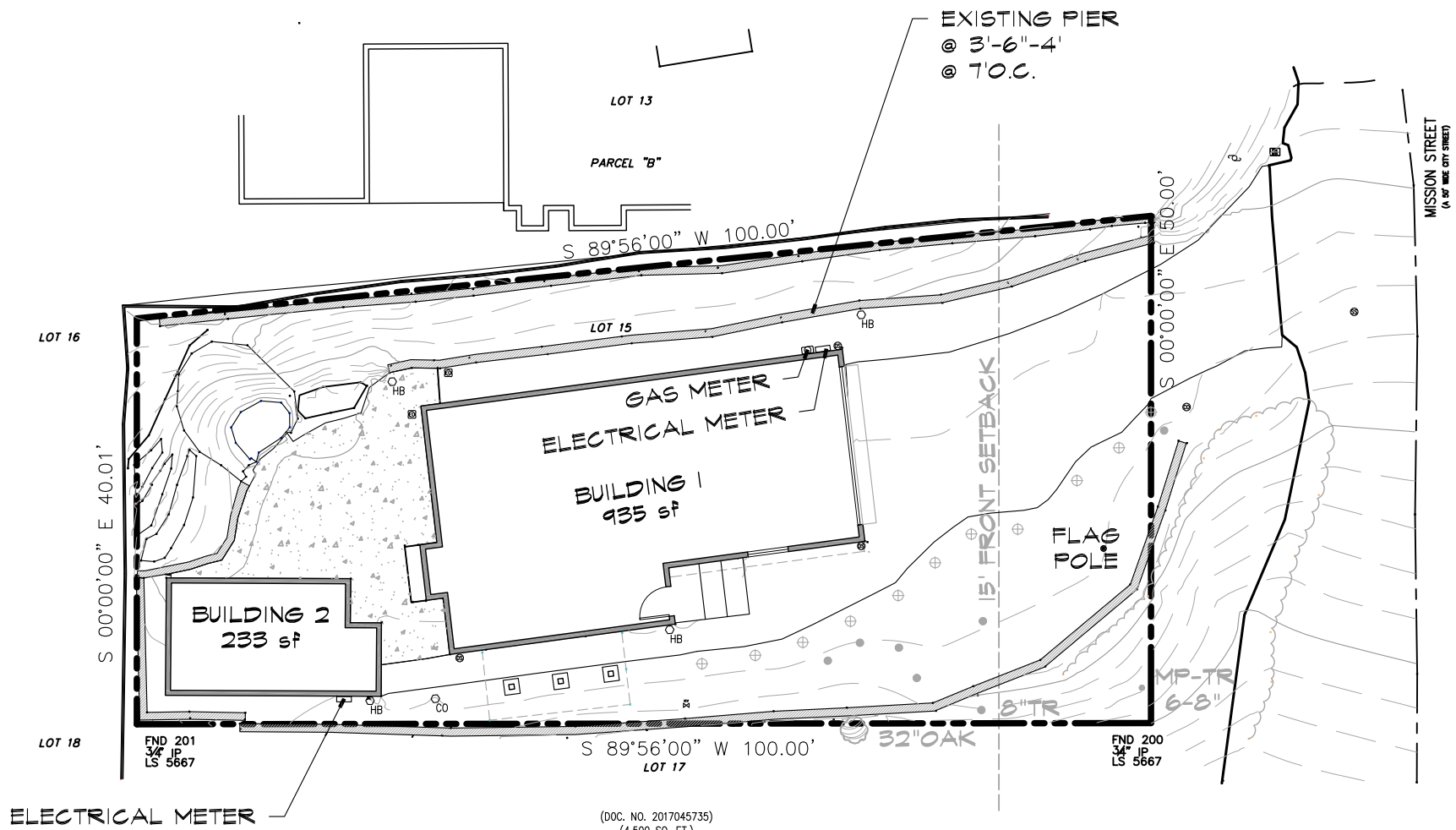
DESIGN TEAM

Hall Landscape Design Inc.
Scott Hall, Landscape Architect
582 Lighthouse Ave
Pacific Grove, Ca
(831) 655-3808

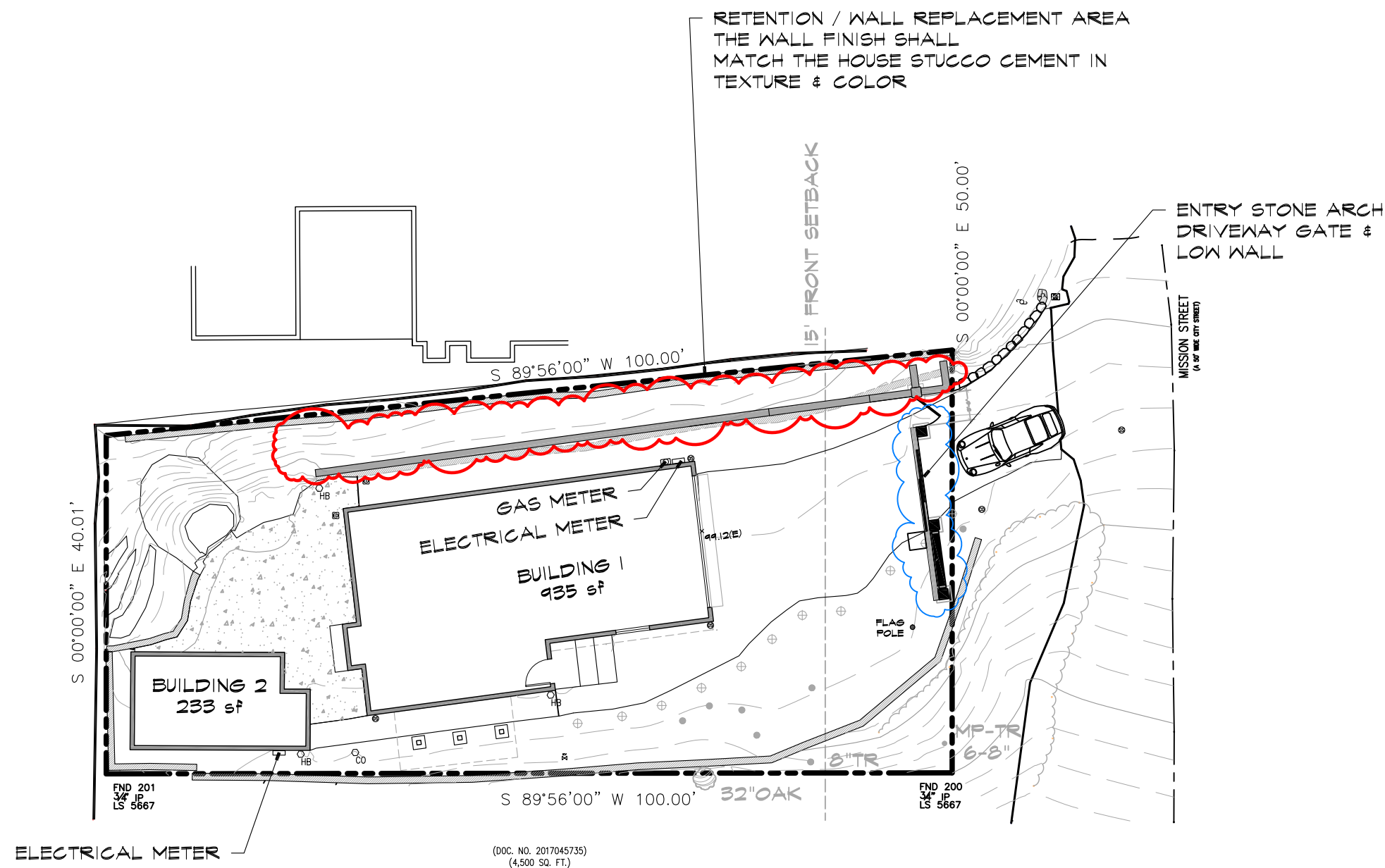
Morris Shaffer Engineering
Robert Shaffer, P.E.
1300 Industrial Road, Suite 14
San Carlos, CA 94070
(650) 595-2973

Butano Geotechnical Engineering, Inc
Eugenio Jimenez, Engineer
404 Westridge Drive, Watsonville, CA 95076
(831) 724-2612

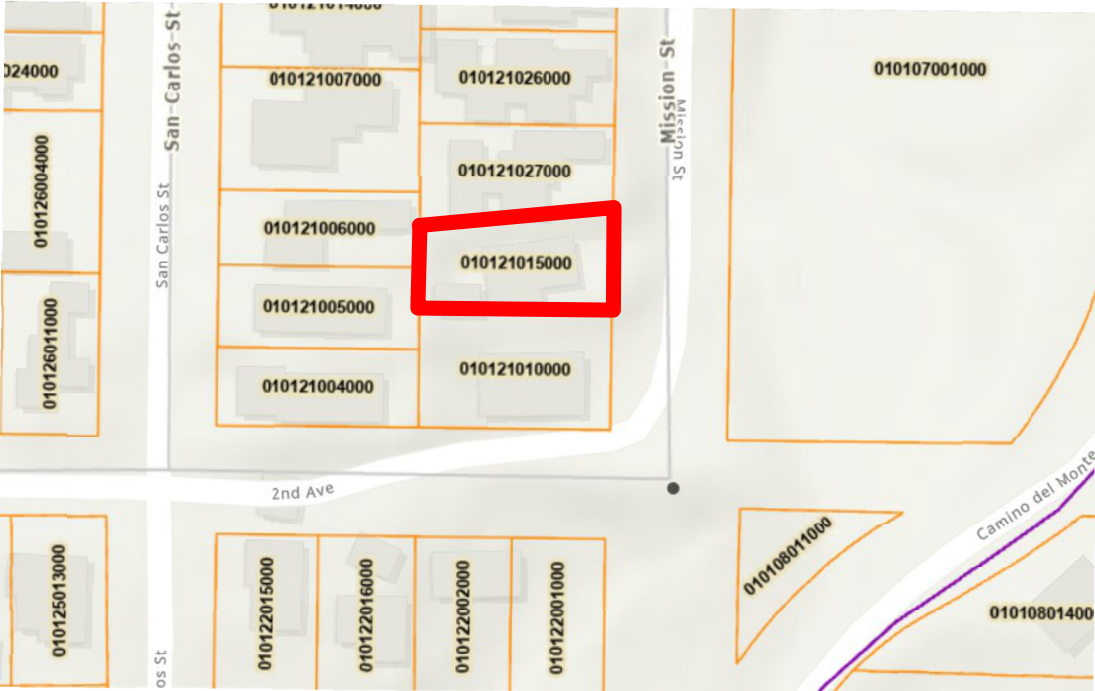
Landset Engineers Inc.
Land Surveyors
Guy R. Giraudo, P.E., P.L.S.
520-B Crazy Horse Canyon Rd.
Salinas, CA 93907



EXISTING SITE PLAN
SCALE : 1/8" = 1' - 0"



PROPOSED AREA FOR RETAINING
SCALE : 1/8" = 1' - 0"



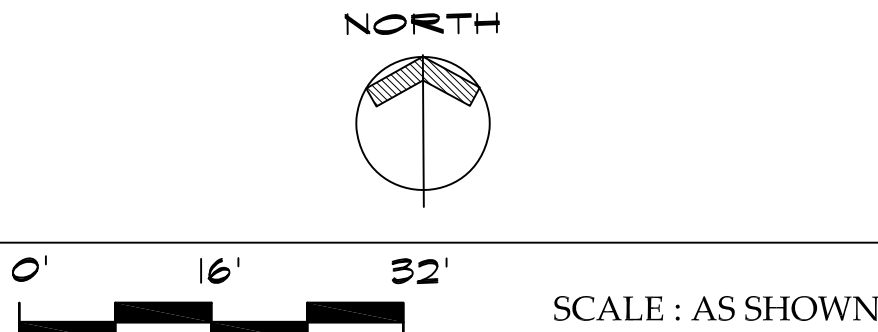
VICINITY MAP

INDEX SHEET

- L-1 INDEX SHEET:
EXISTING & PROPOSED REPLACEMENT RETAINING WALL
- L-2 TOPO SURVEY PLAN
- L-3 NEW RETAINING WALL PLAN / SECTION / ELEVATION
- L-4 PROPOSED DRIVENWAY ENTRY ARCH & GATE
- S0.1 STRUCTURAL ENGINEERING GENERAL NOTES
- S1.0 STRUCTURAL ENGINEERING WALL SECTIONS
- S1.1 STRUCTURAL ENGINEERING SITE PLAN

SLOPE RETAINING WALL REPLACEMENT & ENTRY GATES

SITE INTRODUCTION / PLANS & STRUCTURAL ENGINEERING



Revisions

Hall Landscape Design Inc.

Landscape Architects #3405

582 Lighthouse Avenue

Pacific Grove, Ca 93950

(831) 655-3808

e-mail: scott@halllandscape.com

REGISTERED LANDSCAPE ARCHITECT

SCOTT HALL

#3405

SIGNATURE

DATE

STATE OF CALIFORNIA

Mr & Mrs Chroman

Mission @ Second 2 NW

Carmel-by-the-Sea, CA

APN 010-121-015

Index Sheet

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Job # 05-2024

Date Printed: 06/20/2025

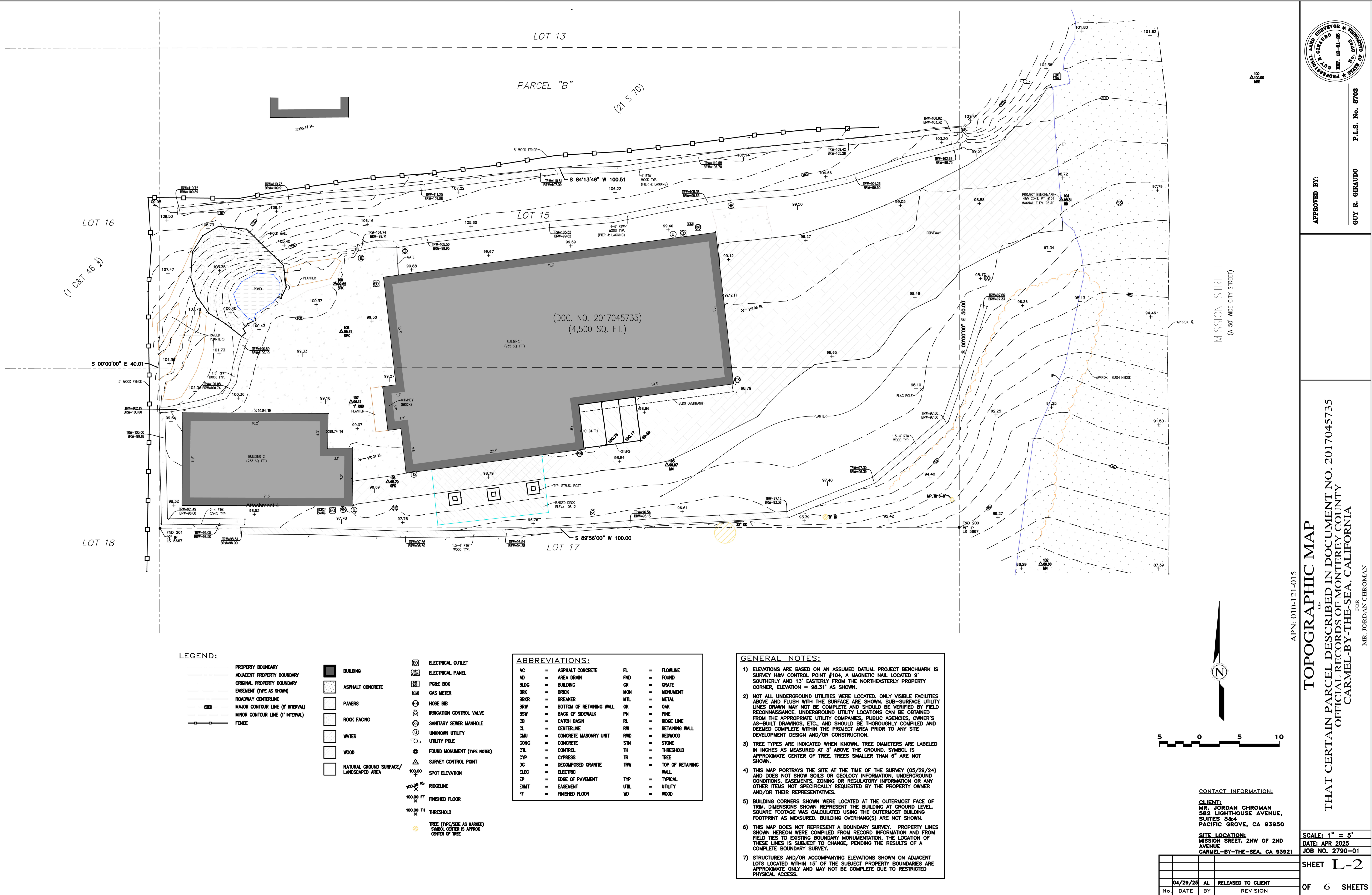
Revision

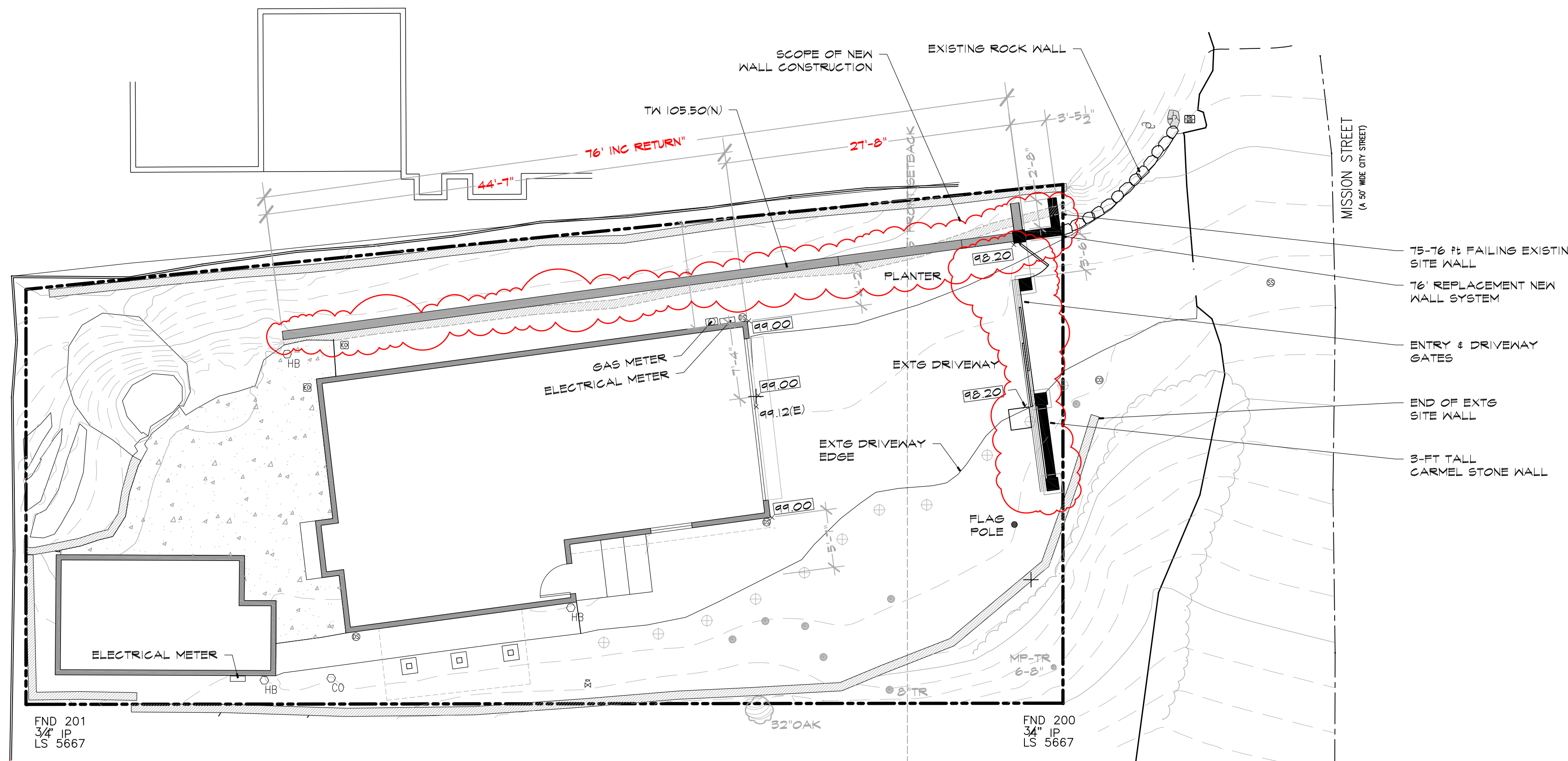
Drawn By MASH

Sheet

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LAYOUT PLAN
SCALE : 1/8" = 1' - 0"



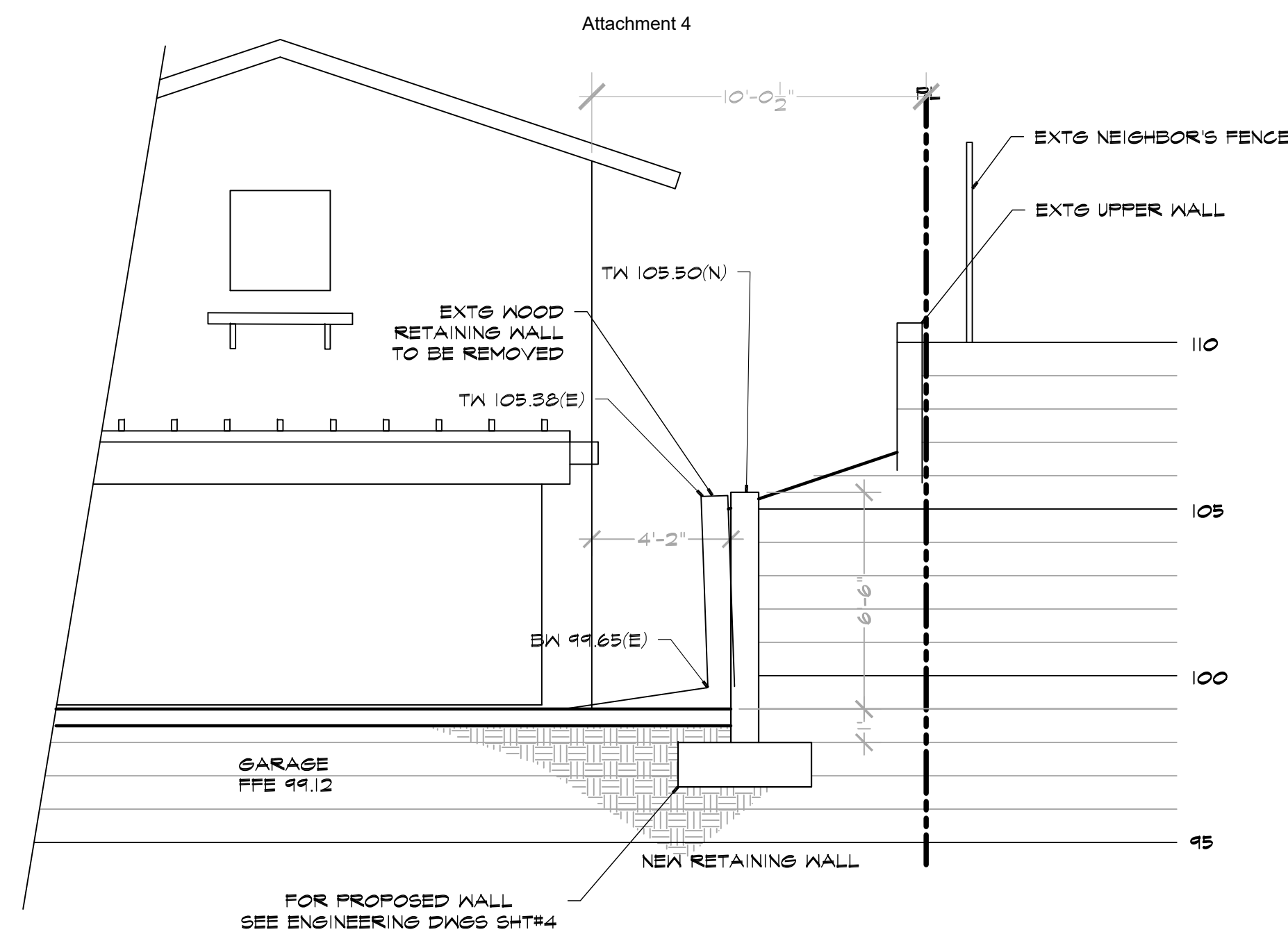
VIEW NORTH SIDE OF HOUSE @ EDGE OF EXISTING WALL



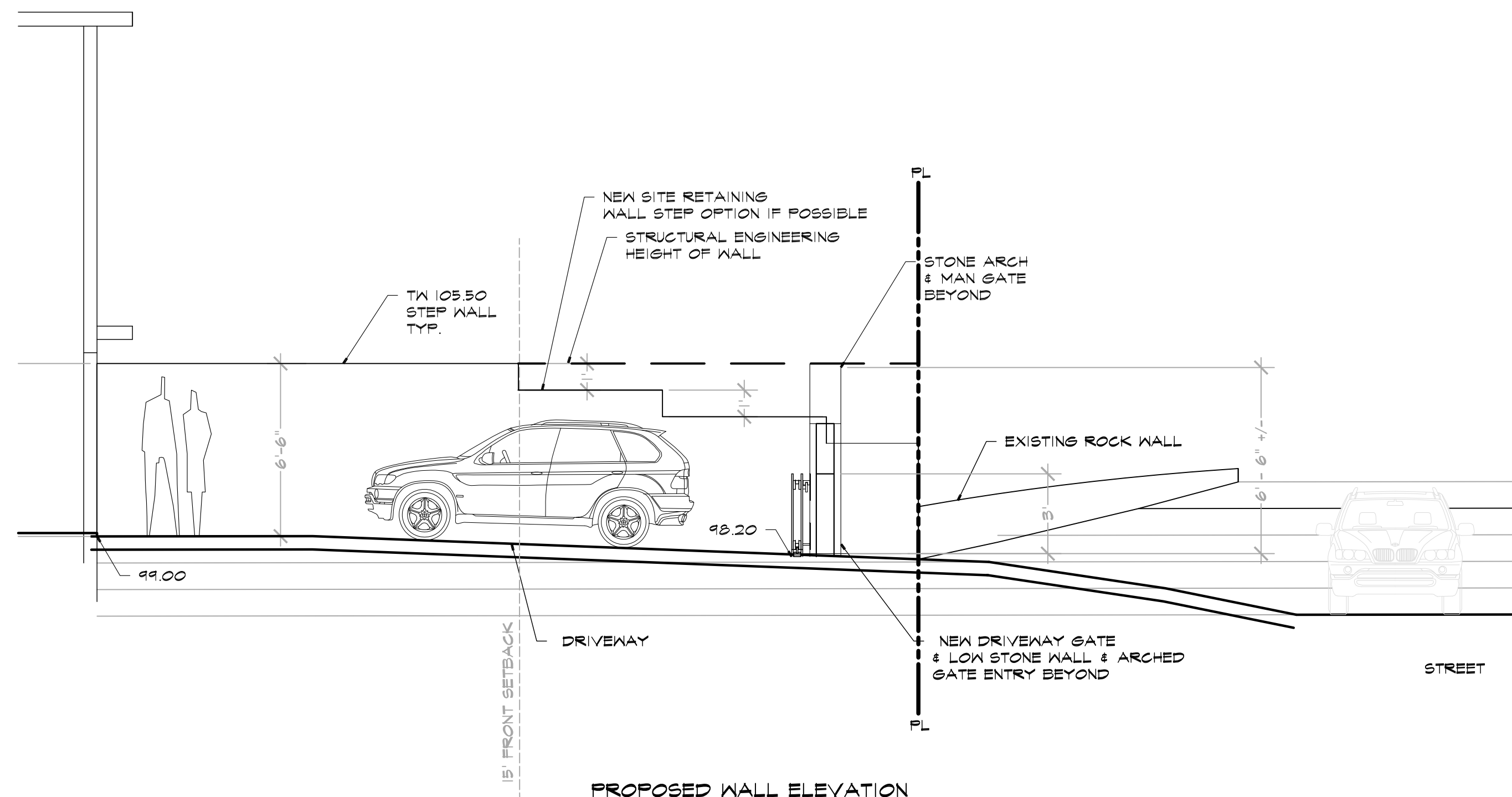
VIEW FROM THE STREET



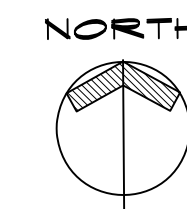
WALL LOCATION TO HOUSE & FL



SECTION THRU WALL
SCALE : 1/4" = 1' - 0"



PROPOSED WALL ELEVATION
SCALE : 1/4" = 1' - 0"



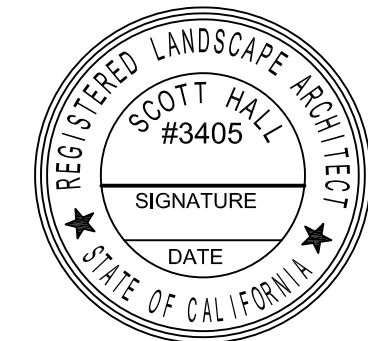
0' 8' 16' SCALE : AS SHOWN

PROPOSED PROJECT RETAINING LAYOUT PLAN / SECTION / & ELEVATION

Revisions

Revisions

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Mr & Mrs Chroman
Mission @ Second 2 NW
Carmel-by-the-Sea, CA

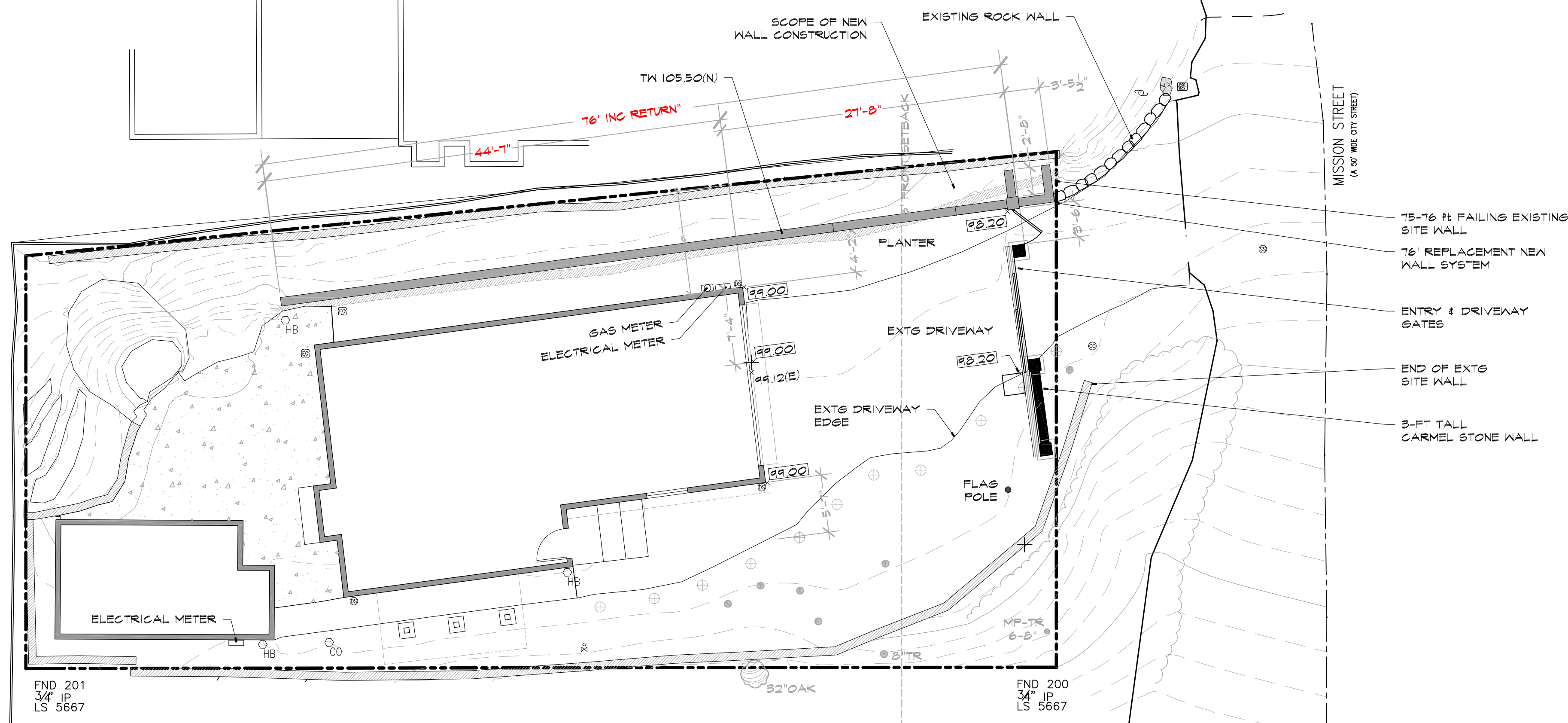
**Proposed
Layout & Photos**

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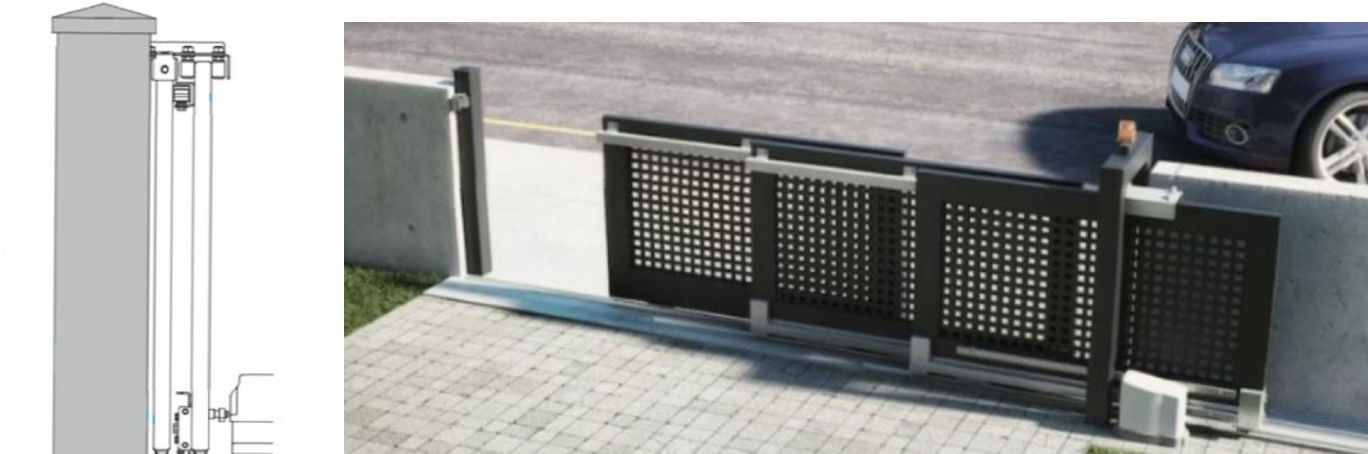
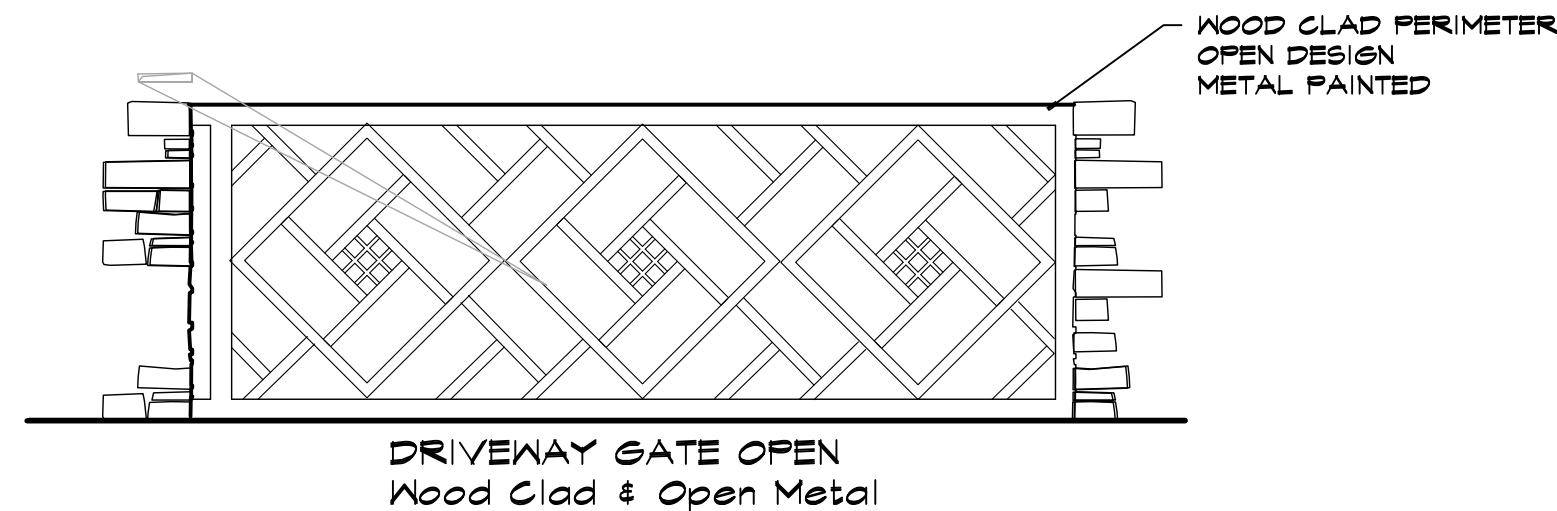
Job # 05-2024
Date Printed: 06/20/2025
Revision
Drawn By MASH
Sheet

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LAYOUT PLAN
SCALE : 1/8" = 1' - 0"

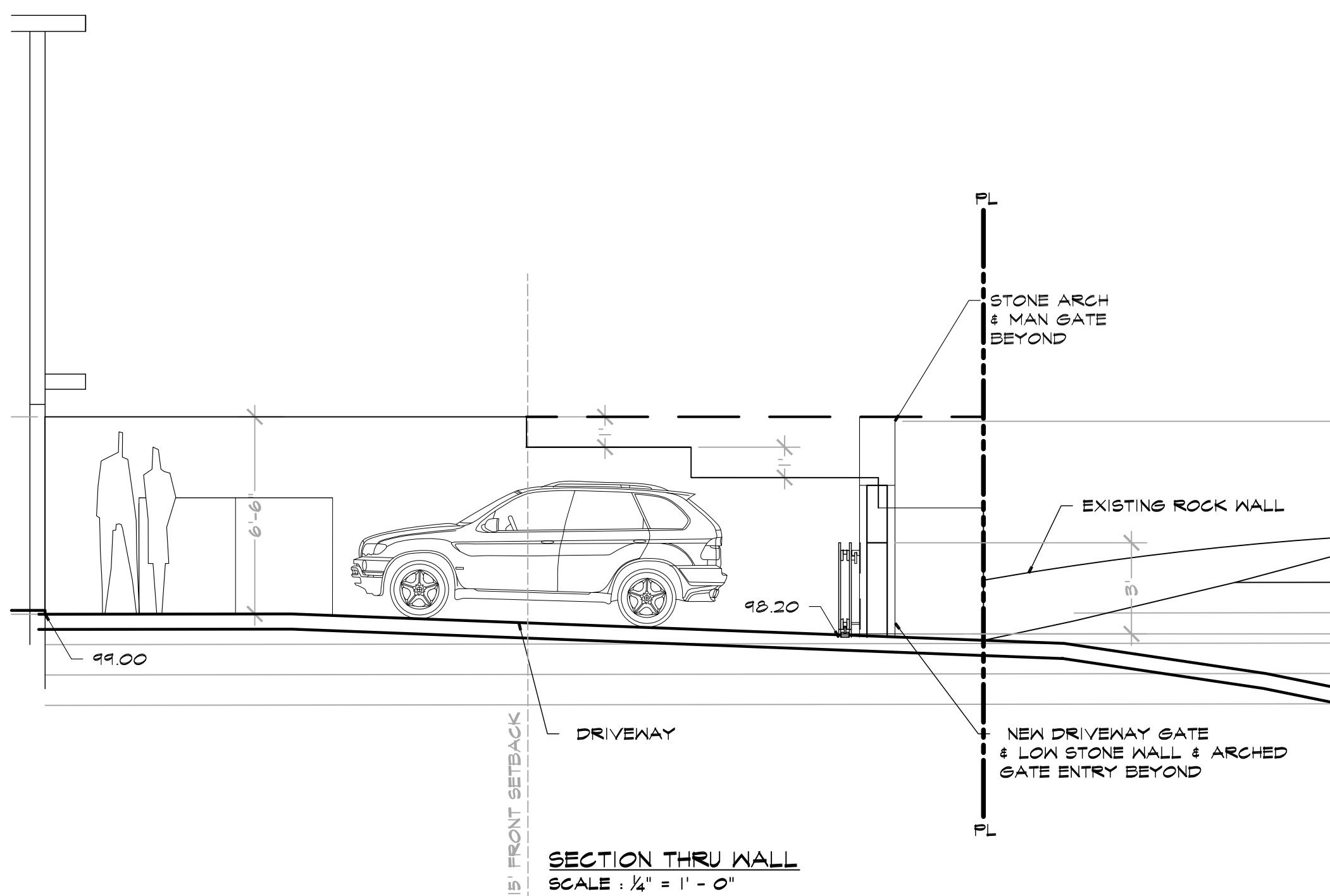


DRIVEWAY GATE INSPIRATION MECHANICS

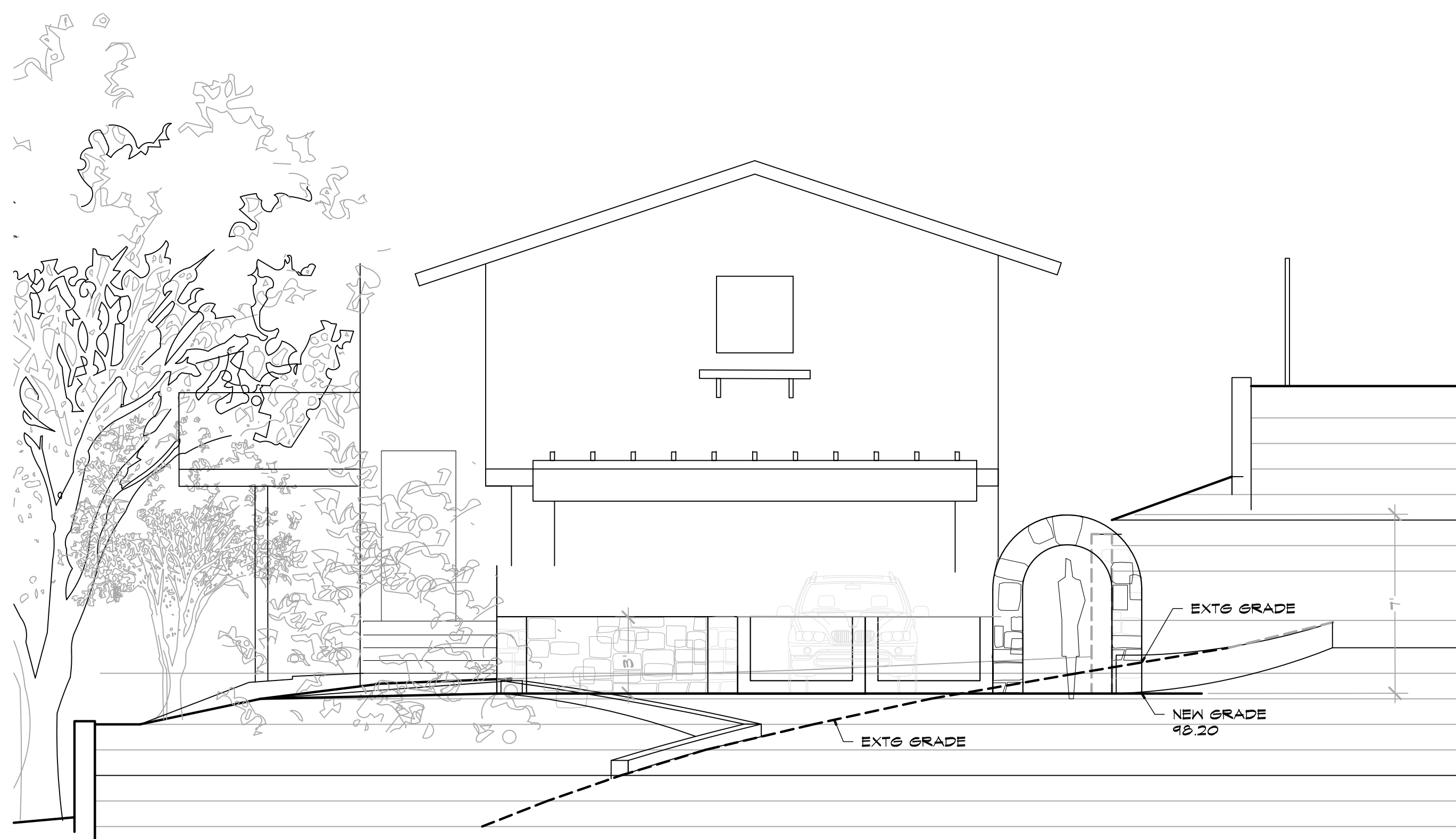


GARDEN GATE @ ARCH
Metal Pickets

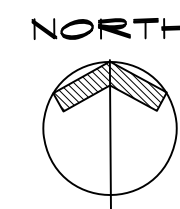
PERIMETER METAL
FRAME & INFILL METAL
PICKETS /
PAINTED STAINLESS
STEEL



SECTION THRU WALL
SCALE : 1/4" = 1' - 0"



PROPOSED WALL ELEVATION
SCALE : 1/4" = 1' - 0"

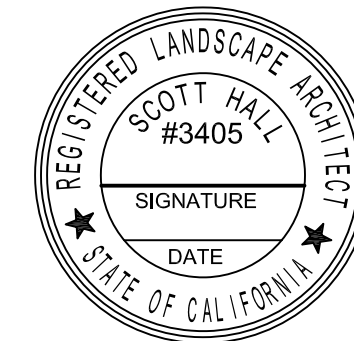


0' 8' 16'
SCALE : AS SHOWN

PROPOSED PROJECT ENTRY GATES / LOW CARMEL STONE WALL: PLAN / SECTION / & ELEVATION

Revisions

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Mission @ Second 2 NW
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Proposed
Entry Gates

Page Title:

Job # 05-2024

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Revision

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GENERAL NOTES

1. THE GENERAL NOTES CONTAINED WITHIN APPLY TO ALL DRAWINGS.
2. ALL WORK SHALL BE IN ACCORDANCE WITH ALL FEDERAL, STATE AND LOCAL BUILDING CODES AND SAFETY ORDINANCES IN EFFECT AT THE PLACE OF BUILDING. REF.: 2022 CBC
3. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY THE ENGINEER OF ANY POTENTIAL DISCREPANCIES OR CONFLICTS, INCLUDING BUT NOT LIMITED TO INCONSISTENCIES WITHIN THE STRUCTURAL DRAWINGS, INCONSISTENCIES BETWEEN THE STRUCTURAL DRAWINGS AND OTHER DISCIPLINES INCLUDING ARCHITECTURAL DRAWINGS, GEOTECHNICAL RECOMMENDATIONS, EXISTING SITE CONDITIONS, ETC.
4. IT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY ALL EXISTING AND NEW DIMENSIONS SHOWN ON THESE PLANS AND TO COORDINATE ALL DIMENSIONS BETWEEN STRUCTURAL AND ARCHITECTURAL PLANS. THE DIMENSIONS PROVIDED ON STRUCTURAL PLANS ARE SOLELY FOR THE PURPOSE OF DESIGN.
5. ANY CONFLICTS OR DISCREPANCIES BETWEEN THE DRAWINGS AND SITE CONDITIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ENGINEER AND CORRECTED AS DIRECTED BY THE ENGINEER.
6. CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.
7. CONTRACTOR ACKNOWLEDGES THAT HE HAS THOROUGHLY FAMILIARIZED HIMSELF WITH THE BUILDING SITE CONDITIONS, GRADES, ETC., WITH THE DRAWINGS AND SPECIFICATIONS, WITH THE DELIVERY FACILITIES AND ALL OTHER MATTERS AND CONDITIONS WHICH MAY AFFECT THE OPERATION AND COMPLETION OF THE WORK AND ASSUMES ALL RISKS THEREFROM.
8. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES. ALL DAMAGE SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
9. THE DRAWINGS SCHEMATICALLY INDICATE EXISTING AND NEW CONSTRUCTION. DUE TO THE NATURE OF THE WORK, ADJUSTMENTS WILL LIKELY BE REQUIRED IN THE FIELD TO MEET THE DESIGN OBJECTIVES. SUCH ADJUSTMENTS ARE PART OF THE CONTRACT AND SHALL BE INCLUDED IN THE LUMP SUM BID.
10. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TEMPORARY SHORING. SHORING SHALL BE PROVIDED TO SUPPORT THE STRUCTURE UNTIL ALL WORK ON THE DRAWINGS IS COMPLETED.
11. DRAINAGE SYSTEMS AND WATERPROOFING ARE NOT A PART OF THE STRUCTURAL PLANS AND SHALL BE DESIGNED BY OTHERS AS REQUIRED.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION OF ALL WORK, REQUIRED INSPECTIONS, AND STRUCTURAL OBSERVATIONS INCLUDING, BUT NOT LIMITED TO THAT SHOWN ON THESE DRAWINGS.
13. ANY REQUEST FOR SUBSTITUTION OR MODIFICATION TO THESE DRAWINGS SHALL BE MADE IN WRITING BY CONTRACTOR TO THE ARCHITECT AND ENGINEER. ANY DESIGN COST ASSOCIATED WITH SUCH CHANGES SHALL BE ABSORBED BY THE CONTRACTOR. SHOP DRAWINGS DO NOT CONSTITUTE "IN WRITING" UNLESS IT IS CLEARLY NOTED THAT SPECIFIC CHANGES ARE BEING REQUESTED.
14. VERIFY ALL DIMENSIONS AND OPENINGS WITH ARCHITECTURAL DRAWINGS BEFORE PROCEEDING WITH WORK. BRING ALL DISCREPANCIES TO THE ATTENTION OF THE ENGINEER AND ARCHITECT PRIOR TO PROCEEDING WITH WORK.

CONCRETE GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF ACI 301-20; SPECIFICATIONS FOR STRUCTURAL CONCRETE AND ACI 318-19; BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE.
2. ALL CONCRETE SHALL MEET THE MIX DESIGN CRITERIA NOTED IN THE SCHEDULE BELOW.
- 2.1. ALL AGGREGATE SHALL CONFORM TO ASTM C33, FOR LOW SHRINKAGE AGGREGATE, USE LIMESTONE OR GRANITE. LIGHTWEIGHT AGGREGATE SHALL CONFORM TO ASTM C-330.
- 2.2. ALL CONCRETE SHALL BE MIXED AND DELIVERED TO THE SITE IN CONFORMANCE WITH ASTM C94 TYPE I OR II. ALL WATER SHALL BE POTABLE, CLEAN, AND NOT DETRIMENTAL TO THE CONCRETE.
- 2.3. FLY ASH CONFORMING TO ASTM C618 CLASS F MAY BE USED AS A CEMENT REPLACEMENT UP TO THE TOTAL PERCENT CEMENT CONTENT NOTED IN THE SCHEDULE.
- 2.4. ENTRAINED AIR CONTENT SHALL BE BELOW 3% WHERE A TROWEL FINISH WILL BE APPLIED.

CONCRETE MIX DESIGN SCHEDULE						
MIX CLASS	CONCRETE USE	28-DAY STRENGTH (PSI)	MAX AGGREGATE SIZE (IN)	CONCRETE WEIGHT (PCF)	MAX W/C RATIO	MIN. MAX FLY ASH (%)
A	FOUNDATIONS	3000	¾"	145	0.5	15, 25
B	WALLS (CIP)	3000	¾"	145	0.5	15, 25
C	SLABS ON GRADE	3000	¾"	145	0.5	15, 25
D	POST TENSIONED SLABS ON GRADE	5000	¾"	145	0.5	15, 25

3. THE MINIMUM 28-DAY COMPRESSIVE STRENGTH IN PSI WHEN TESTED TO BE IN ACCORDANCE WITH ASTM C39.
4. CONCRETE USED IN FOUNDATIONS, DRILLED PIERS, AND FOUNDATION WALLS SHALL HAVE A MAXIMUM SLUMP OF 3 INCHES. ALL OTHER CONCRETE SHALL HAVE A MAXIMUM SLUMP OF 4" INCHES WHERE A GREATER SLUMP IS REQUIRED. USE AN ADMIXTURE AND DO NOT ADD ADDITIONAL WATER. CONTRACTOR SHALL TAKE NECESSARY MEASURES TO CONSOLIDATE CONCRETE, SUCH AS MECHANICAL VIBRATION.
5. THE CONTRACTOR SHALL SUBMIT MIX DESIGNS TO THE ENGINEER FOR REVIEW AND APPROVAL A MINIMUM OF 72 HOURS PRIOR PLACING CONCRETE. ALL ADMIXTURES THAT WILL BE ADDED TO THE CONCRETE MUST BE CLEARLY DENOTED IN THE MIX DESIGN FOR APPROVAL BY THE ENGINEER. NO ADDITIONAL ADMIXTURES NOT APPROVED BY THE ENGINEER MAY BE USED.
6. STEPS SHALL BE TAKEN TO ENSURE STRUCTURAL CONCRETE IS KEPT ADEQUATELY MOIST FOR CURING. THE FOLLOWING MATERIALS MAY BE USED:
- 6.1. ABSORPTIVE COVER: BURLAP CLOTH MADE FROM JUTE OR KENAF. WEIGHING APPROXIMATELY 9 OUNCES PER SQ. YD.
- 6.2. MOISTURE RETAINING COVER: POLYETHYLENE FILM COMPLYING WITH ASTM C171.
- 6.3. LIQUID MEMBRANE FORMING CURING COMPOUNDS; DISSIPATING RESIN CURING COMPOUND; VOC COMPLIANT, CLEAR, WATER-BASED RESIN, COMPLYING WITH ASTM C309, TYPE I (OR 1D WITH DYE), CLASS B; EUCLID CHEMICAL COMPANY "KUREZ VOX"; LAM CONSTRUCTION CHEMICALS "LAM CURE R" OR APPROVED EQUAL. USE IN ~~ADDITION TO~~ **ADDITIONAL TO** LIVE SUBSEQUENTLY APPLIED FLOORING CONTROL JOINTS SHALL BE PROVIDED AT SLABS ON GRADE AT 10' oc, MAX EACH WAY. LOCATIONS TO BE APPROVED BY THE PROJECT ARCHITECT AS REQUIRED.
7. JOINTS SHALL BE PROVIDED AT ALL SLABS ON GRADE AT 10' oc MAX EACH WAY. LOCATIONS TO BE APPROVED BY THE PROJECT ARCHITECT AS REQUIRED.
8. EXPANSION JOINTS: EXPANSION JOINTS SHALL BE PROVIDED AT 100' oc AT CONCRETE WALLS, CONTRACTION JOINTS SHALL BE PROVIDED AT 25' oc. AN EXPANSION JOINT REPLACES ONE CONTRACTION JOINT.
9. THE FOLLOWING MINIMUM CONCRETE COVER SHALL BE PROVIDED FOR REINFORCING BARS:
- | TYPE OF CONCRETE | MINIMUM COVER (INCHES) |
|---|------------------------|
| CAST AGAINST AND PERMANENTLY EXPOSED TO EARTH EXPOSED TO EARTH OR WEATHER | 3" |
| #6 AND LARGER | 2" |
| #5 AND SMALLER | 1½" |
| NOT EXPOSED TO WEATHER OR IN CONTACT WITH GROUND | |
| SLABS, WALL, JOISTS | ¾" |
| BEAMS, GIRDERS, COLUMNS | 1½" |
10. ALL REINFORCING STEEL SHALL BE ASTM A615 GRADE 60 EXCEPT #3 BARS AND DOWELS MAY BE GRADE 40. HOLD REINFORCEMENT IN ITS POSITION WITH DEVICES AND/OR TIES SUFFICIENTLY NUMEROUS TO PREVENT DISPLACEMENT DURING PLACING OF CONCRETE. WET SETTING IS NOT PERMITTED. REINFORCEMENT SHALL NOT BE WELDED UNLESS SPECIFICALLY SHOWN AND APPROVED BY THE ENGINEER.
11. THE CONTRACTOR SHALL SUBMIT ALL PROPOSED LOCATIONS OF CONSTRUCTION JOINTS TO THE ENGINEER AND OWNERS REPRESENTATIVE FOR APPROVAL PRIOR TO PLACING CONCRETE.
12. ALL HARDENED SURFACES OF CONSTRUCTION JOINTS SHALL BE CLEANED TO REMOVE DUST, CHIPS, OR OTHER FOREIGN MATERIALS PRIOR TO PLACING ADJACENT CONCRETE.
13. NO PIPES OR BLOCKOUTS SHALL BE PLACED IN STRUCTURAL CONCRETE ELEMENTS UNLESS SPECIFICALLY DETAILED ON THESE PLANS OR WITHOUT PRIOR APPROVAL FROM EOR.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND COORDINATING WITH ALL TRADES THE LOCATION OF ANY ELEMENTS TO BE EMBEDDED IN OR PENETRATING CONCRETE PRIOR TO PLACEMENT OF CONCRETE.
15. REFER TO TYPICAL CONCRETE DETAILS FOR REQUIRED REINFORCING HOOK LENGTHS, BAR SPLICES, ETC.
16. DO NOT REMOVE ANY CONCRETE FORMS UNTIL THE CONCRETE HAS ATTAINED SUFFICIENT STRENGTH TO SUPPORT ITS OWN WEIGHT AND CONSTRUCTION LIVE LOADS WITHOUT DAMAGE TO THE STRUCTURE.
17. FOR STRUCTURAL SLABS NOT IN CONTACT WITH GROUND, DO NOT REMOVE FORMWORK UNTIL CONCRETE TESTING DEMONSTRATES THE CONCRETE HAS REACHED ITS DESIGN 28-DAY COMPRESSIVE STRENGTH. SLABS SHALL BE KEPT ADEQUATELY MOIST FOR CURING.

LOADING CRITERIA

- GEOTECHNICAL PARAMETERS
- 50 PCF ACTIVE LOADING FOR SLOPING BACKFILL
 - 6'-0" PIER SPACING
 - 400 PCF PASSIVE PRESSURE OVER 2.0 PIER Ø
 - 1.5 FACTOR OF SAFETY SEISMIC
 - 7H*2 LBS/FT @ ½ HEIGHT FROM BASE
 - 1.5 FACTOR OF SAFETY

FOUNDATION DESIGN CRITERIA

1. THE ENGINEER IS NOT RESPONSIBLE FOR THE ADEQUACY OF THE FOUNDING SOILS. THE FOUNDATION DESIGN IS BASED UPON A REPORT BY: BUTANO GEOTECHNICAL ENGINEERING, INC., PH: (831) 724-2612, WWW.BUTANOGOTECH.COM, PROJECT 24-214-M.
2. FOUNDATION EXCAVATION, EARTHWORK, SITE PLACEMENT OF ANY CONCRETE, AND DRAINAGE SHALL BE PERFORMED IN ACCORDANCE WITH THE GEOTECHNICAL REPORT. ALL LOOSE SOILS SHALL BE REMOVED FROM TRENCHES PRIOR TO PLACEMENT OF CONCRETE.
3. EXCAVATIONS SHALL BE CLEAR OF ANY LOOSE SOIL OR DEBRIS. DO NOT ALLOW WATER TO STAND IN TRENCHES.
4. NOTIFY THE ENGINEER AND THE OWNER'S REPRESENTATIVE 48 HOURS PRIOR TO THE PLACEMENT OF CONCRETE FOR THE FOUNDATION. ALL EXCAVATIONS, FORMS, AND REINFORCING ARE TO BE INSPECTED BY THE ENGINEER AND BUILDING INSPECTOR PRIOR TO PLACEMENT OF CONCRETE.
5. A COPY OF THE GEOTECHNICAL REPORT IS TO BE RETAINED ON THE CONSTRUCTION SITE AT ALL TIMES

ABBREVIATIONS:

	CONTINUOUS WOOD	MAX	=	MAXIMUM
	DISCONTINUOUS WOOD (BLOCKING)	MIN	=	MINIMUM
@	=	N/A	=	NOT APPLICABLE
AB	=	(N)	=	NEW
ADJ	=	NC	=	NOT IN CONTRACT
ALT	=	NS	=	NEAR SIDE
AP	=	NTS	=	NOT TO SCALE
ARCH	=	or	=	OVER
BLDG	=	oc	=	ON CENTER
BLK	=	PAF	=	PLYWOOD ACTUATED FASTENER
BM	=	PLY	=	PLYWOOD
BN	=	PLYWD	=	PLYWOOD
CIP	=	PSL	=	PARALLEL STRAND LUMBER
CLG	=	PT	=	PRESSURE TREATED
CLR	=	RDWD	=	REDWOOD
CMU	=	REINF	=	REINFORCED(ING)
CONC	=	REQ	=	REQUIRED
CONT	=	SAD	=	SEE ARCHITECTURAL DRAWINGS
DBL	=	SCD	=	SCHEDULE
DF	=	SCHED	=	SCHEDULE
DIA	=	SECT	=	SECTION
DN	=	SIM	=	SIMILAR
(E)	=	SOG	=	SLAB ON GRADE
E/O	=	STL	=	STEEL
EA	=	SW	=	SHEAR WALL
EF	=	SWS	=	SHEAR WALL SCHEDULE
ELEV	=	SYM	=	SYMMETRICAL
EN	=	TYP	=	TYPICAL
EOR	=	UNO	=	UNLESS NOTED OTHERWISE
EQ	=	UOS	=	UNLESS OTHERWISE SPECIFIED
EW	=	VIF	=	VERIFY IN FIELD
EXP AB	=	w/	=	WITH
EXT	=	w/o	=	WITHOUT
FIN	=	WWF	=	WELDED WIRE FABRIC
FHS	=	WD	=	WOOD
FND	=			
FS	=			
FT	=			
GLB	=			
GND	=			
HD	=			
HDR	=			
HDS	=			
HT	=			
IN	=			
LOC	=			
LSL	=			
LVL	=			
MB	=			

STRUCTURAL OBSERVATION

1. STRUCTURAL OBSERVATIONS, AS REQUIRED BY CHAPTER 17 OF THE 2022 CALIFORNIA BUILDING CODE SHALL BE REQUIRED FOR THIS PROJECT. THESE OBSERVATIONS ARE SEPARATE FROM ANY REQUIRED SPECIAL INSPECTIONS OR BUILDING INSPECTION REQUIREMENTS.
2. THE PURPOSE OF THE STRUCTURAL OBSERVATIONS ARE TO REVIEW THE OVERALL PROGRESS OF THE JOB AND TO ENSURE THAT THE STRUCTURAL INTENT OF THESE DRAWINGS IS BEING EXECUTED. A VISUAL OBSERVATION OF THE STRUCTURAL SYSTEM FOR GENERAL CONFORMANCE WITH THESE DRAWINGS WILL BE COMPLETED.

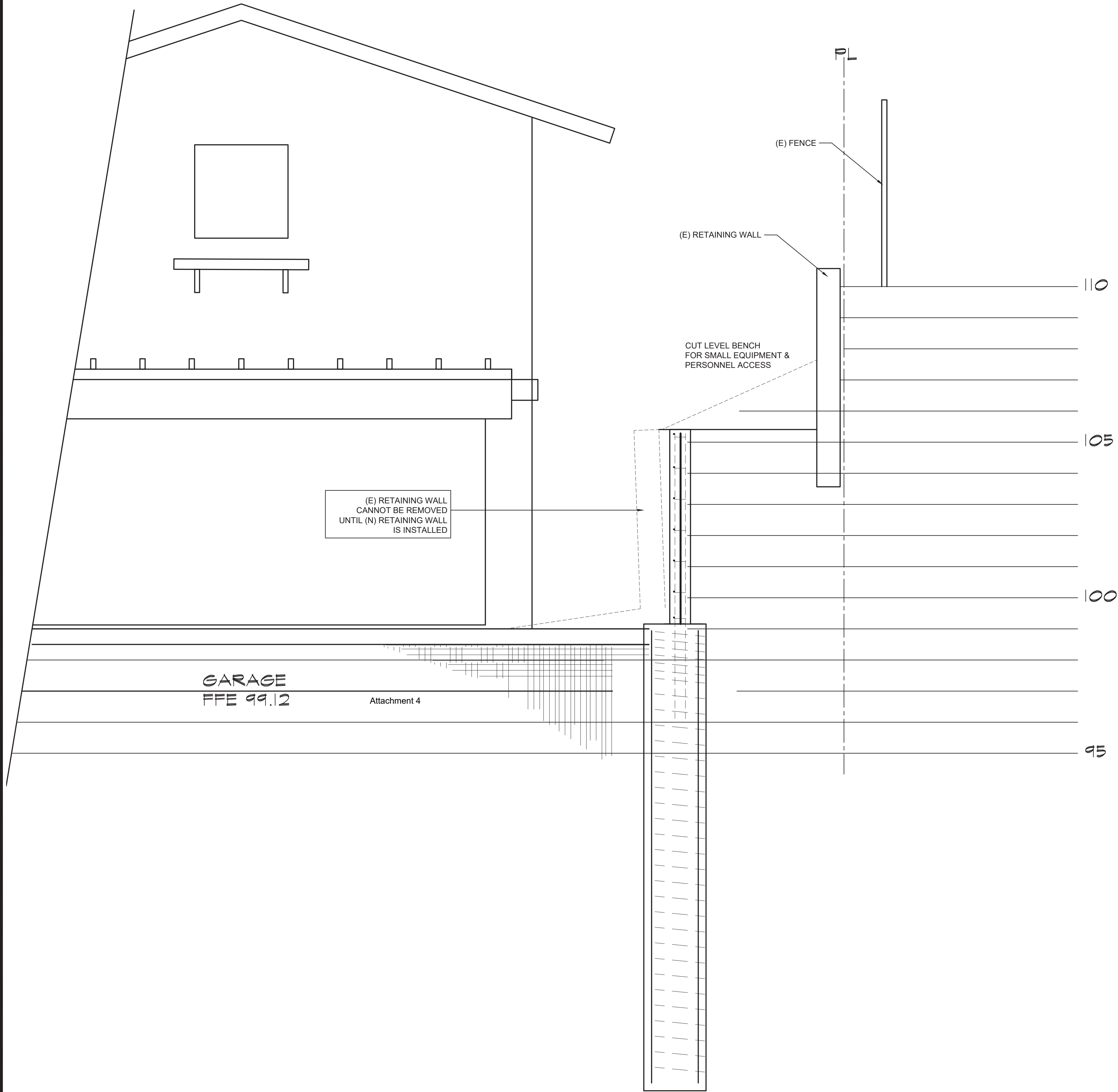
SPECIAL INSPECTIONS & TESTING

1. CONTRACTOR SHALL NOTIFY THE SPECIAL INSPECTION AGENCY AND GEOTECHNICAL ENGINEER A MINIMUM OF 48 HOURS PRIOR TO THE TIME OF INSPECTION.
2. SPECIAL INSPECTIONS SHALL BE COMPLETED IN CONFORMANCE WITH CHAPTER 17 OF THE 2022 CALIFORNIA BUILDING CODE AND SHALL BE PROVIDED FOR THE FOLLOWING WORK, UNDER THE SUPERVISION OF AN OUTSIDE SPECIAL INSPECTION TESTING AGENCY EMPLOYED BY THE OWNER'S REPRESENTATIVE.
3. THE ENGINEER OF RECORD WILL NOT PROVIDE A STRUCTURAL OBSERVATION LETTER FOR OBSERVATIONS NOT PERFORMED.
4. THESE INSPECTIONS IN NO WAY RELIEVES THE CONTRACTOR FROM HIS RESPONSIBILITY TO CONFORM TO THE PLANS, SPECIFICATIONS, THE CALIFORNIA BUILDING CODE AND ANY OTHER LOCAL ORDINANCES IN EFFECT. IF LOCAL JURISDICTION INSPECTION/OBSERVATION REQUIREMENTS ARE LESS STRINGENT, THE REQUIREMENTS OF THESE DRAWINGS MUST STILL BE MET.
5. THE GEOTECHNICAL ENGINEER SHALL BE PRESENT TO OBSERVE AND TEST, AS NECESSARY, THE EARTHWORK, FOUNDATION, AND DRAINAGE INSTALLATION PHASES OF THE PROJECT.
6. ONE COPY OF ANY AND ALL INSPECTION REPORTS PREPARED BY AN INDEPENDENT TESTING LABORATORY, BUILDING DEPARTMENT, AND/OR GEOTECHNICAL ENGINEER SHALL BE SUBMITTED TO THE ENGINEER.
7. IT IS RECOMMENDED THAT ADDITIONAL INSPECTIONS BE REQUESTED AT REGULAR INTERVALS DURING THE COURSE OF CONSTRUCTION AS THESE REGULAR INSPECTIONS COULD REDUCE THE AMOUNT OF DEMOLITION AND REWORKING REQUIRED BY POSSIBLE MISTAKES, OMISSIONS OR MISINTERPRETATIONS.

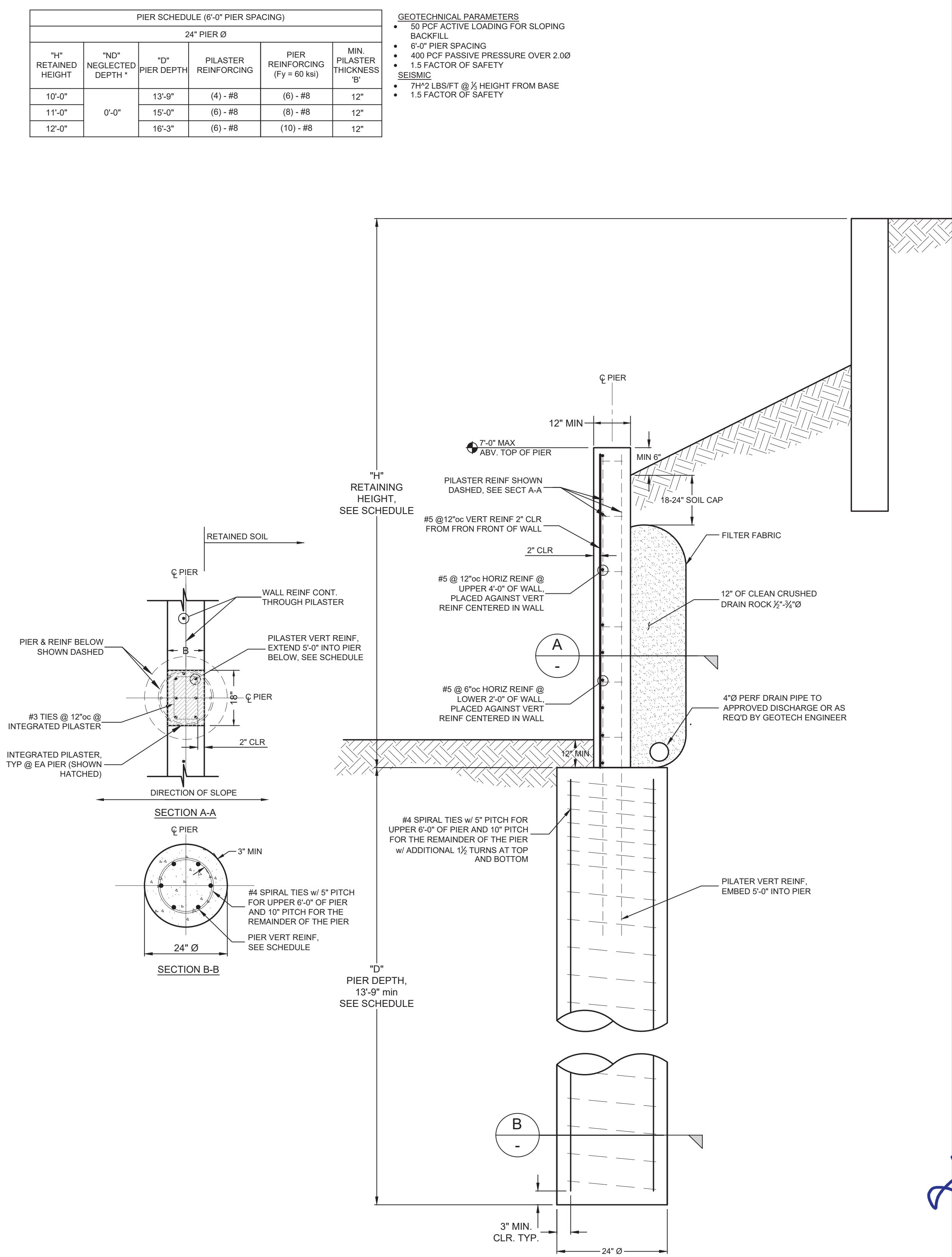
REQUIRED INSPECTIONS, TESTING, & OBSERVATION

ITEM	TESTING	SPECIAL INSPECTION	ENGINEERS OBSERVATION
GRADING AND COMPACTION (CBC 1705.6)			✕ ²
FOOTING EXCAVATION (CBC 1705.6)			
DRILLED PIER EXCAVATION (CBC 1705.8)			✕ ²
CONCRETE STRENGTH (CBC 1705.3) ITEM			
CONCRETE REINFORCING (CBC 1705.3) ITEM			✕ ¹
STRUCTURAL FRAMING OBSERVATION PRIOR TO COVER			
SHEAR WALL & DIAPHRAGM NAILING AND SEISMIC HARDWARE (CBC 1704.6.1)			
DIAPHRAGM OR SHEAR WALL NAILING w/ FASTENERS AT LESS THAN 4"oc (CBC 1705.12.1)			
EPOXY ANCHOR INSTALLATION (PER ICC REPORT)			
POST-INSTALLED ANCHOR BOLTS (PER ICC REPORT)			
EPOXY ANCHOR HOLDOWN PULL-TEST (PER ICC REPORT)			
STRUCTURAL STEEL WELDING & HIGH STRENGTH BOLTING (CBC 1705.2 & 1705.13.1)			
NOTES: 1. ENGINEERING OBSERVATION SHALL BE DONE BY THE ENGINEER OF RECORD 2. ENGINEERING OBSERVATION SHALL BE DONE BY THE GEOTECHNICAL ENGINEER OF RECORD 3. SPECIAL INSPECTION SHALL BE DONE BY A CERTIFIED & APPROVED INDEPENDENT TESTING LAB OR SPECIAL INSPECTION FIRM 4. "C" = CONTINUOUS SPECIAL INSPECTION. "P" = PERIODIC SPECIAL INSPECTION			





SECTION @ PROPOSED NEW RETAINING WALL



NEW PIER DETAIL

MORRIS
SHAFFER
ENGINEERING

1300 Industrial Road, Suite 14
San Carlos, CA 94070
t. (650)595-2973
f. (650)595-2980
www.morris-shaffer.com

NEW RETAINING WALL

RETAINING WALL SECTIONS

NEW RETAINING WALL

MISSION ST 2NW OF 2ND ST.
CARMEL, CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER
ROBERT H. SHAFFER
C 45322
CIVIL
STATE OF CALIFORNIA

SCALE: AS NOTED
DRAWN BY: RHS
JOB: 24206
ISSUED: APRIL 25, 2025
REVISIONS:

SHEET:
S1.0

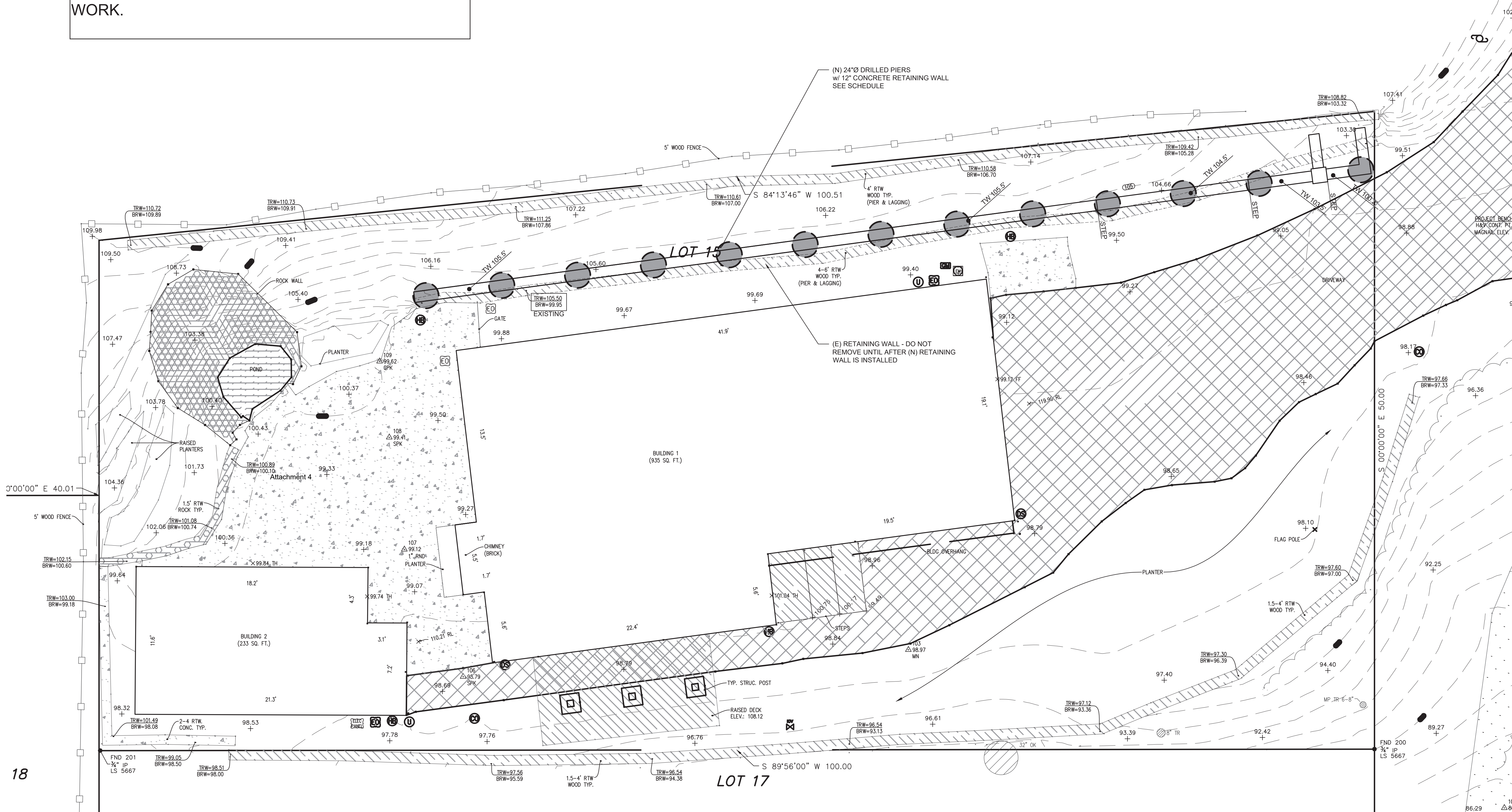
1. OBSERVATION OF PIER DRILLING AND WALL BACKFILLING IS REQUIRED BY GEOTECHNICAL ENGINEER.
2. OBSERVATION OF CONCRETE REINFORCING BY EOR IS REQUIRED PRIOR TO POURING CONCRETE
3. COORDINATE WALL LOCATION AND HEIGHTS WITH LANDSCAPE ARCHITECTURAL PLANS. NOTIFY EOR OF ANY DISCREPANCIES PRIOR TO STARTING WORK.



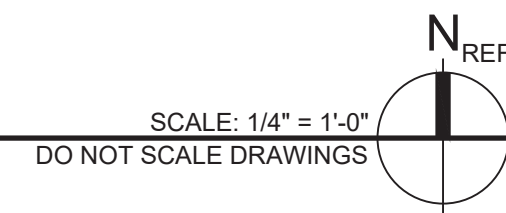
SCALE: AS NOTED
DRAWN BY: RHS
JOB: 24206
ISSUED: APRIL 25, 2025
REVISIONS:

SHEET:

S1.1



SITE PLAN w/ NEW RETAINING WALL





CITY OF CARMEL-BY-THE-SEA PLANNING COMMISSION Staff Report

July 9, 2025
PUBLIC HEARINGS

TO: Chair LePage and Planning Commissioners

SUBMITTED BY: Jacob Olander, Associate Planner

APPROVED BY: Anna Ginette, AICP, Community Planning And Building Director

SUBJECT: **UP 25024 (Samali Perfumes, LLC):** Consideration of a Use Permit (UP 25024) for the establishment of a new Cosmetic Store for the sale of perfumes with two ancillary uses of retail sales of clothing and jewelry located on Lincoln Street 2 southwest of Ocean Avenue in Unit A in the Central Commercial (CC) District. APN: 010-201-002-000

Proposed CEQA Action: Find the project categorically exempt pursuant to CEQA Guidelines Section 15301 and no exceptions to the exemptions listed in Section 15300.2 can be made.

Application: UP 25024 (Samali Perfumes, LLC)

APN: 010-201-002-000

Block: 74

Lot: 9

Location: Lincoln 2 SW of Ocean Unit A

Applicant: Ali Sahib & Samar Hamid

Property Owner: ESPERANZA CARMEL
COMMERICAL LLC

Executive Summary:

Cosmetic Stores and stores with multiple ancillary uses are permitted in the Central Commercial Zoning District with a Conditional Use Permit. The existing business (clothing and clothing accessories) is operated by the applicant with an approved business. The applicant is seeking approval of a Use Permit to make the perfume sales the primary use with clothing and jewelry as ancillary uses.

Recommendation:

Staff recommends the Planning Commission adopt a resolution (Attachment 1):

- 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) Approving a Use Permit for the establishment of a Cosmetic Store with multiple ancillary uses.

Background and Project Description:

The proposed business, Perfumes by the Sea, would be located on Lincoln 2 SW of Ocean (Unit A) in the Central Commercial (CC) Zoning District. On November 20, 2024, an application (BL 24053 (Samali)) for a retail store, *Samali*, was approved at the subject location. The applicant was interested in a cosmetics store but at the time of the application, elected to work with staff to obtain a business license for a clothing and clothing accessories retail store, where they would sell clothing and jewelry with a small display of perfumes. Subsequent to approval of the business license and establishment of the clothing store, an application for a Use Permit, UP 25024 (Samali Perfumes, LLC), was submitted on March 20, 2025 to start the process for making perfume sales the primary use and to have multiple ancillary uses (clothing and jewelry sales).

Staff Analysis:

Conditional Use Permit Required: The site is located in the Central Commercial (CC) Zoning District. Carmel Municipal Code (CMC) Section 17.68.050 defines a Cosmetic Store as “A retail store as a primary use selling cosmetics, perfumes, skin-care products, toiletries, and personal grooming products.” Cosmetic Stores are permitted in the Central Commercial (CC) and Service Commercial (SC) Zoning Districts upon issuance of a Conditional Use Permit (CUP) (CMC Section 17.14.030, see Schedule II-B below). The purpose of the CUP is to ensure the proposed use is appropriately located and operated. In addition, a CUP allows for conditions to be placed on the business in order to protect the public health, safety, peace, and welfare. The CUP process also allows the City to ensure that a business is operating in accordance with the terms of its permit and conditions.

Schedule II-B: Commercial Districts – Use Regulations				
P = Permitted Use L = Limitations Apply C = Conditional Use Permit Required	Commercial Districts			Additional Regulations
	CC	SC	RC	
Cosmetic Stores	C	C	-	

Use Regulations: For all Cosmetic Stores, the following standards apply (CMC Section 17.14.040.T.18):

- All merchandise and activity shall be contained within an enclosed shop or business space.*
- Permitted in the CC and SC districts with the issuance of a conditional use permit.*

Staff Response: The business is required to operate completely within the enclosed business space. Staff has identified the enclosed business space as the interior floor area of the business as identified on the floor plan provided by the applicant (refer to Attachments 2). The city's Code Compliance Division frequently receives complaints regarding soliciting sales and stopping pedestrians to give out samples in the public right-of-way directly outside of cosmetic stores' business spaces. These types of complaints have been received for existing cosmetic stores along Ocean Avenue and were the impetus for the City Council to adopt an ordinance in 2017 that required Cosmetics Stores to obtain a Conditional Use Permit.

While the requirement to operate within the enclosed business space is already an operational standard for Cosmetic Stores as established in the Municipal Code, Condition of Approval #9 has been incorporated stating, “Business merchandise and business activity shall be contained within the enclosed business space. The enclosed business space is defined as the interior floor area of the tenant space as identified in Attachment 2 of the Planning Commission staff report. No business operation is permitted outside of the enclosed business space including but not limited to solicitation of business, and the distribution of samples.” Violation of this condition of approval would be grounds for Use Permit Revocation and Business License Revocation in accordance with CMC Section 17.66.050 and CMC Section 5.12.040.A, respectively.

Additional Use Regulations: The city's Code Compliance Division has fielded numerous complaints regarding the operation of cosmetic stores in the village. Based on the logs from code compliance cases, general complaints received regarding some cosmetic store practices include: solicitation of business outside of the business and in the public right-of-way, high-pressure sales tactics, aggressive and deceptive sales tactics, and complaints regarding fraud. In an effort to address the public concern's regarding the practices of these retailers and to ensure the required findings of the use permit to protect the public health, safety, peace, and welfare can be made, staff has included the above discussion on these areas of concern and Condition of Approval #9.

Ancillary Uses:

The store is proposing to have multiple ancillary uses, one of which would use a portion of the store greater than 10 percent of the primary use. CMC Section 17.14.040.B.3 states, "Requests for the establishment of more than one ancillary use with a primary use, or to establish one or more ancillary uses with a proportion of more than 10 percent of the primary use shall only be approved upon the granting of a use permit by the Planning Commission through the adoption of findings established in CMC Section 17.64.060, Ancillary or Accessory Uses" The purpose of the CUP is to ensure the proposed uses are compatible. Staff has determined that all the proposed uses for store are compatible and won't have any deleterious effects to public health, safety, peace, and welfare. The Use Permit will also be conditioned to have the clothing and jewelry sale will not be a portion of more than 10 percent and 40 percent of the primary use respectively.

Use Permit Findings. In Accordance with CMC Section 17.64.010.A, in its review of applications for use permits, the Planning Commission shall evaluate each proposed use in order to consider its impact on the City. No use permit shall be granted unless all of these general findings can be made:

1. That the proposed use will not be in conflict with the City's General Plan.
2. That the proposed use will comply with all zoning standards applicable to the use and zoning district.
3. That granting the use permit will not set a precedent for the approval of similar uses whose incremental effect will be detrimental to the City, or will be in conflict with the General Plan.
4. That the proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.
5. That the proposed use will not be injurious to public health, safety or welfare.
6. That the proposed use will be compatible with surrounding land uses and will not conflict with the purpose established for the district within which it will be located.
7. That the proposed use will not generate adverse impacts affecting health, safety, or welfare of neighboring properties or uses.

Staff Analysis: As conditioned, the proposed business meets the required findings outlined in CMC Section 17.64.010. The retail store is permitted in the CC Zoning District upon approval of a Conditional Use Permit and is not in conflict with the General Plan. The project is conditioned to comply with the applicable zoning standards outlined in CMC Section 17.14.040.T.18 and 17.14.040.B.3. The approval of the use permit would not set a precedent for the approval of similar uses whose incremental effect would be detrimental to the City or create adverse impacts to health, safety, or welfare of neighboring properties and the public provided all Conditions of Approval are followed. The retail use will not make excessive demands on public services and is compatible with other retail uses in the surrounding area.

Commercial Use Permit findings. In accordance with CMC Section 17.64.020, in addition to the general findings required for all use permits listed above (CMC Section 17.64.010.A), no use permit shall be granted for commercial or business uses unless all of these general findings can be made:

1. That allowing the proposed use will not conflict with the City's goal of achieving and maintaining a balanced mix of uses that serve the needs of both local and nonlocal populations.
2. That proposed use will provide adequate ingress and egress to and from the proposed

location.

3. That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.

Staff Analysis: The proposed use meets the findings outlined in CMC Section 17.64.010. The proposed use is a conditionally permitted use in the Central Commercial (CC) zoning district and the additional zoning requirements for the use have been made in the affirmative. The use will be located within an existing business space and shall be required to comply with all applicable building and fire codes related to building occupancy. The surrounding streets have adequate capacity for automobile and delivery truck traffic generated by the proposed use.

Ancillary Use Permit Findings. In accordance with CMC Section 17.64.060, in addition to the previous findings, the following special findings are required to be made for approval of ancillary or accessory uses:

1. That all proposed ancillary uses are compatible with the primary use;
2. That the proposed land use, considered as a whole, appears to have the primary and ancillary uses united by a consistent theme and that the use will not exhibit a character of multiple, unrelated activities combined into one business; and
3. That the use will contribute to the character of the commercial district as a residential village with a mix of unique retail and service shops.

The proposed use meets the findings outlined in CMC Section 17.64.060. The proposed ancillary uses are compatible with the primary use, are part of a consistent theme with the primary use, and will contribute to the character of the commercial district. The sale of perfumes, apparel, and jewelry relate and are compatible. All items relate as an ensemble of adornments for an evening out in downtown Carmel-by-the-Sea.

Other Project Components:

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 the operation, maintenance, permitting, and minor alterations to existing private structures involving negligible or no expansion of an existing or former use. The project maintain the use as a retail store (selling perfume, clothing, and jewelry). 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.

Attachment 1 – Resolution

Attachment 2 - Project Description

Attachment 3 - Floor Plan

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

PLANNING COMMISSION RESOLUTION NO. 2025-XXX-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA FINDING THE PROJECT EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CEQA GUIDELINES SECTION 15301 AND THAT NONE OF THE EXCEPTIONS TO THE EXEMPTIONS CONTAINED IN SECTION 15300.2 CAN BE MADE IN THIS CASE; AND APPROVING A USE PERMIT FOR THE ESTABLISHMENT OF A NEW COSMETICS STORE, “PERFUMES BY THE SEA”, WITH 2 ANCILLARY USES. THE PROPERTY IS LOCATED ON LINCOLN 2 SW OF OCEAN (UNIT A) IN THE CENTRAL COMMERCIAL (CC) DISTRICT. APN: 010-201-002-000

WHEREAS, Ali Sahib & Samar Hamid (“Applicant”), on behalf of the property owner, ESPERANZA CARMEL COMMERCIAL LLC (“Owner”), submitted an application requesting approval of a Use Permit application (“UP 25024, Samali Perfumes, LLC”) described herein (“Application”); and

WHEREAS, the applicant is proposing to establish a new Cosmetics Store, called the “Perfumes by the Sea” to be located in a 562 square foot commercial space located in Unit A located on Lincoln 2 southwest of Ocean in the Central Commercial (CC) Zoning District; and

WHEREAS, Cosmetics Stores are permitted in the “CC” zoning district upon issuance of a Conditional Use Permit by the Planning Commission (CMC Section 17.14.030); and,

WHEREAS, notice of the public hearing was published on June 27, 2025, in the Carmel Pine Cone in compliance with State law (California Government Code 65091), as well as hand-delivery of the public notice by the Applicant to each property owner within a 100-foot radius of the project site indicating the date and time of the public hearing on or before the notice by date of June 29, 2025; and

WHEREAS, on July 9, 2025, 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, 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 project proposes the establishment of a Cosmetics Store within an existing commercial (retail) space. Therefore, pursuant to CEQA regulations, the project qualifies as categorically exempt under CEQA Guidelines Section 15301 (Existing Facilities). Class 1 exemptions include the operation, maintenance, permitting, and minor alterations to existing private structures involving

negligible or no expansion of an existing or former use. The project consists of establishing a specialty food store within an existing commercial space; and

WHEREAS, pursuant to Section 15300.2 of the CEQA Guidelines, the proposed use does not present any unusual circumstances that would result in a potentially significant environmental impact due to the fact the project is permitted with a Conditional Use Permit within the site's designated Commercial zoning district, and there are no exceptions to the exemption; 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 Conditional Use Permit:

FINDINGS REQUIRED FOR USE PERMIT APPROVAL (CMC Chapter 17.64) For each of the required findings listed below, staff has indicated whether the submitted plans support the adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate the Planning Commission's decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
Municipal Code Findings – CMC Section 17.64.010 General Findings Required for All Use Permits	YES	NO
1. The proposed use will not conflict with the City's General Plan.	✓	
2. That the proposed use will comply with all zoning standards applicable to the use and zoning district.	✓	
3. That granting the use permit will not set a precedent for the approval of similar uses whose incremental effect will be detrimental to the City or will be in conflict with the General Plan.	✓	
4. That the proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection	✓	
5. That the proposed use will not be injurious to public health, safety, or welfare.	✓	
6. That the proposed use will be compatible with surrounding land uses and will not conflict with the purpose established for the district within which it will be located.	✓	
7. That the proposed use will not generate adverse impacts affecting the health, safety, or welfare of neighboring properties or uses.	✓	
Municipal Code Findings – CMC Section 17.64.020 General Findings Required for Commercial Use Permits		
1. That allowing the proposed use will not conflict with the City's goal of achieving and maintaining a balanced mix of uses that serve the needs of both local and nonlocal populations.	✓	
2. That proposed use will provide adequate ingress and egress to and from the proposed location.	✓	
3. That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.	✓	
Municipal Code Findings – CMC Section 17.64.060 Special Findings Required for Ancillary Uses		
1. That all proposed ancillary uses are compatible with the primary use.	✓	
2. That the proposed land use, considered as a whole, appears to have the primary and	✓	

ancillary uses united by a consistent theme and that the use will not exhibit a character of multiple, unrelated activities combined into one business.		
3. That the use will contribute to the character of the commercial district as a residential village with a mix of unique retail and service shops.	✓	

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby FIND the project categorically exempt from environmental review pursuant to CEQA Guidelines Section 15301 and no exceptions to the exemptions contained in Section 15300.2 can be made in this case, and APPROVE the Use Permit UP 25024 (Samali Perfumes, LLC) for the establishment of a new Cosmetics Store with multiple ancillary uses. The property is located on Lincoln 2 SW of Ocean (Unit A) in the Central Commercial (CC) District, APN: 010-201-002-000. Approval of the use permit is subject to the following Conditions of Approval:

CONDITIONS OF APPROVAL		
No.	Standard Conditions	
1.	Authorization. This approval of Use Permit (UP 25024, Samali Perfumes, LLC) authorizes the establishment of a Cosmetic Store with multiple ancillary uses located on Lincoln 2 SW of Ocean (Unit A) in the Central Commercial (CC) District as depicted in the application and supplemental application materials unless modified by the conditions of approval contained herein.	✓
2.	Ancillary Uses. The ancillary uses of the sale of clothing and jewelry shall not be a portion of more than 10 percent and 40 percent of the primary use respectively.	✓
3.	Codes and Ordinances. Any tenant improvements associated with the project shall be constructed in conformance with all requirements of the Central Commercial (CC) district. All adopted building and fire codes shall be adhered to in preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested at the time such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission. Violations of the terms of this Use Permit or other ordinances of the City may constitute grounds for revocation of this Use Permit and the associated business license by the Planning Commission.	✓
4.	Permit Validity. This approval shall be valid for a period of 6 months from the date of final action unless a business license has been issued and maintained for any proposed use (CMC 17.52.170.A).	✓
5.	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 not available for this site, this permit will be scheduled for reconsideration and appropriate findings prepared for review and adoption by the Planning Commission.	✓

6.	Modifications. The applicant shall submit in writing to the Community Planning & Building Department any proposed changes to the project approval prior to making the changes. If the applicant changes the project without first obtaining City approval, the applicant will be required to either: a) submit the change in writing and cease all work on the project until either the Planning Commission or staff has approved the change, or b) eliminate the change and submit the proposed change in writing for review. The project will be reviewed for compliance with the project approval prior to the final inspection.	✓
7.	Indemnification. To the fullest extent permitted by law, 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, suit, or other legal or administrative proceedings, to attack, set aside, void, or annul any project approval or that arises out of or involves any claims related to a project approval. The City shall promptly notify the applicant of any such proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition.	✓
8.	Conditions of Approval. The applicant and property owner shall sign and return to the Community Planning and Building Department the Acknowledgement and Acceptance of Conditions of Approval included as part of this resolution prior to the issuance of a Business License.	✓
SPECIAL CONDITIONS		
9.	Business Merchandise and Activity. Business merchandise and business activity shall be contained within the enclosed business space. The enclosed business space is defined as the interior floor area of the tenant space as identified in Attachment 2 of the Planning Commission staff report. No business operation is permitted outside of the enclosed business space including but not limited to solicitation of business, and the distribution of samples.	✓
10.	Business Activity (Salon). The business, or any person hired to work on behalf of the business, is not permitted to engage in the practice of cosmetology or esthetics as the business is not a state licensed salon. Should the business become licensed by the state in the future, the applicant may submit an application for a use permit amendment for consideration of the inclusion of additional uses in addition to the primary retail cosmetic sales use.	✓
11.	Employee. Any persons hired by the business owner as independent contractors (1099-employee) shall obtain and maintain an "In-and-about Business License" for the duration of their employment. It shall be the business owner's responsibility to ensure all independent contractors have obtained their in-and-about business license prior to commencement of their employment.	✓
12.	Signage. The Owner shall have the full name of the business, "Samali Perfumes", prominently displayed on a sign in front of the business. Acceptable locations include, but are not limited to, exterior signage.	✓

13.	Exterior Alterations. All modifications made to the exterior of the building, including but not limited to paint, window treatments, awnings, signage, paving and landscaping, shall first require written approval by the Department of Community Planning and Building. No notice-attracting features, such as banners, balloons, streamers, lights, additional signs, or flags shall be installed without written approval from the City.	✓
14.	Business License. Within 30 days of the Use Permit approval, the applicants shall apply for an undated business license to reflect the new uses of the business.	✓
15.	Violation of the Terms of this Use Permit. Violations of the terms of this Use Permit or other ordinances of the City may constitute grounds for revocation of this Use Permit and the associated business license by the Planning Commission.	✓
16.	Summary Sheet of Use Permit Must be Posted on the Premises. A summary sheet of basic Use Permit requirements (allowed days, allowed hours, special conditions) shall be posted on the premises or shall be available upon request by any enforcement officer of the City.	✓
17.	Permitted Hours of Operation. Permitted hours of operation are from 8:00 am to 6:00 pm, 7 days a week.	✓

Applicant Signature

Printed Name

Date

Property Owner Signature

Printed Name

Date

Once signed, please return it to the Community Planning & Building Department.

**PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA
this 9th day of July 2025, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Michael LePage
Chair

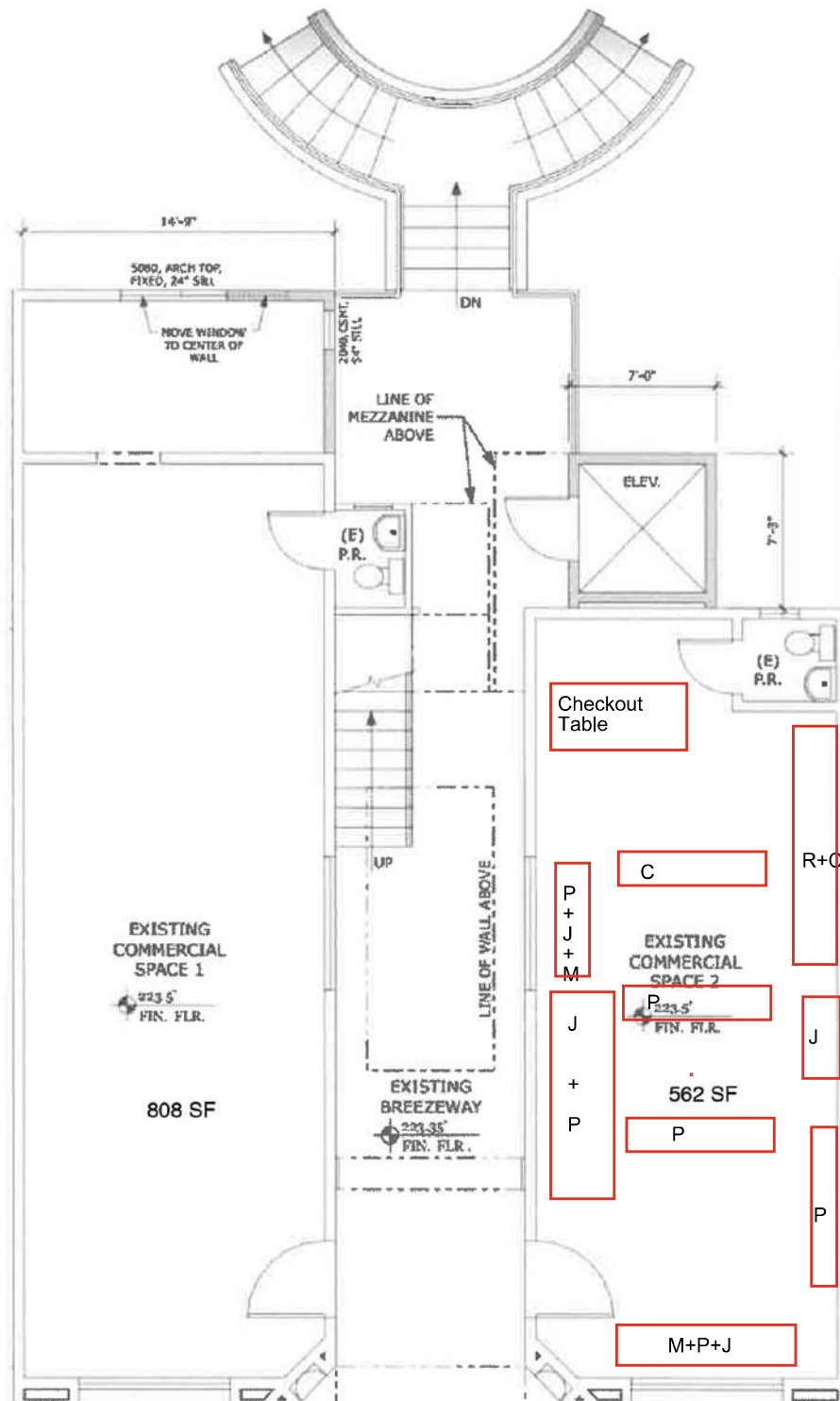
Shelby Gorman
Planning Commission Secretary

Project Description: Samali Perfumes LLC, a locally founded and operated business, seeks a use permit to transition its primary retail focus from clothing to the sale of premium, handcrafted perfumes and essential oils. Inspired by the natural beauty of Carmel and the rich fragrances of Dubai, our products are meticulously crafted to reflect the region's botanical treasures, with many fragrances named after iconic local landmarks and flora. Currently operating under a "retail" designation, we propose to reclassify our store to "cosmetics" to align with our core business of selling luxury fragrances. While we will continue to offer a curated selection of designer clothing and unique jewelry, perfumes will become the primary focus. This shift will allow us to better serve our loyal customer base and attract tourists seeking unique, locally inspired souvenirs. As a business deeply connected to the Monterey Peninsula, we are committed to enhancing Carmel's vibrant community by offering high-quality, niche fragrances that embody the charm and artistic spirit of the area. We believe this change will contribute to the local economy and provide residents and visitors alike with a truly unique shopping experience. We respectfully request approval for the use permit to reclassify our store's designation to "cosmetics" and look forward to continuing our contribution to Carmel's cultural and economic landscape.

Lincoln 2 SW of Ocean | Carmel, CA 93921

Unit #2: 562 sq.ft.

P = Perfumes
M = Mannequin
J = Jewelry
R = Rack
C = Clothes





CITY OF CARMEL-BY-THE-SEA PLANNING COMMISSION Staff Report

July 9, 2025
CORRESPONDENCE

TO:	Chair LePage and Planning Commissioners
SUBMITTED BY:	
APPROVED BY:	
SUBJECT:	PUBLIC CORRESPONDENCE: Additional items not associated with Public Hearings and/or other items appearing on the Agenda

Application:

APN:

Block:

Lot:

Location:

Applicant:

Property Owner:

Executive Summary:

Recommendation:

Background and Project Description:

Staff Analysis:

Other Project Components:

Attachment 1 - Letter received 06-26-25 from Carolyn White

From: **Carolyn White DDS** [REDACTED]

Date: Thu, Jun 26, 2025 at 9:24 AM

Subject: Mission Project: Muni code 17.32.170

To: Mayor Dale Byrne <dbyrne@ci.carmel.ca.us>, Robert Delves <rdelves@ci.carmel.ca.us>, Alissandra Dramov <adramov@ci.carmel.ca.us>, Jeff Baron <jbaron@ci.carmel.ca.us>, hbuder@ci.carmel.ca.us<hbuder@ci.carmel.ca.us>, Nova Romero <nromero@ci.carmel.ca.us>, Brandon Swanson <bswanson@ci.carmel.ca.us>, Chip Rerig <crerig@ci.carmel.ca.us>, Brian A. Pierik <bpierik@bwslaw.com>, Carolyn White [REDACTED]

Dear Mayor, City Council, Planning Department, Historic Resource Board, Mr. Pierik,

Please see the pdf attachment.

Consider this a *demand letter*, notifying the city of its legal obligation to pause the demolition of Mission 2NE of 1st for historic research.

Mr. Pierik, under CEQA "New Information" Clause: if *substantial new information* arises that was not known and could not have been known at the time of the original decision, the city must reopen an environmental review. If the property's historic value was overlooked and later substantiated (Steve Crouch and architectural significance) a revised review is called for. Procedurally, it can easily be argued that the city failed to conduct a thorough and proper historic evaluation before approving demolition. Even though the significance was discovered later, the failure to investigate *now* will set up the city for a lawsuit. If you allow for a historic home to be demolished *after* you have the needed evidence (which you do in this case) and have received notification of such, as I have sent this body of government already, this will not end well for the city. The city can impose an *emergency landmark designation* or *temporary restraining order* for 180 days to halt demolition due to the new evidence that has surfaced. It is my suspicion Municipal code 17.32.179 was misapplied or ignored. Regardless, a formal review is in order.

If a city knowingly bulldozes down a home that they know is historic, is in the eyes of the law it is: "demolition by neglect, failing duty of care." A lawyer would love to sink their teeth into this.

According to the State of California, a "demand letter" such as this, does not require I send the City money, nor do I have to file an appeal. I have emailed the City, the HRB, and the Planning Department all the information they need to proceed with their investigation *weeks ago* to begin their research.

What has been done so far? I would appreciate hearing back from one of you as to your intentions re: Mission 2 Ne of 1st, Steve Crouch's home within 5 business days.

Thank you,

Carolyn White

cc. concerned residents

Nova, I would appreciate it if you make this "public record" and forward this email and attachment to the proper Planners and members of the HRB.

Thank you kindly.

Dear Mayor, City Council, Planning Department, Historic Resources Board, 6-26-2025

I write to request reconsideration of the demolition permit granted for the property at **Mission Street, 2 NE of 1st Avenue**, pursuant to **Carmel Municipal Code Section 17.32.170** and the California Environmental Quality Act (CEQA).

As you are fully aware, following the issuance of the permit, *new information* has come to light regarding the property's historic significance, including its architectural integrity and possible association with **Steve Crouch**. These findings constitute a potentially significant adverse impact on a previously unrecognized historic resource.

Section 17.32.170 explicitly provides that when a project would cause an adverse impact to a historic resource, the **City is obligated** to determine whether the project is consistent with the **Secretary of the Interior's Standards**. If the project is not consistent, **the City must explore alternatives and mitigation measures before proceeding**. CEQA likewise requires environmental reevaluation when new information reveals that a project could impact the environment in ways not previously considered (CEQA Guidelines § 15162). If you fail to do so you are setting the City up for a lawsuit.

Given this new evidence, the City is obligated to:

1. Suspend demolition activities pending further review.
2. Reassess the project for consistency with applicable historic preservation standards; and
3. Initiate a supplemental CEQA review under Guideline § 15162 or revoke the exemption improperly applied.

This property represents a tangible link to the architectural and cultural narrative of Carmel-by-the-Sea. The City now has both the legal authority and ethical imperative to pause and protect.

The involvement of an architect actively practicing in Carmel-by-the-Sea on the Historic Resources Board (HRB) raises critical questions of conflict of interest, especially when decisions are being made regarding the potential demolition of a property with historic significance. When new evidence surfaces that unequivocally categorizes a property as historic—according to both state regulations and local ordinances—any vote or influence from an architect with potential professional ties to similar projects undermines the integrity of the process. In this particular case, the evidence strongly suggests that the home in question should not only be preserved but celebrated as a vital link to the architectural and cultural heritage of Carmel. Allowing any further steps toward its demolition, particularly under circumstances where conflicts of interest could be perceived, would not only be legally questionable but would set a troubling precedent regarding the city's commitment to preserving its unique historical identity. The HRB and the city at large must take action to ensure impartiality, transparency, and adherence to both ethical and legal standards.

Sincerely,
Carolyn White