

**REGULAR MEETING
Wednesday, July 9, 2025**

TOUR 3:30 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 25017 (Hobbs): Santa Rita Street 3 northeast of 1st Avenue

Item B: DS 25126 (Chroman): Mission Street 2 northwest of 2nd 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: June 11, 2025 Regular Meeting Minutes

Item 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.

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 the history of ice cream shops in Carmel. Staff clarified that a specific provision was added to the code during Clint Eastwood's time as mayor, creating an exception for frozen desserts, like ice cream cones and that this language is still in the code.

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 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).

Marnie R. Waffle, AICP, Principal Planner, presented the updates to the Reasonable Accommodation Policy, requesting the Commission make a recommendation to the City Council.

The policy was adopted in 2011 following a Senate bill requiring cities to remove governmental constraints to housing for people with disabilities. Housing element law also identifies the need for reasonable accommodation. The City adopted a program in its 4th Cycle Housing Element to comply with Senate Bill 520. Since 2011, 14 applications for reasonable accommodation have been approved, almost half of which included requests for more than one waiver or accommodation. The most common requests are for waivers of site coverage and setback standards. The most recent Housing Element update triggered a review of the policy, identifying potential constraints.

The permit fee for a reasonable accommodation request is \$25, in addition to Design Study fees, ranging from \$373 to \$6,000. To date, all applications have been Streamlined or Track 1 Design Studies and none have been appealed. Staff is not proposing any changes to the fee structure at this time.

Finding number five in the existing policy, specifying "that the requested accommodation will not result in a significant and unavoidable negative impact on adjacent uses or structures", was deemed too subjective. Staff recommended a revised finding grounded in the California Coastal Act, allowing staff to waive compliance with applicable provisions if four findings can be made: consistency to the maximum extent feasible with City regulations, minimization of inconsistencies without fundamental alteration to the Local Coastal Program, no feasible alternative means of accommodation, and that no alternative accommodations exist. This aims to balance accommodation with coastal resource protection.

The Municipal Code's broad definition of "aggrieved person" was identified as a potential constraint. Staff is not recommending amending the Municipal Code's definition, as it affects all permits, but proposes to address who can appeal a reasonable accommodation request specifically within the policy. The proposed policy narrows it down to the applicant, their representative, or an abutting

property owner. Additional revisions were proposed to reflect best practices, improve grammar, establish consistent formatting, and provide clarity.

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 Allen supported keeping the fee structure, said she liked the suggestion for replacing the subjective finding with Coastal Act language, and agreed with defining aggrieved parties.

Commissioner Ahlborn supported the new language that reduces subjectivity and provides tighter guidance. She asked about tracking the duration of accommodations, noting the existing policy mentions restoring property condition once the need ends but lacks a formal tracking process.

Commissioner Locke recommended adding a deed restriction or limitation of use on the property to notify future property owners that accommodations are granted only to the household that needs them to ensure enforcement.

Commissioner Karapetkov shared an example of a past request for two elevators for a disabled owner, where only one was approved due to visibility and neighborhood impact, highlighting the need for clear limits on accommodations. He also suggested architects should build accessible houses to prevent the need for future accommodation.

Chair LePage supported the proposed changes and specifically supported Commissioner Locke's suggestion for a deed restriction.

It was moved by Chair LePage and seconded by Commissioner Ahlborn to approve a resolution 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 with the additional direction that a deed restriction be included with approvals for reasonable accommodation.

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

BREAK 4:52PM - 5:09PM

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

The following Commission members were absent: None

Item 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.

Evan Kort, Senior Planner, presented 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. The Director has the authority to determine the intent of provisions, with determinations appealable.

The current interpretation previously allowed for the use of drop ceilings or artificial design elements to artificially lower ceiling height to exclude space from floor area if it is less than 5 feet in height. This practice was inconsistent with other code provisions that limit the total volume of basements, leading to the expansion of basement size and volume beyond what is allowed.

The revised policy defines "clearance" as the measurement between the floor or walking surface and the underside of the structural floor above, ignoring any type of drop ceiling or artificially installed framing. This ensures basement spaces meet all zoning standards and assists with enforcement, as many projects with these features are not built to approved plans, leading to violations and ineffective enforcement. The interpretation is not retroactive.

The Commission agreed that the proposed interpretation closes a loophole that allowed for extra floor area in basements. Commissioner Locke supported it as an enforcement issue to reduce problems from removed drop ceilings after inspection. Commissioner Karapetkov agreed, stating it makes people follow the rules and is unlikely to harm anyone who is doing the right thing, as it addresses practices not stated in plans.

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 Commissioner Locke and seconded by Commissioner Allen to approve a resolution accepting a director's interpretation of calculating floor area and volumes in basement spaces.

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

PUBLIC HEARINGS

Item 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.

Evan Kort, Senior Planner, presented the staff report describing the project. The 6,000 square foot site has an existing 1,111 sq ft residence and a 655 sq ft two-story guest house. No changes are proposed for the guest house. The proposed project reconstructs the existing residence primarily within the same footprint, with additions and a new 224 sq ft detached garage in the front setback.

Windows will be reorganized, and the roof will be taller, but the project complies with zoning standards.

The site is unique, partially located in unincorporated Monterey County and partially within the City of Carmel-by-the-Sea. A land use agreement was entered into and accepted by both the City Council and Monterey County Board of Supervisors to process the permit subject to Carmel's rules, treating it as a single parcel.

There are two and a half rated trees on site and two and a half in the right-of-way. Two are significant, three non-significant. The non-significant trees are proposed for removal. A condition of approval requires meeting the recommended tree density of four upper canopy trees and three lower canopy trees and submitting a landscape plan prior to final inspection.

The project needs to meet findings 1, 4, and 6 for project approval. For finding 2 requiring 50% of the adjacent right-of-way be landscaped, a condition regarding landscaping in the right-of-way is included. For finding 3 requiring a setback encroachment to not impact significant trees, the project is outside the 6ft tree protection zone, but the Forester recommended root exploration prior to building permit issuance as a precaution. Story poles for the garage were not installed correctly, so finding 5 on development scale at adjacent properties will be re-evaluated prior to the final details hearing.

Arnau Guinart Rull, representative for the Architect, presented the project stating it expands and updates the existing residence, keeps the guest house, fits well within the neighborhood, is modest in scale, respects privacy and views, aligns with existing character, preserves significant trees, brings site coverage into compliance, and keeps heights and setbacks within zoning. The main change is an increased roof pitch for a slightly taller, balanced house. The detached garage in the front setback is allowed by code and adds diversity. He committed to working with staff on conditions.

Regarding the significant tree and garage setback, the architect clarified they are beyond the 6-foot protection root zone but would consider shifting the garage if problems arise. Staff explained root exploration involves removing site coverage, hand digging for foundation trenching to check for roots, and determining if bridge footing or alternative designs are needed. This will be included in the final approval resolution.

Karen Hobbs, the Property Owner, expressed excitement for the project after a three-year lot merger process. She looks forward to enjoying the City with her family.

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 generally supported the project, noting its compliance with design guides, single-story nature, appropriate height, and materials. The Commissioners voiced concern about the significant tree and its roots.

It was moved by Chair LePage and seconded by Commissioner Allen to approve a resolution 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

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

Item 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.

Evan Kort, Senior Planner, presented the project, which involves replacing an existing failing retaining wall due to a significant steep slope and water issues from an uphill neighbor. The new wall is proposed to be approximately 6 feet 6 inches for portions outside the front setback and between 6 feet and 5 feet within the front setback. The Planning Commission has the authority to approve taller walls. It is a structural repair using piers extending 13.5 feet deep. It will be poured concrete and stucco to match the house with future landscaping.

An additional project component is a new 3-foot-tall stone wall, driveway gate, and stone arch. The arch is proposed to be 7 feet tall. The driveway gate and pedestrian gate within the archway are proposed as painted metal. Staff asked the Commission to consider if painted metal is appropriate based on the Design Guidelines, which don't have specific driveway gate standards but use fence/wall standards.

Scott Hall, Landscape Architect, spoke to the urgent need for the retaining wall replacement due to its failure and potential hillside instability. He confirmed the wall would be poured concrete and stucco to match the house, with draping and vertical shrubs to mitigate height. The metal gate design allows for view sharing, and the driveway gate will likely bifurcate. He confirmed the arch height is 7 feet with an opening width of about 38 inches.

Jordan Chroman, Property Owner, reiterated the safety and security issues of both the retaining wall and the front wall. He noted that the park across the street has un-enforced hours, leading to pets, children, equipment, and people roaming into their yard and garden. Lit restrooms in the park also attract adult voices at night. He argued a 3-foot wall is insufficient for security as dogs can jump it and expressed a preference for a higher wall. He also highlighted the aesthetic improvement.

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.

Chair LePage clarified the code standards for fences, garden walls, gates, and arbors, advising the applicant to design within these standards to address security concerns. The Commission stressed

the importance of the retaining wall for safety and its challenging nature and recommended splitting the action, approving the retaining wall, and continuing the design for the front of the property for further refinement, allowing the applicant to design what works for them within the standards. Chair LePage noted that residential guidelines encourage open designs over walled-off appearances.

Staff requested clarification on whether the front features should return to the Commission or be delegated to staff. Chair LePage indicated he was happy to delegate to staff if it met code standards, noting the changing bias towards metal due to wildfire concerns. Commissioner Allen suggested metal is acceptable but expressed concern about the potential for over-intricate designs. Commissioner Karapetkov stated design should connect to the house and ensure material consistency.

It was moved by Commissioner Ahlborn and seconded by Commissioner Locke to approve a resolution 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 northwest of 2nd Avenue in the Single-Family Residential (R-1) District, Park (P) Overlay, and Archaeological Significance (AS) Overlay District. APN: 010-121-015, striking all references to the installation of a new three-foot tall wall and driveway gate in the front setback and adding Condition 22 specifying the retaining wall stucco match the house.

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

Item 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 use 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.

Jacob Olander, Associate Planner, presented the proposed use for Perfumes by the Sea with roughly 50% perfume sales, 40% jewelry sales, and 10% clothing sales. The applicant initially desired a cosmetic store but opened as a clothing and jewelry store and then applied for the use permit to accommodate the change and continue the partial use.

A use permit is required for a cosmetic store, for having multiple ancillary uses, and if any ancillary use exceeds 10% of the primary business. Since 2017, cosmetic stores have required use permits due to code compliance cases stemming from aggressive sales tactics. A condition of this use permit requires the business to stay inside the enclosed property and not sell in the public right-of-way.

Staff reviewed the use permit findings and ancillary use findings, believing the location would not cause issues, meet standards, and allow for a balance of uses without excess demand on public services or traffic. The ancillary uses are compatible with the primary use and contribute to the

Commercial District's character. Proposed hours are from 8:00 AM to 6:00 PM, seven days a week. Staff indicated these hours were to provide wiggle room, as the business typically operates from 10:00 AM to 4:00 PM.

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

Chair LePage closed the meeting for public comment.

It was moved by Commissioner Locke and seconded by Commissioner Allen to approve a resolution 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 Street 2 southwest of Ocean Avenue (Unit A) in the Central Commercial (CC) District. APN: 010-201-002-000

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
ABSENT:	Commission Member(s): None

DIRECTORS REPORT

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

- **AV Equipment Upgrade:** Kudos were given for the AV equipment upgrades, noting improved brightness and sound.
- **Housing Element:** The contract with the consultant for Housing Element Update will go before the City Council in September. The State HCD's friendly review of the Housing Element Amendment draft is near completion, with feedback expected soon.
- **ADU Ordinance:** Special Meeting to be scheduled
- **Mills Act Contract Policy:** Will be brought to the City Council, targeted for September, to revive the policy as current contracts are not being processed
- **JB Pastor Project Appeal:** Set for August 4th, with a tour on the afternoon of August 1st and on August 4th prior to the City Council meeting
- **Staffing Update:** Assistant Planner and Associate Planner interviews are starting soon; aiming for Community Planning and Building to be fully staffed.
- **Copper Gutter Policy:** Environmental compliance is working on a policy document for copper gutters to be brought back to the Planning Commission once finalized
- **Planning Commission Referral List:** Director will develop a "living document" referral list to organize tasks and track concerns from residents and Commissioners regarding processes and efficiency
- **Design Guidelines:** Staff are working on finding photos to represent policies and hope to have the draft finalized before the end of the year
- **Fire Maps & Urgency Ordinance:** Defensible measures are available from the State, and five inspectors are doing informational visits, not citations, for compliance. The Wildfire District designation hasn't yet created challenges for redoing guidelines, but the inherent conflict with the Local Coastal Program is an ongoing issue.

FUTURE AGENDA ITEMS

Item 8: **Next Regular Meeting:** August 13, 2025

ADJOURNMENT

7:15 PM

APPROVED:



Michael LePage, Chair

ATTEST:



Shelby Gorman, Recording Secretary