

ounity Planning & Building of the City of Carme

The Department of Community Planning & Building of the City of Carmel-by-the-Sea has approved a Project pursuant to the City's Municipal Code. Persons interested in the project may review additional materials available at the Department of Community Planning & Building located at City Hall on Monte Verde Street between Ocean and 7th Avenues, phone number 831-620-2010.

The decision to approve this project may be appealed within 10 days from the date of this by filing a written appeal with the Department of Community Planning & Building.

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Planning Case #: Design Review 25060
Owner Name: ESPERANZA CARMEL COMMERCIAL LLC
Case Planner: Jacob Olander, Associate Planner
Date Posted:
Date Approved:
Project Location: SAN CARLOS BETWEEN 5TH AND 6TH
APN #: 010132010000 BLOCK/LOT: 57/ALL OF LOTS 12 AND 14
Applicant: Joseph Napdo
Project Description: This approval of Design Review application DR 25060 (Esperanza Carmel Commercial, LLC) authorizes the demolition of the exposed aggregate paving and planters, and the construction of new planters and exposed aggregate paving located on San Carlos between 5th Ave and 6th Ave in the Central Commercial (CC) District as depicted in the plans prepared by Esperanza Carmel Commercial, LLC approved by the Planning Commission on April 24, 2025, and stamped approved and on file in the Community Planning & Building Department unless modified by the conditions of approval contained herein.
Can this project be appealed to the Coastal Commission? Yes □ No ✓

Upon completion of the 10 calendar-day appeal period, please return this form, along with the Affidavit of Posting, to the case planner noted above.



FINDINGS AND CONDITIONS

Project: DR 25060 (Esperanza Carmel Commercial, LLC)

Location: San Carlos between 5th Ave and 6th Ave; 010-132-010-000

Date of Action: April 24, 2025

Project Description:

DR 25060 (Esperanza Carmel Commercial, LLC) authorizes the demolition of the exposed aggregate paving and planters, and the construction of new planters and exposed aggregate paving located on San Carlos between 5th Ave and 6th Ave in the Central Commercial (CC) District.

FINDINGS REQUIRED FOR DESIGN STUDY APPROVAL

The Director shall have the authority to approve, approve with modifications and/or conditions, or deny an application for design review based on written findings stating the reasons for the action. Findings shall be based on information in the record. CMC 17.58.060.A.

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," staff discusses the issues to facilitate staff's decision-making. Findings checked "yes" may or may not be discussed depending on the issue(s).

CMC 17.58.060.B Findings for Design Review Approval	YES	NO
Before approving an application for design review in any district, the Director shall find that the final		
design plans:		
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.	√	

Additional Staff Analysis/Discussion:

No additional staff analysis.

ENVIRONMENTAL REVIEW

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.

Finding: The Community Planning and Building Department finds that pursuant to CEQA regulations, the project 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.

Additional Staff Analysis/Discussion: The pavement and planters will be demolished and replaced in kind.

	CONDITIONS OF APPROVAL				
No.	o. Standard Conditions				
1.	Authorization. This approval of Design Review application DR 25060 (Esperanza Carmel Commercial, LLC) authorizes the demolition of the exposed aggregate paving and planters, and the construction of new planters and exposed aggregate paving located on San Carlos between 5 th Ave and 6 th Ave in the Central Commercial (CC) District as depicted in the plans prepared by Esperanza Carmel Commercial, LLC approved by the Planning Commission on April 24, 2025, and stamped approved and on file in the Community Planning & Building Department unless modified by the conditions of approval contained herein.				
2.	Codes and Ordinances. The project shall be constructed in conformance with all requirements of the R-1 zoning district. All adopted building and fire codes shall be adhered to in preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested when such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.				
3.	Permit Validity. In accordance with CMC Section 17.52.170 (Time Limits on Approvals and Denials), a residential design study approval remains valid for 12 months from the date of action. The project must be implemented during this time, or the approval becomes void. Implementation is effected by erecting, installing, or beginning the installation of the improvement authorized by the permit, as determined by the Director. Extensions to this approval may be granted consistent with CMC 17.52.170.C.				
4.	Modifications. The Applicant shall submit in writing, with revised plans, to the Community Planning and Building staff any proposed changes to the approved project plans prior to incorporating those changes. If the Applicant changes the project without first obtaining City approval, the Applicant will be required to submit the change in writing, with revised plans, within two weeks of the City being notified. A cease work order may be issued at any time at the discretion of the Director of Community Planning and Building until a) either the Planning Commission or Staff has approved the change, or b) the property owner has eliminated the change and submitted the proposed change in writing, with revised plans, for review. The project will be reviewed for its compliance with the approved plans prior to the final inspection.				
5.	Conflicts Between Planning Approvals and Construction Plans. It shall be the responsibility of the Owner, Applicant, and Contractor(s) to ensure consistency between the project plans approved by the Planning Staff, the Planning Commission, or the City Council on appeal and the construction plans submitted to the Building Division as part of the Building Permit review. Where inconsistencies between the Planning approval and the construction plans exist, the Planning approval shall govern unless otherwise approved in writing by the Community Planning & Building Director or their designee. When changes or modifications to the project are proposed, the Applicant shall clearly list				
	and highlight each proposed change and bring each change to the City's attention. Changes to the project incorporated into the construction drawings that were not clearly listed or identified as a proposed change shall not be considered an approved change. Should				

- conflicts exist between the originally approved project plans and the issued construction drawings that were not explicitly identified as a proposed change, the plans approved as part of the Planning Department Review, including any Conditions of Approval, shall prevail.
- 6. Indemnification. The Applicant agrees, at his or her sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceedings to attack, set aside, void, or annul any project approval. The City shall promptly notify the Applicant of any legal proceeding and cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the Applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for resolving all such actions by the parties hereto.
- 7. 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.
- 8. **Conditions of Approval.** Prior to the issuance of a building permit, the Applicant shall print a copy of the Resolution adopted by the Planning Commission and signed by the property owner(s) on a full-size sheet within the construction plan set submitted to the Building Safety Division.

Landscape Conditions

- 9. **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.
- 10. **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.

Special Conditions

- 11. **Conditions of Approval Acknowledgement**. Prior to the issuance of a building permit revision, a completed **Conditions of Approval Acknowledgment** form shall be included in the construction drawings. The form shall be signed by the Property Owner, Applicant, and Contractor prior to the issuance of a building permit.
- 12. **Building Permit Required.** Prior to commencing work on-site, the applicant shall apply for and obtain a building permit from the Community Planning & Building Department.

Acknowledgment and acceptance of conditions of approval.						
Applicant Signature	Printed Name	 Date				
Property Owner Signature	Printed Name	 				





