



## NOTICE OF APPROVAL

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 7<sup>th</sup> 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.

**Planning Case #:** Design Study 22022

**Owner Name:** ROSENBERG BARRIE R TR

**Case Planner:** Marnie R. Waffle, AICP, Principal Planner

**Date Posted:** \_\_\_\_\_

**Date Approved:** 05/16/2022

**Project Location:** Lincoln Street 2 NW 10th Avenue

**APN #:** 010181009000      **BLOCK/LOT:** 113/ALL LOT 17

**Applicant:** Hayley Charnaw, Agent

**Project Description:** Approval of Design Study application DS 22-022 (Cress) authorizes the replacement of the south side yard grapestake fence with a new 6-foot solid wood fence located on Lincoln Street 2 NW of 10th Avenue in the Single-Family Residential (R-1) District as depicted in the application materials prepared by Hayley Charnaw stamped approved and on file in the Community Planning & Building Department, unless modified by the conditions of approval.

**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.*

| CONDITIONS OF APPROVAL      |   |   |
|-----------------------------|---|---|
| No.                         | Standard Conditions   |   |
| 1.                          | <b>Authorization.</b> Approval of Design Study application DS 22-022 (Cress) authorizes the replacement of the south side yard grapestake fence with a new 6-foot solid wood fence located on Lincoln Street 2 NW of 10 <sup>th</sup> Avenue in the Single-Family Residential (R-1) District as depicted in the application materials prepared by Hayley Charnaw stamped approved and on file in the Community Planning & Building Department, unless modified by the conditions of approval contained herein.  | ✓ |
| 2.                          | <b>Codes and Ordinances.</b> 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 at the time such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.  | ✓ |
| 3.                          | <b>Permit Validity.</b> 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.                          | <b>Modifications.</b> 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 to the approved plans prior to final inspection. | ✓ |
| <b>Landscape Conditions</b> |   |   |
| 5.                          | <b>Tree Removal.</b> Trees on the site shall only be removed upon the approval of the City Forester or Forest and Beach Commission, as appropriate; all remaining trees shall be protected during construction by methods approved by the City Forester.  | ✓ |
| 6.                          | <b>Significant Trees.</b> 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. Twelve inches (12") of mulch shall be evenly spread inside the dripline of all trees prior to the issuance of a building permit.   | ✓ |

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|----|--|---|
| 7. | <p><b>Tree Protection Measures.</b> Requirements for tree preservation shall adhere to the following tree protection measures on the construction site.</p> <ul style="list-style-type: none"> <li>● Prior to grading, excavation, or construction, the developer shall clearly tag or mark all trees to be preserved.</li> <li>● Excavation within 6 feet of a tree trunk is not permitted.</li> <li>● No attachments or wires of any kind, other than those of a protective nature shall be attached to any tree.</li> <li>● 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.</li> <li>● 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.</li> <li>● 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 a pneumatic excavator, hydro-vac at low pressure, or another method that does not sever roots.</li> <li>● 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.</li> <li>● 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.</li> </ul> | ✓ |
| 8. | <p><b>Indemnification.</b> 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 proceeding, to attack, set aside, void, or annul any project</p>  | ✓ |

|                           |  |   |
|---------------------------|--|---|
|                           | 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.  |   |
| 9.                        | <b>Cultural Resources.</b> All new construction 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 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 excavation, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and distribution pursuant to California Public Resources Code (PRC) Section 5097.98. | ✓ |
| 10.                       | <b>USA North 811.</b> 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)  | ✓ |
| <b>SPECIAL CONDITIONS</b> |  |   |
| 11.                       | <b>Measurement of Fence Height.</b> The height of fences is measured as the vertical distance from the ground level immediately under the fence to the top of the fence. Fences on top of retaining walls are measured from the ground level on the lower side of the retaining wall.  | ✓ |

Acknowledgement and acceptance of conditions of approval:

\_\_\_\_\_  
 Property Owner Signature

\_\_\_\_\_  
 Printed Name

\_\_\_\_\_  
 Date

*Once signed, please email to [mwaffle@ci.carmel.ca.us](mailto:mwaffle@ci.carmel.ca.us).*

# TYPICAL 6' WOOD FENCE

2 3/8"

Outside Diameter  
Galvanized Steel Post

Three 1 1/2" by 3 1/2"  
wood stringers

Separation from  
fence to ground

Concrete  
post footing

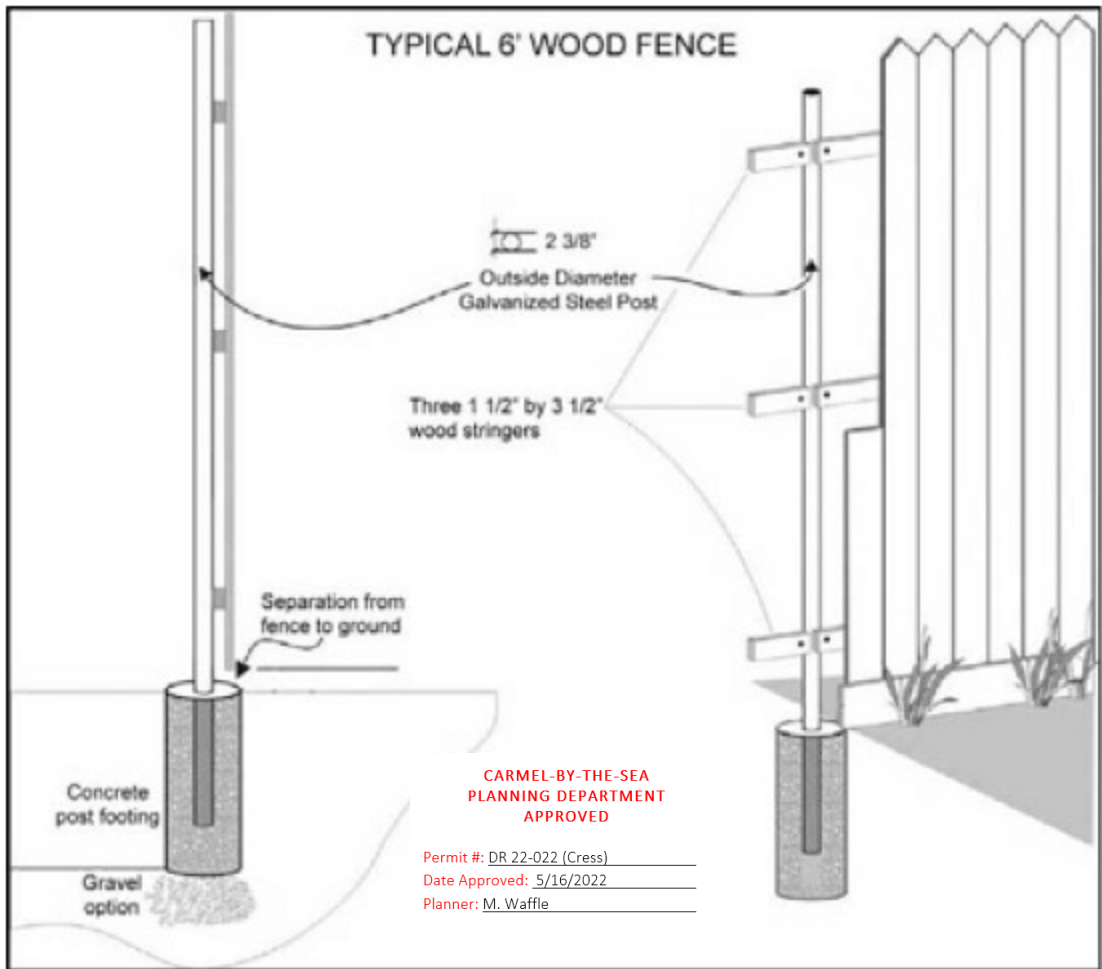
Gravel  
option

CARMEL-BY-THE-SEA  
PLANNING DEPARTMENT  
APPROVED

Permit #: DR 22-022 (Cress)

Date Approved: 5/16/2022

Planner: M. Waffle



### LEGEND AND NOTES:

ALL DISTANCES SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

BEARINGS AND DISTANCES SHOWN ARE BOTH MEASURED AND RECORD UNLESS NOTED.

( ) = RECORD PER 1 C&T 52

○ DENOTES A SET 3/4" IRON PIPE WITH PLASTIC PLUG STAMPED "LS 7771".

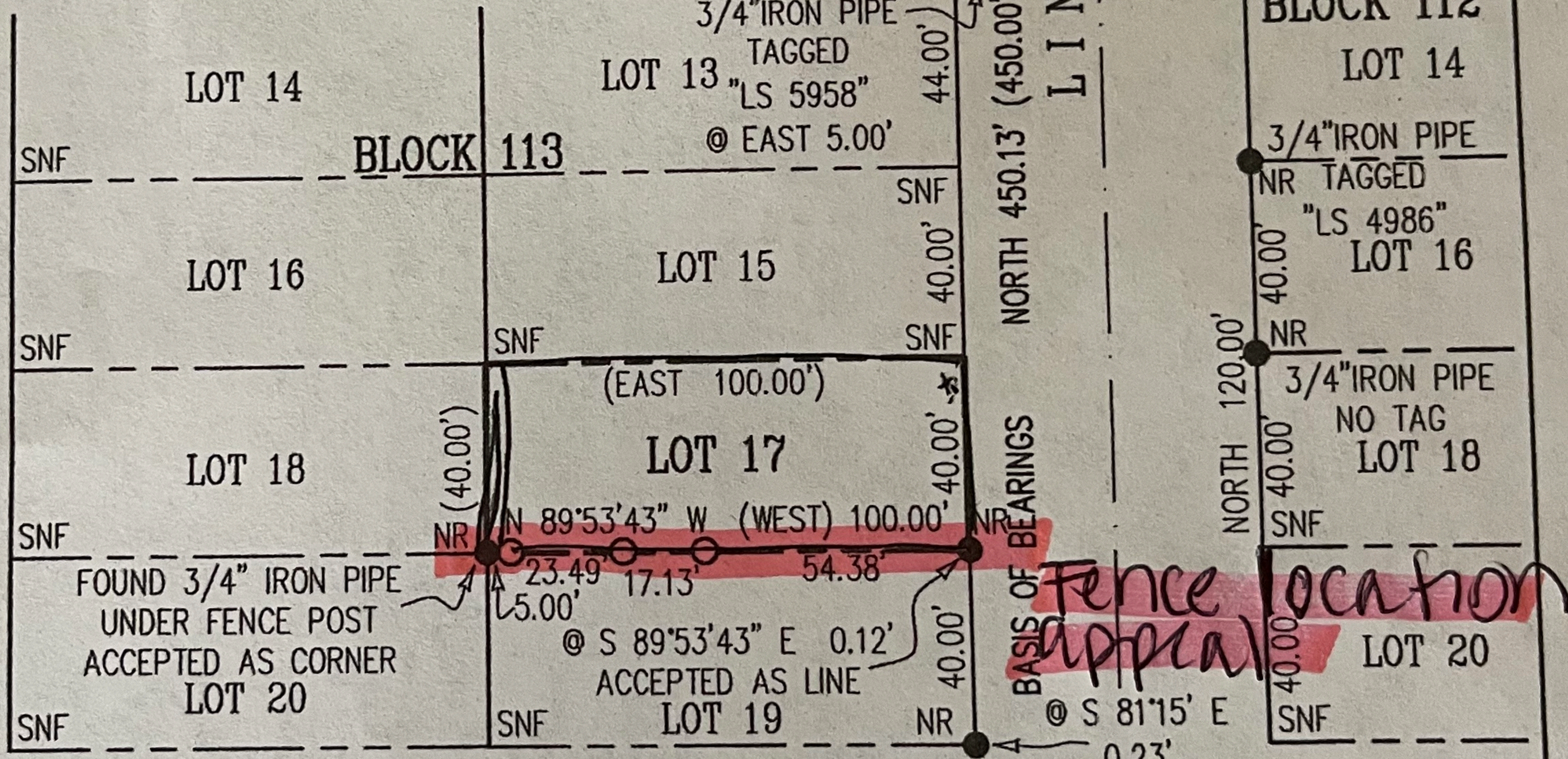
● DENOTES A FOUND 3/4" IRON PIPE TAGGED "LS 3381", UNLESS NOTED.

THE ⊙ SYMBOL REPRESENTS THE BEARING AND DISTANCE FROM THE CORNER POSITION DETERMINED BY THIS SURVEY, TO THE FOUND POSITION.

NR = NO RECORD FOUND

SNF = SEARCHED FOR, NOT FOUND

SCALE: 1" = 50'



### CORNER RECORD

SOUTH LINE OF LOT 17, BLOCK 113  
MAP OF CARMEL CITY

VOLUME 1 CITIES & TOWNS, PAGE 52

COUNTY OF MONTEREY

CARMEL-BY-THE-SEA

STATE OF CALIFORNIA

PREPARED FOR  
BARRIE ROSENBERG

BY  
MONTEREY BAY ENGINEERS, INC.

607 CHARLES AVE. SUITE B SEASIDE CA 93955 PHONE: 899-7899

SCALE 1" = 50'

JOB No. 21-097

NOVEMBER, 2021

### TENTH STREET

(A 50 FOOT WIDE CITY STREET)



