

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.

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

Planning Case #: Design Study 23075

**Owner Name:** RILEY LUCIEN S & R LEONA TRS

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

Date Posted:

Date Approved: 09/14/2023

Project Location: Torres 2 NE of 5th

APN #: 010091009000 BLOCK/LOT: 47/ALL LOT 18

Applicant: Edan Asturi, Architect

**Project Description:** This approval of Design Study application DS 23-075 (Riley Family Trust) authorizes the following: 1) Replacement of the south-facing kitchen door with a fixed window. 2) Replacement of the east-facing back door with a Dutch door. 3) Install artificial turf on the existing rear patio. 4) Add a hot tub on the rear patio. 5) Add an outdoor kitchen, including a counter, BBQ, and sink. 6) Expand and reconfigure the south rear deck and install a new guardrail to match the front porch guardrail. 7) Install new privacy landscaping along the perimeter of the rear yard. 8) Replace existing side and rear fencing. 9) Add new fencing and gate in the south side yard. 10) Add a new gate at the top of the stairs on the south side of the front porch. The project site is located on Torres Street 2 northeast of 5th Avenue in the Single-Family Residential (R-1) District as depicted in the plans prepared by Conrad Asturi Studios, Inc., 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.* 

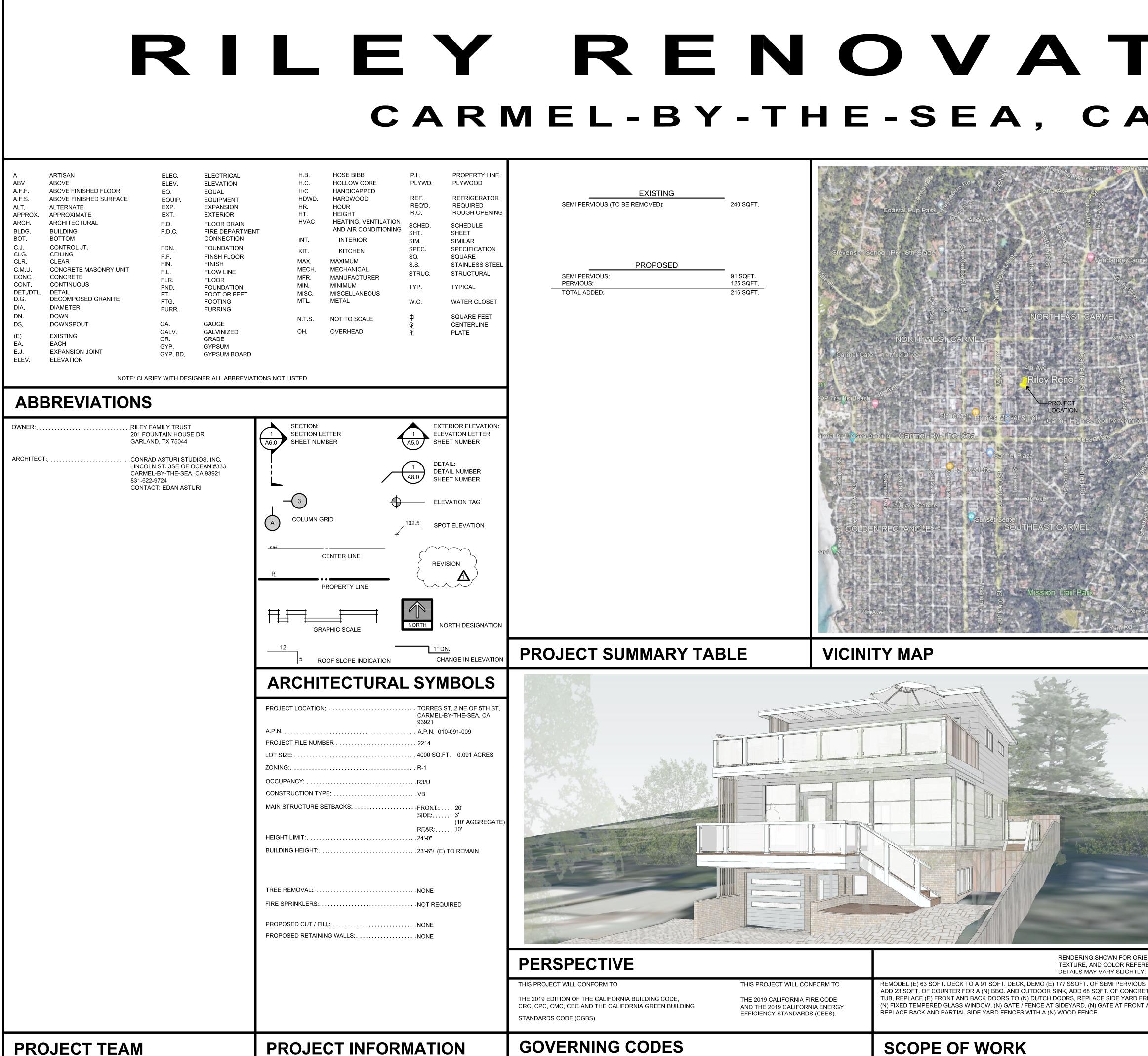
CONDITIONS OF APPROVAL									
No.	o. Standard Conditions								
1.	. <b>Authorization.</b> This approval of Design Study application DS 23-075 (Riley Family Trust authorizes the following:								
	<ol> <li>Replacement of the south-facing kitchen door with a fixed window.</li> <li>Replacement of the east-facing back door with a Dutch door.</li> <li>Install artificial turf on the existing rear patio.</li> <li>Add a hot tub on the rear patio.</li> <li>Add an outdoor kitchen, including a counter, BBQ, and sink.</li> <li>Expand and reconfigure the south rear deck and install a new guardrail to match the front porch guardrail.</li> <li>Install new privacy landscaping along the perimeter of the rear yard.</li> <li>Replace existing side and rear fencing.</li> </ol>								
	<ul> <li>9) Add new fencing and gate in the south side yard.</li> <li>10) Add a new gate at the top of the stairs on the south side of the front porch.</li> <li>The project site is located on Torres Street 2 northeast of 5<sup>th</sup> Avenue in the Single Family Residential (R-1) District as depicted in the plans prepared by Conrad Astu Studios, Inc., stamped approved and on file in the Community Planning &amp; Buildin Department unless modified by the conditions of approval contained bergin</li> </ul>								
2.	Department unless modified by the conditions of approval contained herein.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								
3.	subsequent approval by the Planning Commission. <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.	Water Use. Approval of this application does not permit an increase in water use on the project site without adequate supply.	~							
5.	<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 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, with revised plans, for review. The project	~							

	will be reviewed for its compliance with the approved plans prior to the final	
	inspection.	
6.	<b>Exterior Revisions to Planning Approval Form.</b> All proposed modifications that affect the exterior appearance of the building or site elements shall be submitted on the "Revisions to Planning Approval" form on file in the Community Planning and Building Department. Any modification incorporated into the construction drawings not listed on this form shall not be deemed approved upon issuance of a building permit.	✓
7.	<b>Conflicts Between Planning Approvals and Construction Plans.</b> 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.	
8.	<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 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.	<b>&gt;</b>
9.	<b>Cultural Resources.</b> 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.	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)	
11.	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	
12.	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.	
13.	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.	
	<ul> <li>Structural Root Zone. The Structural Root Zone shall be 6 feet from the trunk or</li> </ul>	
	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	
1	be approved by the City Forester phorito work. Excavation within the Structural	

		<b></b>
	<ul> <li>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>	
14.	<b>Foundation Work Near 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 due to 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 CONDITIONS	
15.	<b>Condition of Approval Acknowledgement</b> . Prior to the issuance of a building permit, the Applicant shall include a signed copy of the Condition of Approval Acknowledgment form in the construction drawings. The Condition of Approval Acknowledgement form, available from the Community Planning and Building Department, shall be signed by ALL parties prior to the issuance of a building permit.	~
16.	Artificial Turf. The synthetic grass and associated base rock materials shall 1) present the appearance of natural grass, 2) shall be permeable with the ability to percolate water into the soil, and 3) shall be located a minimum of 6 feet from the base of any tree.	~
17.	<b>Spa Noise Level.</b> Prior to the Planning final inspection, the applicant shall conduct a sound measurement at the east property line with the spa in full operation. The maximum sound level at the property line shall not exceed 60 dBA. If the sound level exceeds 60 dBA, sound mitigation shall be installed to reduce the noise level to no more than 60 dBA.	~

Acknowledgment and acceptance of conditions of approval:



## **GOVERNING CODES**

## **SCOPE OF WORK**

			CARMEL phone: 8 web: CO CONRAD	ORAD STUDIOS INC. expressly reserves its
que HIGH N Aspire	NO. T0.1 A1.0 A2.1 A5.0 A5.1	SHEET         COVER SHEET         EXISTING & PROPOSED SITE PLANS         FLOOR 2 (MAIN LEVEL) - EXISTING / DEMO & PROPOSED FLOOR PLANS         EXISTING & PROPOSED ELEVATIONS         EXISTING & PROPOSED ELEVATIONS	Common la plans. The copied, as constructic obtaining t CONRAD PROJEC RII TORI CARN	aw copyright and other property rights in these se plans may not be reproduced, changed, signed to any third party or used for any on other than that intended without first he written permission and consent of ASTURI STUDIOS, INC.
mel Inn & Suites Vaile				REN. 03/31/23
a Arts Theater Carmel H Carmel Noga				RILLEY RENOVATION Design development
NORTH			DATE	TIMELINE ISSUED FOR: ARCH. DESIGN REVIEW DESIGN APPROVAL BUILDING DEPT SUBMITTAL PLAN CHECK CONSTRUCTION REVISIONS 4/11/2023 BLD. PLAN CHECK 6/2/2023 PLN. COMMENTS
		CARMEL-BY-THE-SEA PLANNING DEPARTMENT APPROVED Permit #: DS 23-075 (Riley Family Trust)	PROJEC DRAWN CHECK	ED BY: EA
RIENTATION, MATERIAL ERENCE. .Y. JS PAVERS, RETE FOR (N) HOT FRENCH DOOR TO A IT AND BACK DECKS,		Date Approved: <u>09.13.2023</u> Planner: <u>M. Waffle</u>	  SHEET: 	Г0.1
	SHE		PRINTE	D: JULY 3. 2023



					EXI	STING					ONRAD
			SEN	/II PERVIOUS (T	O BE REMOV	'ED):	240 S	SQFT.			STURI
Π											ST. 3 SE OF OCEAN #333
    										phone: 83	BY-THE-SEA, CA. 93921 31.622.9724 NRADASTURI.COM
	      									common la plans. Thes copied, ass constructio obtaining th	ASTURI STUDIOS, INC. expressly reserves i w copyright and other property rights in these se plans may not be reproduced, changed, signed to any third party or used for any n other than that intended without first ne written permission and consent of ASTURI STUDIOS, INC.
	== ≠1£									PROJEC	
	LINE S00° 00' 00''E (40.00'.B1)≠ = = = = 200° 00' 00''E (40.00'.B1)≠									TORF CARM	RES ST. 2 NE OF 5TH ST. IEL-BY-THE-SEA, CA 93921 A.P.N. 010-091-009
GAS	PROPERTY LINE = = = = = = = = = = = = = = = = = = =	DEMO (E) FENCE									REN. 03/31/23
8" OAK											MENT
											ATTO ATTO Elopmen
									NORTH		
			SEN		PRO	POSED	 91 SC	QFT.			
3'-0"	<u>+</u>			RVIOUS: FAL ADDED:			125 S 216 S	SQFT. SQFT.			
0	3-3"	6'-8½" +/-									
。 。		<b>\</b>								DATE	ISSUED FOR: ARCH. DESIGN REVIEW DESIGN APPROVAL
。 ()	<b>-</b>	(N) WOOD								- - -	BUILDING DEPT SUBMITTAL PLAN CHECK
°		ÈÉNCE	$\bigvee$	$\sim$		$\sim$		$\sim$	$\bigcirc$	-	CONSTRUCTION
• •	00' 00"E (40.00' R1)	SYMBOL	BOTANIC NAME	COMMON NAME	SIZE	QUANTITY	COMMENTS	WATER USE			4/11/2023 BLD. PLAN CHECK 6/2/2023 PLN. COMMENTS
0 0	<pre>/ Ine soo*</pre>	•	PODOCARPUS GRACILIOR	PINE FERN	15 GAL.	22	EVERGREEN, HEDGE	MEDIUM			
° GAS	PROPERTY	PLA		GEND	D					PROJEC	
•	-				$\checkmark$		$\sim$	$\wedge \wedge$		DRAWN CHECKE DESCRI	ED BY: EA
•	-	(N) BBQ. / COUNTER (+23 SQFT.)								EXIST SITE	TING & PROPOSED PLANS
•		(+23 50(+1.)				BY-THE DEPAR	-SEA TMENT			SCAL	E: 3/16"=1'-0"
。 。		3'-3\2" (E) +/-			APPI	ROVED					
							nily Trust	)		SHEET:	
			Date Ap Planner			.2023					41.0
											41.V
									NORTH	PRINTE	D: JULY 3, 2023

