



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 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.

Planning Case #: Design Study 23232

Owner Name: MYWAY II LLC

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

Date Posted: _____

Date Approved: 08/23/2023

Project Location: Camino Real 4 SW of Ocean

APN #: 010266017000 **BLOCK/LOT:** M/11 & 13

Applicant: Robert Burns, Design-Build Contractor

Project Description: This approval of Design Study application DS 23-232 (MyWay II, LLC) authorizes the repair and in-kind replacement of deteriorated portions of the existing front yard fence and gate at a single-family residence located at Camino Real Street 4 southwest of Ocean Avenue in the Single-Family Residential (R-1) District as depicted in the plans prepared by Icon Building & Development, 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.

CITY OF CARMEL-BY-THE-SEA
DEPARTMENT OF COMMUNITY PLANNING AND BUILDING
FINDINGS AND CONDITIONS FOR DESIGN STUDY APPROVAL

DS 23-232 (MyWay II, LLC)
Camino Real 4 SW of Ocean Ave
Block: M, Lots: 11 & 13
APN: 010-266-017

PROJECT DESCRIPTION

Approval of Design Study DS 23-232 (MyWay II, LLC) for the repair and in-kind replacement of a front yard fence located on Camino Real 4 southwest of Ocean Avenue in the Single-Family Residential (R-1) District.

FINDINGS OF FACT:

1. The project site is located on Camino Real Street 4, southwest of Ocean Avenue, in the Single-Family Residential (R-1) District. The lot is currently developed with a two-story single-family residence and associated site improvements.
2. Pursuant to CMC Section 17.10.010 (Purpose and Design Objectives), the purpose of the Single-Family Residential (R-1) District is to establish standards and requirements for physical development in the R-1 single-family residential district.
3. On July 27, 2023, a Design Study application was submitted by Icon Building & Development, Inc. for the repair and in-kind replacement of deteriorated portions of a front yard fence.
4. The front yard fence, double-wide gate, and stone columns were approved by the Design Review Board under Design Review DR 80-100 in 1980. The fence approval can be found in the property file for APN 010-266-017, and the existing fence matches the design approved in 1980.
5. Pursuant to CMC Section 17.10.030.E.2 (Reconstruction of Nonconforming Fences and Walls), existing fences and walls may be rebuilt if damaged or deteriorated without conforming to current height limits upon submittal of plans and photographs documenting existing height and materials prior to demolition. The director may approve the rebuilding as long as the heights are not increased.
6. The project qualifies for a Class 1 Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines. Class 1 exemptions include minor interior and exterior alterations to existing structures and landscapes involving no expansion of the existing use. The project consists of the repair and in-kind replacement of an existing front yard fence. 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.

FINDINGS FOR DESIGN REVIEW APPROVAL (CMC 17.58.060.B):

1. The project, as conditioned, conforms to the applicable policies of the General Plan and the Local Coastal Program.
2. The project, as conditioned, complies with all applicable provisions of Title 17.
3. The project, as conditioned, is consistent with applicable Residential Design Guidelines.
4. The project, as conditioned, conforms with all zoning standards applicable to the site or has received appropriate use permits, variances, or exceptions consistent with the Zoning Ordinance.
5. The project, as conditioned, contributes to neighborhood character, including the type of forest resources present, the character of the street, the response to local topography, and the treatment of open space resources such as setbacks and landscaping. N/A
6. The project, as conditioned, is compatible with and sensitive to the natural features and built environment of the site and of the surrounding area. The project respects the constraints of the site and avoids excessive grading, cuts, and fills. Construction on steep slopes is minimized to the extent feasible, and abrupt changes in grade are minimized or mitigated. N/A
7. The project, as conditioned, maintains the City's principles of modesty and simplicity and preserves the City's tradition of simple homes set amidst a forest landscape. The project uses simple building forms and simple roof forms without complexity that would attract undue attention to the site. N/A
8. The project, as conditioned, does not present excess visual mass or bulk to public view or to adjoining properties. The project relates to a human scale in form, elements, and the detailing of doors, windows, roofs, and walkways. N/A
9. Project details and materials (e.g., windows, doors, chimneys, roofs, and stonework) are fully integrated and consistent throughout the design. Building materials are used in a manner that is visually consistent with the proposed architecture. All fenestration is appropriate in size and consistent with a human scale. N/A
10. The project, as conditioned, is consistent with the City's design objectives for the protection and enhancement of the urbanized forest and open space resources. Open space is distributed around buildings to provide visual relief from structural bulk and a distinct separation from buildings on adjacent sites. N/A

CONDITIONS OF APPROVAL	
No	Standard Conditions
1.	Authorization. This approval of Design Study application DS 23-232 (MyWay II, LLC) authorizes the repair and in-kind replacement of deteriorated portions of the existing front yard fence and gate at a single-family residence located at Camino Real Street 4 southwest of Ocean Avenue in the Single-Family Residential (R-1) District as depicted in the plans prepared by Icon Building & Development, Inc. 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.
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 a period of 12 months from the date of action. During this time, the project must be implemented, 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.	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.
6.	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.
7.	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)
Landscape Conditions	
8.	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.
9.	<p>Tree Protection Measures. Requirements for tree preservation shall adhere to the following tree protection measures on the construction site.</p> <ul style="list-style-type: none"> • 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 are encountered within the approved

	<p>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.</p> <ul style="list-style-type: none">• 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	
10.	Notice of Authorized Work. Prior to commencing work, the applicant must obtain a Notice of Authorized Work from the Planning Division. The Notice shall be posted at the front of the property, readily visible to the public for the duration of the project.

Acknowledgment and acceptance of conditions of approval:

Property Owner Signature

Printed Name

Date

Nam Fence - Camino, Carmel

APN: 010-266-017-000

Camino Real, 4 Southwest of Ocean, Carmel-by-the-Sea, CA 93923

General Notes

All Construction shall conform to the following:

- 2022 California Residential Code
- 2022 California Fire Code
- 2022 California Energy Code
- 2022 California Green Building Standard

Examination of the site and portions thereof which will affect this work shall be made immediately by the contractor, who shall compare with the drawings and satisfy themselves to conditions under which work is to be performed. Contractor shall at such time ascertain and check locations of the existing structures and equipment which may affect their work. Verify all measurements in the field.

All construction work, mechanical, plumbing, electrical, etc., as may be required, shall conform to the latest addition of the California Residential Code and the latest addition of all governing codes and regulations as adopted by the governing jurisdiction. All work shall be done in a thorough, workmanlike manner and equal to the best standards of the practice.

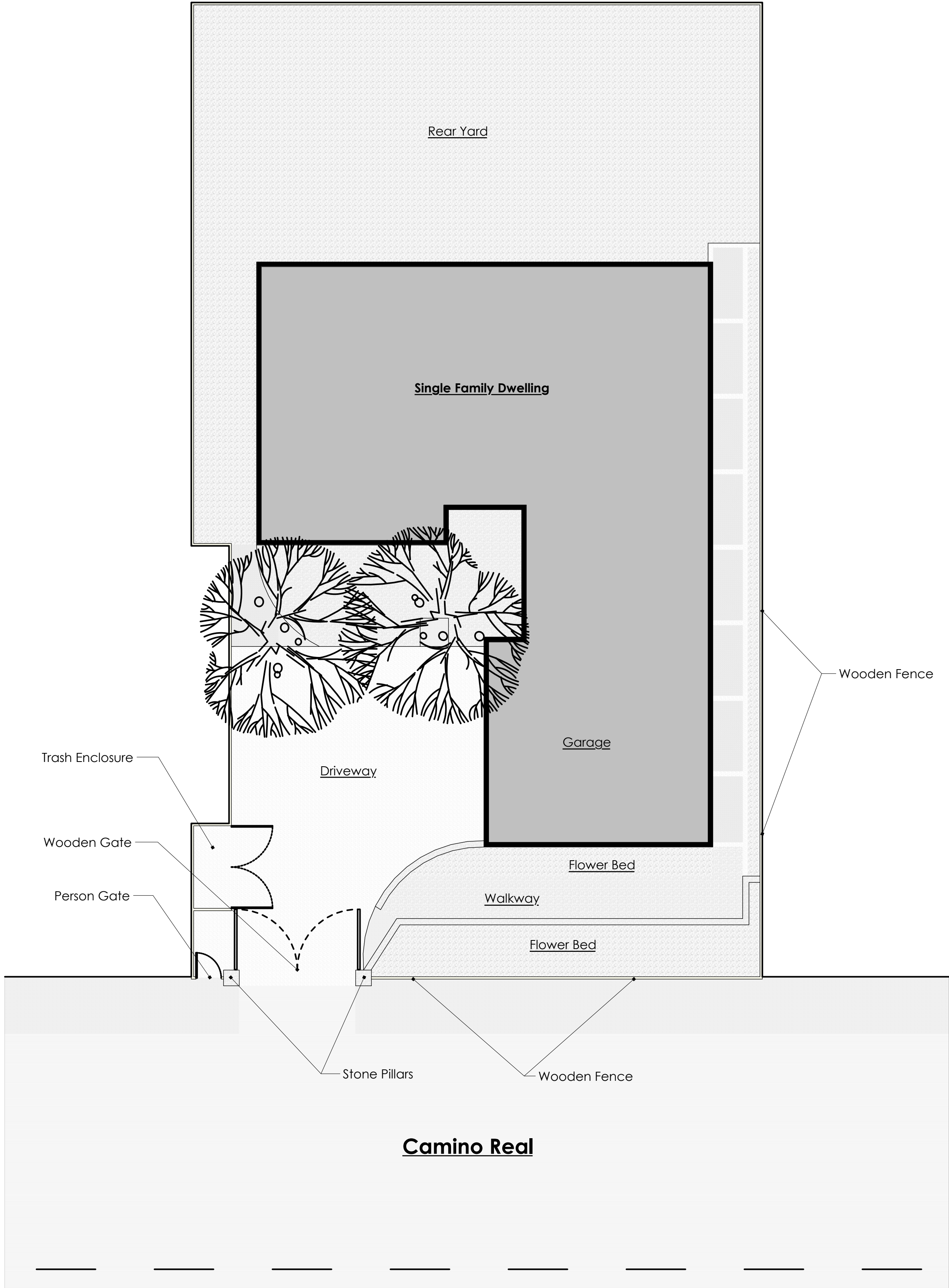
Dimensions, details, notes, and/or symbols that apply to one unit, apply to all units in like situations unless noted otherwise.

Work which is obviously required to be performed in order to provide a completely operable installation within the limits and scope of work, but which may not be specifically included in the plans, shall be performed by contractor.

All work shall be guaranteed against defects in design, installation and material for a minimum of one year from date of completion.



Photo from Camino Real



Project Data

APN: 010-266-017-000
Project Address: Camino Real, 4 Southwest of Ocean
Carmel-by-Ighe-Sea, CA 93923

Property Owner: Ho Nam
224 Arden Road
Menlo Park, CA 94025

Contractor: Icon Building & Development, Inc.
2560 Garden Road, Suite 205
Monterey, CA 93940

Zoning: R-1
Land Use Designation: Residential
Building Classification: R-3, U
Construction Type: V-B
SFD Stories: 2
Grading (cut/fill): None
Tree Removal: None

Scope of Work:

Maintenance & repair of (e) Fence & Gate
exhibiting extensive rot and damage

Use like-for-like materials

Aesthetics to match existing


No change in design

No change in color

CARMEL-BY-THE-SEA
PLANNING DEPARTMENT
APPROVED

Permit #: DS 23-232 (MyWay II, LLC)
Date Approved: August 23, 2023
Planner: M. Waffle

REVISIONS		REMARKS
MM/DD/YY	Plans Completed for Submittal	-Bob
1	07/26/2023	...
2	/	...
3	/	...
4	/	...
5	/	...



Icon Building & Development, Inc.
CSLB: 1016505 | (831) 920-6007
2560 Garden Road, Suite 205, Monterey, CA 93940

Nam Fence - Camino, Carmel
APN: 010-266-017-000
Camino Real, 4 Southwest of Ocean
Carmel-by-the-Sea, CA 93923

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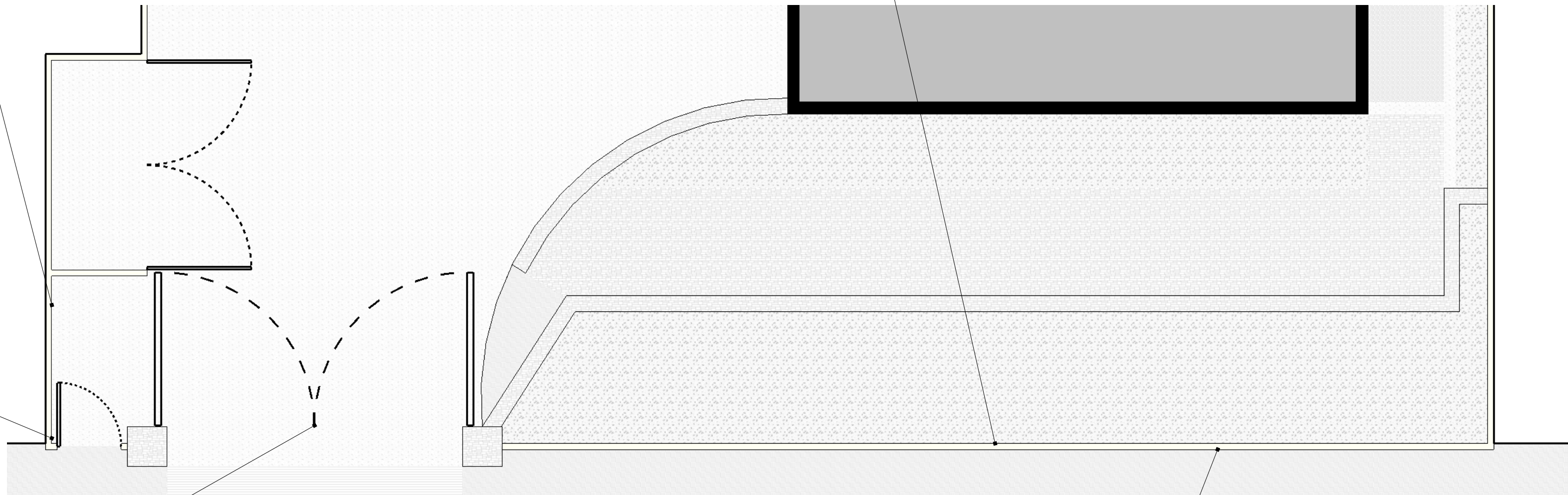
Height at Location
Top of Fence to Grade (side)
5'-11 3/32"



Height at Location
Top of Fence to Flowerbed (inside)
6'-6 3/4"



Height at Location
Top of Fence to Grade (at person gate)
5'-8 9/32"



Enlarged Fence Plan (front)
Scale: 1/4" = 1'



Height at Location
Mean Top of Gate to Driveway (front)
6'-7"

**CARMEL-BY-THE-SEA
PLANNING DEPARTMENT
APPROVED**

Permit #: DS 23-232 (MyWay II, LLC)

Date Approved: August 23, 2023

Planner: M. Waffle



Height at Location
Top of Fence to Grade (front)
6'-9"

REVISIONS		REMARKS
MM/DD/YY	Plans Completed for Submittal	-Bob
1	07/26/2023	...
2
3
4
5



Icon Building & Development, Inc.
CSLB: 1016505 | (831) 920-6007
2560 Garden Road, Suite 205, Monterey, CA 93940

Nam Fence - Camino, Carmel
APN: 010-266-017-000

**Camino Real, 4 Southwest of Ocean
Carmel-by-the-Sea, CA 93923**

CITY OF CARMEL-BY-THE-SEA
DESIGN REVIEW APPLICATION

D.R. No. 20-100
Receipt No. 022-100
Date AUG 20, 1980

***SEE RESOLUTION NO. 76-56 FOR DETAILS OF SUBMITTAL - Applications not fully completed will be rejected and not considered by the Carmel Planning Commission

APPLICATION FOR:	<u>DAVID J. ELLIOTT</u>	<u>DESIGN PRODUCTION SERVICES</u>
	Applicant(s) Name	Name of Business
Bldg. & Site ()		
Parking Lot ()	<u>1/3 CARMEL BEACH OCEAN 17th</u>	<u>M</u>
Awning ()	Property Location	Block No.
Lights ()		Lot(s) No.
Paint ()	<u>70 W. ALISAL SALINAS, CA.</u>	<u>42-1863</u>
Landscaping ()	Mailing Address	Telephone No.
<u>FENCE & RETAINING WALL</u>	<u>DAVID J. ELLIOTT</u>	<u>422-1863</u>
<u>25⁰⁰ Fee</u>	Person to contact re: this application	Telephone No.

DESIGN REVIEW COMMITTEE RECOMMENDATION:

Approve Conditional Approval Deny
Conditions of Approval: _____

Date: 9/10/80 By: DRC

DESIGN REVIEW BOARD:

Approve Conditional Approval Deny
Conditions of Approval: _____

Date: 9/17/80 By: J. S. [Signature]

CITY OF LANSING, MICHIGAN	
PLANNING DEPARTMENT	
Project No. 405, 25, 422	
Drawing No. 1	
Date: 10/1/40	
Drawn by: [Signature]	
Check by: [Signature]	
Approved by: [Signature]	
Title: [Blank]	
Scale: [Blank]	
Sheet: [Blank]	
Project: [Blank]	
Location: [Blank]	
Remarks: [Blank]	



FENCE ELEVATION

SCALE - 1/2" = 1'-0"

NOV 17
 1940
 W. A. [Signature]

DAYSTAR CONSTRUCTION, INC.

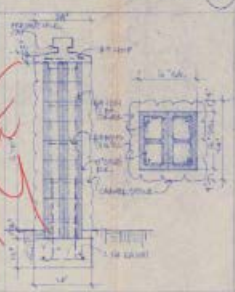
OFFICE
COPY

SHEET INDEX

SHEET	DESCRIPTION
A-1	GENERAL INFORMATION, STORY, HEIGHT, PLAN
A-2	NEARSHORE PLAN & DETAILS
A-3	FLYING PLAN
A-4	APPROACHES, DETAILS
A-5	EXTENSIVE ELEVATIONS
A-6	EXTENSIVE ELEVATIONS
A-7	SHORELINE ELEVATIONS
A-8	SHORELINE ELEVATIONS
A-9	SHORELINE ELEVATIONS
A-10	SHORELINE ELEVATIONS
A-11	SHORELINE ELEVATIONS
A-12	SHORELINE ELEVATIONS
A-13	SHORELINE ELEVATIONS
A-14	SHORELINE ELEVATIONS
A-15	SHORELINE ELEVATIONS



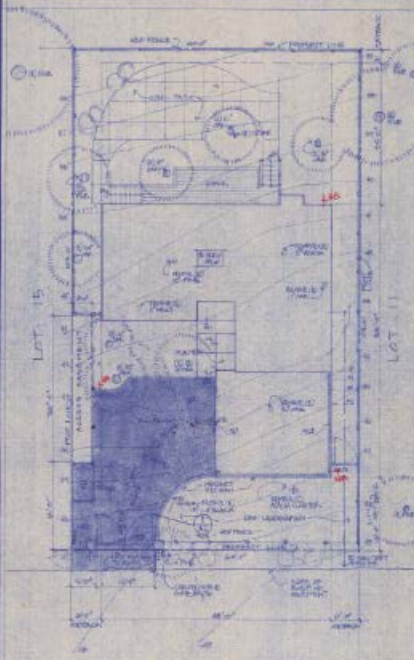
REDUCED FENCE DETAIL



GATE POST

SITE DETAILS

SCALE: 3/4" = 1'-0"



GAMING REAL

LEGEND

LOT COVERAGE

LOT AREA: 100 SF

LOT COVERAGE: 100 SF

LOT AREA: 100 SF

LOT COVERAGE: 100 SF

LOT AREA: 100 SF

LOT COVERAGE: 100 SF

LOT AREA: 100 SF

LOT COVERAGE: 100 SF

LEGEND

LOT COVERAGE

LOT AREA: 100 SF

LOT COVERAGE: 100 SF

LOT AREA: 100 SF

LOT COVERAGE: 100 SF

LOT AREA: 100 SF

LOT COVERAGE: 100 SF

LOT AREA: 100 SF

LOT COVERAGE: 100 SF

LEGAL DESCRIPTION

LOT AREA: 100 SF

LOT COVERAGE: 100 SF

LOT AREA: 100 SF

LOT COVERAGE: 100 SF

LOT AREA: 100 SF

LOT COVERAGE: 100 SF

LOT AREA: 100 SF

SITE PLAN

SCALE: 3/4" = 1'-0"

FOR
8014
DATE: 1-1-77
SHEET

DESIGNED BY
DAYSTAR CONSTRUCTION
BY: [Signature]
CHECKED BY: [Signature]
DATE: 1-1-77

SITE PLAN, 1100

DAYSTAR CONSTRUCTION
BY: [Signature]
CHECKED BY: [Signature]
DATE: 1-1-77

SHEET
A-1
9