



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 23259

Owner Name: SHIRA LOWELL & ANNE GOWAN TRS

Case Planner: Katherine Wallace

Date Posted: _____

Date Approved: 09/25/2023

Project Location: Perry Newberry Way 2 SW of 5th Avenue

APN #: 009163002000 **BLOCK/LOT:** /

Applicant: Michelle Bevard

Project Description: One new 30' x 46' Velux brand skylight on the rear, west-facing roof slope of the residence

Can this project be appealed to the Coastal Commission? Yes ☐ No ☒

CONDITIONS OF APPROVAL		
No.	Standard Conditions	
1.	Authorization. Approval of Design Study (DS 23-259, Lowell Gowan Trs) authorizes one new 30' x 46' Velux brand skylight on the rear, west-facing roof slope of the residence located at Perry Newberry Way 2 SW of 5th Avenue in the Single-Family Residential (R-1) District, 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 at the time such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.	✓
3.	Permit Validity. 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.	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 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.	✓
5.	Exterior Revisions to Planning Approval Form. 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 that is not listed on this form, shall not be deemed approved upon issuance of a building permit.	
6.	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 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 that are 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.	
	Landscape Conditions	
7.	Tree Removal. 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.	✓
8.	<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 to include 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. ● 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. ● 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 	✓

	<p>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. 	
9.	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 proceeding, to attack, set aside, void, or annul any project 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.	✓
10.	Conditions of Approval. All conditions of approval for the Planning permit(s) shall be printed on a full-size sheet and included with the construction plan set submitted to the Building Safety Division.	✓
SPECIAL CONDITIONS		
11.	Building Permit. The applicant shall apply for and obtain a Building Permit from the Building Division prior to commencing work.	✓
12.	Skylights & Skylight Shades. Prior to the issuance of a building permit, the Applicant shall include in the construction drawings the manufacturer's specifications for all skylights and skylight shades. Skylights shall be low-profile and use non-reflective glass to minimize light and glare visible from adjoining properties. Skylight flashing shall match the roof color. Manual or automatic shades shall be installed in each skylight to reduce visible light transmission during the hours of darkness.	✓

Acknowledgement and acceptance of conditions of approval:

Property Owner Signature

Printed Name

Date

