



## 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 24173

**Owner Name:** BERNER ELLYN R TR

**Case Planner:** Jacob Olander, Assistant Planner

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

**Date Approved:** 06/20/2024

**Project Location:** San Antonio 3rd SE of 8th

**APN #:** 010269011000      **BLOCK/LOT:** /

**Applicant:** Mark Stelzried

**Project Description:** This approval of Design Study DS 24173 (Berner) authorizes a proposed alteration to an existing single-family residence located on at San Antonio 3rd SE of 8th in the Single-Family Residential (R-1) District; 1) Construct a concrete retaining wall with a brick veneer in the front yard. 2) Fill in the new area with wood chips and mulch. Alterations not expressly listed in this authorization are not permitted unless modified by the conditions of approval contained herein. located at San Antonio 3rd SE of 8th in the R1 District and, APN: 010269011000 as depicted in the plans stamped approved by Community Planning and Building Department on 06/20/2024 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.*

| <b>CONDITIONS OF APPROVAL</b> |   |
|-------------------------------|---|
| <b>No.</b>                    | <b>Standard Conditions</b>  |
| 1.                            | <p><b>Authorization.</b> This approval of Design Study DS 24173 (Berner) authorizes a proposed alteration to an existing single-family residence located on at San Antonio 3rd SE of 8th in the Single-Family Residential (R-1) District; 1) Construct a concrete retaining wall with a brick veneer in the front yard. 2) Fill in the new area with wood chips and mulch. Alterations not expressly listed in this authorization are not permitted unless modified by the conditions of approval contained herein. located at San Antonio 3rd SE of 8th in the R1 District and, APN: 010269011000 as depicted in the plans stamped approved by Community Planning and Building Department on 06/20/2024 unless modified by the conditions of approval contained herein.</p>  |
| 2.                            | <p><b>Codes and Ordinances.</b> The project shall be constructed in conformance with all requirements of the R1 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.</p>   |
| 3.                            | <p><b>Permit Required.</b></p> <p><input checked="" type="checkbox"/> A Building Permit shall be applied for and obtained from the <a href="#">Building Division</a> prior to commencement of work. The Building Permit shall be applied for in a manner consistent with the submittal requirements prescribed by the Building Division.</p> <p><input type="checkbox"/> A building permit is not required; however, the applicant shall apply for and obtain a Notice of Authorized Work from the Building Division prior to commencement of work. To apply for the Notice of Authorized Work, please submit the <a href="#">Scope of Work Declaration</a> through the city's <a href="#">online permit portal</a>.</p>  |
| 4.                            | <p><b>Permit Validity.</b> The project shall be implemented in accordance with the time limits set forth <a href="#">CMC 17.52.170 (Time Limits on Approvals and Denials)</a>. 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.</p>   |
| 5.                            | <p><b>Water Use.</b> Approval of this application does not permit an increase in water use on the project site without adequate supply. Should the Monterey Peninsula Water Management District determine that adequate water is unavailable for this site, this approval shall be null and void. If installed, the property owner/applicant shall be required to remove the subject improvement(s) at the property owners expense.</p>   |
| 6.                            | <p><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, for review. The project will be reviewed for its compliance with the approved plans prior to the final inspection.</p>  |
| 7.                            | <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 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.</p> |
| 8.                            | <p><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)</p>  |

|     |   |
|-----|---|
| 9.  | <b>Conditions of Approval.</b> Prior to the issuance of a Building Permit or Notice of Authored Work, the Applicant shall print a copy of the signed Conditions of Approval within the construction plan set submitted to the Building Safety Division as part of the submittal for the Building Permit Application or Notice of Authorized Work.   |
| 10. | <b>Tree Removal Prohibited.</b> 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 or pruned with the approval of the City Forester or Forest and Beach Commission.  |
| 11. | <b>Tree Protection Measures.</b> Requirements for tree preservation shall adhere to the following tree protection measures on the construction site. <ul style="list-style-type: none"><li>• Prior to grading, excavation, or construction, the contractor/builder 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, including 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>• 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.</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></ul> <p>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. <b>The Forester can be reached at 831-620-2073.</b></p> |
| 12. | <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 as a result of construction activity, construction activity will be suspended and all work stopped until an investigation by the City Forester has been completed. The Forester can be reached at 831-620-2073.  |

| <b>SPECIAL CONDITIONS</b> |   |
|---------------------------|---|
| 13.                       | Brick Veneer. All brickwork shall be wrapped around all exposed faces of the retaining wall and terminated at an inside corner or a logical stopping point that provides a finished appearance.                                     |
| 14.                       | Elevated Section. The newly created elevated section of the front yard shall be filled in with mulch, wood chips, and dirt. The new filled area shall not contain any impervious materials between the existing and finished grade. |
| 15.                       | N/A   |
| 16.                       | N/A   |
| 17.                       | N/A   |

\*Acknowledgement and acceptance of conditions of approval.

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant Signature

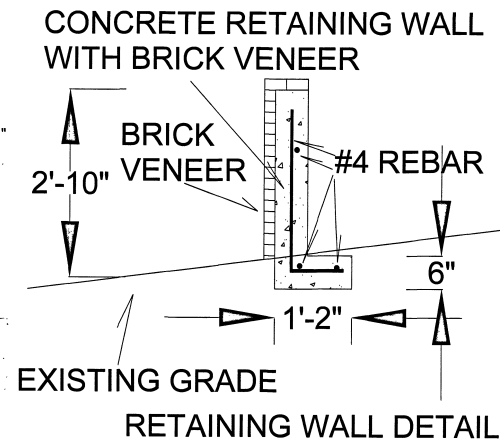
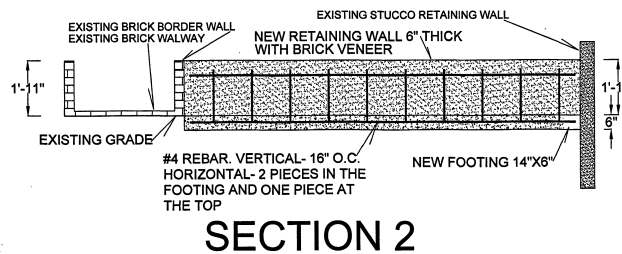
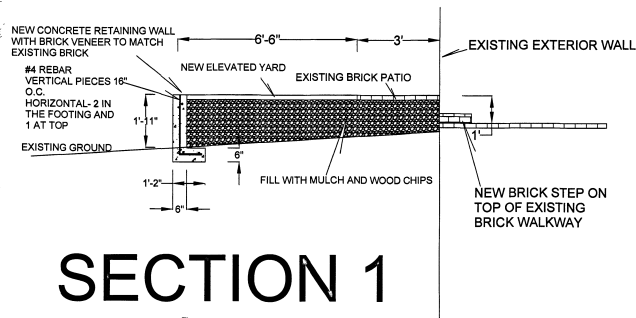
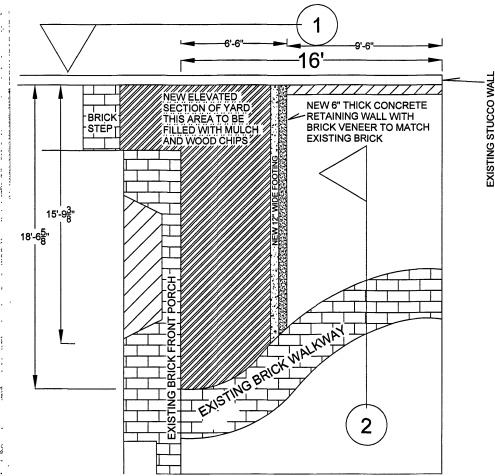
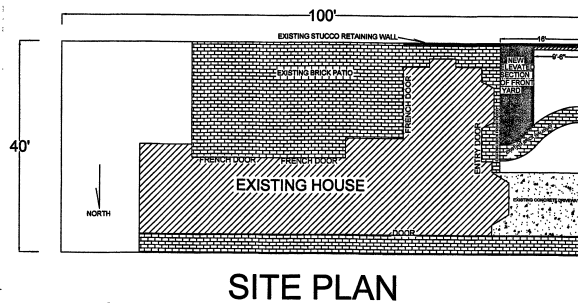
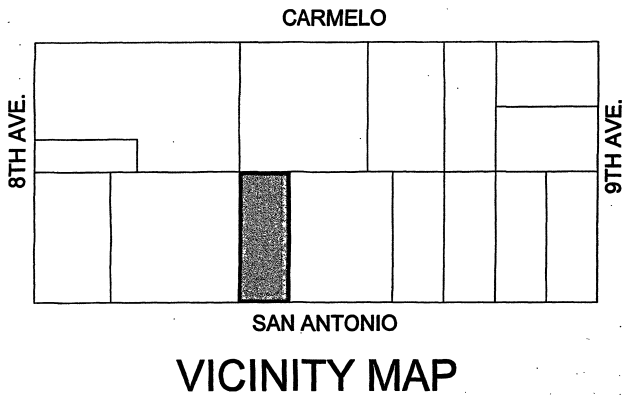
\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

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



Approved 6/20/2024  
DS 24173 (Berner)  
Carmel-by-the-Sea  
Community Planning and Building  
Jacob Olander Assistant Planner



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**DS 24173 (Berner)**  
**Carmel-by-the-Sea**  
**Community Planning and Building**  
**Jacob Olander Assistant Planner**

HOMEOWNER: BERNER  
 SAN ANTONIO 3RD S.E. OF 8TH  
 CARMELO, CA  
 APN: 010269011000  
 LOT: S. 1/2 OF LOT 8 BLK U  
 N. 1/2 OF LOT 10 BLK U

CONTRACTOR: MAS CONSTRUCTION  
 84 PASEO HERMOSO  
 SALINAS, CA  
 LIC # 682876  
 CELL 831-214-2965

*Mas Construction*