



# NOTICE OF APPROVAL & NOTICE OF WAIVER OF PUBLIC HEARING

The Department of Community Planning & Building of the City of Carmel-by-the-Sea has approved an application for a Track 1 Minor Design Study located in the Coastal Commission Appeal Jurisdiction and meets the findings for a public hearing waiver. This Notice of Application Approval and Public Hearing Waiver for Minor Development has been prepared in accordance with CMC 17.52.120.D.1. Any persons interested in the project are encouraged to contact the Project Planner listed below.

**Planning Application:** DS 24205 (Vardell)

**Project Planner:** Jacob Olander, Assistant Planner, [Jolander@ci.carmel.ca.us](mailto:Jolander@ci.carmel.ca.us), (831)620-2027

**Date Approved:** 9/13/2024

**Date Mailed:** 9/13/2024

**Project Location:** Scenic 3 NW of 8th Avenue

**Block:** C2 **Lot:** 10 **APN:** 010-312-018-000

**Applicant:** BLS Permit Facilitation

**Approved Project Description:** Approval of Design Study application DS 24205 (Vardell) and associated Coastal Development Permit for alteration to an existing Single-Family Residence includes; demolition of the existing 3' tall grapestake fence and gate, and the installation of a 6' grapestake fence along the dog run of the neighbor to the South and the installation of a 3' grapestake fence along the rear patio of the neighbor to the South located at Scenic 3 NW of 8th Avenue in the Single-Family Residential (R-1) District, Beach & Riparian (BR) Overlay, and Coastal Commission Appeal Jurisdiction.

**Approved Project Plans are available on the City's website at:**

<https://ci.carmel.ca.us/post/current-planning-applications>

**Is this project appealable to the Coastal Commission?:** Yes

**The decision to approve this project may be appealed to the Planning Commission within 15 business days from the date the notice circulated by filing a written appeal with the Department of Community Planning & Building.**

No hearing will be held on this item unless one is requested in writing – no fee shall be assessed for request of a hearing. Failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the City on the permit application.



## FINDINGS AND CONDITIONS

**Project:** DS 24205 (Vardell)

**Location:** Scenic 3 NW of 8<sup>th</sup> Avenue; 010-312-018-000

**Date of Action:** September 13, 2024

**Project Description:**

**DS 24205 (Vardell)** Approval of Design Study application DS 24205 (Vardell) and associated Coastal Development Permit for alteration to an existing Single-Family Residence includes; demolition of the existing 3’ tall grapestake fence and gate, and the installation of a 6’ grapestake fence along the dog run of the neighbor to the South and the installation of a 3’ grapestake fence along the rear patio of the neighbor to the South located at Scenic 3 NW of 8th Avenue in the Single-Family Residential (R-1) District, Beach & Riparian (BR) Overlay, and Coastal Commission Appeal Jurisdiction.

The proposed changes include:

- Demolition of the existing 3’ tall grapestake fence and gate, and the installation of a 6’ grapestake fence along the dog run of the neighbor to the South and the installation of a 3’ grapestake fence along the rear patio of the neighbor to the South.

FINDINGS REQUIRED FOR DESIGN STUDY APPROVAL		
<p>The Director shall have the authority to approve, approve with modifications and/or conditions, or deny an application for design review based on written findings stating the reasons for the action. Findings shall be based on information in the record. CMC 17.58.060.A.</p> <p>For each of the required findings listed below, the staff has indicated whether the application, either as proposed or with conditions, supports adopting the findings. For all findings checked "no," staff discusses the issues to facilitate the Director’s decision-making. Findings checked "yes" may or may not be discussed depending on the issue(s).</p>		
<b>CMC 17.58.060.B Findings for Design Review Approval</b>	<b>YES</b>	<b>NO</b>
Before approving an application for design review in any district, the Director shall find that the final design plans:		
1. Conform to the applicable policies of the General Plan and the Local Coastal Program;	✓	
2. Comply with all applicable provisions of this code; and	✓	
3. Are consistent with applicable adopted design review guidelines.	✓	
<p><b>Additional Staff Analysis/Discussion:</b> None required. The project meets the findings as proposed with the associated conditions.</p>		

FINDINGS REQUIRED FOR COASTAL DEVELOPMENT PERMIT APPROVAL		
<p>CMC 17.064.110.B. Coastal Development Permits. All decisions on coastal development permits shall be accompanied by written findings:</p> <p>For each of the required findings listed below, the staff has indicated whether the application, either as proposed or with conditions, supports adopting the findings. For all findings checked "no," staff discusses the issues to facilitate the Director’s decision-making. Findings checked "yes" may or may not be discussed depending on the issue(s).</p>		
<b>CMC 17.64.010.B, Coastal Development Permits</b>	<b>YES</b>	<b>NO</b>

1. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Carmel-by-the-Sea Local Coastal Program.	✓	
2. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).	✓	
<b>Additional Staff Analysis/Discussion:</b> None required. The project meets the findings as proposed with the associated conditions.		

<b>ENVIRONMENTAL REVIEW</b>
The California Environmental Quality Act (California Public Resources Code §§ 21000, <i>et seq.</i> , “CEQA”), together with State Guidelines (14 California Code Regulations §§ 15000, <i>et seq.</i> , the “CEQA Guidelines”) and City Environmental Regulations (CMC 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared.
<b>Finding:</b> The Community Planning and Building Department finds that pursuant to CEQA regulations, the project is categorically exempt under Section 15301 (Class 1) – Existing Facilities, and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines.
<b>Additional Staff Analysis/Discussion:</b> The project consists of the demolition of the existing 3’ tall grapestake fence and gate, and the installation of a 6’ grapestake fence along the dog run of the neighbor to the South and the installation of a 3’ grapestake fence along the rear patio of the neighbor to the South to an existing Single-Family Home and the project does not result in any expansion of use.

<b>CONDITIONS OF APPROVAL</b>	
<b>No.</b>	<b>Standard Conditions</b>
1.	<b>Authorization.</b> This approval of Design Study (DS 24127) authorizes the demolition of the existing 3’ tall grapestake fence and gate, and the installation of a 6’ grapestake fence along the dog run of the neighbor to the South and the installation of a 3’ grapestake fence along the rear patio of the neighbor to the South at an existing single-family residence located at Scenic 3 NW of 8th Avenue in the Single-Family Residential (R-1) District and Beach/Riparian (BR) Overlay, APN: 010-312-018-000 as depicted in the plans prepared by BLS Permit Facilitation as approved by City of Carmel-by-the-Sea Planning Division on September 13, 2024 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 when such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Division.
3.	<b>Permit Validity.</b> 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.	<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 permit will be scheduled for reconsideration, and appropriate findings will be prepared for review and adoption by the Planning Commission.
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, for review. The project will be reviewed for its compliance with the approved plans prior to the final inspection.
6.	<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.
7.	<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)
8.	<b>Conditions of Approval.</b> 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) and applicant on a full-size sheet within the construction plan set submitted to the Building Safety Division.
<b>Landscape Conditions</b>	
9.	<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 upon the approval of the City Forester or Forest and Beach Commission.
10.	<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 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, 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><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>
11.	<p><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, 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.</p>
<b>Special Conditions</b>	

<b>12.</b>	<b>Notice of Authorized Work.</b> The applicant shall obtain a Notice of Authorized Work from the Planning Department prior to commencement of work.
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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).***

6 ft tall



3 ft tall



Scenic 3 NW of 8th  
Vardell Cottage

APN: 010-312-018

**Approved 9/13/2024  
DS 24205 (Vardell)  
Carmel-by-the-Sea**

**Community Planning and Building  
Jacob Olander, Assistant Planner**

Scope of Work: Replace approximately 20 linear feet of existing 3 ft tall grape stake fence on Southern side of property including 10 ft of 3 ft tall grape stake fence and 10 feet of 6 ft tall grape stake fence (to match Northern side of property).

