



## 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 #:** Landscape Plan Check/Inspection 23250

**Owner Name:** FOUNTAIN THOMAS DEAN & KRISTIN KIM SATO TRS

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

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

**Date Approved:** 08/25/2023

**Project Location:** NWC Junipero & 8th Ave

**APN #:** 010087019000      **BLOCK/LOT:** 89/W. Pt. 25, 26

**Applicant:** Tom Fountain, Owner

**Project Description:** This approval of Landscape Design application LD 23-250 (Fountain) authorizes the installation and maintenance of landscaping in the public right-of-way on the south side of your property fronting 8th Avenue at the northwest corner of Junipero Avenue and 8th Avenue in the Residential and Limited Commercial (RC) District as depicted in the plans prepared by BFS Landscape Architects dated 7/21/2013 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.	Standard Conditions
1.	<b>Authorization.</b> This approval of Landscape Design application LD 23-250 (Fountain) authorizes the installation and maintenance of landscaping in the public right-of-way on the south side of your property fronting 8 <sup>th</sup> Avenue at the northwest corner of Junipero Avenue and 8 <sup>th</sup> Avenue in the Residential and Limited Commercial (RC) District as depicted in the plans prepared by BFS Landscape Architects dated 7/21/2013 stamped approved and on file in the Community Planning & Building Department 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 RC District.
3.	<b>Permit Validity.</b> In accordance with CMC Section 17.52.170 (Time Limits on Approvals and Denials), a commercial design review approval remains valid for a period of 18 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>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.
5.	<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.
6.	<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.
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 <a href="http://USANorth811.org">USANorth811.org</a> for more information)
<b>Landscape Conditions</b>	
8.	<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.
9.	<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</li> </ul>

	<p>performed with a pneumatic excavator, hydro-vac at low pressure, or another method that does not sever roots.</p> <ul style="list-style-type: none"><li>• If roots greater than 2 inches in diameter 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>
<b>Special Conditions</b>	
10.	<b>Notice of Authorized Work Required.</b> Prior to commencing work on the project, the Applicant shall obtain a Notice of Authorized Work from the Community Planning & Building department. The Notice shall be posted at the front of the property as close as practical to the project area, where it is readily visible to the public, and shall remain in place through the completion of the project.
11.	<b>Associated Permanent Encroachment Permit.</b> This landscape design approval is a condition of Permanent Encroachment Permit EN 21-272 (Fountain) approved by the City Council on April 6, 2023. All approved landscaping shall be installed and maintained in good condition for the life of Permanent Encroachment Permit EN 21-272 (Fountain). Failure to maintain the landscaping is a violation of the conditions of Permanent Encroachment Permit EN 21-272 (Fountain) and may require the fence encroachment to be removed.

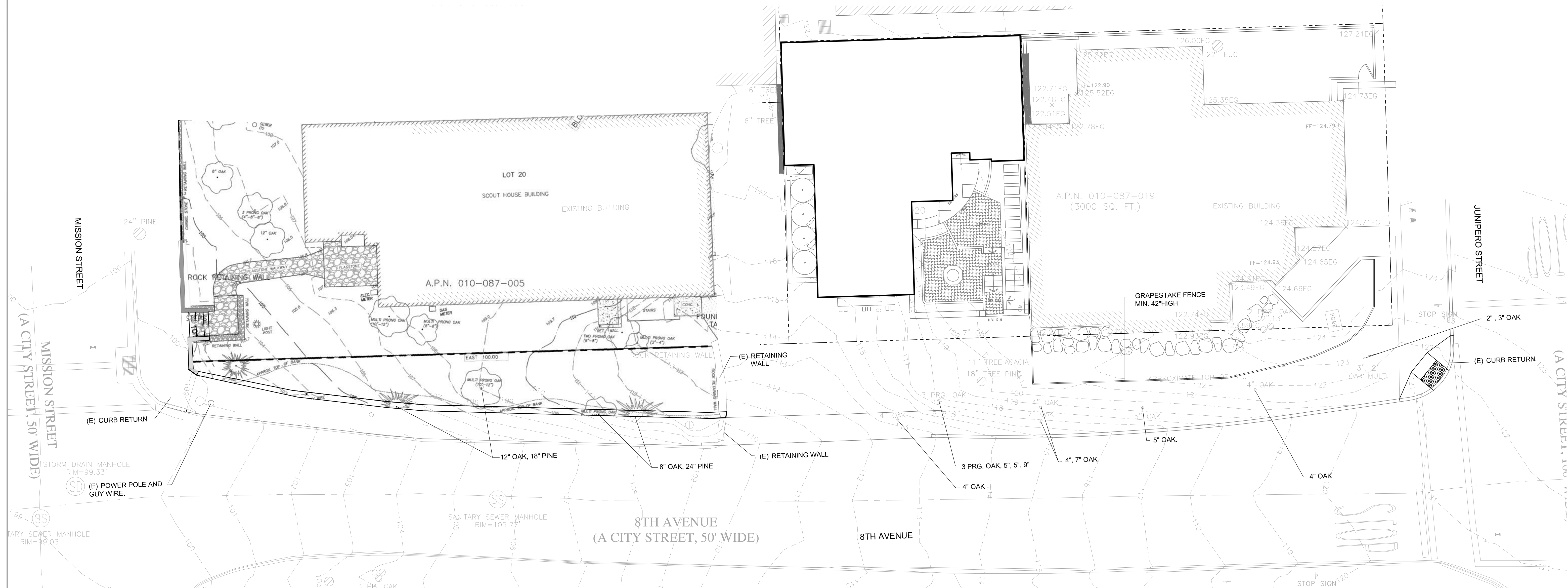
Acknowledgment and acceptance of conditions of approval:

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

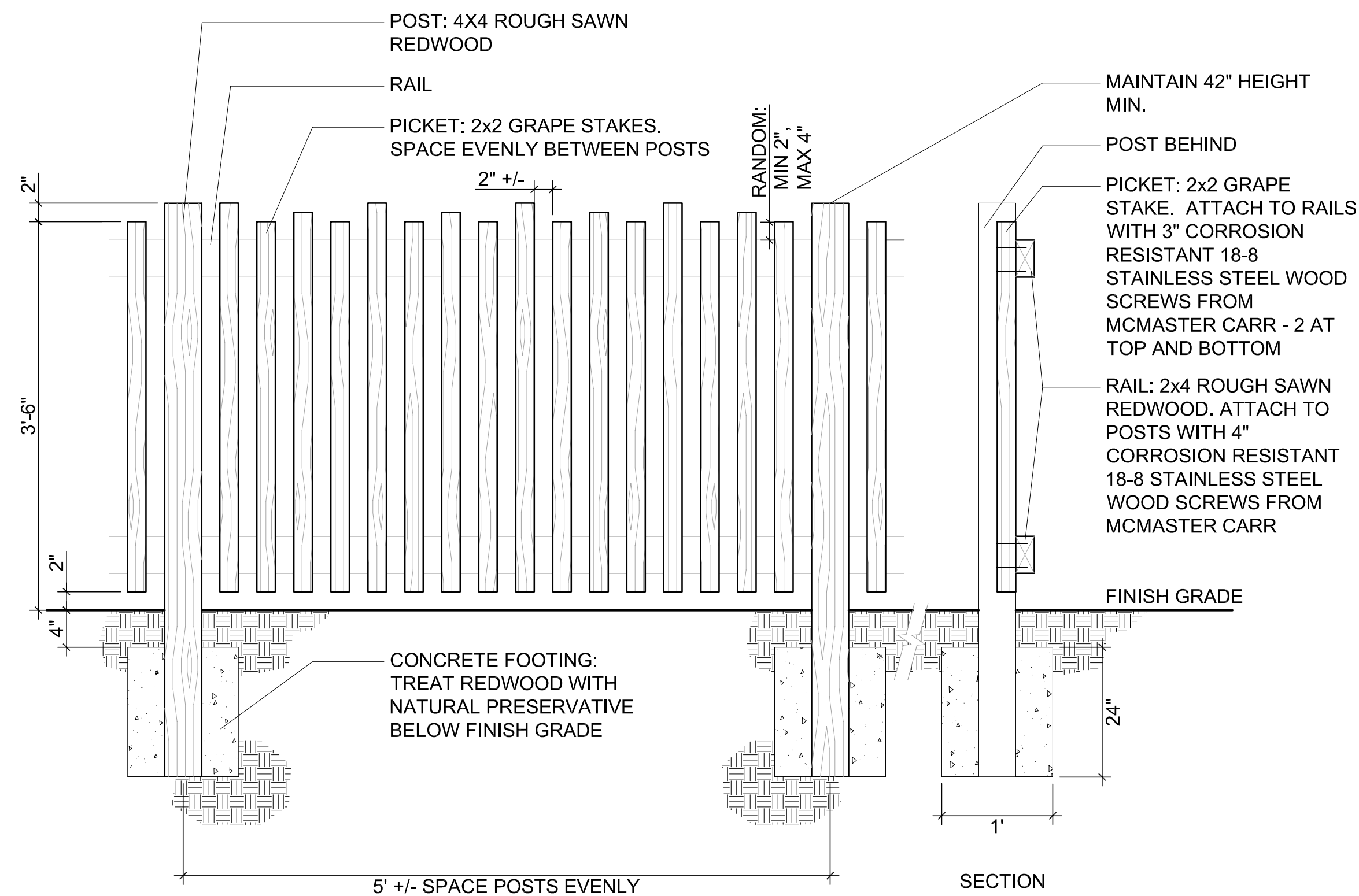
\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date





1 Site Construction Plan  
1" = 8'-0"



2 42" Grapestake Fence  
1" = 1'-0"

PROJECT:  
**FOUNTAIN  
RESIDENCE**  
8th Ave & Junipero Ave NWC  
Carmel, CA

ISSUANCE:

REVISION:

PROJECT NO: 23.035  
DATE: 07/21/2023  
SCALE: AS SHOWN  
DRAWN | CHECKED:  
SHEET:

**SITE  
CONSTRUCTION  
PLAN**

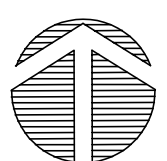
SHEET NO:

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

Permit #: LD 23-250 (Fountain)

Date Approved: August 25, 2023

Planner: M. Waffle







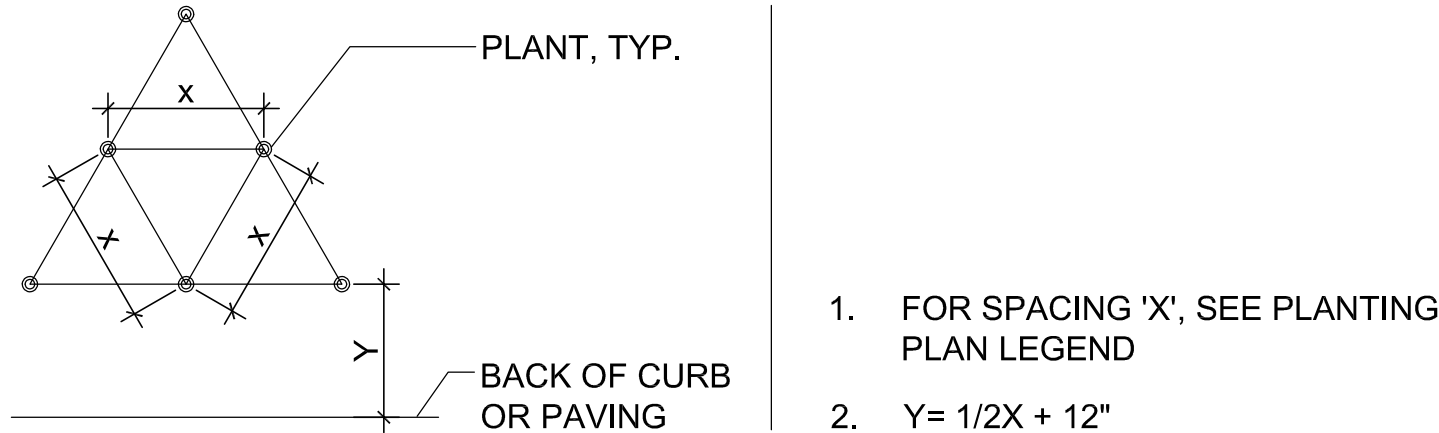
PLANT LEGEND

*WUC	CODE	BOTANICAL NAME	COMMON NAME	SIZE	CHARACTER
Shrubs					
L	As	Arctostaphylos 'Sunset'	Sunset Manzanita	5 Gal.	
M	Cc	Carpenteria californica 'Elizabeth'	Elizabeth Bush Anemone'	15 Gal.	
L	Co	Correa 'Dusky Bells'	Red Australian Fushia	5 Gal.	
M	Da	Dichondra 'Silver Falls'	Silver Falls Dichondra	1 Gal.	
M	Fr	Francoa ramosa	Bridal Wreath	4" Pot	
M	Hh	Heuchera 'Hollywood'	Hollywood Alum Root	1 Gal.	
L	Le	Leptospermum ' Ruby Glow'	Ruby Glow Tea Tree	5 Gal.	
L	Nf	Nepeta faassenii 'Walker's Low'	Walker's Low Catmint	1 Gal.	
L	Pt	Phormium tenax 'Tiny Tiger'	Tiny Tiger New Zealand Flax	1 Gal.	
L	Pm	Polystichum munitum	Western Sword Fern	1 Gal.	
L	Sb	Stachys byzantia 'Helen von Stein'	Lamb's Ear	1 Gal.	
Groundcovers					
L		Thymus 'Elfin'	Elfin Creeping Thyme	4" Pot @ 6" O.C.	
Vines					
L	Bo	Bougainvillea 'San Diego Red'	San Diego Red Bougainvillea	5 Gal.	

GENERAL NOTES

- Landscape Architect to approve plant material BEFORE plant layout commences.
- Landscape Architect to approve layout of all plants BEFORE planting commences.
- Apply pre-emergent herbicide to all planting areas.
- Prepare, amend, and fertilize existing soil per Soils Report.
- Pre-mix amendments into soil before backfilling plant pits - do not mix inside pits. Break large clods into small pieces.
- Plant shrubs and groundcovers per detail (1/L-2.0) . See Spacing Diagram.
- Install vine mounting per detail (2/L-2.0)
- Install mulch to all planting areas - 3" thick.

GROUNDCOVER SPACING AND PLANTING SETBACK DIAGRAM



\* WATER USE CATEGORY (WUC) KEY

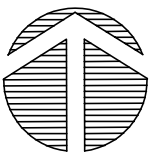
WUCOLS Region Applicable to this Project: REGION 1  
H = High; M = Moderate; L = Low; VL = Very Low; NL = Species Not Listed  
\* from: Water Use Classification of Landscape Species,  
A Guide to the Water Needs of Landscape Plants (WUCOLS)  
Revised 2014, University of California Cooperative Extension, L.R. Costello, K.S. Jones

REFERENCE NOTES

- 1 Existing Planting: Preserve and Protect

CARMEL-BY-THE-SEA  
PLANNING DEPARTMENT  
APPROVED

Permit #: LD 23-250 (Fountain)  
Date Approved: August 25, 2023  
Planner: M. Waffle



PROJECT:

FOUNTAIN  
RESIDENCE  
8th Ave & Junipero Ave NW  
Carmel, CA

ISSUANCE:

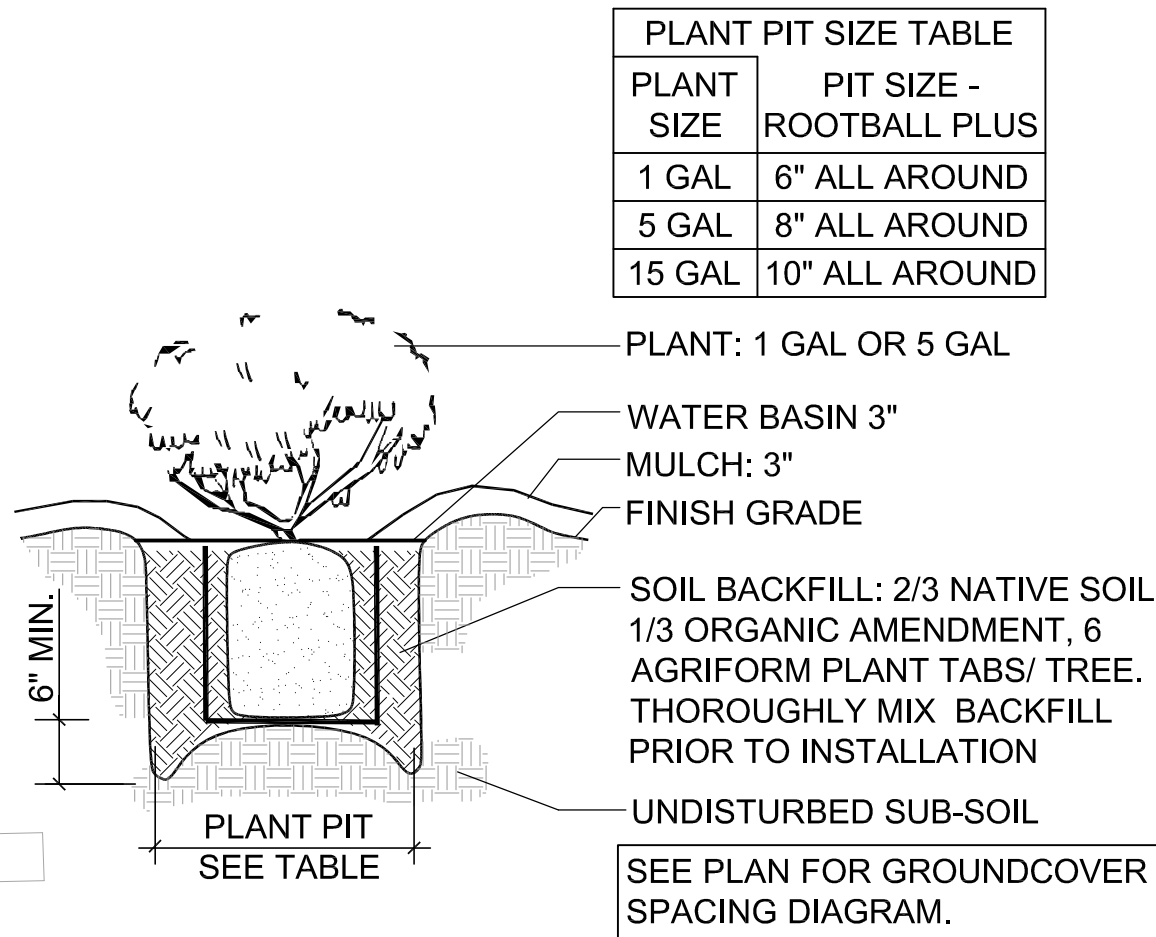
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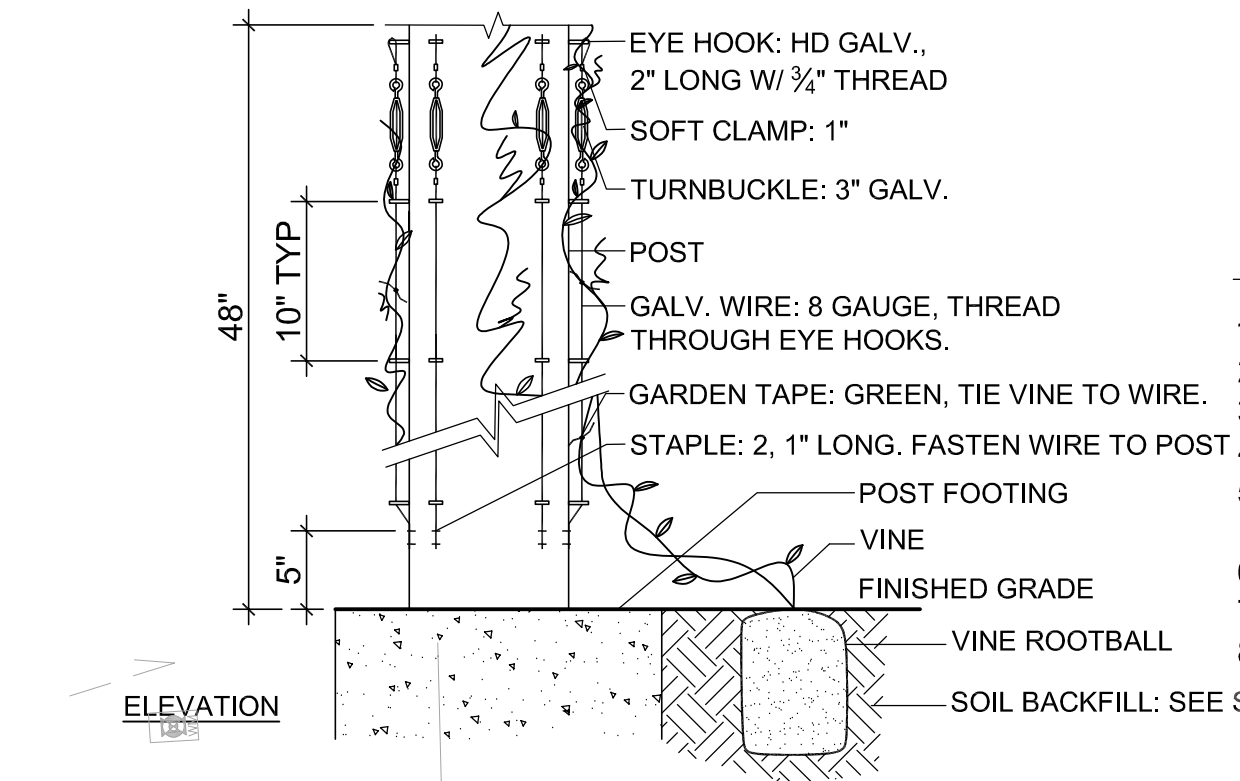
LANDSCAPE  
PLANTING  
PLAN

SHEET NO:

L-2.0



1 Shrub/Groundcover Planting  
NTS



2 Vine at Post  
NTS

