

CITY OF CARMEL-BY-THE-SEA  
DEPARTMENT OF COMMUNITY PLANNING AND BUILDING  
CONDITIONS OF APPROVAL

DR 18-400 (Ipsen Trust)  
"Lincoln Lane"  
E/S Lincoln between 5<sup>th</sup> & 6<sup>th</sup> Avenues  
Block: 55; Lot(s): 10 & 12  
APN: 010-138-019

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**PROJECT DESCRIPTION**

Consideration of a Design Review (DR 18-400) for the demolition and reconstruction of an existing restaurant building and minor modifications to the courtyard located at Lincoln Lane in the Service Commercial (SC) Zoning District.

**STANDARD CONDITIONS**

- 1. Authorization.** Approval of this Design Review (DR 17-400) application authorizes the applicant to demolish and reconstruct an existing restaurant building and make minor modifications to the courtyard as described in the January 16, 2019 Planning Commission staff report and as generally depicted on the approved plan set prepared by Mark Davis Design dated received January 7, 2019.
- 2. Codes and Ordinances.** The project shall be constructed in conformance with all requirements of the local S-C zoning ordinances. 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 Commercial Design Review approval shall be valid for a period of 18 months from the date of action by the Planning Commission or, if appealed, final action by the City Council.
- 4. Landscape Plan.** All new landscaping, if proposed, shall be shown on a landscape plan and shall be submitted to the Department of Community Planning and Building and to the City Forester prior to the issuance of a building permit. The landscape plan will be reviewed for compliance with the landscaping standards contained in the Zoning Code, including the following requirements: 1) all new landscaping shall be 75% drought-tolerant; 2) landscaped areas shall be irrigated by a drip/sprinkler system set on a timer; and 3) the project shall meet the City's recommended tree density standards, unless otherwise approved by the City based on site conditions. The landscaping plan shall

show where new trees will be planted when new trees are required to be planted by the Forest and Beach Commission or the Planning Commission.

- a. The applicant shall identify the species, size and number of all plants and trees on the landscape plan.
- 5. Tree Removals.** Trees on the site shall only be removed upon the approval of the City Forester or Forest and Beach Commission as appropriate; and all remaining trees shall be protected during construction by methods approved by the City Forester.
- 6. Significant Trees and Tree Roots.** 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. Twelve inches (12") of mulch shall be evenly spread inside the dripline of all trees prior to the issuance of a building permit.
- 7. Water Use.** 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 not available for this site, this permit will be scheduled for reconsideration and appropriate findings prepared for review and adoption by the Planning Commission.
- 8. Modifications.** The applicant shall submit in writing to the Community Planning and Building staff any proposed changes to the approved project plans prior to incorporating changes on the site. If the applicant changes the project without first obtaining City approval, the applicant will be required to either: a) submit the change in writing and cease all work on the project until either the Planning Commission or staff has approved the change; or b) eliminate the change and submit the proposed change in writing for review. The project will be reviewed for its compliance to the approved plans prior to final inspection.
- 9. Skylights.** All skylights shall be constructed of non-reflective glass to minimize the amount of light and glare visible from adjoining properties. All skylight flashing shall match the roof color or be painted to match. Skylight shades shall be installed to reduce visible light transmission during the hours of darkness.
- 10. Stone Facades (including chimneys).** Stone façades shall be installed in a broken course/random or similar masonry pattern. Setting the stones vertically on their face in

a cobweb pattern shall not be permitted. Prior to full installation of stone during construction, the applicant shall install a 10-square foot section on the building and schedule an inspection with Planning staff to ensure conformity with City standards. All stonework shall be wrapped around building corners and terminated at an inside corner or a logical stopping point that provides a finished appearance. Termination of stonework shall be subject to review and approval by Planning staff.

**11. Hazardous Materials Waste Survey.** A hazardous materials waste survey shall be required in conformance with the Monterey Bay Unified Air Pollution Control District prior to issuance of a demolition permit.

**12. Storm Water Drainage Plan.** The applicant shall include a storm water drainage plan with the working drawings that are submitted for building permit review. The drainage plan shall include applicable Best Management Practices and retain all drainage on site through the use of semi-permeable paving materials, French drains, seepage pits, etc. Excess drainage that cannot be maintained on site, may be directed into the City's storm drain system after passing through a silt trap to reduce sediment from entering the storm drain. Drainage shall not be directed to adjacent private property.

**13. Cultural Resources.** All new construction involving excavation shall immediately cease if cultural resources are discovered on the site, and the applicant shall notified the Community Planning and 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 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 excavation, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and distribution pursuant to California Public Resources Code (PRC) Section 5097.98.

**14. 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)

**15. 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.

**16. Indemnification.** The applicant agrees, at its 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.

#### **SPECIAL CONDITIONS**

**17. Courtyard Landscaping.** The applicant shall install potted plants within the publicly accessible areas of the courtyard at locations that do not impede access or circulation.

**18. Business Sign Lighting.** The light fixtures proposed for the new business sign are not approved as part of this Design Review. The applicant shall submit a separate sign permit application including the proposed illumination for review by Staff.

**19. Windows.** All new windows are permitted to be aluminum clad wood and shall be consistent throughout the entire project (the restaurant in Building #1, the commercial uses in Building #2 and the apartments). All window frames, dividers and trim shall be painted the same color for consistency throughout the project (either white or black).

\*Acknowledgement and acceptance of conditions of approval.

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

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

\_\_\_\_\_  
Date

***Once signed, please return to the Community Planning and Building Department.***