



**City of Carmel-by-the-Sea**  
**COMMUNITY PLANNING AND BUILDING DEPARTMENT**  
POST OFFICE BOX CC  
CARMEL-BY-THE-SEA, CA 93921  
(831) 620-2010 OFFICE

August 10, 2020

Ms. Connie Mei

Via email: [conniemeijie@yahoo.com](mailto:conniemeijie@yahoo.com)

Subject: Planning Commission Review of Design Study (DS 19-128), Santa Rita 2 SW of 5<sup>th</sup> Ave

Dear Ms. Mei,

On June, 12, 2019 the City of Carmel Planning Commission approved a Design Study application (DS 19-128, Mei) for construction of a new, two-story residence on a vacant lot. The approved site plan identified the placement of a new residence and preservation of existing trees, including several significant trees, on the property.

The original Design Study approval was subject to compliance with the attached Conditions of Approval (COA) transmitted by letter dated June 13, 2019 which you acknowledged and accepted on August 26, 2019 by signing and returning a copy of the Conditions to the Community Planning & Building Department.

Among other things, the Conditions of Approval require that all foundations located within 15 feet of significant trees must be excavated by hand (COA No. 6). Additionally, if any tree roots greater than 2 inches are encountered during construction, the City Forester shall be contacted prior to cutting any roots (COA No. 6).

The Conditions of Approval also require that any modifications to the approved project plans must be approved by the City (COA No. 8).

Special Condition of Approval No. 26 states that the master bedroom is within the 6-foot root protection zone of a 30 inch, significant Monterey cypress and that the area shall be hand dug.

These Conditions of Approval were violated when equipment used for excavation damaged the root systems of three significant trees identified for preservation and ultimately resulted in their removal, as well as damage to other trees on the site. We acknowledge that you have made, and continue to make, restitution for failure to preserve and protect the trees and that you are fulfilling additional special conditions of approval imposed by the Forest and Beach Commission and the Public Works Department. However, removal of these significant trees, and the damage to other trees, effectively altered the site plan as it was previously approved, and therefore, the site plan requires an additional review by the Planning Commission as the site was modified.

Please submit a letter and a revised site plan, as well as a revised grading and drainage plan, outlining the changes to the previously-approved site plan for review and consideration by the Planning Commission. The letter must provide a description of how the excavation and tree protection will be handled once the stop work order has been lifted. The letter must also explain visual impacts to neighbors surrounding the site due to removal of significant trees.

In order for the Commission to review the changes at the September 9th meeting, your letter must be received by the Community Planning & Building Department no later than Friday, August 21, 2020. If the letter is received after this date, your project will be considered for the next regularly scheduled meeting on Wednesday, October 14, 2020 assuming the letter is received by September 25<sup>th</sup>.

The stop work order will remain in force at this time. If you receive approval by the Planning Commission for the revised site plan, with any additional conditions of approval, and any other necessary approvals, the City will remove the stop work order.

If you should have any questions please do not hesitate to contact me at (831) 428-3500 or [mwaffle@ci.carmel.ca.us](mailto:mwaffle@ci.carmel.ca.us).

Best Regards,



Marnie R. Waffle, AICP  
Acting Community Planning & Building Director

Encl: (1) Letter of June 13, 2019 and Signed Conditions of Approval for DS 19-128 (Mei)

CC: Brian Pierik, City Attorney  
Chip Rerig, City Administrator  
Robert Harary, P.E., Public Works Director  
Sara Davis, City Forester  
Tom Bruce, [tom@tombruce.com](mailto:tom@tombruce.com)



City of Carmel-by-the-Sea  
COMMUNITY PLANNING AND BUILDING DEPARTMENT  
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(831) 620-2010 OFFICE

June 13, 2019

Anatoly Ostretsov  
PO Box 2272  
Monterey, CA 93942

Via e-mail: [anatoly@aoarchdesign.com](mailto:anatoly@aoarchdesign.com)

RE: Planning Commission Decision  
DS 19-128 (Mei)  
Santa Rita 2 SW of 5<sup>th</sup> Ave  
Block/Lot: 61/5; APN: 010-038-002

Dear Mr. Ostretsov,

The Planning Commission approved Design Study (DS 19-128) with conditions of approval on June 12, 2019. Enclosed is a copy of the final conditions of approval for the property owner to sign and return for the City's records. Please ensure that the final conditions are printed on one page of the construction drawings.

This Design Study is valid for one year from the date of approval and will expire on June 12, 2020. Should you require an extension of the Design Study approval, a written request must be submitted to the Community Planning & Building Department prior to the permit's expiration.

The Planning Commission's approval is subject to a 10-working day appeal period. The appeal period will end at 5:00 p.m. on **Wednesday, June 26, 2019**. Please do not remove the story poles until the appeal period has expired. At the conclusion of the appeal period, and assuming no appeals are filed, you may proceed with submitting an application for a Building Permit.

If you have any questions please do not hesitate to contact me. I can be reached directly at (831) 620-2057 or [mwaffle@ci.carmel.ca.us](mailto:mwaffle@ci.carmel.ca.us).

Best regards,

Marnie R. Waffle, AICP  
Senior Planner

Encl: Final Conditions of Approval

**CONDITIONS OF APPROVAL**

**AMENDED AND ADOPTED BY THE PLANNING COMMISSION ON  
 JUNE 12, 2019**

**STANDARD CONDITIONS**

1.	<p><b>Authorization.</b> This approval of Design Study (DS 19-128, Mei) authorizes the construction of a new, 1,800-square-foot, two-story, single-family residence on a vacant lot located on Santa Rita Street 2 southwest of 5th Avenue in the Single-Family Residential (R-1) Zoning District, as depicted in the plans prepared by AO Architectural Design dated received by Community Planning &amp; Building on May 14, 2019, 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 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.</p>	✓
3.	<p><b>Permit Validity.</b> 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.</p>	✓
4.	<p><b>Landscape Plan.</b> 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 <u>prior to the issuance of a building permit</u>. 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.</p>	✓
5.	<p><b>Tree Removal.</b> 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.</p>	✓
6.	<p><b>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 <u>before</u> cutting the roots.</p> <p>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</p>	✓

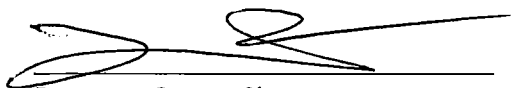
	<p>Forester approval or any significant tree is endangered as a result of construction activity, the building permit will be suspended and all work stopped until an investigation by the City Forester has been completed.</p> <p>Twelve inches (12”) of mulch shall be evenly spread inside the dripline of all trees prior to the issuance of a building permit.</p>	
7.	<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 not available for this site, this permit will be scheduled for reconsideration and appropriate findings prepared for review and adoption by the Planning Commission.</p>	✓
8.	<p><b>Modifications.</b> 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. 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.</p>	✓
9.	<p><b>Setback and Height Certifications.</b> A State licensed surveyor shall survey and certify the following in writing:</p> <ul style="list-style-type: none"> <li>• The footing locations for conformance with the approved plans prior to footing/foundation inspection;</li> <li>• The roof height for conformance with the approved plans prior to roof sheathing inspection.</li> </ul> <p>Written certifications prepared, sealed and signed by the surveyor shall be provided to the building inspector at the time of the specified inspections.</p>	✓
10.	<p><b>Exterior Lighting.</b> Exterior lighting shall be limited to 25 watts or less (incandescent equivalent, i.e., 375 lumens) per fixture and shall be no higher than 10 feet above the ground. Landscape lighting shall not exceed 18 inches above the ground nor more than 15 watts (incandescent equivalent, i.e. 225 lumens) per fixture and shall be spaced no closer than 10 feet apart. Landscape lighting shall not be used for tree, wall, fence or accent lighting of any type. The purpose of landscape lighting is to safely illuminate walkways and entrances to the subject property. All fixtures shall be shielded and down facing. The manufacturer’s specifications, including illumination information, for each exterior light fixture shall be included in the construction drawings submitted with the building permit application.</p>	✓
11.	<p><b>Skylights.</b> All skylights shall use non-reflective glass to minimize the amount of light and glare visible from adjoining properties. The applicant shall install skylights with flashing that matches the roof color, or shall paint the skylight flashing to match the roof color. Skylight shades shall be installed in each skylight to reduce visible light transmission during the hours of darkness. The manufacturer’s specifications for the</p>	✓

	skylights and skylight shades shall be included in the construction drawings submitted with the building permit application.	
12.	<b>Stone Facades (including chimneys).</b> Stone facades 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. 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 the Community Planning & Building Director or his/her designee. The masonry patter shall be clearly identified in the construction drawings submitted with the building permit application.	✓
13.	<b>Unclad Wood Frame Windows.</b> The applicant shall install unclad wood windows. Windows that have been approved with divided lights shall be constructed with true divided lights. Any window pane dividers, which are snap-in, or otherwise superficially applied, are not permitted. The manufacturer’s specifications for the windows shall be included in the construction drawings submitted with the building permit application.	✓
14.	<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 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.	✓
15.	<b>Driveway.</b> The driveway material shall extend beyond the property line into the public right of way as needed to connect to the paved street edge. A minimal asphalt connection at the street edge may be required by the Superintendent of Streets or the Building Official, depending on site conditions, to accommodate the drainage flow line of the street. The driveway material and asphalt connection shall be clearly identified on the construction drawings submitted with the building permit application. If a driveway is proposed to be sand set a dimensioned construction detail showing the base material shall be included in the construction drawings.	✓
16.	<b>Volume Study.</b> This project is subject to a volume study.	✓
17.	<b>Hazardous Materials Waste Survey.</b> 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.	✓

18.	<b>Cultural Resources.</b> 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.	✓
19.	<b>Truck Haul Route.</b> Prior to Building Permit issuance, the applicant shall provide for City (Community Planning and Building Director in consultation with the Public Services and Public Safety Departments) review and approval, a truck-haul route and any necessary temporary traffic control measures for the grading activities. The applicant shall be responsible for ensuring adherence to the truck-haul route and implementation of any required traffic control measures.	✓
20.	<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)	✓
21.	<b>Conditions of Approval.</b> 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.	✓
<b>ENVIRONMENTAL COMPLIANCE CONDITIONS</b>		
22.	<b>Drainage Plan.</b> Provide a drainage plan that meets the requirements of the City's drainage guidance, SOG 17-07. At a minimum, new and replaced impervious area drainage must be dispersed around the site rather than focused into one corner of the property, infiltration features must be sized appropriately and must be located at least 6 feet from neighboring properties. The drainage plan shall include information on drainage from new impervious areas and semi-pervious areas.	✓
23.	<b>BMP Tracking Form.</b> A completed BMP Tracking form will need to be submitted with the Building Permit Application.	✓
24.	<b>Cross-Section Details for Semi-Permeable Surfaces.</b> Cross-section details will need to be provided with the Building Permit application for semi-permeable surfaces, including the sand-set flagstone surface and semi-permeable stone surface.	✓
25.	<b>Erosion and Sediment Control Plan.</b> Provide an erosion and sediment control plan that includes locations and installation details for erosion and sediment control BMPs, material staging areas, and stabilized access with Building Permit application.	✓
<b>SPECIAL CONDITIONS</b>		

26.	<b>30" Monterey cypress.</b> The southeast corner of the master bedroom is within the 6' root protection zone of the 30" Monterey cypress tree. This area shall be hand dug and the City Forester shall be contacted to inspect the area prior to construction. A bridged footing may be required if deemed necessary by the City Forester.	✓
27.	<b>West Property Line Fence.</b> Within 7 days of the issuance of building permits, the applicant shall install up to 2' of temporary framed lattice on top of the existing, west property line fence and shall maintain the temporary lattice through completion of construction and up to 2 years thereafter to allow the vegetated privacy screen an opportunity to grow. The temporary framed lattice shall be removed within 2 years following final inspection.	✓
28.	<b>Trash Enclosure.</b> The application shall reduce the height of the trash enclosure from 6' to a maximum of 4'.	✓
29.	<b>Second Story Deck Railing.</b> The second story deck railing shall be opaque glass on all sides.	✓
30.	<b>Landscape Privacy Screen (South Elevation).</b> The landscape privacy screen along the south property line shall be extended the full length of the second story deck.	✓
31.	<b>Board and Batten Siding.</b> Natural wood shall be used for the board and batten siding.	✓
32.	<b>English Laurel Privacy Screen.</b> The applicant shall specify the variety of English laurel on the final landscape plan so staff can verify it is fast growing and will reach an appropriate height to provide privacy. <u>The size of the plant material shall be in accordance with the plans prepared by Robert Shuler Design dated 5-14-2019 and presented to the Planning Commission on June 12, 2019 which indicate 24" box 'English laurel' at a height of 9'.</u>	✓

\*Acknowledgement and acceptance of conditions of approval.



Property Owner Signature

JIE MEI

Printed Name

8/26/19

Date

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