

MONTEREY COUNTY

PLANNING AND BUILDING INSPECTION DEPARTMENT
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SCOTT HENNESSY, DIRECTOR



MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: January 9, 2003 10:20 AM	Agenda Item: 6
Project Description: (PLN010407/Ungaretti). Combined Development Permit consisting of a Coastal Administrative Permit for the construction of a new 528 square foot garage; Coastal Development Permit for the removal of seven trees; and Design Approval.	
Project Location: 227 Peter Pan Road, Carmel Highlands (Assessor's Parcel Number 241-201-007-000).	
Plan Area: Carmel Area	Flagged & Staked: Yes
Zoning Designation: LDR/1 (CZ); Low Density Residential, 1 acre per unit, Coastal Zone.	
CEQA Action: Exempt, pursuant to Section 15303 of the CEQA Guidelines	
Date application deemed complete: May 9, 2002	
Department: Planning and Building Inspection (PBI)	

RECOMMENDATION

Staff recommends the following:

- 1) Approval of described project based on Findings and Evidence (**Exhibit "B"**) and subject to proposed conditions (**Exhibit "C"**). For the Overview of Proposed Action, see **Exhibit "A."**

OTHER AGENCY INVOLVEMENT

- ✓ Water Resources Agency (WRA)
- ✓ Environmental Health Division (EHD)
- ✓ Public Works Department (PWD)
- ✓ Carmel Highlands Fire Protection District (CHFPD)
- ✓ Parks & Recreation Department (PRD)

All have reviewed the project. EHD, and PBI have recommended conditions (conditions attached).

The Carmel Unincorporated/Highlands Land Use Advisory Committee voted unanimously to recommend approval of the originally proposed project (**Exhibit "D"**).

Note: This project is appealable to the Board of Supervisors and the California Coastal Commission

Michael Rhoades, Associate Planner
(831) 883 – 7537

cc: Coastal Commission; Planning Commissioners; County Counsel; Health Department; Public Works; California Department of Forestry and Fire Protection; Monterey County Water Resources Agency; Big Sur Coast LUAC; Scott Hennessy; Dale Ellis; Jeff Main; Michael Rhoades; Kay Barrett; Applicant/Representative; Owners

Attachments: Exhibit “A” Overview of Proposed Action
 Exhibit “B” Recommended Findings and Evidence
 Exhibit “C” Recommended Conditions of Approval
 Exhibit “D” Land Use Advisory Committee Recommendation
 Exhibit “E” Vicinity Map
 Exhibit “F” Project Plans

This report was reviewed by Jeff Main, Planning & Building Services Manager

EXHIBIT “A”

OVERVIEW OF PROPOSED ACTION

The proposed action involves the construction of a new 528 square foot garage, and paving approximately 330 square feet of new driveway, requiring the removal of seven trees. The garage will be 14 feet, 6 inches in height and will match the exterior materials of the existing residence. The garage will be located approximately 95 feet from the residence, and will utilize an existing paved driveway and parking area for vehicle maneuvering, therefore minimizing new paving and tree removal. The new garage will provide covered parking for the existing residence, thereby achieving conformance with Section 20.58.050. F (Regulations for Parking) of the Monterey County Code. There is no covered parking existing on the parcel.

The primary issue with the project is the removal of seven trees. Four coast live oak and two Monterey Pine trees, and one stem of a multiple-stem coast live oak are proposed for removal. A Forest Management Plan (John Otter, January 2, 2002) was prepared pursuant to Section 20.146.060 of the Monterey County Coastal Implementation Plan. Implementation of the Forest Management Plan will require the property owner to plant and grow 14 new coast live oak trees in locations on the subject parcel recommended by the Forester. Additional measures required by the Forest Management Plan include eradication of invasive species and maintenance of the natural forest duff layer to enhance the long term health of forest resources located on the subject parcel, thereby mitigating any adverse impacts to the forest resulting from tree removal. The property owner has agreed to the provisions of the Forest Management Plan.

See Finding No. 5 and supporting evidence (**Exhibit B**), and Conditions Nos. 5 and 7 (**Exhibit C**), which provide specific evidence and conditions of approval demonstrating that the project will not adversely impact forest resources .

For the reasons cited above and based on the Findings and Evidence contained in Exhibit B, Staff recommends approval of the subject Combined Development Permit. The project is exempt from CEQA and no potential significant impacts were identified during project review. No unresolved issues remain for this project as conditioned.

EXHIBIT "B"

RECOMMENDED FINDINGS AND EVIDENCE

- 1. FINDING:** The proposed project consists of a Combined Development Permit (PLN010407/Ungaretti) consisting of a Coastal Administrative Permit for the construction of a new 528 square foot garage, a Coastal Development Permit for the removal of seven trees, and Design Approval. The proposed development, together with the provisions of its design, are consistent with both the Carmel Area Land Use Plan and the development standards and zoning regulations contained in the certified Coastal Implementation Plan, specifically Chapter 20.146 "*Regulations for Development in the Carmel Land Use Plan Area.*" The parcel is designated as "LDR/1 (CZ)" (*i.e.*, *Low Density Residential*, 1 acre per unit, Coastal Zone), which allows single-family dwellings. The site is physically suited for the use proposed. The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE: The application and plans submitted for the Combined Development Permit in the project file at the Monterey County Planning and Building Inspection Department.

EVIDENCE: Design Approval Request form with plans recommended for approval by the Carmel Unincorporated/Highlands Land Use Advisory Committee with a 5 to 0 unanimous vote in favor of the project proposal; found in File No. PLN010407/Ungaretti.

EVIDENCE: The on-site inspection of the parcel by the project planner.

EVIDENCE: Based on the Forest Management Plan prepared by John D. Otter, dated January 2, 2002 (in project file PLN010407), the project as proposed is consistent with policies of the Local Coastal Program regarding the removal of trees for development. The property owner has agreed to implement the Forest Management Plan.

EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the applicable Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

EVIDENCE: The proposed project is consistent with regulations for accessory structures.
- 2. FINDING:** The proposed project is consistent with policies of the Carmel Land Use Plan dealing with Forest Resources Development Standards.

EVIDENCE: A forest management plan was prepared for the site (John Otter, January 2, 2002) and is on file in the Monterey County Planning & Building Inspection

Department. The report states that seven trees (Four coast live oak and two Monterey Pine trees, and one stem of a multiple-stem coast live oak) are proposed for removal. The forester states that no alternative, including relocation or reorientation of the garage, would have less impact on the forest, and that the proposed tree removal is the minimum necessary for the project. The forester's recommendations have been incorporated into conditions of approval.

- 3. FINDING:** The approved project will not have a significant adverse impact on the environment.

EVIDENCE: Criteria contained in Article 19, Sections 15300.2 (Exceptions) & 15303 (Small Structures) of the California Environmental Quality Act Guidelines allow this project to be categorically exempted from environmental review. Due to the project's limited scale and because land disturbance will be minimal, no significantly adverse environmental impacts were identified during review of the proposed project.
- 4. FINDING:** The establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Health Department, Public Works Department, and the Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the county in general.
- 5. FINDING:** The project, as approved by the Coastal Development Permit, is appealable to the Board of Supervisors.

EVIDENCE: Sections 20.86.070 of the Monterey County Coastal Implementation Plan.

EXHIBIT “C”

RECOMMENDED CONDITIONS

1. The subject Combined Development Permit (PLN010407/Ungaretti) consists of a Coastal Administrative Permit that allows the construction of a new 528 square foot garage; a Coastal Development Permit that allows the removal of seven trees and Design Approval. Construction of the new garage additionally involves grading (50 cu. yds. cut, 15 cu. yds. fill) and approximately 330 square feet of new paving. The project is in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**
2. This permit shall expire two years from the date of adoption unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan. **(Planning and Building Inspection)**
3. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
4. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
5. Within one year of construction of the garage, the applicant shall submit photographic evidence that the planting of fourteen oak trees required for replacement of the removed trees have been planted, consistency with the Forest Management Plan prepared for this project. **(Planning and Building Inspection)**

Prior to the Issuance of Grading and Building Permits:

6. The applicant shall record a notice which states: “A permit (Resolution # _____) was approved by the Zoning Administrator for Assessor's Parcel Number 241-201-007-000 on January 9, 2003. The permit was granted subject to 12 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department.” Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
7. The applicant shall record a notice which states: “A Forest Management Plan has been prepared for this parcel by John Otter (January 2, 2002), and is on record in the Monterey County Planning Department Library as PLN010407. All landscaping and tree removal on this parcel must be in accordance with the Forest Management Plan, as approved by the

Director of Planning and Building Inspection". Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**

8. Prior to issuance of a building permit, provide to the Director of Environmental Health written certification, and any necessary certification from State agencies that California American Water Company can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. **(Health Department)**
9. All exterior lighting shall be unobtrusive, compatible with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection Department)**
10. Native trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall be documented photographically by the applicant and/or by the project planner's on-site inspection prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**

Continuous Permit Conditions:

11. If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**
12. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**