

FINAL

MONTEREY COUNTY ZONING ADMINISTRATOR

July 31, 2003

MINUTES

A. ROLL CALL: 9:30 a.m.

Present: Laura Lawrence and John Hodges (in audience), Environmental Health; Bryce Hori, Public Works; Al Mulholland, Water Resources; Mike Novo, Zoning Administrator; Linda Rotharmel, Senior Secretary

B. PUBLIC COMMENT: None

C. APPROVAL OF MINUTES: The Minutes for the July 10, 2003, meeting were approved with the clarification to Item #2, Joel Burnstein, by Laura Lawrence, to read "Laura Lawrence, Environmental Health, deleted Condition #14, the waste discharge condition, under "Continuous Permit Conditions." There were two waste discharge conditions on the project and they removed the condition that was under "Continuous Permit Conditions" requiring a waste discharge requirement from Regional Board when they actually need a wavier.

D. DESIGN APPROVALS:

1. MERLOT TRUST (DA030119)

DESIGN APPROVAL TO ALLOW FOR THE DEMOLITION OF AN EXISTING SINGLE FAMILY DWELLING, TO BE REPLACED BY A 4,885 SQUARE FOOT TWO-STORY SINGLE FAMILY DWELLING. COLORS AND MATERIALS TO CONSIST OF REDDISH-BROWN TILE ROOF, TAN STUCCO WALLS, WOOD WINDOWS AND FACIA, AND WROUGHT IRON RAILS. THE PROJECT IS LOCATED AT 3840 WHITMAN CIRCLE, CARMEL (ASSESSOR'S PARCEL NUMBER 015-111-034-000), GREATER MONTEREY PENINSULA AREA.

Cynthia Spellacy, with Stocker and Allaire Construction, received notice of a request for continuance, due to an issue with tree removal. She stated it was unclear what had happened with the trees. Apparently the owner, after purchasing the property a couple of years ago, had a conversation with an arborist and for the health of the trees was told that he should trim trees and remove a couple of them. He had that done but didn't have everything removed at that time. He is now cleaning up the property to do this project.

John Floyd, stated that there was a possible protected species removed, which is an Oak tree from the front. It is still under investigation.

After discussion the Zoning Administrator continued the project to the August 14, 2003, meeting to determine if there was tree removal without a permit.

2. SILVA JOE & VIRGINIA L (DA030220)

DESIGN APPROVAL AMENDING PREVIOUSLY APPROVED DA000037, REDUCING THE SIZE OF PROPOSED SINGLE FAMILY DWELLING. NEW PROPOSAL TO CONSIST OF 13,102 SQ. FT. TWO-STORY SINGLE FAMILY DWELLING WITH AN ATTACHED 1,573 SQ. FT. GARAGE, 1,562 SQ. FT. COVERED PATIOS, 1,000 SQ. FT. PORTE COCHERE, COURTYARDS, RETAINING WALLS, ENTRY GATES WITH STUCCO WALLS. MATERIALS AND COLORS OF STUCCO BODY (BEIGE), TRIM (DARK GREEN AND LIGHT BEIGE), MISSION TILE ROOFING (BROWNISH-RED). THE PROPERTY IS LOCATED AT 23528 BELMONT CIRCLE, SALINAS (ASSESSOR'S PARCEL NUMBER 139-431-019-000), FRONTING ON BELMONT CIRCLE, TORO AREA.

The Zoning Administrator described the project.

Jim Tullis, drafter and designer, stated that the Toro Land Use Advisory Committee approved the design with no recommendations.

After discussion the Zoning Administrator approved the Design Approval.

3. GEISLER PAUL E & MARY LUCILLE (DA030243)

DESIGN APPROVAL FOR THE DEMOLITION OF A 1,500 SQUARE FOOT ONE-STORY SINGLE FAMILY DWELLING WITH A 575 SQUARE FOOT ATTACHED GARAGE; CONSTRUCTION OF A 2,724 SQUARE FOOT TWO-STORY SINGLE FAMILY DWELLING WITH AN ATTACHED 576 SQUARE FOOT TWO CAR GARAGE. MATERIALS AND COLORS ARE TO BE OF STUCCO (ROCKY COAST TAN) AND CEDAR TRIM WITH A SHAKE ROOF. THE PROPERTY IS LOCATED AT 1095 OASIS ROAD, PEBBLE BEACH (ASSESSOR'S PARCEL NUMBER 007-411-003-000), MONTEREY PENINSULA COUNTRY CLUB, DEL MONTE FOREST AREA.

The Zoning Administrator described the project.

Frank Grupe, designer, represented the applicants.

After discussion the Zoning Administrator approved the Design Approval, including the fence, subject to the conditions attached.

E. SCHEDULED ITEMS:

4. BREIEN EADE COMPOST VENTURE (PLN010153)

USE PERMIT TO ALLOW A 30 ACRE THERMOPHILIC AERATED WINDROW COMPOSTING FACILITY (AGRICULTURAL PROCESSING PLANT) FOR BREIEN EADE COMPOST VENTURE. THE PROJECT IS LOCATED SOUTHEASTERLY OF THE INTERSECTION OF HIGHWAY 198

AND FREEMAN FLAT ROAD, SAN LUCAS (ASSESSOR'S PARCEL NUMBER 421-131-017-000), LOCATED IN THE NORTHWEST QUARTER OF SECTION 3 AND 10, TOWNSHIP 21 SOUTH, RANGE 9 EAST MDM.

Associate Planner Patrick Kelly described the project and proposed revised conditions of approval, which added time lines to Conditions #2, 3, 4, 6, 7, 8, 9, and 11. An additional condition for the requirement to enter into a Mitigation Monitoring Agreement and the required fee for that agreement and the addition of Mitigation Measure One, which has to do with separation of non-compostable materials from compost material received by the site.

Bryce Hori, Public Works, questioned Mr. Kelly, regarding the site accessing via Freeman Flat Road. Mr. Kelly stated the site is off Freeman Flat Road; there is a driveway access off a dirt road. There was correspondence from CalTrans stating that the Mitigated Negative Declaration indicates that the applicant will be conditioned to pave the driveway connection to Route 198. An Encroachment Permit must be obtained from District 5 before any work or improvements can be conducted within the State Right of Way. Public Works requested that Condition #8 be modified to state that the applicant obtains an Encroachment Permit from CalTrans and pave the connection to Highway 198. There was discussion regarding setbacks and drainage. No setbacks were included but there is a 30 foot buffer required around the operation. Per Al Mulholland, Water Resources there is no drainage problem.

The Zoning Administrator made corrections to the new Condition #13, 55 Celsius is 131 degrees and Condition #14, it should be Chapters 3.1 and 5 of the California Code of Regulations.

Richard Breien, applicant, accepts conditions except for the road work. It was clarified by Public Works that just the driveway connection to Highway 198 should be paved and CalTrans may be satisfied and should say subject to the approval of the Department of Public Works and CalTrans. The fire department is requiring the all weather surface (capable of supporting an 80,000 pound load) around the facility during inclement weather.

After discussion the Zoning Administrator made the decision to adopt the Negative Declaration and Mitigation Monitoring Reporting Program and to approve the Use Permit based on the Findings and Evidence and the Conditions, as amended and, the modification of #10, 13, 14, and included the fire condition.

5. **RAMMEL RICHARD S & ELIZABETH B (PLN020494)**
COMBINED DEVELOPMENT PERMIT CONSISTING OF: 1) AN ADMINISTRATIVE PERMIT FOR A NEW 2,984 SQ. FT. SPLIT LEVEL SINGLE FAMILY RESIDENCE WITH ATTACHED 480 SQ. FT. GARAGE PARTIALLY UNDER GROUND AND SEPTIC SYSTEM; AND 2) A USE PERMIT FOR DEVELOPMENT IN A 30% SLOPE; AND 3) AN ADMINISTRATIVE PERMIT TO CONVERT EXISTING 986 SQ. FT. RESIDENCE INTO A CARETAKER'S UNIT; AND 4) A VARIANCE TO ALLOW A 30 FT. REDUCTION IN THE 50 FT. FRONT SETBACK FOR THE EXISTING

CARETAKER'S UNIT; AND 5) A DESIGN APPROVAL. THE PROPERTY IS LOCATED AT 24 RANCHO FIESTA ROAD, CARMEL VALLEY (ASSESSOR'S PARCEL NUMBER 416-027-012-000), EAST OF THE INTERSECTION OF CARMEL VALLEY ROAD AND RANCHO FIESTA ROAD, MID-CARMEL VALLEY AREA, CARMEL VALLEY MASTER PLAN.

The Zoning Administrator described the project and deleted Condition #6, the Lot Line Adjustment, which has been completed. Finding #4 was modified to add a 4(d), which would say "See Evidence for Finding #5."

Since the water system had been obtained, Laura Lawrence, Environmental Health, deleted Condition #15, requiring the water system permit.

Richard Rammel accepted the conditions and requested clarification of Condition #4, regarding the painting or changing the color of the house and the purpose and obligation of having a Caretaker Unit on the site.

After discussion the Zoning Administrator approved the project based on the Findings and Evidence, as amended, and deletion of Conditions 6 and 15.

6. LOVE MIKE & JACQUELYNE (PLN020587)

COMBINED DEVELOPMENT PERMIT CONSISTING OF A DESIGN APPROVAL FOR REMODEL AND ADDITIONS TO AN EXISTING TWO-STORY SINGLE-FAMILY DWELLING (3,975 SQ. FT. ADDED TO 5,158 SQ. FT., EXISTING); COASTAL DEVELOPMENT PERMIT FOR NATIVE TREE REMOVAL (2 MONTEREY PINES); COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT ON SLOPES 30% OR GREATER; VARIANCE FOR EXCEEDING HEIGHT LIMITATION; AND A VARIANCE FOR EXCEEDING IMPERVIOUS SURFACE LIMITATIONS IN THE PESCADERO WATERSHED. THE PROPERTY IS LOCATED AT 3108 FLAVIN LANE, PEBBLE BEACH (ASSESSOR'S PARCEL NUMBER 008-171-043-000), DEL MONTE FOREST AREA, COASTAL ZONE.

Associate Planner Timothy Johnston described the project stating Staff recommended project exempt from CEQA, deny the Coastal Development Permit for development on slopes 30% or greater, deny the Coastal Development Permit for native tree removal, deny the Variance for exceeding height limitation and approve the project for Variance for exceeding impervious surface limitations in the Pescadero water shed. Staff was not able to make findings to support the request for development on slopes of 30% and removal of native trees or make findings to support a variance to allow an excess of the 30 foot height limit. Alternatives clearly exist that would allow the remodel to occur and still remain within the County Code and Regulations. Reconfiguration of the driveway could allow sufficient turn around for fire emergency vehicles and would eliminate the need for development on slopes of 30% and eliminate the need for tree removal. Condition #7 should be amended to add approval by Director of Planning and Building Inspection and go back to Land Use Advisory Committee and Condition #8 should be amended to add that if the Land

Use Advisory Committee recommends denial again of the revised plan, the Design Approval shall be scheduled for Public Hearing.

Anthony Lombardo, representative for applicants, discussed the 30% slopes and requested the turn around in the front of the home would be beneficial to both the fire and emergency vehicles and the applicants. Regarding the tree issues they would replant. The variance is just to extend the roof line and widen existing roof to utilize existing attic space. There was discussion regarding a T-shape turn around for fire department.

Jeff Lundahl, architect, clarified that the turn around driveway was safer than the T-shape version. He also stated that the applicants were modifying the house on the pad that is already there and have built a basement, so there is no increase in footprint.

The Zoning Administrator requested detail on demolition taking place in the three car garage. The code has a provision for man made slopes over 30%.

Mr. Johnston stated that there is a feasible alternative for hammerhead turnabout, the tree removal doesn't seem necessary, there are possible alternatives to roof designs available to comply with the height limitations.

Mr. Lundahl stated other options were explored and scaled down the owner's program need for space to fit within the constraints of the house. They added the second story over the garage to conform to the height limits, but with the large attic that exists, it was a viable means to utilize that floor area. The roof could not be lowered any more and maintain head height that's required by code to exit through the space. There is expansion of the attic space and that was done to turn what was mostly usable attic into enough space to meet their requirements. The Zoning Administrator questioned why the conversion of the existing attic space, basement below the garage and new second story above the garage would not be enough. Mr. Lundahl stated that the conversion of the existing high pitched attic and adding on to the garage would not have met what the applicant needs, as far as living space and unless they expanded the footprint, and then there are other issues on coverage's and bulk.

After discussion the Zoning Administrator adopted the Categorical Exemption, denied the Coastal Development Permit for development on slopes 30% or greater and native tree removal, as Findings can not be made, denied the Variance for exceeding height limitation and approved the project as Staff has proposed, including a Variance to the Pescadero watershed impervious surfaces limitations based on the Findings and Evidence and subject to the proposed Conditions with modification to Conditions #7 and 8. This project is appealable to the Board of Supervisors.

7. **KOPPERT JAMES (PLN020578)**
COMBINED DEVELOPMENT PERMIT CONSISTING OF A COASTAL ADMINISTRATIVE PERMIT TO ALLOW CONSTRUCTION OF A NEW 2,330 SQ. FT. SINGLE FAMILY DWELLING

WITH AN ATTACHED GARAGE; A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITHIN 100 FEET OF AN ENVIRONMENTALLY SENSITIVE HABITAT AREA (WILDCAT CREEK); AND A COASTAL DEVELOPMENT PERMIT FOR THE REMOVAL OF SIX MONTEREY PINES, TWO OAKS AND TWO MONTEREY CYPRESS TREES; AND DESIGN APPROVAL. THE PROJECT IS LOCATED AT 29703 PETER PAN ROAD, CARMEL (ASSESSOR'S PARCEL NUMBER 241-201-020-000), N/N, APPROXIMATELY 500 FEET EAST OF THE INTERSECTION WITH HIGHWAY 1, CARMEL HIGHLANDS AREA, COASTAL ZONE.

The Zoning Administrator described the project.

Mackenzie Patterson, architect, has reviewed the Staff Report, reviewed the Conditions staff has imposed on the project and concur with the Staff Report and find the Conditions acceptable.

The Zoning Administrator added a scenic easement requirement for the area that drops down to the creek on the 30% slopes. There was concern with the height restrictions, in the past, where construction is done and either because of errors in grading or some construction changes, the houses end up being over height. There was discussion regarding how it will be checked before the foundation is poured, that the finished height is going to be met. Mr. Patterson said they would employ a surveyor to make sure that the height and locations will be accurate.

Terry McHenry, 29705 Peter Pan, lives next to the property and is concerned about the viewshed, setbacks, removal of trees and encroachments.

Cliff Bagwell, neighbor, agrees with Mr. McHenry, plus the water issue, closing off of one bathroom, and policing of water use.

Walter Alskay, lives on Peter Pan Road, and is concerned about environmentally sensitive habitat and believes that the house can be moved away from Wildcat Creek. He stated that if the project is approved by this committee, if it can be appealed to the Supervisors and the Coastal Commission.

On rebuttal, Mr. Patterson stated the project has been before the Carmel Highlands/Bixby Advisory Committee and these issues were raised and there was unanimous approval. He clarified seven trees would be removed instead of ten, the placement of house is due to the septic system and took neighbors concerns into effect. Mr. Patterson has left at least five feet of clearance and is reluctant to squeeze the drain field by moving the house back.

The Zoning Administrator amended Condition #12, concerning the drainage plan, which would require concurrence from the Planning and Building Inspection Department to review the drainage plan before it is approved by the Water Resources Agency, to make sure there are no effects to the biologic or archeologic resources on site.

The Zoning Administrator asked about the constraints related to moving the house.

Laura Lawrence, Environmental Health, stated the leach line needs to be located where it is based upon the percolation study that was done and the maximum allowable depth of leach lines. Making the leach line shorter you would have to make it deeper and there are separation to ground water that needs to be maintained. She recommends not moving the house.

After discussion the Zoning Administrator approved the project with the addition of a Condition for Scenic Easement for the 30% slopes, modification to Condition #12, regarding adding a sentence that the Director of Planning and Building Inspection shall review and approve the plan prior to approval by the Water Resources Agency, modification to Condition #1, it says that three Cypress trees are going to be removed and should state two, adopt the Mitigation Negative Declaration, adopt the Mitigation Monitoring and Reporting Program, approve the project based on the Findings and Evidence and subject to the proposed modifications and added Conditions.

The Zoning Administrator stated that people opposing the project could talk to the Board of Supervisors clerk regarding Appeal procedures.

F. OTHER ITEMS: None

G. ADJOURNMENT: 11:00 a.m.

ATTEST:

MIKE NOVO
Zoning Administrator

/lmr