

**MONTEREY COUNTY PLANNING COMMISSION**

<b>Meeting:</b> December 13, 2005 @ 9:40 a.m.	<b>Agenda Item:</b> 3
<b>Project Description: (HART PLN050078)</b> Combined Development Permit consisting of a Coastal Administrative Permit and Design Approval for the construction of a single-story, 2,036 square foot single-family dwelling and an attached 461 square foot two-car garage and a Coastal Development Permit for the removal of 9 Monterey Pine trees and grading (830 cubic yards cut).	
<b>Project Location:</b> 152 Carmel Riviera Drive, Carmel (Assessor's Parcel Number 243-154-006-000)	
<b>Plan Area:</b> Carmel Area Land Use Plan	<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> LDR/1-D(26)(CZ)	<b>CEQA Action:</b> Categorically Exempt
<b>Department:</b> Planning and Building Inspection	

**RECOMMENDATION:**

Approve the Hart Combined Development Permit subject to the Findings and Evidence (Exhibit B) and the conditions of approval in the Mitigation Monitoring and/or Reporting Program (Exhibit C).

**OVERVIEW OF PROPOSED ACTION**

The vacant, rectangular-shaped, 0.4 acre property is located between Highway 1 and Carmel Riviera Drive within a developed subdivision. Existing homes are located to the north and south, and State Highway 1 and Carmel Riviera Drive are to the east and west. The site slopes gently to the west with an overall topographic relief of approximately 22 feet from the rear to the front of the parcel. Vegetation on the site consists of Monterey Pine Forest with Monterey cypress and coastal live oak understory.

***Project Description***

*Coastal Administrative Permit for House* – The 2,036 square foot single-family home and attached 461 square foot, two-car garage have been sited and are proposed in a manner that meet the standards of the Zoning Code for height, setbacks and building coverage. The subdivision includes a landscape buffer between the lots on Carmel Riviera Drive and Highway 1 which reduces the visibility of the homes from the highway.

*Coastal Development Permit for Tree Removals* – The home has been placed at the center of the property and will require the removal of nine Pine trees. The building and driveway have been placed to allow the maximum number of trees to be retained. The Arborist Report (see Exhibit D) recommends that each tree that is removed be replaced with a five gallon (minimum) replacement tree. This has been made a condition of project approval.

*Design Approval* – The materials and color treatments chosen for the residence include light gray asphalt shingle roofing, gray walls with off-white(“White Shadow”) trim and Carmel Stone

chimneys. The proposed architectural style, colors and materials are in keeping with existing residences in this subdivision and the surrounding area.

***Conclusion***

The project proposal is consistent with the Local Coastal Plan and Zoning designations. Grading (approximately 830 cubic yards cut) appears to be appropriate for the given configuration and topography of the selected building pad area.

**OTHER AGENCY INVOLVEMENT:**

- ✓ Water Resources Agency
- ✓ Environmental Health Division
- ✓ Public Works Department
- ✓ Carmel Highlands Fire Protection District

All of the above have reviewed this project. Conditions are recommended by the Planning and Building Inspection Department, Water Resources Agency, Environmental Health Division, Public Works Department and the Carmel Highlands Fire Protection District (see Exhibit “C”). The Carmel Highlands Land Use Advisory Committee (LUAC) reviewed the project on September 6, 2005 and recommended approval unanimously (see Exhibit F).

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Bob Schubert, AICP, Senior Planner  
(831) 755-5183 or [schubertbj@co.monterey.ca.us](mailto:schubertbj@co.monterey.ca.us)  
December 6, 2005

cc: Planning Commission (10); File; Applicant, Property Owner

Attachments: Exhibit “A” Project Data Sheet  
Exhibit “B” Recommended Findings and Evidence  
Exhibit “C” Recommended Conditions of Approval  
Exhibit “D” Forest Management Plan dated May 25, 2004 by Frank Ono  
Exhibit “E” Site Plan, Floor Plans and Elevations  
Exhibit “F” Minutes of Carmel Highlands LUAC Meeting

Mike Novo, Planning and Building Services Manager, reviewed this report.

**EXHIBIT “B”**  
**RECOMMENDED FINDINGS AND EVIDENCE**

**1. FINDING: CONSISTENCY, SITE SUITABILITY** - The Hart Combined Development Permit (PLN050078), as described in Condition #1, and as conditioned, conforms to the plans, policies, requirements and standards of the Carmel Local Coastal Program and the Monterey County Zoning Ordinance (Title 20). The property is located at 152 Carmel Riveria Drive, Carmel (Assessor’s Parcel Number 243-154-006-000), Carmel area. The parcel is zoned “LDR/1-D(26)(CZ)” (Low Density Residential, Design Control, 26 foot height limit, Coastal Zone). The site is physically suitable for the use proposed.

**EVIDENCE:** (a) The text, policies, and regulations in the above documents have been evaluated during the course of the review of the applications. No conflicts were found to exist. No communications were received during the course of review of the project to indicate that there is any inconsistency with the text, policies, and regulations in these documents.

(b) Project planner conducted a site visit on March 1, 2005, and verified that the project on the subject parcel conforms to the plans listed above.

(c) The Geotechnical Investigation Report dated June 2005 concludes that the site is suitable for the proposed development, provided the recommendations of the report are followed.

(d) The project has been reviewed by the Monterey County Planning and Building Inspection Department, Carmel Highlands Fire Protection District, Monterey County Water Resources Agency, Monterey County Public Works Department and Monterey County Health Department. There has been no indication from these agencies that the site is not suitable for the use proposed. 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.

(e) Preceding findings and supporting evidence.

**2. FINDING: TREE REMOVALS** - The proposed tree removal is consistent with the policies of the Carmel Local Coastal Program and the requirements and standards of the Monterey County Zoning Ordinance (Title 20). The tree removal is the minimum required under the circumstances of the case. The removal will not involve a risk of adverse environmental impacts.

**EVIDENCE:** The Forest Management Plan (dated May 25, 2005) prepared by Frank Ono indicates that the home has been placed in the most appropriate location within the homeland boundary where natural openings in the canopy occur.

**EVIDENCE:** Site visit by project planner on March 1, 2005. The site is heavily wooded and contains some slope constraints that limit the area where the structure can be located.

**EVIDENCE:** Condition 7.

3. **FINDING: CEQA** – The project is exempt from environmental review.  
**EVIDENCE:** (a) CEQA Guidelines Section 15303 (a) categorically exempts the construction of single family dwellings.  
(b) No adverse environmental effects have been identified during staff review of the development application or during a site visit conducted on March 1, 2005.
4. **FINDING: WATER AND SEWER** - Adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.  
**EVIDENCE:** The project has been reviewed by the Monterey County Health Department. There has been no indication from the Health Department that the site is not suitable for development.
5. **FINDING: APPEALABILITY** – The project, as approved by the Zoning Administrator, is appealable to the Board of Supervisors and the California Coastal Commission.  
**EVIDENCE:** Sections 20.86.030 and 20.86.080 of the Monterey County Coastal Implementation Plan.

<b>Exhibit C</b> <b>Monterey County Planning and Building Inspection</b> <b>Condition Compliance and/or Mitigation Monitoring</b> <b>Reporting Plan</b>	<b>Project Name: <u>Hart (PLN050078)</u></b> <b>Approval by: <u>Planning Commission</u>      Date: <u>December 13, 2005</u></b>
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*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1		<b>PBD029 - SPECIFIC USES ONLY</b> The subject Combined Development Permit consists of a Coastal Administrative Permit and Design Approval for a 2,036 square foot single-family dwelling and an attached 461 square foot two-car garage, a Coastal Development Permit for the removal of 9 Monterey Pine trees and grading (830 cubic yards cut). The property is located at 152 Carmel Riviera Drive, Carmel (Assessor's Parcel Number 243-154-006-000). This permit was approved 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. <b>(Planning and Building Inspection)</b>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

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2		<p><b>PBD025 - NOTICE-PERMIT APPROVAL</b></p> <p>The applicant shall record a notice which states: "A permit (Resolution No. ____ ) was approved by the Planning Commission for Assessor's Parcel Number 243-154-006-000 on December 13, 2005. The permit was granted subject to 14 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."</p> <p>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. <b>(Planning and Building Inspection)</b></p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3		<p><b>PBD030 - STOP WORK - RESOURCES FOUND</b></p> <p>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 a qualified professional archaeologist can evaluate it. 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. <b>(Planning and Building Inspection)</b></p>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. 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.	Owner/ Applicant/ Archaeologist	Ongoing	

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4		<b>PBD014 - GRADING-WINTER RESTRICTION</b> 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. <b>(Planning and Building Inspection)</b>	None	Owner/ Applicant	Ongoing	
5		<b>PBD021 – LIGHTING – EXTERIOR LIGHTING PLAN</b> All exterior lighting shall be unobtrusive, harmonious 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. <b>(Planning and Building Inspection)</b>	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	

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6		<p><b>PBD018(A) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY)</b></p> <p>The site shall be landscaped, including a minimum of nine five gallon (minimum) replacement trees in accordance with the recommendations in the Forest Management Plan dated May 25, 2005 prepared by Frank Ono. At least 60 days prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. <b>(Planning and Building Inspection)</b></p>	<p>Submit landscape plans and contractor's estimate to PBI for review and approval.</p> <p>All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p>	<p>Owner/ Applicant/ Contractor</p> <p>Owner/ Applicant</p>	<p>At least 60 days prior to final inspection or occupancy</p> <p>Ongoing</p>	

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7		<p><b>PBD026 – NOTICE OF REPORT</b>            Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical Engineering Report has been prepared for this parcel by Landset Engineers, Inc. dated June 2005 and is on record in the Monterey County Planning and Building Inspection Department. All development shall be in accordance with this report."  <b>(Planning and Building Inspection)</b></p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits	
8		<p><b>PBD032(B) – TREE AND ROOT PROTECTION</b>            Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, 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 demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. <b>(Planning and Building Inspection)</b></p>	Submit evidence of tree protection to PBI for review and approval.	Owner/ Applicant	Prior to Issuance of Grading and/or Building Permits	

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9		<p><b>WR2 - STORMWATER CONTROL</b>  The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. <b>(Water Resources Agency)</b></p>	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits	
10		<p><b>WR0040 WATER CONSERVATION MEASURES</b>  The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <ol style="list-style-type: none"> <li>1. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</li> <li>2. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. <b>(Water Resources Agency)</b></li> </ol>	Submit evidence of compliance to WRA prior to final building inspection or occupancy.	Applicant	Prior to Final Building Inspection or Occupancy	



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12		<p><b>FIRE011 - ADDRESSES FOR BUILDINGS</b></p> <p>All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. <b>(Carmel Highlands Fire Protection District).</b></p>	<p>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	<p>Prior to issuance of building permit.</p> <p>Prior to final building inspection</p>	

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13		<p><b>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)</b>  Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (<b>Carmel Highlands Fire Protection District</b>).</p>	<p>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.</p> <p>Applicant shall schedule Fire Dept. clearance inspection</p>	<p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of grading and/or building permit.</p> <p>Prior to final building inspection</p>	
14		<p><b>FIRE021 - FIRE PROTECTION EQUIPMENT &amp; SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</b>  The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (<b>Carmel Highlands Fire Protection District</b>).</p>	<p>Applicant shall enumerate as “Fire Dept. Notes” on plans.</p> <p>Applicant shall schedule fire dept. rough sprinkler inspection</p> <p>Applicant shall schedule fire dept. final sprinkler inspection</p>	<p>Applicant or owner</p>	<p>Prior to issuance of building permit.</p> <p>Prior to framing inspection</p> <p>Prior to final building inspection</p>	