

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: June 12, 2008 Time: 1:35 P.M	Agenda Item No.:
Project Description: Combined Development Permit consisting of 1) a Coastal Administrative Permit and Design Approval to allow a major interior remodel and the addition of approximately 554 square feet mainly to the upper floor of an existing two-story single family dwelling and 2) a Coastal Development Permit for development within 750 feet of an archaeological site.	
Project Location: 26097 Scenic Road, Carmel	APN: 009-411-008-000
Planning File Number: PLN070535	Name: Gary and Rya Weis, Property Owner/International Design Group, Agent
Plan Area: Carmel Area Land Use Plan	Flagged and staked: Yes
Zoning Designation: “MDR/2-D (18) (CZ)” [Medium Density Residential/2 units per acre-Design Control (Eighteen Foot Height Limit) (Coastal Zone)]	
CEQA Action: Categorically Exempt per Section 15331	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator approve the Combined Development Permit based on the Findings and Evidence (**Exhibit B**) and subject to the recommended Conditions (**Exhibit C**)

PROJECT OVERVIEW: Although not listed on any register, the Brennan House constructed by building designer Ernest Bixler, continues to retain its basic integrity of design as constructed in 1936, and evokes a strong sense of time and place and of feeling and association with its designer-builder. The proposed project consists of a major interior remodel and the addition of approximately 554 square feet to mainly the upper floor of an existing two-story single family dwelling and the removal of a small garden room that was added to the structure. In order to preserve the structure, all of the Carmel stone exterior will remain. The project site is located on the corner of Scenic Road and Martin Way. Staff’s review focused on consistency with the Local Coastal Plan (LCP) and California Environmental Quality Act (CEQA) policies.

The project is located in an area mapped as high in archaeological sensitivity with known resources in close proximity (20.146.090.B.1). An Archeological Report was found to be negative and concluded that the project parcel does not contain surface evidence of archaeological resources. Staff spoke with Mary Doane of Archeological Consulting, and she agreed that although the parcel is within 750 of a known resource, the proposal does not require land disturbance and the removal of the garden room is more than 750 feet of the resource. Therefore, the proposed is not subject to environmental assessment (20.146.090.C.1). However, a standard condition has been added to ensure the possibility of unidentified cultural resources.

A Historical and Architectural Evaluation determined that, although not listed on any local, National or California Register of Historic Places, the structure clearly qualifies for listing in the Monterey County Historic Resource Inventory under County criterion B at the local level of significance. The Historic Resources Review Board suggested the applicant prepare a set of measured drawings to Historic American Building Survey (HABS) collection standards in order to return the drawings to the original form and integrity if so desired. Therefore, the project is exempt from CEQA pursuant to 15331 Historical Resources Restoration/Rehabilitation.

OTHER AGENCY INVOLVEMENT:

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

The above checked agencies and departments have reviewed this project. Conditions recommended by Water Resources and Carmel Highlands Fire District have been incorporated into the condition compliance reporting plan (**Exhibit C**).

The project was not referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because this was a remodel and minor addition only. No exterior changes beyond window replacements are proposed and the project is exempt from CEQA.

The project was referred to the Historic Resources Review Board (HRRB) on March 6, 2008. The Monterey County HRRB heard the Weis project (PLN070535) recommending approval by a unanimous vote of 6 – 0 . The initial plans had been revised by the HRRB to remove two dormers and grills on the front French Doors. The HRRB also recommended the applicant reuse as much of the historic building materials of the residence as feasible in the rehabilitation, and prepare a set of measured drawings to Historic American Building Survey (HABS) standards in order to return the plans to the original form and integrity if so desired. (See Exhibit D)

Note: The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission

Elizabeth A. Gonzales, Associate Planner
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May 21, 2008

cc: Front Counter Copy; Zoning Administrator; Carmel Highlands Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, RMA -Planning Services Manager; Elizabeth A. Gonzales, Planner; Carol Allen, Gary and Rya Weis, Applicants; International Design Group, Agent; Planning File PLN070535.

Attachments: Exhibit A Project Data Sheet
Exhibit B Recommended Findings and Evidence
Exhibit C Recommended Conditions of Approval
Exhibit D HRRB Minutes
Exhibit E Site Plan, Floor Plan and Elevations
Exhibit F Vicinity Map

This report was reviewed by Laura Lawrence, Planning Services Manager

EXHIBIT B

RECOMMENDED FINDINGS AND EVIDENCE

1. FINDING: CONSISTENCY – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Carmel Area Land Use Plan, Monterey County Coastal Implementation Plan, Part 4, and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for development.

- EVIDENCE:**
- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - (b) The property is located at 26097 Scenic Road, Carmel (Assessor’s Parcel Number 009-411-008-000), Carmel Area Land Use Plan. The parcel is zoned Medium Density Residential/2 units per acre- Design Control, eighteen foot height limit, in the Coastal Zone (“MDR/2-D (18) (CZ)”) which allows residential remodels and minor additions. Therefore, the property is suitable for the proposed development.
 - (c) The project planner conducted a site inspection on April 24, 2008 to verify that the project on the subject parcel conforms to the plans listed above.
 - (d) Although not listed on any register, the Brennan House constructed by building designer Ernest Bixler, continues to retain its basic integrity of design as constructed in 1936, and evokes a strong sense of time and place and of feeling and association with its designer-builder. The proposed project consists of a major interior remodel and the addition of approximately 554 square feet to mainly the upper floor of an existing two-story single family dwelling and the removal of a small garden room that was added to the structure. In order to preserve the structure, all of the Carmel stone exterior will remain.
 - (e) Archaeological Resources The project is located in an area mapped as high in archaeological sensitivity with known resources in close proximity (20.146.090.B.1). An Archeological Report prepared by Archaeological Consulting, dated September 17, 2007, was found to be negative and concluded that the project parcel does not contain surface evidence of archaeological resources. The proposed development includes a major interior remodel, the removal of a garden room addition and an addition of approximately 554 square feet to the upper floor. Staff spoke with Mary Doane of Archaeological Consulting, and she agreed that although the parcel is within 750 of a known resource, the proposal does not require land disturbance and the removal of the garden room is more than 750 feet of the resource. Therefore, the proposed is not subject to environmental assessment (20.146.090.C.1). However, a standard condition has been added to ensure the possibility of unidentified cultural resources. (See Condition 3)
 - (f) Historic Resources A Historical and Architectural Evaluation dated September 20, 2007 and prepared by Kent Seavey determined that, although not listed on any local, National or California Register of Historic Places, the structure clearly qualifies for listing in the Monterey

County Historic Resource Inventory under County criterion B at the local level of significance. The project was referred to the Historic Resource Review Board (HRRB).

- (g) HRRB On March 6, 2008, the Monterey County Historic Resources Review Board heard the Weis project (PLN070535) recommending approval by a unanimous vote of 6 – 0. The initial plans had been revised by the HRRB to remove two dormers and grills on the front French Doors. The HRRB also recommended the applicant reuse as much of the historic building materials of the residence as feasible in the rehabilitation, and prepare a set of measured drawings to Historic American Building Survey standards in order to return the plans to the original form and integrity if so desired. (See Exhibit D in the June 12, 2008 staff report.)
- (h) LUAC. The project was not referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because this was a remodel and minor addition only. No exterior changes beyond window replacements are proposed and the project is exempt from CEQA.
- (i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN070535.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the use proposed.

- EVIDENCE:**
- (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Carmel Highlands Fire Protection District, Parks, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - (b) Although there are no known resources located on the subject site based on the Archaeological Reconnaissance, the property is located within 750 of an archaeological site. Staff spoke with the author of the Archaeological report and confirmed the proposal would not have any significant effect on the known resource. A standard condition has been added to ensure the possibility of unidentified cultural resources. (See Condition 3) Other consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:
 - i. “Preliminary Archaeological Reconnaissance” (LIB070605) prepared by Archeological Consulting, dated September 17, 2007.
 - ii. “Geotechnical Soils Foundation and Geological Hazards Report” (LIB070606) prepared by Grice Engineering, dated August, 2007.
 - iii. “Historical and Architectural Evaluation” (LIB080297) prepared by Kent L. Seavy, dated September 20, 2007.
 - (c) Staff conducted a site inspection on April 24, 2008 to verify that the site is suitable for this use.
 - (d) Materials in Project File PLN070535.

- 3. FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
- EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15331, Class 31, categorically exempts projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards.
- (b) No adverse environmental effects were identified during staff review of the development application during a site visit on April 24, 2008.
- (c) See Findings #1 and #2 and supporting evidence.
- 4. FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.
- EVIDENCE:** (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.
- 5. FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- EVIDENCE:** (a) See Findings #1, #2, and #3 and supporting evidence.
- 6. FINDING PUBLIC ACCESS** - 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:** (a) The subject property is not described as an area where the Local Coastal Program requires access.
- (b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figures 3, the Public Access Map, of the Carmel Area Land Use Plan.
- (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- (d) Staff site visit on April 24, 2008.
- 7. FINDING APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:** (a) Section 20.86.030 of the Monterey County Coastal Implementation Plan - Part 1 (Board of Supervisors).
- (b) Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan, Part 1 (Coastal Commission). Development permitted as a conditional use may be appealed to the Coastal Commission

EXHIBIT C Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: <u>WEIS</u> File No: <u>PLN070535</u> APNs: <u>009-411-008-000</u> Approved by: <u>ZONING ADMINISTRATOR</u> Date: <u>JUNE 12, 2008</u>
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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.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Combined Development Permit (PLN070535) consisting of a Coastal Administrative Permit and design approval allows a major interior remodel and the addition of approximately 554 square feet to an existing two-story single family dwelling and a Coastal Development Permit for development within 750 feet of an archaeological site. The property is located at 26097 Scenic Road, Carmel (Assessor's Parcel Number: 009-411-008-000), Carmel Area Land Use Plan, Coastal Zone. 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 the RMA - Planning Department. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.</p> <p>(RMA - Planning Department)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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2.		<p>PD002 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution 070535) was approved by the Zoning Administrator for Assessor's Parcel Number 009-411-008-000 on June 12, 2008. The permit was granted subject to 11 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</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 RMA - Planning 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. (RMA - Planning Department)</p>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning 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		

<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>
4.		PDSP001 - RESTORATION OF NATURAL PLANTS (NON STANDARD) Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area to include removal of invasive plants, subject to the approval of the Director of the RMA - Planning Department. Removal of invasive plants (RMA – Planning Department)	Submit landscape plans to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of building permits	
5.		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, down-lit, 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 lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.	Owner/ Applicant	Prior to the issuance of building permits.	
			The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Occupancy / Ongoing	

WATER RESOURCE AGENCY

6.		WR43 - WATER AVAILABILITY CERTIFICATION The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	
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7.		<p>WR40 - WATER CONSERVATION MEASURES</p> <p>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> <p>a. 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.</p> <p>b. 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. (Water Resources Agency)</p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	

CARMEL HIGHLANDS FIRE DISTRICT

8.		<p>FIRE011 - ADDRESSES FOR BUILDINGS</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. Carmel Highlands Fire District</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

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9.		FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) 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. Carmel Highlands Fire District	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
10.		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) 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. Carmel Highlands Fire District	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
11.		FIRE029 - ROOF CONSTRUCTION - (CYPRESS FPD & PEBBLE BEACH CSD) All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. Carmel Highlands Fire District	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

