

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> October 30, 2008	<b>Time:</b> P.M	<b>Agenda Item No.:</b>
<b>Project Description:</b> Combined Development Permit consisting of 1) a Coastal Administrative Permit to allow a 1,289 square foot first and second story addition to an existing one story single family dwelling, and 2) a Coastal Development Permit to allow development within 750 feet of a known archaeological resource; and Design Approval.		
<b>Project Location:</b> 26350 Camino Real, Carmel		<b>APN:</b> 009-501-002-000
<b>Planning File Number:</b> PLN080316		<b>Name:</b> Tim & Kathy Gonzalez, Property Owners; Charles Mandurrago, Agent
<b>Plan Area:</b> Carmel Area Land Use Plan		<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> MDR/2-D (18) (CZ) [Medium Density Residential, 2 units per acre, with a Design Control Overlay (18 foot Height Limit)(Coastal Zone)]		
<b>CEQA Action:</b> Categorically Exempt, per Section 15301e		
<b>Department:</b> RMA - Planning Department		

### RECOMMENDATION:

Staff recommends that the Zoning Administrator approve the Combined Development Permit as described above, based on the Findings and Evidence (**Exhibit B**) and subject to the recommended Conditions of Approval (**Exhibit C**).

### PROJECT OVERVIEW:

The project involves a Combined Development Permit consisting of a Coastal Administrative Permit to allow a first and second story addition to an existing one-story single family residence. The addition proposes to convert the existing garage into a bedroom and constructing a 270 square foot attached garage, adding a 971 square foot new second story master bedroom and constructing a 47 square foot exterior fireplace/BBQ. The project is located on a .23 acre (10,200 square foot) parcel located at 26350 Camino Real in the Carmel Point area. Although the project involves development within 750 feet of a known archaeological resource, there are no significant issues given the limited extent and design of the proposed development. All project work is proposed to occur within the existing developed footprint. Also, an archaeological survey prepared for the project did not identify any potential for impacts to prehistoric resources. Therefore, the potential for inadvertent impacts is limited and can be controlled by the use of standard project conditions.

The parcel is not located within a public viewshed and there is no tree removal proposed for this project. The project site is not described as an area where the Local Coastal Program requires access, and it 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. The project, as proposed and conditioned is consistent with the LUP policies.

### OTHER AGENCY INVOLVEMENT:

- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by the Planning Department have been incorporated into the condition compliance reporting plan (**Exhibit C**).

On September 2, 2008, the Carmel Highlands Land Use Advisory Committee (LUAC) recommended approval (5-0 vote) of the project. Although they approved the project, they wanted to see additional color chips and roofing materials. Staff has requested copies to forward on to the LUAC. After preparation of the staff report, staff received and forwarded the requested materials to the LUAC.

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

/s/ Elizabeth Gonzales  
Elizabeth Gonzales, Associate Planner  
(831) 755-5102, [gonzalesl@co.monterey.ca.us](mailto:gonzalesl@co.monterey.ca.us)  
September 17, 2008

cc: Front Counter Copy, Zoning Administrator; Carmel Highlands Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Planning Services Manager; Elizabeth Gonzales, Planner; Carol Allen; Tim & Cathy Gonzalez, Owners/Applicants; Charles Mandurrago, Agent; Planning File PLN080316.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Recommended Findings and Evidence
	Exhibit C	Recommended Conditions of Approval
	Exhibit D	Vicinity Map
	Exhibit E	Site Plans, Floor Plans, and Elevations
	Exhibit F	Carmel Highlands LUAC minutes dated September 2, 2008

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 (LUP), Monterey County Zoning Ordinance (Title 20) Part 1, and Monterey County Zoning Ordinance (Title 20) Part 4 (Coastal Implementation Plan for the Carmel Area), which designates this area as appropriate for residential development.

**EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. As proposed and conditioned, 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 26350 Camino Real, Carmel Highlands (Assessor's Parcel Number 009-501-002-000), Carmel Land Use Plan, Coastal Zone. The parcel is zoned Medium Density Residential, 2 units per acre, with a Design Control District Overlay, 18 foot height limit within the Coastal Zone ("MDR/2-D (18) (CZ)"), which allows the construction of additions to single family residences subject to a Coastal Administrative Permit for improvement that would result in an increase of 10% or more of internal floor area and development within 750 feet of a known archaeological resource subject to a Coastal Development Permit. The project, as proposed, is consistent with the applicable zoning policies.

(c) The project planner conducted a site inspection on August 29, 2008, to verify that the project on the subject parcel conforms to the plans listed above.

(d) Carmel Highlands Land Use Advisory Committee (LUAC): On September 2, 2008, the Carmel Highlands Land Use Advisory Committee (LUAC) recommended approval (5-0 vote) of the project. Although they approved the project, they want to see additional color chips and roofing materials. After preparation of the staff report, staff received and forwarded the requested materials to the LUAC

(e) Visual Resources: Staff conducted a site visit on August 29, 2008, to assess the potential viewshed impacts of the project and ensure consistency with applicable LUP policies. The existing residence and proposed addition are not visible from the Highway One public viewshed, or from any public viewing areas. One non-native birch tree will be removed. There is no environmentally sensitive habitat to be disturbed. The project, as proposed, is consistent with the applicable policies of the CLUP.

(f) Cultural Resources: The project includes a Coastal Development Permit to allow development within 750 feet of a known archaeological resource. County records identify the project site is within an area of high sensitivity for prehistoric cultural resources; however, a preliminary archaeological report prepared for this project did not identify the potential for impacts to prehistoric resources. All project work is proposed to occur within the existing developed footprint. Therefore, the potential for inadvertent impacts is limited and can be controlled by the use of standard project conditions.

(g) 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 PLN080316.

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, Public Works, Environmental Health Division, Water Resources Agency and the Cypress Fire Protection District. 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) The parcel is identified on County resource maps as located within a high fire hazard area. Section 20.146.080.D of the Coastal Implementation Plan Part 4 requires the filing of a deed restriction to note that development may be subject to certain restrictions (Condition #5).

(c) A technical report by an outside archaeological consultant did not identify physical or environmental constraints that would indicate the site is not suitable for the use proposed. County staff concurs. The following report has been prepared:

(i). *“Preliminary Cultural Resources Reconnaissance”* (LIB080484), prepared by Susan Morley, Marina, CA, June, 2008.

(c) Staff conducted a site inspection on August 29, 2008, to verify that the site is suitable for this use.

(d) Materials in Project File PLN080316.

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 15301(e), Class 1 categorically exempts minor alteration of or addition to existing private structures involving negligible expansion of use beyond that existing at the time of the lead agency’s determination.

(b) No adverse environmental effects were identified during staff review of the project application and during site visits on August 29, 2008.

(c) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN080316.

(d) 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:** 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) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN080316.  
(b) 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 August 29, 2008.

7. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

- EVIDENCE:** (a) Board of Supervisors: Section 20.86.030 of the Monterey County Zoning Ordinance.  
(b) California Coastal Commission: Section 20.86.080.A.3 of the Monterey County Zoning Ordinance.

<p align="center"><b>EXHIBIT C</b></p> <p align="center"><b>Monterey County Resource Management Agency</b></p> <p align="center"><b>Planning Department</b></p> <p align="center"><b>Condition Compliance and/or Mitigation Monitoring Reporting Plan</b></p>	<p><b>Project Name:</b> <u>Gonzalez</u></p> <p><b>File No:</b> <u>PLN080316</u></p> <p><b>Approved by:</b> <u>Zoning Administrator</u></p> <p><b>APN:</b> <u>009-501-002-000</u></p> <p><b>Date:</b> <u>October 30, 2008</u></p>
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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><b>PD001 - SPECIFIC USES ONLY</b></p> <p>This Combined Development Permit consisting of 1) a Coastal Administrative Permit to allow a 1,289 square foot first and second story addition to an existing one story single family dwelling, and 2) a Coastal Development Permit to allow development within 750 feet of a known archaeological resource; and Design Approval. The property is located at 26350 Camino Real, Carmel (Assessor's Parcel Number 009-501-002-000), Carmel Area Land Use Plan. 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated.	

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		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. <b>(RMA - Planning Department)</b>				
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution PLN080316) was approved by the Zoning Administrator for Assessor's Parcel Number 009-501-002-000 on October 30, 2008. The permit was granted subject to <b>12</b> 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. <b>(RMA - Planning Department)</b>	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.		<b>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</b> 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. <b>(RMA - Planning Department)</b>	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	Ongoing	

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4.		<b>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</b> 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. <b>(RMA – Planning Department)</b>	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	
5.		<b>PD017 - DEED RESTRICTION – USE</b> Prior to the issuance of a building permit the applicant shall record a deed restriction which states: "The parcel is located in a high fire hazard area and development may be subject to certain restrictions required as per Section 20.146.080.D of the Coastal Implementation Plan and per the standards for development of residential property." <b>(RMA – Planning Department)</b>	Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.	Owner/ Applicant	Prior to the issuance of grading or building permits	
			Proof of recordation of the document shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Prior to occupancy or commencement of use	
6.		<b>PD011 – 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	Submit evidence of tree protection to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading and/or building permits.	



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		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, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA – Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits.(RMA - Planning Department)	Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.	Owner/ Applicant/ Arborist	During construction.	
			Submit photos of the trees on the property to the RMA – Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.	Owner/ Applicant	Prior to final inspection.	
7.		<b>WR22 - FLOODPLAIN RECORDATION</b> The owner shall provide the Water Resources Agency a recorded Floodplain Notice stating: “The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions.” <b>(Water Resources Agency)</b>	Submit the recorded floodplain notice to the Water Resources Agency for review and approval. (A copy of the County’s standard notice can be obtained at the Water Resources Agency.)	Owner/ Applicant	Prior to issuance of any grading or building permits	
8.		<b>WR40 - 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: 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. b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads,	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	

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		bubblers, drip irrigation systems and timing devices. <b>(Water Resources Agency)</b>				
9.		<b>WR43 - WATER AVAILABILITY CERTIFICATION</b> 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. <b>(Water Resources Agency)</b>	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	
10.		<b>FIRE011 - ADDRESSES FOR BUILDINGS</b> 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	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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		be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. ( <b>Cypress Fire Protection District</b> )				
11.		<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>Cypress Fire Protection District</b> )	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	
12.		<b>FIRE029 - ROOF CONSTRUCTION - (CYPRESS FPD &amp; PEBBLE BEACH CSD)</b> 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. ( <b>Cypress Fire Protection District</b> )	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

**END OF CONDITIONS**