

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: December 11, 2008	Time: P.M.	Agenda Item No.:
Project Description: Coastal Development Permit for development within 750 feet of known archaeological resources and Design Approval to allow the replacement of an existing six foot wood fence with a six foot masonry wall, replacement of a 330 square foot wood deck, and construction of a new 252 square foot landing/front patio.		
Project Location: 26180 Valley View Ave. Carmel		APN: 009-404-030-000
Planning File Number: PLN080400		Name: Albert & Frances Paley, Property Owners John Thodos Architect, Agent
Plan Area: Carmel Land Use Plan		Flagged and staked: staked
Zoning Designation: MDR/2-D (18) (CZ)		
CEQA Action: Categorically Exempt per Section 15301 (e)		
Department: RMA - Planning Department		

RECOMMENDATION:

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

PROJECT OVERVIEW:

The subject property is currently nearing completion of a remodel and second story addition to a single family dwelling. The proposed development includes a front patio/ landing at the front door, a new deck off in the side yard, and replacement of a dilapidated wood fence, that appears to be held up by planted shrubs, with a new 6 foot tall stucco fence along the property lines. Although the project is relatively minor in nature, a Coastal Development Permit is required due to the properties proximity to known archaeological resources (20.146.090.A.1 CIP). Potential impacts to archaeological resources were evaluated during the course of review including submittal of an archaeological report prepared Archaeological Consulting dated July 29, 2008. The archaeologist report found no evidence of potentially significant resources at the site and recommended a standard condition of approval incase unforeseen resources are discovered during construction. That condition has been incorporated in the recommended conditions (**Exhibit C**).

Other review criterion includes development within an area covered by a Design Control overlay. The Design Control overlay is applied to assure protection of the public viewshed and neighborhood character through review of location, size, configuration, materials, and colors of structures and fences. Only the fence portion of the proposed development will be visible from the street and neighboring properties. Fence materials are proposed to consist of a block wall with a neutral white stucco finish to match the existing dwelling. Other examples of neutral colored stucco walls can be found in the general neighborhood and the proposal complies with the intent of the Design Control policies.

The project has been determined to be categorically exempt from the California Environmental Quality Act per Section 15301 (e).

OTHER AGENCY INVOLVEMENT:

- ✓ Carmel Highlands Fire Protection District
- ✓ 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**).

The project was not referred to the Carmel Unincorporated/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 the project does not include development on slopes or within the viewshed, it does not require a Lot Line Adjustment or Variance, as it has been determined to be exempt from CEQA.

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

Craig W. Spencer
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October 22, 2008

cc: Front Counter Copy; Coastal Commission; Zoning Administrator; Carmel Highlands Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Planning Services Manager; Craig Spencer, Planner; Carol Allen, Albert & Frances Paley, Applicants; John Thodos Architects, Agent; Planning File PLN080400.

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 Plan, Floor Plan and Elevations

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

- EVIDENCE:** (a) Plan Conformance 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) Zoning Consistency The property is located at 26180 Valley View Avenue, Carmel (Assessor's Parcel Number 009-404-030-000), Carmel Area Land Use Plan, in the Coastal Zone. The parcel is zoned Medium Density Residential, 2 units per acre with a Design Control overlay and an 18 foot height limit, in the Coastal Zone ("MDR/2-D(18)(CZ)") which allows single family use and accessory structures to any principally allowed use subject to a Coastal Administrative Permit in each case. Exemptions are provided for minor additions and accessory structures such as a fence not greater than six feet tall; however, the project cannot be exempt due to the parcel location within 750 feet of known archaeological resources (non-exempt development). An Entitlement for a Coastal Development to allow development within this buffer zone is included. Therefore, the property is suitable for the proposed development.
- (c) Site Visit The project planner conducted a site inspection on October 1, 2008 to verify that the project on the subject parcel conforms to the plans listed above.
- (d) Archaeological 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 found no evidence of potentially significant resources at the site. A condition was recommended in the event that unforeseen resources are discovered during construction to stop work until the resource(s) can be adequately evaluated. The recommended condition has been included in the conditions of approval for this project (Condition #3).
- (e) Aesthetics The subject parcel is not located within the Public Viewshed as defined by the Carmel LUP Section 2.2.1 however the project has been designed using earth-tone colors consistent with the Design Control District policies. The new patio, deck, and fence will not create an adverse visual impact in the neighborhood of from public viewing areas.
- (f) LUAC The project was not referred to the Carmel Unincorporated/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 the project does not involve development on slopes greater than 30%, development with the viewshed, entitlements for

a Lot Line Adjustment or Variance, and has been determined to be Categorically Exempt from CEQA per Section 15301(e).

(g) Application 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 PLN080400.

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, 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) A technical report by an outside archaeological consultant 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 report was prepared:
i. “Preliminary Archaeological Reconnaissance” (LIB080435) prepared by Archaeological Consulting, Salinas, CA, July 29, 2008.
(c) Staff conducted a site inspection on October 1, 2008 to verify that the site is suitable for this use.
(d) Materials in Project File PLN080400.

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), categorically exempts the 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 development application during a site visit on October 1, 2008.
(c) 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 PLN080400.
(d) Findings 1 and 2 with 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) Findings 1, 2, 3, and 4; and supporting evidence.

(b) 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 PLN080400.

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 Figure 3, the Shoreline Access/Trails 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 October 1, 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) The project may be appealed to the California Coastal Commission pursuant to Section 20.86.080 of the Monterey County Coastal Implementation Plan - Part 1 because projects located within 750 feet of known archaeological resources are subject to a Coastal Development Permit.

EXHIBIT C Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: <u>Albert & Frances Paley</u> File No: <u>PLN080400</u> Approved by: Zoning Administrator	APNs: <u>009-404-030-000</u> Date: December 11, 2008
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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.		PD001 - SPECIFIC USES ONLY This Coastal Development Permit for development within 750 feet of known archaeological resources and Design Approval (PLN080400) allows the replacement of an existing six foot wood fence with a six foot masonry wall, replacement of a 330 square foot wood deck, and construction of a new 252 square foot landing/front patio. The property is located at 26180 Valley View Avenue (Assessor's Parcel Number 009-404-030-000), 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	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<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>
		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. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 080400) was approved by the Zoning Administrator for Assessor's Parcel Number 009-404-030-000 on December 11, 2008. The permit was granted subject to 4 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)	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.	

<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>
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>	<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.</p>	<p>Owner/ Applicant/ Archaeologist</p>	<p>Ongoing</p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
4.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable	

