

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: August 13, 2009	Time: P.M	Agenda Item No.:
Project Description: Combined Development Permit Consisting of 1) A Coastal Development Permit to allow the remodel of an existing 1,558 square foot single family dwelling and 200 square foot guesthouse consisting of changing the roof from flat to pitched (8/12), new exterior siding, doors and windows, and additions of 218 square feet to the main dwelling and 24 square feet to the guesthouse within 750 feet of known archaeological resources; 2) A Coastal Development Permit to allow a 1 foot addition to the maximum height limit for a guesthouse (12 feet max/13 feet proposed) to provide architectural consistency with the main residence; 3) A Coastal Development Permit to allow parking within the front setback; and 4) A Design Approval.		
Project Location: 26334 River Park Place, Carmel		APN: 009-502-003-000
Planning File Number: PLN080510		Owner: Allan & Barbara McCasland, Agent: Erik Dyar, Architect
Planning Area: Carmel Land Use Plan		Flagged and staked: Yes
Zoning Designation: : MDR/2-D (18)(CZ) [Medium Density Residential, 2 units per acre, with Design Control and 18 foot height limit Overlays, in the Coastal Zone]		
CEQA Action: Categorically Exempt per Section 15303(a)		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit C**) to approve PLN080510, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**):

PROJECT OVERVIEW: The proposed project consists of a remodel and addition to an existing single family dwelling and detached guesthouse. The need for the remodel stems partially from the existing structures having sustained some flood damage requiring repair of siding, sheetrock, insulation and other general housing components affected by the flooding. The project also consists of improvements that are above and beyond repair including roof changes, additions, and upgrades. As evidenced by flood damage, the site is located within the 100 year floodplain near the Carmel Lagoon at the mouth of the Carmel River. The Water Resources Agency has reviewed the project along with an appraisal and contractors estimates and determined that the project is not a substantial improvement. Therefore, there is no requirement to raise the finish floor elevations of the structures. Additionally, archaeological resources, guesthouse height limitations, and parking standards were all evaluated. The project was found to be consistent with development standards and no significant impacts to sensitive resources were identified. Conditions have been included where appropriate and the project was found to be exempt from CEQA per 15303(a). See the discussion in **Exhibit B** for more detail.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- √ RMA - Public Works Department
- √ Environmental Health Division
- √ Water Resources Agency
- √ Carmel Cypress Fire Protection District
- √ Parks Department
- California Coastal Commission

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by Carmel Cypress FPD and Water Resources have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as Exhibit 1 to the draft resolution (**Exhibit C**).

On April 20, 2009 the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) recommended approval of the McCasland project by a vote of 6 to 0. It was noted that the proposed guesthouse, with the roof pitch change, would exceed the 12 foot height requirement and, in order to provide the required amount of parking an exception to allow parking within the front setback is required. The LUAC recommended that the driveway be widened to provide parking outside the setback, however, they stipulated that if an exception to the parking was allowed, they would like to see landscaping along the right side of the driveway. The comment regarding the guesthouse and some other general observations were included in the minutes, with no objections or suggestions attached. Entitlements to allow parking in the front setback and an addition to the height limitation for the guesthouse are included in this permit.

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

Craig W. Spencer, Assistant Planner
(831) 755-5233, spencerc@co.monterey.ca.us
May 18, 2009

cc: Front Counter Copy; Zoning Administrator; Carmel Cypress Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; Craig Spencer, Project Planner; Carol Allen, Senior Secretary; Allan & Barbara McCasland, Owners; Erik, Dyar, Agent; Planning File PLN080510.

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Draft Resolution, including:
1. Conditions of Approval
2. Site Plan, Floor Plan and Elevations
Exhibit D Vicinity Map
Exhibit E Land Use Advisory Committee Minutes
Exhibit F Geotechnical Report

This report was reviewed by Laura Lawrence, Planning Services Manager

EXHIBIT B
PROJECT DISCUSSION
PLN080510 (McCasland)

I. PROJECT SETTING AND DESCRIPTION:

Setting

The project is located at 26334 River Park Place in Carmel. River Park Place is a small dead end street that terminates at the Carmel Lagoon near the mouth of the Carmel River and is only a few blocks from the Carmel River School. On the 6,000 square foot lot is a small 200 square foot guesthouse and an existing 1,558 square foot single family dwelling with a flat roof. Currently, some of the siding has been removed and covered with plastic which was the result of an investigation of the flood damage incurred to the house. The site is located amongst a residential neighborhood and is zoned for Residential use.

Project Description

The proposed project consists of remodeling and small additions to the existing single family dwelling and detached guesthouse. The additions consist of a new 218 square foot master bedroom addition on the rear of the existing dwelling and a 24 square foot addition to the existing 200 square foot guesthouse. The remodel portion would allow for some repair of flood damage, a change in the roof from flat to an 8 and 12 roof pitch, new windows, doors, siding, and an interior remodel.

II. ANALYSIS

Development Standards

The site is designated for medium density residential development (MDR/2-D (18)(CZ)). Standards for setback, lot coverage, and floor area ratio (FAR) are all met. Staff identified issues relative to height of the proposed guesthouse, existing non-conforming rear setback of the guesthouse, required parking and compliance with Flood Plain Development Standards in Chapter 16.16 of Monterey County Codes.

Flood Plain

The project site is located near the lagoon at the mouth of the Carmel River, within the 100 year flood plain. The existing house on the lot has sustained flood damage in the recent past and the proposed project would repair the flood damage and make some improvements including new pitched roofing, windows, doors, and small additions to the house and the guesthouse. New development in the flood plain is regulated by federal, state, and local flood management laws and ordinances. Monterey County has adopted flood plain regulation standards based on current State and Federal laws, which are administered by the Water Resources Agency. One of the main purposes of these regulations is to protect health and safety and minimize impacts of flooding. To this end, there are specific design and construction criteria for all new construction in the flood zone.

In this case, the applicant has submitted appraisal information and contractors estimates, demonstrating that the proposed development does not constitute a “substantial improvement”. This is significant because “substantial improvement” projects require that the structure(s) be elevated to have a finish floor height at least 1 foot above base flood elevations. Substantial improvements are defined as “any repair, reconstruction, or improvement of a structure, the cost of which exceeds fifty (50) percent of the appraised value in any one year period. Based on the appraised value of the existing house (pre-flood damage) and the contractor’s estimates for the McCasland (PLN080510)

proposed project Water Resources has determined that the project is not a substantial improvement and that the structure does not need elevated finish floor heights. Not raising the finish floor height leaves the improved structure still subject to flood damage.

Guest House Height

Part of the proposed development involves an existing 200 square foot, non-conforming guesthouse. The guesthouse is non-conforming because of its location within the side and rear yard setbacks. The new 24 square foot addition proposed to the guesthouse would conform to the setback requirements. Other improvements to the guesthouse include changing the roof pitch from flat to 8/12. The new roof would match the proposed roof pitch of the main dwelling to provide architectural consistency. This would result in the guesthouse exceeding the 12 foot maximum height limit by 1 foot. Monterey County Zoning Ordinance, Title 20, Section 20.64.020.C.11 allows additions to height when intended to provide for architectural consistency and compatibility with the main residence subject to a Coastal Development Permit. In this case the guesthouse would exceed the height limit by 1 foot due to a new 8/12 pitched roof to match the proposed 8/12 roof pitch of the main dwelling. Reducing the pitch of the roof to 6/12 would eliminate the need for the exception on the guesthouse; however, the 8/12 roof pitch is desired by the owners for the architectural appearance with a steeper roof. The addition to height of the guesthouse will not significantly impact public or private views at the site or in the general vicinity.

Parking

Another exception being requested involves the parking regulations. Chapter 20.58 (Title 20), requires two off street parking spaces for residential use and 1 space for guesthouses. Section 20.58.050.F (Title 20), requires at least 1 covered parking space which counts towards the required amount of parking; however, Section 20.58.050.E does not allow parking within the front setback to count towards the required amount of parking unless a Coastal Administrative Permit is first secured. The proposed project includes an existing non-conforming situation that includes a one-car garage setback 20 feet from the front lot line (required setback is 20 feet). Two additional cars could be parked in the driveway within the required setback. Because of the small lot size, the existing situation and the limitations on improvements from the floodplain regulations, a Coastal Administrative Permit is required to allow parking within the front setback to meet the minimum parking requirements.

Archaeology

The subject property is located within 750 feet of known archaeological resources, meaning the site is situated in an area that may have supported Native Americans at some point. An archaeological report was prepared for the property indicating that the site is not likely to contain significant archaeological resources. Condition number 3 has been added to the Conditions of approval to protect unforeseen resources at the site.

CEQA

The McCasland improvements include adding a 218 square foot bedroom to an existing 1,558 square foot single family dwelling and 24 square feet to an existing 200 square foot guesthouse. The primary environmental concerns include the two exceptions to the Zoning Code mentioned above and existing site and location specific conditions involving the floodplain and soils and geology. The California Environmental Quality Act (CEQA) guidelines Section 15301 (e), Class 1, categorically exempts additions to existing structures provided the addition does not exceed 50% of the floor area or 2,500 square feet, whichever is less. The 24 square foot addition to the guesthouse is less than 50% of the floor area of the existing structure (200 square feet/2 = 100 square feet) and the 218 square foot addition to the house is also well under 50% of the floor area

(1,558 square feet/2 = 779 square feet). The total square footage of addition area is only 232 square feet.

The project was reviewed by the Monterey County Water Resources Agency who is responsible for reviewing development projects for flood plain regulations. WRA has deemed the project complete and conditions recommended have been included in the conditions of approval for this project. The small additions are located on an existing disturbed residential lot and will not significantly impact or be impacted by flooding or soils hazards beyond that existing prior to this project. None of the exceptions listed in 15300.2 apply, including location which does not apply to Class 1 exemptions. Because of the minor nature of the project and given the existing conditions, a Class 1 categorical exemption was found to apply.

**EXHIBIT C
DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the
County of Monterey, State of California**

In the matter of the application of:

McCasland (PLN080510)

RESOLUTION NO. ----

Resolution by the Monterey County Zoning Administrator approving a Combined Development Permit Consisting of 1) A Coastal Development Permit to allow the remodel of an existing 1,558 square foot single family dwelling and 200 square foot guesthouse consisting of changing the roof from flat to pitched (8/12), new exterior siding, doors and windows, and additions of 218 square feet to the main dwelling and 24 square feet to the guesthouse within 750 feet of known archaeological resources; 2) A Coastal Development Permit to allow a 1 foot addition to the maximum height limit for a guesthouse (12 feet max/13 feet proposed) to provide architectural consistency with the main residence; 3) A Coastal Development Permit to allow parking within the front setback; and 4) A Design Approval (PLN080510, McCasland, 26334 River Park Place, Carmel, Carmel Land Use Plan (APN: 009-502-003-000))

The McCasland application (PLN080510) came on for public hearing before the Monterey County Zoning Administrator on August 13, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

EVIDENCE: a) Plan Conformance During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- the Monterey County General Plan,
- Carmel Land Use Plan,
- Coastal Implementation Plan Part 4,
- Monterey County Zoning Ordinance (Title 20)

With the exceptions for height and parking, no conflicts were found to exist (See Evidence e & f). 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 26334 River Park Pl, Carmel (Assessor's Parcel Number: 009-502-003-000), Carmel Land Use Plan. 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 dwellings and accessory structures and uses to the principally permitted use (residential). Therefore, the project is an allowed land use for this site.
 - c) Site Visit The project planner conducted a site inspection on January 22, 2009 to verify that the project on the subject parcel conforms to the plans listed above.
 - d) Flood Plain The subject site is located within the 100 year floodplain near the Carmel Lagoon at the mouth of the Carmel River. The existing structure has sustained flood damage in the recent past. This application includes a remodel to repair some of the flood damage while at the same time doing minor improvements and additions. New development within the 100 year floodplain is subject to Monterey County flood plain policies. The proposed development is consistent with those policies as evidenced by the appraisal and contractors estimates prepared for the property and the proposed application which demonstrates that the project does not constitute a "substantial improvement" and therefore, the remodel and minor improvements are allowed as proposed. Conditions recommended by the Water Resources Agency have been incorporated (Condition # 10-13).
 - e) Parking To meet the minimum parking standards, a Coastal Administrative Permit is required pursuant to Section 20.58.050.E of Title 20, to allow two parking spaces within the front setback to count towards the minimum required at the site. The current parking situation provides only one covered parking space and the uses and parking situation will not change as part of the project. A Coastal Administrative Permit has been included in the permit to bring the property into conformance with the parking requirements.
 - f) Height The proposed project involves changing the roof structure of the existing single family dwelling and detached guesthouse from a flat roof to a 8/12 pitched roof. The change on the main structure can be made while still complying with the 18 foot height limit but the same change on the guesthouse will increase the height to 13 feet, 1 foot above the maximum allowed height of 12 feet. Section 20.64.020.C.11 (Title 20) allows additions to height when intended to provide for architectural consistency with the main residence. An entitlement for a Coastal Development Permit is included in this project and no significant effects associated with allowing the 1 foot height increase, have been identified.
 - g) Archaeological Resources The subject property is located within 750 feet of known archaeological resources. Pursuant to the Coastal Implementation Plan Part 4 requirements (20.146.090.B.a), an archaeological report was prepared for the property by Archaeological Consulting. The report did not identify or anticipate the presence of potentially significant resources at the site. A condition has been included to protect any unidentified or unforeseen resources during

construction (Condition # 3).

- h) LUAC The project was referred to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review. On April 20, 2009 the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) recommended approval of the McCasland project by a vote of 6 to 0. It was noted that the proposed guesthouse, with the roof pitch change, would exceed the 12 foot height requirement. Another observation/suggestion was made regarding the parking. The LUAC recommended that the driveway be widened to provide an additional parking space within the front setback. Required entitlements for the addition to the height of the guesthouse and parking within the front setback are included in this permit.
- i) Application materials 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 PLN080510.

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 Cypress 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) Technical reports by outside consultants indicated that there are no physical or environmental constraints, which cannot be adequately addressed to avoid significant impacts. The reports conclude that the site is suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
 - “*Geotechnical Investigation*” (LIB090003) prepared by Pacific Crest Engineering Inc., Watsonville, CA, December 2008.
 - “*Archaeological Reconnaissance*” (LIB090002) prepared by Archaeological Consulting, Salinas, CA, October 27, 2008.
 - c) Staff conducted a site inspection on January 22, 2009 to verify that the site is suitable for this use.
 - d) 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 PLN080510.

3. **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 project was reviewed by RMA - Planning Department, Carmel

Cypress Fire Protection District, Parks, Public Works, Environmental Health Division, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions (**Exhibit 1**).

- b) Necessary public facilities are available at the site including Cal-Am water, Carmel Area Wastewater, and Pacific Gas & Electric which are currently connected to the existing dwelling.
- c) Preceding findings and supporting evidence for PLN080510.

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.

- 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.
 - b) Staff conducted a site inspection on January 22, 2009 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080510.

5. **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 additions to existing structures where the addition will not result in an increase of more than 50% of the floor area or 2,500 square feet whichever is less.
 - b) The proposed project involves a 24 square foot addition to an existing 200 square foot guesthouse and a 218 square foot addition to an existing 1,557 square foot single family dwelling which results in an increase of less than 50% of the floor area and well under 2,500 square feet.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on January 22, 2009.
 - d) Potential environmental issues associated with the proposed development include improvements within the 100-year flood plain without raising the floor above the flood elevations. This means that the owners may still be subject to flood related hazards; however, the project does not include placing new structures within the 100-year flood plain and hazards will be no different than what currently exists at the site. The project is in compliance with the County flood plain regulations Chapter 16.16.
 - e) Another potential hazard was identified in the geotechnical report. The site is subject to liquefaction which is the transformation of soils to a liquid state relating from strong seismic ground shaking. Here again, the

structure may remain at risk as because the existing spread footing will remain in place but the risks will be no different from those currently existing at the site. Through the building permit process, the development will be required to conform with the current California Building Codes and a condition of approval requiring the applicant to file a notice that all development will be in accordance with the geotechnical report recommendations has been included (Condition # 5 & 7).

- f) Overall, the project involves only minor additions and repair to an existing structure that involves no potentially significant adverse impacts to the environments.
- g) See preceding and following findings and supporting evidence.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) 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.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 in the Carmel 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) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080510.
 - e) The project planner conducted a site inspection on January 22, 2009.
 - f) River Park Place is a small dead end street that terminates at the Carmel Lagoon. Figure 3 of the Carmel Land Use Plan identifies this area as inappropriate for access.

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

- EVIDENCE:**
- a) Section 20.86.030 Monterey County Zoning Ordinance (Board of Supervisors).
 - b) Section 20.86.080 Monterey County Zoning Ordinance (Coastal Commission). The project is subject to appeal by/to the California Coastal Commission because the project includes a conditional uses (Coastal Development Permits) for development within 750 feet of known archaeological resources and the addition to height of the guesthouse.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Approve Combined Development Permit Consisting of 1) A Coastal Development Permit to allow the remodel of an existing 1,558 square foot single family dwelling

and 200 square foot guesthouse consisting of changing the roof from flat to pitched (8/12), new exterior siding, doors and windows, and additions of 218 square feet to the main dwelling and 24 square feet to the guesthouse within 750 feet of known archaeological resources; 2) A Coastal Development Permit to allow a 1 foot addition to the maximum height limit for a guesthouse (12 feet max/13 feet proposed) to provide architectural consistency with the main residence; 3) A Coastal Development Permit to allow parking within the front setback; and 4) A Design Approval, in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 13th day of August, 2009.

Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON _____

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS AND THE COASTAL COMMISSION.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 4 years after the above date of granting thereof unless construction or use is started within this period.

RESOLUTION - EXHIBIT 1
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Allan & Barbara McCasland

File No: PLN080510

APNs: 009-502-003-000

Approved by: Zoning Administrator

Date: August 13, 2009

**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>
RMA – Planning Department						
1.		<p>PD001 - SPECIFIC USES ONLY This Combined Development Permit (PLN080510) allows Combined Development Permit Consisting of 1) A Coastal Development Permit to allow the remodel of an existing 1,558 square foot single family dwelling and 200 square foot guesthouse consisting of changing the roof from flat to pitched (8/12), new exterior siding, doors and windows, and additions of 218 square feet to the main dwelling and 24 square feet to the guesthouse</p>	<p>Adhere to conditions and uses specified in the permit.</p> <p>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.</p>	<p>Owner/ Applicant</p> <p>RMA - Planning</p>	<p>Ongoing unless otherwise stated</p>	

<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>
		within 750 feet of known archaeological resources; 2) A Coastal Development Permit to allow a 1 foot addition to the maximum height limit for a guesthouse (12 feet max/13 feet proposed) to provide architectural consistency with the main residence; 3) A Coastal Development Permit to allow parking within the front setback; and 4) A Design Approval. The property is located at 26334 River Park Place, Carmel (Assessor's Parcel Number: 009-502-003-000), Carmel Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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. (RMA-Planning Department)	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.	WRA RMA - Planning		
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Zoning Administrator for Assessor's Parcel Number 009-502-003-000 on August 13, 2009. 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 RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA-Planning Department. The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant RMA- Planning	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	Concurrent with the issuance of building permits or use of the property whichever occurs first and as applicable	

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5.		PD008 - GEOLOGIC CERTIFICATION Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. (RMA - Planning Department)	Submit certification by the geotechnical consultant to the RMA - Planning Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection	
6.		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	
7.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A geotechnical report has been prepared for this parcel by Pacific Crest Engineering, dated December 2008 and is on record in the Monterey County RMA - Planning Department , Library No. LIB090003. All development shall be in accordance with this report." (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.	
			Submit proof that all development has been implemented in accordance with the report to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to Occupancy	

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8.		PD032(A) - PERMIT EXPIRATION The permit shall be granted for a time period of 4 years, to expire on August 13, 2013 unless use of the property or actual construction has begun within this period. (RMA – Planning Department)	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	
9.		PD041 – HEIGHT VERIFICATION The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA – Planning Department and Building Services Department)	1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection	Owner/ Applicant	Prior to the issuance of grading or building permits	
			2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.	Owner/ Applicant/ Engineer	Prior to the final inspection	
Monterey County Water Resources Agency						
10.		WR22 - FLOODPLAIN RECORDATION 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.” (Water Resources Agency)	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	

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11.		<p>WR40 - WATER CONSERVATION MEASURES 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	
12.		<p>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)</p>	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	
13.		<p>WR001 - SUBSTANTIAL IMPROVEMENT/REPAIR AFFIDAVITS (NON-STANDARD) The applicant shall provide Owner and Contractor/Architect/Civil Engineer Improvement/Repair affidavits, for each building, attesting that all proposed construction, additions, improvements, and repairs are included in the construction plans and documents submitted to the Water Resources Agency to make the substantial improvement determination. (Water Resources Agency)</p>	<p>Submit the signed and notarized original Affidavits with supporting documentation to the Water Resources Agency for review and approval.</p> <p>(A copy of the County's standard affidavits can be obtained at the Water Resources Agency.)</p>	Owner/ Applicant	Prior to issuance of any building permits	
Fire Agency (Carmel Cypress Fire Protection District)						

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14.		<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. (Cypress FPD)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of building permit.	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	Prior to final building inspection	

END OF CONDITIONS