

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> September 13, 2012 Time: 1:30 P.M.	<b>Agenda Item No.:</b> 2
<b>Project Description:</b> Weis (PLN120304): Two year extension request for a previously approved Minor and Trivial Amendment (PLN080425) to a Combined Development Permit (PLN070535) consisting of 1) a Coastal Administrative Permit and Design Approval to allow a major interior remodel and the addition of approximately 554 square feet mainly to the upper floor of an existing two-story single family dwelling and 2) a Coastal Development Permit for development within 750 feet of an archaeological site. The Minor and Trivial Amendment included replacing the light well and window outside of a basement level bedroom with a lower terrace and French doors.	
<b>Project Location:</b> 26097 Scenic Road, Carmel	<b>APN:</b> 009-411-008-000
<b>Planning File Number:</b> PLN120304	<b>Owner:</b> Weis, Gerard and Rya <b>Agent:</b> A. Lombardo & Associates
<b>Planning 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-Design Control (Eighteen Foot Height Limit) (Coastal Zone)]	
<b>CEQA Action:</b> Categorically Exempt per CEQA Section 15331	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Zoning Administrator:

1. Categorically Exempt per CEQA Section 15331; and
2. Approve a two year extension to a previously approved Minor and Trivial Amendment (PLN080425) to a Combined Development Permit (PLN070535) consisting of 1) a Coastal Administrative Permit and Design Approval to allow a major interior remodel and the addition of approximately 554 square feet mainly to the upper floor of an existing two-story single family dwelling and 2) a Coastal Development Permit for development within 750 feet of an archaeological site. The Minor and Trivial Amendment included replacing the light well and window outside of a basement level bedroom with a lower terrace and French doors, based on the Findings and Evidence and subject to the recommended Conditions of Approval (Exhibit B).

### PROJECT OVERVIEW:

The original approval of a Combined Development Permit (PLN070535) consisting of 1) a Coastal Administrative Permit and Design Approval to allow a major interior remodel and the addition of approximately 554 square feet mainly to the upper floor of an existing two-story single family dwelling and 2) a Coastal Development Permit for development within 750 feet of an archaeological site was to expire on June 28, 2008. However, pursuant to Ordinance 5155, a one time automatic extension was granted for two years to expire June 28, 2010. Then on March 4, 2009, a Minor and Trivial Amendment (PLN080425), was approved to include replacing the light well and window outside of a basement level bedroom with a lower terrace and French doors. The four year permit is set to expire on March 4, 2013. The applicants are now requesting an additional two year extension.

The applicant submitted the extension request timely per the provisions of Chapter 20.70.110 of the Monterey County Code (Title 20). According to the applicant, because the current economic climate and the lack of a viable construction loan have contributed to the delay of the construction of the project, they are requesting an additional two year extension. (See Exhibit C) No changes to the project are proposed as part of the extension request. Staff supports the extension as nothing on the site has changed in any way. The extension shall supersede the previous permits and all of the

original conditions of approval contained in Zoning Administrator Resolution No. 07037 shall remain in effect. (Exhibit B)

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

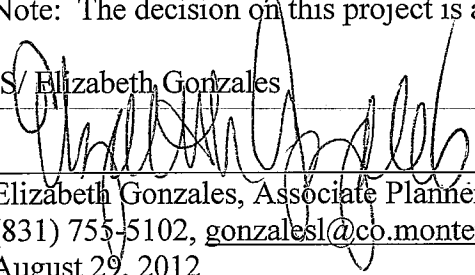
- RMA - Public Works Department
- Environmental Health Bureau
- Water Resources Agency
- Carmel Highlands Fire Protection District

Agencies that submitted comments are noted with a check mark ("√"). Previous Conditions recommended by all departments have been incorporated into the draft resolution (**Exhibit B**).

The project was not referred to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did not warrant referral to the LUAC because this is an extension of a previously approved project that had no changes.

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

/S/ Elizabeth Gonzales

  
Elizabeth Gonzales, Associate Planner  
(831) 755-5102, [gonzales1@co.monterey.ca.us](mailto:gonzales1@co.monterey.ca.us)  
August 29, 2012

cc: Front Counter Copy; Zoning Administrator; Carmel Highlands Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; Wanda Hickman, Planning Services Manager; Elizabeth Gonzales, Project Planner; Carol Allen, Senior Secretary, Gerard and Rya Weis, Owner; Shandell Frank, Lombardo Associates, Agent; The Open Monterey Project; LandWatch; Planning File PLN120304

Attachments: Exhibit A Project Data Sheet  
Exhibit B Draft Resolution, including:  
Conditions of Approval  
Site Plans, elevations and floor plans  
Exhibit C Extension Request Letter  
Exhibit D Resolution Nos. 070535 and 080425  
Exhibit E Vicinity Map

This report was reviewed by Bob Schubert, Senior Planner and Wanda Hickman, Planning Services Manager *w/h*

## EXHIBIT "B"

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

In the matter of the application of:

**Gerard R. and Rya A. Weis (PLN120304)**

**RESOLUTION NO. ----**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Categorically Exempting per CEQA Section 15331; and
- 2) Approving a two year extension to a previously approved Minor and Trivial Amendment (PLN080425) to a Combined Development Permit (PLN070535) consisting of 1) a Coastal Administrative Permit and Design Approval to allow a major interior remodel and the addition of approximately 554 square feet mainly to the upper floor of an existing two-story single family dwelling and 2) a Coastal Development Permit for development within 750 feet of an archaeological site. The Minor and Trivial Amendment included replacing the light well and window outside of a basement level bedroom with a lower terrace and French doors, based on the Findings and Evidence and subject to the recommended Conditions of Approval.

[PLN120304, Gerard R. and Rya A. Weis, 26097 Scenic Road, Carmel Area Land Use Plan (APN: 239-101-017-000)]

**The Weis application (PLN120304) came on for public hearing before the Monterey County Zoning Administrator on September 13, 2012. 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) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
  - the 1982 Monterey County General Plan;
  - Carmel Area Land Use Plan;
  - Monterey County Coastal Implementation Plan Part 4;
  - Monterey County Zoning Ordinance (Title 20);No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies

with the text, policies, and regulations in these documents.

- b) The property is located at 26097 Scenic Road, Carmel (Assessor's Parcel Number 009-411-008-000), Carmel Area Land Use Plan. The parcel is zoned Medium Density Residential/2 units per acre- Design Control, eighteen foot height limit, in the Coastal Zone ("MDR/2-D (18) (CZ)") which allows for the extension of residential remodels and minor additions. Therefore, the property is suitable for the proposed development.
- c) On June 26, 2008, the Zoning Administrator approved a Combined Development Permit consisting of 1) a Coastal Administrative Permit and Design Approval to allow a major interior remodel and the addition of approximately 554 square feet mainly to the upper floor of an existing two-story single family dwelling and 2) a Coastal Development Permit for development within 750 feet of an archaeological site was approved (Resolution 070535).
- d) On March 4, 2009, the Director of Planning approved a Minor and Trivial Amendment to allow replacing the light well and window outside of a basement level bedroom with a lower terrace and French doors (Resolution 080425).
- e) An extension request was submitted April 13, 2012 for a permit that will expire March 4, 2013, which is more than thirty days prior to the expiration date. Therefore, the applicant's request was timely per the provisions of Chapter 20.70.110 of the Monterey County Code (Title 20).
- f) Site inspection conducted by staff on the subject parcel on July 19, 2012 concluded nothing has changed on the site.
- 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 Files PLN070535, PLN080425 and PLN120304.

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 Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Email confirmation has been received with no additional comments and previous conditions recommended have been incorporated.
- b) Although there are no known resources located on the subject site based on the Archaeological Reconnaissance, the property is located within 750 of an archaeological site. Staff spoke with the author of the Archaeological report and confirmed the proposal would not have any significant effect on the known resource. A standard condition has been added to ensure the possibility of unidentified cultural resources. (See Condition #3) Other consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:

- "Preliminary Archaeological Reconnaissance" (LIB070605) prepared by Archeological Consulting, dated September 17, 2007.
- "Geotechnical Soils Foundation and Geological Hazards Report" (LIB070606) prepared by Grice Engineering, dated August, 2007.
- "Historical and Architectural Evaluation" (LIB080297) prepared by Kent L. Seavy, dated September 20, 2007.

- c) Site inspection conducted by staff on July 19, 2012 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 Files PLN070535, PLN080425 and PLN120304.

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 Highlands Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective departments/agencies have previously 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.
  - b) Adequate sewage disposal and water supply facilities are existing, and are readily available, as confirmed by the Environmental Health Bureau. Public sewage will be provided by Carmel Area Wastewater District and public water to be supplied by Cal Am.
  - c) Preceding Findings #1 and #2 and supporting evidence for PLN070535, PLN080425 and PLN120304.

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 records and is not aware of any violations existing on subject property.
  - b) Staff conducted a site inspection on July 19, 2012 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 Files PLN070535, PLN080425 and PLN120304.

5. **FINDING:** **CEQA** - The project is categorically exempt from environmental review

and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15331, Class 31, categorically exempts projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards.
  - b) Although not listed on any register, the Brennan House constructed by building designer Ernest Bixler, continues to retain its basic integrity of design as constructed in 1936, and evokes a strong sense of time and place and of feeling and association with its designer-builder. The proposed project consists of a major interior remodel and the addition of approximately 554 square feet to mainly the upper floor of an existing two-story single family dwelling and the removal of a small garden room that was added to the structure. In order to preserve the structure, all of the Carmel stone exterior will remain.
  - c) No adverse environmental effects were identified during staff review of the development application during a site visit on July 19, 2012.
  - 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 Files PLN070535, PLN080425 and PLN120304.

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.
- e) 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.
- f) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- g) Staff site visit on July 19, 2012.

7. **FINDING:**

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

**EVIDENCE:**

Section 20.86.030 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors. Section 20.86.080.A.3 of the Monterey County Zoning Ordinance states that the proposed project is subject to appeal by/to the Coastal Commission because the original permit has an underlying conditional use (Coastal Development Permit for development within 750 feet of an archaeological resource).

## DECISION

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

- 1) Categorically Exempt per CEQA Section 15331; and
- 2) Approve a two year extension to a previously approved Minor and Trivial Amendment (PLN080425) to a Combined Development Permit (PLN070535) consisting of 1) a Coastal Administrative Permit and Design Approval to allow a major interior remodel and the addition of approximately 554 square feet mainly to the upper floor of an existing two-story single family dwelling and 2) a Coastal Development Permit for development within 750 feet of an archaeological site. The Minor and Trivial Amendment included replacing the light well and window outside of a basement level bedroom with a lower terrace and French doors, in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 13th day of September, 2012 upon motion of:

\_\_\_\_\_  
Jacqueline Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

Form Rev. 11-10-2011



# Monterey County Planning Department

## DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN120304

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This permit is for a two year extension for a previously approved Minor and Trivial Amendment (PLN080425) to a Combined Development Permit (PLN070535) consisting of 1) a Coastal Administrative Permit and Design Approval to allow a major interior remodel and the addition of approximately 554 square feet mainly to the upper floor of an existing two-story single family dwelling and 2) a Coastal Development Permit for development within 750 feet of an archaeological site. The Minor and Trivial Amendment included replacing the light well and window outside of a basement level bedroom with a lower terrace and French doors, and was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.  
(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

### 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Two Year Extension for (Resolution Number \_\_\_\_\_) was approved by the Zoning Administrator for Assessor's Parcel Number 009-411-008-000 on September 13, 2012. The permit was granted subject to 12 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)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

### 3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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 Register 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 recovery. (RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "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.

### 4. PD004 - INDEMNIFICATION AGREEMENT

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The property owner agrees as a condition and in consideration of 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. The 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 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)

**Compliance or Monitoring Action to be Performed:** Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

## 5. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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 three (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)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of building permits, the Owner/Applicant shall 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.

Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

## 6. PDSP001 - RESTORATION OF NATURAL PLANS (NON-STANDARD)

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area to include removal of invasive plants, subject to the approval of the Director of the RMA - Planning Department. (RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to final of building permits, submit landscape plans to the RMA - Planning Department for review and approval.

## 7. WR049 - WATER AVAILABILITY CERTIFICATION

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The applicant shall provide the Monterey County Water Resources Agency proof of water availability in the form of a complete Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any construction permit, the owner/applicant shall submit a Water Release Form to the Water Resources Agency for review and approval.

A copy of the Water Release Form can be obtained at the Monterey Peninsula Water Management District, the Water Resources Agency, or online at:  
[www.mcwra.co.monterey.ca.us](http://www.mcwra.co.monterey.ca.us).

## 8. WR052 - NOTICE OF WATER CONSERVATION REQUIREMENTS

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** A notice shall be recorded on the deed for each lot stating: "All new construction shall incorporate the use of low water use plumbing fixtures and drought tolerant landscaping, in accordance with Monterey County Water Resources Agency Ordinance No. 3932." (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** Prior to recordation, submit a signed and notarized 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 or online at: [www.mcwra.co.monterey.ca.us](http://www.mcwra.co.monterey.ca.us).

The notice shall be recorded concurrently with the final map.

## 9. FIRE011 - ADDRESSES FOR BUILDINGS

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** 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 visible and legible 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. Responsible Land Use Department: Carmel Highlands Fire District

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.

Prior to requesting a final building inspection, Applicant shall install the required address signage and shall obtain fire department approval of the fire department final inspection.

**10. FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)**

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** Manage combustible vegetation from within a minimum of 100 feet of structures, or to the property line, whichever is closer. Trim tree limbs to a minimum height of 6 feet from the ground. Remove tree limbs from within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. Responsible Land Use Department: Carmel Highlands Fire District

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a final building inspection, the Applicant shall complete the vegetation management and shall obtain fire department approval of the final fire inspection.

**11. FIRE021 - FIRE PROTECTION- SPRINKLER SYSTEM (STANDARD)**

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** 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. Responsible Land Use Department: Carmel Highlands Fire District

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading and/or building permit, Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a framing inspection, the Applicant shall obtain fire department approval of the rough sprinkler inspection.

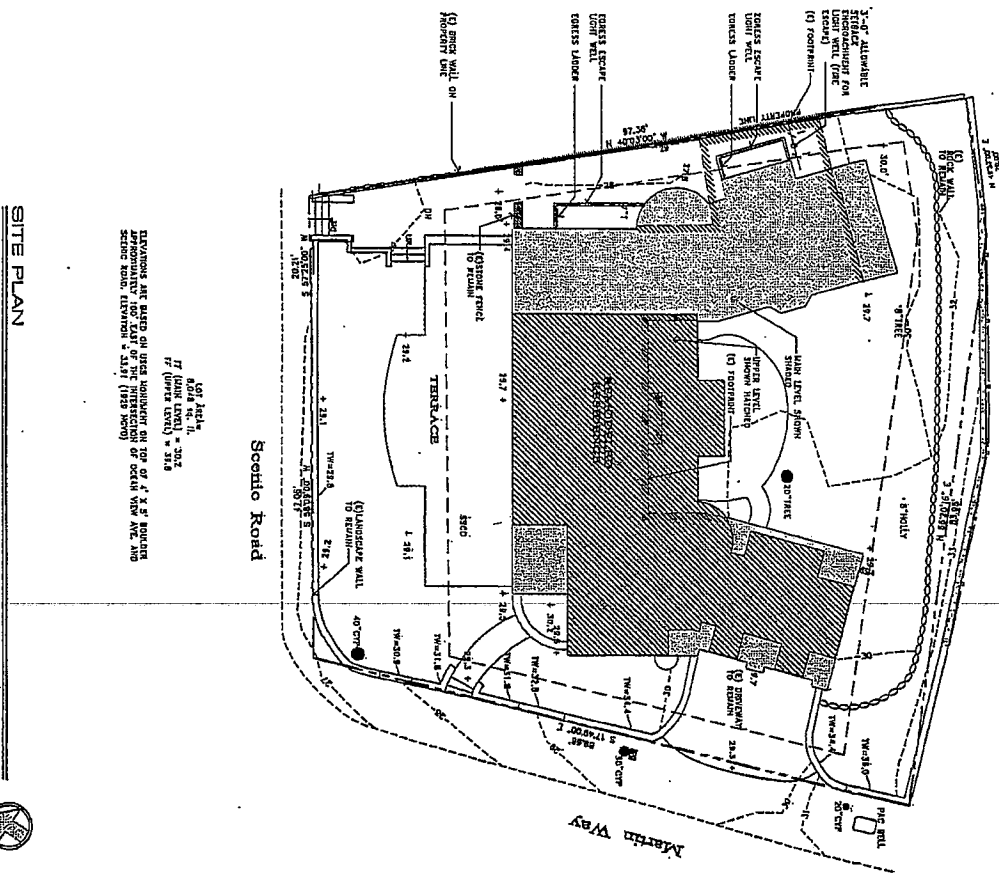
Prior to requesting a final building inspection, the Applicant shall complete the installation of the fire sprinkler system and obtain fire department approval of the final fire sprinkler inspection.

**12. FIRE029 - ROOF CONSTRUCTION - (CYPRESS/PEBBLE BEACH)**

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** 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  
Responsible Land Use Department: Carmel Highlands Fire District

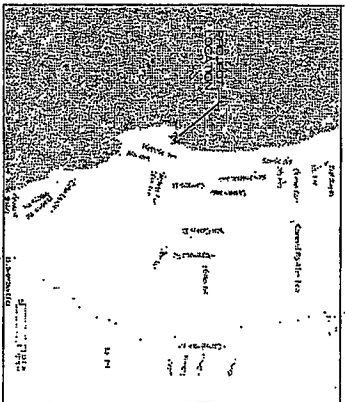
**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permit, the Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.



ELEVATIONS ARE BASED ON USED MONUMENT ON TOP OF 4' X 8' MONUMENT  
 APPROXIMATELY 100 FEET EAST OF THE INTERSECTION OF SCENIC VIEW AVE AND  
 SCENIC ROAD. ELEVATION = 2111' (1989 2000)

SITE PLAN

1/8" = 1'-0"



VICINITY MAP

N.T.S.

PLANNING INFO

\* PROPERTY OWNER:  
 THE WEIS GROUP  
 1500 W. 10TH AVENUE  
 DENVER, CO 80202

\* PROJECT ADDRESS:  
 26097 SCENIC ROAD  
 CARMEL, CA 93921

\* PROJECT SCOPE:  
 REMODEL AND ADDITION TO AN EXISTING  
 HOUSE WITH AN ATTACHED GARAGE

\* OCCUPANCY: EX. U/I  
 \* CONN. YRHS: V. I/R  
 \* A.P.N.: 009-441-008  
 \* LEGAL DESC: LOT: BLOCK:  
 \* ZONE: NON-RESIDENTIAL  
 \* LIT. BLDG. I/R: EXISTING TO REMAIN  
 \* CHANGES: 272 SQ. FT. TO CT. FILL  
 \* TREE REMOVAL: 0  
 \* TOPOGRAPHY: FLAT  
 \* PRODUCT COST ESTIMATE:  
 1. 2007 - DEM. CON. OF EX. GARAGE  
 2. 2007 - CON. OF EX. GARAGE  
 3. 2007 - EXISTING BERRY CODE

\* LOT AREA: 8204 SQ. FT. (218.42)  
 \* LOT COVERAGE CALCULATIONS:  

BUILDINGS	EXISTING	PROPOSED	PROPOSED	PROPOSED
TOTAL	2,117	+587	-214	2,490

\* LOT COVERAGE ALLOWED: 2318 SQ. FT. (28%)  
 \* LOT COVERAGE PROPOSED: 2490 SQ. FT. (31%)

\* F.A.R. CALCULATIONS:  

NAME	EXISTING	PROPOSED	PROPOSED	PROPOSED
MAIN BUILDING	1,217	+433	-222	1,428
UPPER FLOOR	537	+481	-77	941
GARAGE	452	-	-	452
TOTAL	2,206	+914	-309	2,811

\* F.A.R. ALLOWED: 3.881 SF (14.8%)  
 \* F.A.R. PROPOSED: 3.811 SF (14.8%)

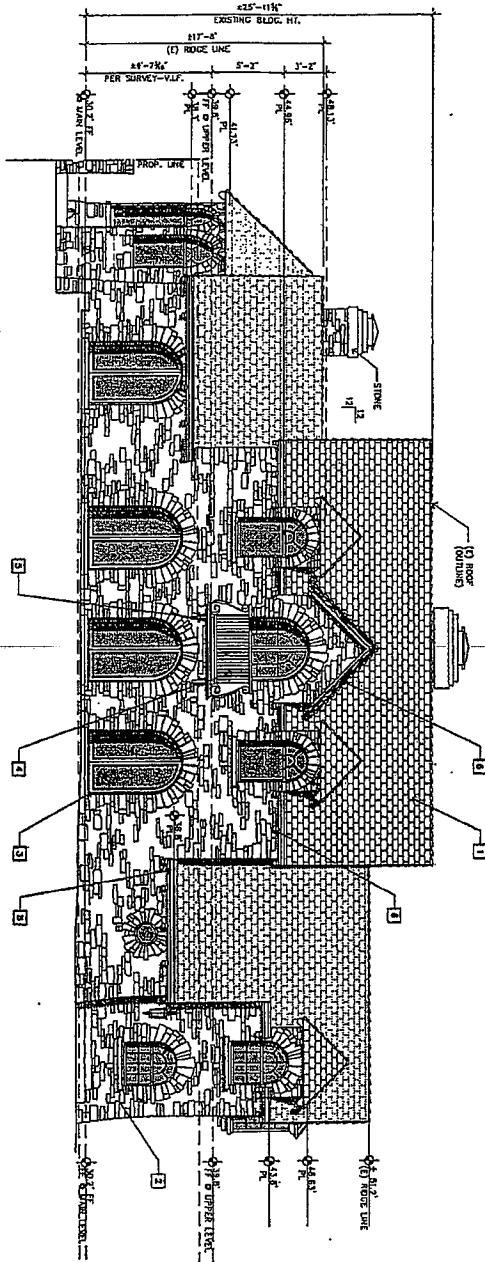
\* NOTE:  
 1. 1,100 SQ. FT. 50 FT. NOT COUNTED BY F.A.R. (SMB-18/04/04)  
 2. 2,490 SQ. FT. (218.42)

SITE PLAN  
 DATE: 11/11/07  
 DRAWN BY: J. BILAND  
 CHECKED BY: J. MATTHEWS

**INTERNATIONAL DESIGN GROUP**  
**ARCHITECTURE • INTERIOR DESIGN**  
 JUN. A. BILAND, AIA      JOHN R. MATTHEWS  
 721 LIGHTHOUSE AVE • PACIFIC GROVE CA • 93950  
 TEL: (805) 464-1101      FAX: (805) 464-1360      WWW.IDGARCH.COM

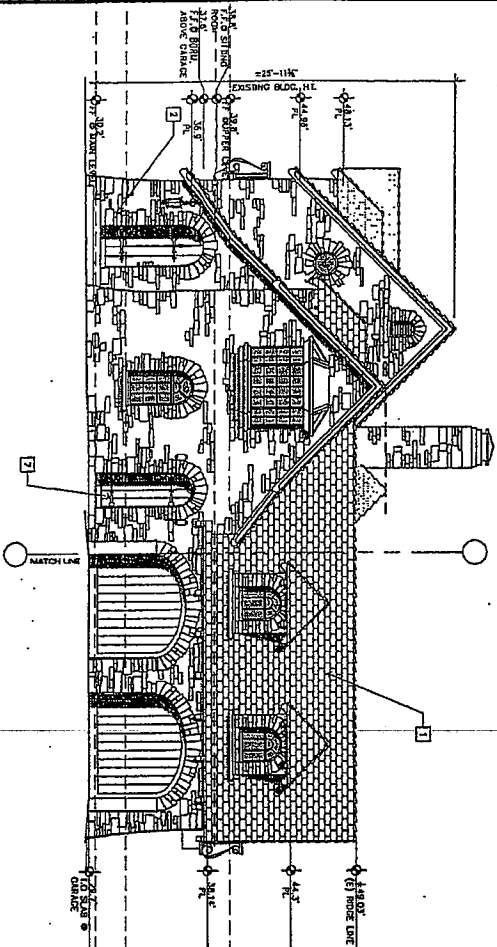
PROPOSED REMODEL FOR:  
**THE WEIS RESIDENCE**  
 26097 SCENIC ROAD      CARMEL, CA

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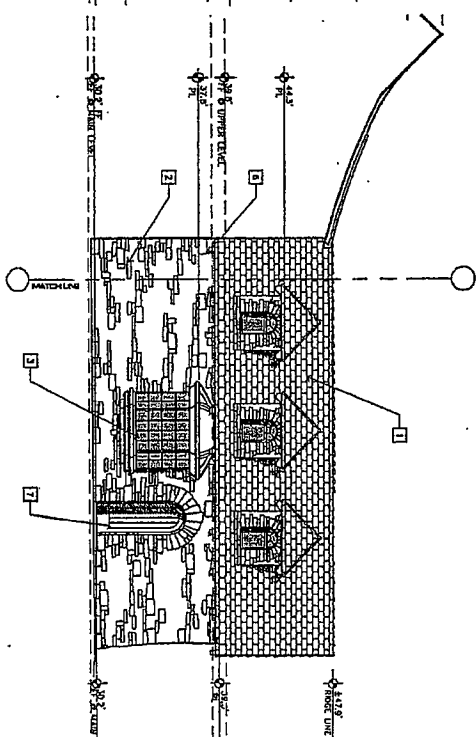
NORTH ELEVATION

1/4"=1'-0"



WEST ELEVATION

1/4"=1'-0"



PARTIAL WEST ELEVATION & COURTYARD

1/4"=1'-0"

EXTERIOR FINISH LEGEND	
1	SLATE ROOF - MATCH EXISTING
2	EXISTING STONE EXTERIOR WALLS - MATCH
3	METAL EXTERIOR DOOR AND WINDOWS - MATCH EXISTING
4	METAL RAILING - MATCH EXISTING
5	6X BEAMS @ GABLE ENDS
6	4X6 RAFTER TAILS
7	PAINTED EXTERIOR DOORS - MATCH EXISTING
8	COPPER - CUTTER DOWNPOUTS AND ROOF FEATURE

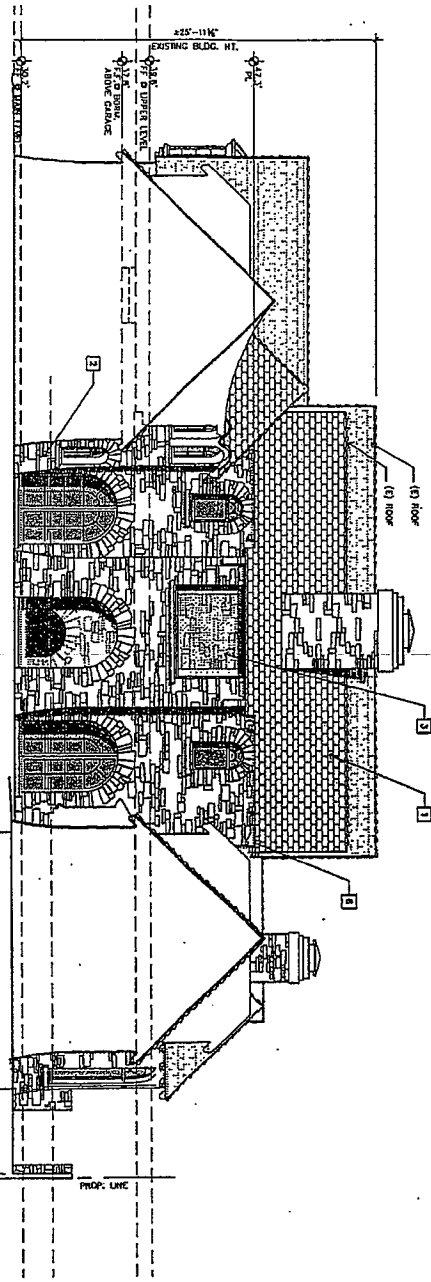
<p>INTERNATIONAL DESIGN GROUP ARCHITECTURE • INTERIOR DESIGN</p> <p>JUN A. BILLAND, AIA      JOHN S. MATTHAMS</p> <p>721 LIGHTHOUSE AVE • PACIFIC GROVE CA • 93950 PH (805) 548-1281 • FAX (805) 548-1282 • EMAIL: JMATTHAMS@IDGARCH.COM</p>	<p>PROPOSED REMODEL FOR:</p> <p><b>THE WEIS RESIDENCE</b></p> <p>26097 SCENIC ROAD      CARMEL, CA</p>	<p> <small>           ALL RIGHTS RESERVED. THIS DRAWING IS THE PROPERTY OF INTERNATIONAL DESIGN GROUP ARCHITECTURE AND INTERIOR DESIGN. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS DRAWING IS TO BE REPRODUCED, COPIED, STORED IN A RETRIEVING SYSTEM, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF INTERNATIONAL DESIGN GROUP ARCHITECTURE AND INTERIOR DESIGN. THE USER OF THIS DRAWING AGREES TO HOLD INTERNATIONAL DESIGN GROUP ARCHITECTURE AND INTERIOR DESIGN HARMLESS FROM AND AGAINST ALL LIABILITY, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM OR RESULTING FROM THE USE OF THIS DRAWING. THE USER OF THIS DRAWING AGREES TO INDEMNIFY AND HOLD INTERNATIONAL DESIGN GROUP ARCHITECTURE AND INTERIOR DESIGN HARMLESS FROM AND AGAINST ALL LIABILITY, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM OR RESULTING FROM THE USE OF THIS DRAWING. THE USER OF THIS DRAWING AGREES TO INDEMNIFY AND HOLD INTERNATIONAL DESIGN GROUP ARCHITECTURE AND INTERIOR DESIGN HARMLESS FROM AND AGAINST ALL LIABILITY, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM OR RESULTING FROM THE USE OF THIS DRAWING.         </small> </p>
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PROPOSED REMODEL FOR:  
**THE WEIS RESIDENCE**  
 26097 SCENIC ROAD      CARMEL, CA

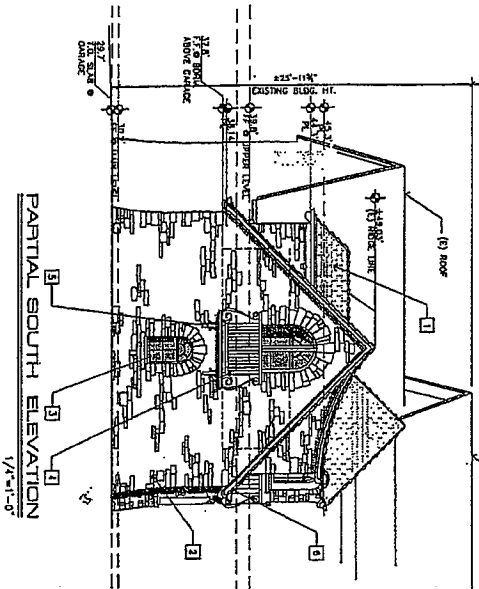
ALL RIGHTS RESERVED. THIS DRAWING IS THE PROPERTY OF INTERNATIONAL DESIGN GROUP ARCHITECTURE AND INTERIOR DESIGN. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS DRAWING IS TO BE REPRODUCED, COPIED, STORED IN A RETRIEVING SYSTEM, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF INTERNATIONAL DESIGN GROUP ARCHITECTURE AND INTERIOR DESIGN. THE USER OF THIS DRAWING AGREES TO HOLD INTERNATIONAL DESIGN GROUP ARCHITECTURE AND INTERIOR DESIGN HARMLESS FROM AND AGAINST ALL LIABILITY, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM OR RESULTING FROM THE USE OF THIS DRAWING. THE USER OF THIS DRAWING AGREES TO INDEMNIFY AND HOLD INTERNATIONAL DESIGN GROUP ARCHITECTURE AND INTERIOR DESIGN HARMLESS FROM AND AGAINST ALL LIABILITY, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM OR RESULTING FROM THE USE OF THIS DRAWING. THE USER OF THIS DRAWING AGREES TO INDEMNIFY AND HOLD INTERNATIONAL DESIGN GROUP ARCHITECTURE AND INTERIOR DESIGN HARMLESS FROM AND AGAINST ALL LIABILITY, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM OR RESULTING FROM THE USE OF THIS DRAWING.

A6.0



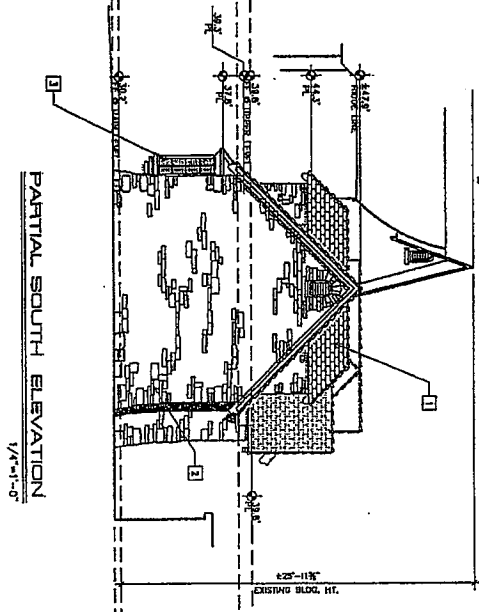
SOUTH ELEVATION

1/4"=1'-0"



PARTIAL SOUTH ELEVATION

1/4"=1'-0"



PARTIAL SOUTH ELEVATION

1/4"=1'-0"

EXTERIOR FINISH LEGEND	
1	SLATE ROOF - MATCH EXISTING
2	CORNER STONE EXTERIOR WALLS - MATCH EXISTING
3	METAL EXTERIOR DOOR AND WINDOWS - MATCH EXISTING
4	METAL RAILING - MATCH EXISTING
5	BR BEAMS & CABLE ENDS
6	4X8 RAFTER TALS
7	PAINTED EXTERIOR DOORS - MATCH EXISTING FEATURE
8	COPPER - OUTER DOWNSPOUTS AND ROOF

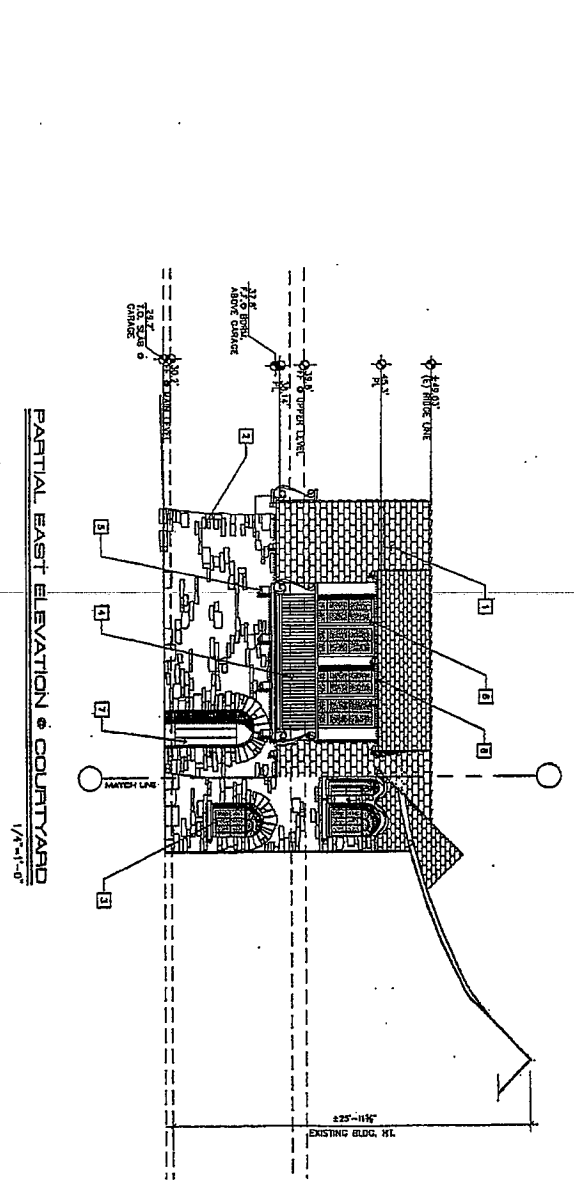
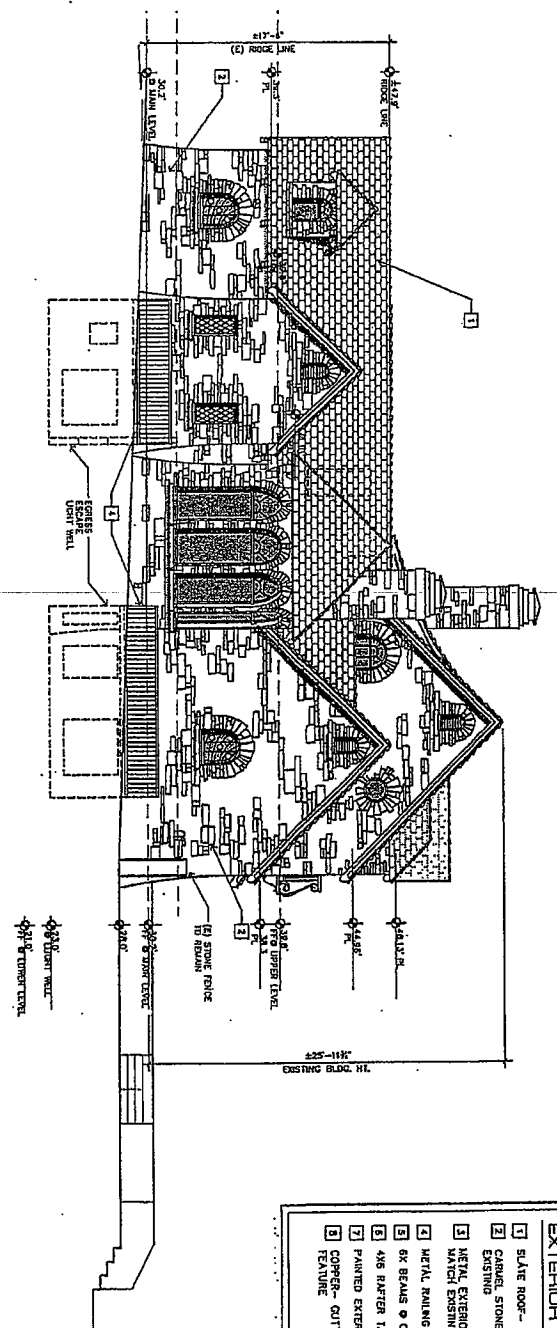
EXTERIOR ELEVATIONS  
 DATE: 11-11-97  
 DRAWN BY: D.A. SHERIDAN  
 CHECKED BY: D.A. SHERIDAN  
 PROJECT: WEIS RESIDENCE  
 26097 SCENIC ROAD, CARMEL, CA  
 A6.1

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PROPOSED REMODEL FOR:  
**THE WEIS RESIDENCE**  
 26097 SCENIC ROAD CARMEL, CA

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- 1 SLATE ROOF - MATCH EXISTING
- 2 CARBID. STONE EXTERIOR WALLS - MATCH EXISTING
- 3 METAL EXTERIOR DOOR AND WINDOWS - MATCH EXISTING
- 4 METAL RAILING - MATCH EXISTING
- 5 BR BEAMS & CABLE ENDS
- 6 4X8 RAFTER TAILS
- 7 PAINTED EXTERIOR DOORS - MATCH EXISTING
- 8 COPPER - CUTTER DOWNSPOUTS AND ROOF FINISH

INTERNATIONAL DESIGN GROUP  
 ARCHITECTURE \* INTERIOR DESIGN  
 JUNA A. BILLANO, AIA JOHN S. MATTHAMS  
 721 LIGHTHOUSE AVE. \* PACIFIC GROVE CA. \* 93950  
 TEL 805-231-1131 FAX 805-231-1131

PROPOSED REMODEL FOR:  
**THE WEIS RESIDENCE**  
 26097 SCENIC ROAD CARMEL CA

**EXTERIOR FINISH LEGEND**

EXTENSION ELEVATIONS  
 OVER 1/4\"/>

DATE: 11-14-07  
 DRAWN BY: J. B. BROWN  
 CHECKED BY: J. B. BROWN  
 SCALE: 1/4\"/>

A6.2

# EXHIBIT "C"

## ANTHONY LOMBARDO & ASSOCIATES

A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO  
KELLY MCCARTHY SUTHERLAND  
DEBRA GEMGNANI TIPTON

450 LINCOLN AVENUE, SUITE 101  
P.O. BOX 2330  
SALINAS, CA 93902  
(831) 751-2330  
FAX (831) 751-2331

August 3, 2012

File No. 04003.000

Ms. Elizabeth Gonzales  
Monterey County Planning  
168 W. Alisal Street, Second Floor  
Salinas, CA 93901

Re: **Extension/PLN080425**

Dear Ms. Gonzales:

Please accept this letter as a formal request to extend the expiration date of PLN080425.

Due to the current economic climate and the lack of a viable construction loan, my client has not been able to begin construction within the mandated timeframe.

If there is anything more you need to aid in processing this request, please let me know.

Sincerely,



Shandell P. Frank  
Planner

SPF:ncs

## EXHIBIT "D"

MIKE NOVO  
ZONING ADMINISTRATOR

COUNTY OF MONTEREY  
STATE OF CALIFORNIA

RESOLUTION NO. 070535

A. P. # 009-411-008-000

In the matter of the application of  
**Gerard R. and Rya A. Weis (PLN070535)**

### FINDINGS AND DECISION

for a **Combined Development Permit** in accordance with Title 20 (Zoning) Chapter 20.76 (Combined Development Permits) of the Monterey County Code, consisting of: 1) a Coastal Administrative Permit and Design Approval to allow a major interior remodel and the addition of approximately 554 square feet mainly to the upper floor of an existing two-story single family dwelling and 2) a Coastal Development Permit for development within 750 feet of an archaeological site. The property is located at 26097 Scenic Road, Carmel, Carmel Area Land Use Plan, and came on regularly for meeting before the Zoning Administrator on June 26, 2008.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

### FINDINGS OF FACT

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

- EVIDENCE:**
- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. Communications received during the course of review of the project, possible inconsistencies with the text, policies, and regulations in these documents, were addressed..
  - (b) The property is located at 26097 Scenic Road, Carmel (Assessor's Parcel Number 009-411-008-000), Carmel Area Land Use Plan. The parcel is zoned Medium Density Residential/2 units per acre- Design Control, eighteen foot height limit, in the Coastal Zone ("MDR/2-D (18) (CZ)") which allows residential remodels and minor additions. Therefore, the property is suitable for the proposed development.
  - (c) The project planner conducted a site inspection on April 24, 2008 and June 16, 2008 to verify that the project on the subject parcel conforms to the plans listed above.
  - (d) Underground space consists of two bedrooms totaling 394 square feet. Pursuant to Section 20.68.020.A, "No such use shall be expanded, enlarged, increased, or extended to occupy a greater area than that occupied when the legal nonconforming use was established." Proposed bedroom areas do not exceed the existing habitable floor area in the basement level. The additional areas proposed underground are not habitable because they are entirely below grade with no light well requirement. Nonconforming stairs step down to the top portion of the two bedroom windows on the outside. The area will be filled to the top of each light well once they are installed.
  - (e) Pursuant to Section 20.62.040.D, the light well may extend into the side yard setback not exceeding three feet for fire escapes. The light well outside of bedroom one is for the purpose of the fire escape requirement.

- (f) Although not listed on any register, the Brennan House constructed by building-designer Ernest Bixler, continues to retain its basic integrity of design as constructed in 1936, and evokes a strong sense of time and place and of feeling and association with its designer-builder. The proposed project consists of a major interior remodel and the addition of approximately 554 square feet to mainly the upper floor of an existing two-story single family dwelling and the removal of a small garden room that was added to the structure. In order to preserve the structure, all of the Carmel stone exterior will remain.
- (g) Archaeological Resources The project is located in an area mapped as high in archaeological sensitivity with known resources in close proximity (20.146.090.B.1). An Archeological Report prepared by Archaeological Consulting, dated September 17, 2007, was found to be negative and concluded that the project parcel does not contain surface evidence of archaeological resources. The proposed development includes a major interior remodel, the removal of a garden room addition and an addition of approximately 554 square feet to the upper floor. Staff spoke with Mary Doane of Archaeological Consulting, and she agreed that although the parcel is within 750 feet of a known resource, the proposal consists of minimal land disturbance and the removal of the garden room is more than 750 feet from the resource. Therefore, the proposed is not subject to environmental assessment (20.146.090.C.1). However, a standard condition has been added to address the possibility of unidentified cultural resources. (See Condition 3)
- (h) Historic Resources A Historical and Architectural Evaluation dated September 20, 2007 and prepared by Kent Seavey determined that, although not listed on any local, National or California Register of Historic Places, the structure clearly qualifies for listing in the Monterey County Historic Resource Inventory under County criterion B at the local level of significance. The project was referred to the Historic Resource Review Board (HRRB).
- (i) HRRB On March 6, 2008, the Monterey County Historic Resources Review Board heard the Weis project (PLN070535) recommending approval by a unanimous vote of 6 – 0. The initial plans had been revised by the HRRB to remove two dormers and grills on the front French Doors. The HRRB also recommended the applicant reuse as much of the historic building materials of the residence as feasible in the rehabilitation, and prepare a set of measured drawings to Historic American Building Survey standards in order to return the plans to the original form and integrity if so desired. (See Exhibit E in the June 26, 2008 staff report.)
- (j) LUAC. The project was not referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because this was a remodel and minor addition only. No exterior changes beyond window replacements are proposed and the project is exempt from CEQA.
- (k) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN070535.

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

**EVIDENCE:** (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Carmel Highlands Fire Protection District, Parks,

Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- (b) Although there are no known resources located on the subject site based on the Archaeological Reconnaissance, the property is located within 750 feet of an archaeological site. Staff spoke with the author of the Archaeological report and confirmed the proposal would not have any significant effect on the known resource. A standard condition has been added to address the possibility of unidentified cultural resources. (See Condition 3) Other consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:
  - i. "Preliminary Archaeological Reconnaissance" (LIB070605) prepared by Archeological Consulting, dated September 17, 2007.
  - ii. "Geotechnical Soils Foundation and Geological Hazards Report" (LIB070606) prepared by Grice Engineering, dated August, 2007.
  - iii. "Historical and Architectural Evaluation" (LIB080297) prepared by Kent L. Seavy, dated September 20, 2007.
- (c) Staff conducted a site inspection on April 24, 2008 and June 16, 2008 to verify that the site is suitable for this use.
- (d) Materials in Project File PLN070535.

**3. FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- (a) California Environmental Quality Act (CEQA) Guidelines Section 15331, Class 31, categorically exempts projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards.
  - (b) No adverse environmental effects were identified during staff review of the development application during a site visit on April 24, 2008 and June 16, 2008.
  - (c) See Findings #1 and #2 and supporting evidence.

**4. FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** 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:** See Findings #1, #2, and #3 and supporting evidence.

**6. FINDING PUBLIC ACCESS** - The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see §20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

- EVIDENCE:** (a) The subject property is not described as an area where the Local Coastal Program requires access.
- (b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figures 3, the Public Access Map, of the Carmel Area Land Use Plan.
- (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- (d) Staff site visit on April 24, 2008 and June 16, 2008.

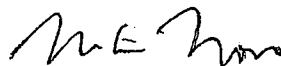
**7. FINDING APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

- EVIDENCE:** (a) Section 20.86.030 of the Monterey County Coastal Implementation Plan - Part 1 (Board of Supervisors).
- (b) Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan, Part 1 (Coastal Commission). Development permitted as a conditional use may be appealed to the Coastal Commission

### DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the attached conditions.

**PASSED AND ADOPTED** this 26th day of June, 2008.



MIKE NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON JUL 16 2008

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JUL 26 2008

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, 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 90<sup>th</sup> 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 RMA - Planning Department and RMA - Building Services Department offices in Salinas.

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

**Monterey County Resource Management Agency  
Planning Department  
Condition Compliance and/or Mitigation Monitoring  
Reporting Plan**

**Project Name:** WEIS

**File No:** PLN070535

**APNs:** 009-411-008-000  
**Approved by:** ZONING ADMINISTRATOR **Date:** JUNE 26, 2008

*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

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, at certified professionals' expense, for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
1.	PD001 - SPECIFIC USES ONLY This Combined Development Permit (PLN070535) consisting of a Coastal Administrative Permit and design approval allows a major interior remodel and the addition of approximately 554 square feet to an existing two-story single family dwelling and a Coastal Development Permit for development within 750 feet of an archaeological site. The property is located at 26097 Scenic Road, Carmel (Assessor's Parcel Number: 009-411-008-000), Carmel Area Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated		



	<p>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. <b>(RMA - Planning Department)</b></p>				
2.	<p><b>PD002 - NOTICE-PERMIT APPROVAL</b>  The applicant shall record a notice which states: "A permit (Resolution 070535) was approved by the Zoning Administrator for Assessor's Parcel Number 009-411-008-000 on June 26, 2008. The permit was granted subject to 11 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. <b>(RMA - Planning Department)</b></p>	<p>Proof of recordation of this notice shall be furnished to the RMA - Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading and building permits or commencement of use.</p>	
3.	<p><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</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>		

		proper mitigation measures required for the discovery. <b>(RMA - Planning Department)</b>					
4.		<b>PDSP001 - RESTORATION OF NATURAL PLANTS (NON STANDARD)</b> Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area to include removal of invasive plants, subject to the approval of the Director of the RMA - Planning Department. Removal of invasive plants <b>(RMA - Planning Department)</b>	Submit landscape plans to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of building permits		
5.		<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.  The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to the issuance of building permits.  Prior to Occupancy/Ongoing		

Permit Cond. 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)
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**WATER RESOURCE AGENCY**

6.	<p><b>WR43 - WATER AVAILABILITY CERTIFICATION</b></p> <p>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></p>	<p>Submit the Water Release Form to the Water Resources Agency for review and approval.</p>	<p>Owner/ Applicant</p>	<p>Prior to issuance of any building permits</p>	
7.	<p><b>WR40 - WATER CONSERVATION MEASURES</b></p> <p>The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <p>a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</p> <p>b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. <b>(Water Resources Agency)</b></p>	<p>Compliance to be verified by building inspector at final inspection.</p>	<p>Owner/ Applicant</p>	<p>Prior to final building inspection/occupancy</p>	

Permit Cond. Number	Ming Number	Conditions of Approval and/or Mitigation Measures and Responsible Party 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 (time/date)
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**CARMEL HIGHLANDS FIRE DISTRICT**

8.		<p><b>FIRE011 - ADDRESSES FOR BUILDINGS</b></p> <p>All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. <b>(Carmel Highlands Fire District)</b></p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of building permit.</p> <p>Prior to final building inspection</p>	
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Permit Cond. Number	Conditions of Approval and/or Mitigation Measures and Responsible Party 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)
9.	<p><b>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)</b>  Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Carmel Highlands Fire District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of grading and/or building permit.</p> <p>Prior to final building inspection</p>	
10.	<p><b>FIRE021 - FIRE PROTECTION EQUIPMENT &amp; SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</b>  The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Carmel Highlands Fire District)</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. rough sprinkler inspection</p> <p>Applicant shall schedule fire dept. final sprinkler inspection</p>	<p>Applicant or owner</p> <p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of building permit.</p> <p>Prior to framing inspection</p> <p>Prior to final building inspection</p>	

Permit Cond. Number	Permit 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)
11.		<p><b>FIRE029 - ROOF CONSTRUCTION - (CYPRESS FPD &amp; PEBBLE BEACH CSD)</b></p> <p>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>Carmel Highlands Fire District</b>)</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of building permit.	

END OF CONDITIONS

**MINOR AND TRIVIAL AMENDMENT  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 080425

A.P. # 009-411-008-000

In the matter of the application of  
**GERARD AND RYA WEIS (PLN080425)**

**FINDINGS & DECISION**

for a Minor and Trivial Amendment to Permit Number PLN070535 in accordance with Monterey County Coe Title 20 (Zoning) Section 20.76.115 (Amendments to Coastal Administrative Permits). The property is located at 26097 Scenic Road, Carmel Area Land Use Plan.

The Director of Resource Management Agency – Planning Department, having considered the application and the evidence presented relating thereto, finds:

**FINDINGS AND EVIDENCE**

1. **FINDING:** The County has received and processed an amendment to **PLN070535**.
- EVIDENCE:**
- (a) An application for a Minor and Trivial Amendment was submitted on November 13, 2008.
  - (b) The property is located at 26097 Scenic Road, Carmel (Assessor's Parcel Number 009-411-008-000), and is zoned "Medium Density Residential/2 units per acre, Design Approval, 18 foot height limit in the Coastal Zone" (MDR/2-D(18)(CZ)).
  - (c) On June 26, 2008, the Zoning Administrator approved PLN070535 for a Combined Development Permit consisting of a Coastal Administrative Permit and Design Approval to allow a major interior remodel and the addition of approximately 554 square feet to an existing two-story single family dwelling and a Coastal Development Permit for development within 750 feet of an archaeological site.
  - (d) The Amendment includes replacing the light well and window outside of bedroom 2 with a lower terrace and French doors. This modification shall be in addition to the previously applied findings, evidence and conditions of Combined Development Permit (PLN070535). The underground space consists of two legal nonconforming bedrooms totaling 394 square feet. Pursuant to Section 20.68.020.A, "No such use shall be expanded, enlarged, increased, or extended to occupy a greater area than that occupied when the legal nonconforming use was established." Proposed bedroom and bathroom areas do not exceed the existing habitable floor area in the basement level. The amendment does not add to the Floor Area Ratio.
  - (e) Previous Conditions of Approval are incorporated in Exhibit A. No new conditions were added to this Amendment.
  - (f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning Department for the proposed amendment found in Project Files PLN070535 and PLN080425.

2. **FINDING:** The project as proposed is consistent with the previously approved permit(s) pursuant to Monterey County Code Section 20.70.105.A and does not cause impacts not already assessed in original permit action. As approved and amended, permit number PLN080425 will become and be referred to as the approved permit.

- EVIDENCE:**
- (a) Pursuant to Section 20.76.115.A, the project is minor and trivial in nature because it is replacing the light well and window outside of bedroom 2 with a lower terrace and French doors. Additional grading proposed is 32 cubic yards. This is in addition to 272 cubic yards proposed with the previous approved project PLN070535.
  - (b) There are no impacts not already assessed in the original permit action, and the amendment is generally in keeping with the action of the original authority.
  - (c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning Department for the proposed amendment found in Project Files PLN070535 and PLN080425.

3. **FINDING:** Consideration of the request for the amendment has been carried out pursuant to Monterey County Code Section 20.84.040.A of Monterey County Code Title 20 (Zoning).

- EVIDENCE:**
- (a) On February 10, 2009 notices were posted at the project site and mailed to all parties within 300 feet of subject parcel.
  - (b) No objections were received during the notification period from February 10, 2009 to February 20, 2009.
  - (c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning Department for the proposed amendment found in Project Files PLN070535 and PLN080425.

4. **FINDING:** The project, as approved, is appealable to the Zoning Administrator and to the California Coastal Commission.

- EVIDENCE:**
- (a) Monterey County Code Section 20.76.115.A and B states that if objections are received, the amendment shall be considered by the original decision making body.
  - (b) No objections were received during the notification period from February 10, 2009 to February 20, 2009.
  - (c) Monterey County Code Section 20.86.080.A.3 states that any approved project that involves development that is permitting in the underlying zone as a conditional use.



**DECISION**

**THEREFORE**, it is the decision of said Director of the Resource Management Agency – Planning Department that said application for a Minor and Trivial Amendment be granted, as shown on the attached sketch subject to the conditions modified by this amendment and the conditions of approval for the original application (PLN070535).

PASSED AND ADOPTED this 4<sup>th</sup> day of March, 2009.

  
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MIKE NOVO, DIRECTOR  
RMA – PLANNING DEPARTMENT

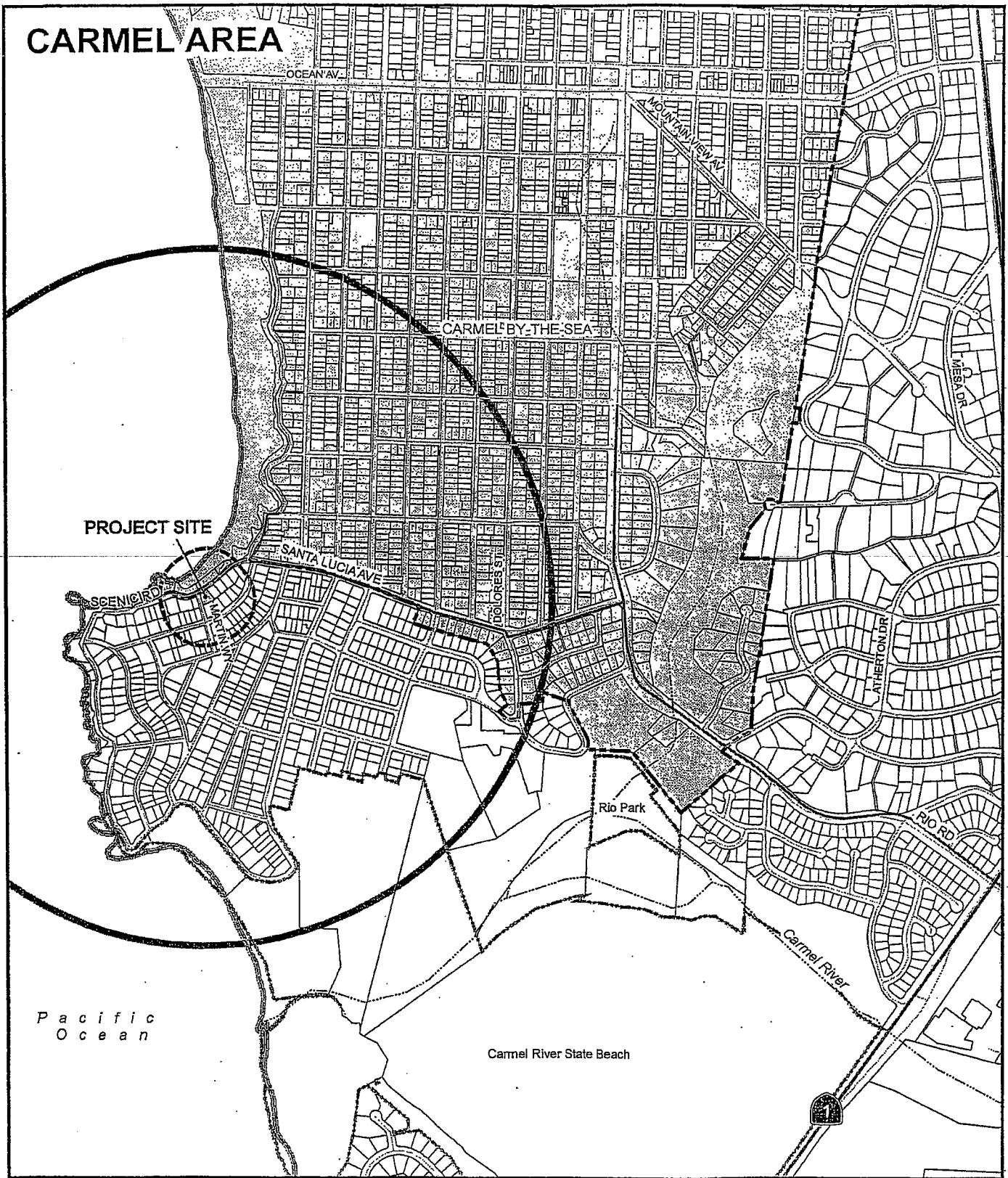
COPY OF THIS DECISION WAS MAILED TO THE APPLICANT AND THE CALIFORNIA COASTAL COMMISSION ON 3-4-09

THIS APPLICATION IS ALSO APPEALABLE TO THE **COASTAL COMMISSION**. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE DIRECTOR OF PLANNING, 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 95060.

**NOTE:**

1. You may need a building and/or grading permit and must comply with the Monterey County Resource Management Agency-Building Services Department 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 working days after the mailing of the 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 an appeal. Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Resource Management Agency - Planning Department.
2. This permit expires four years after the above date of granting thereof unless construction or use is started with this period.




# EXHIBIT E"

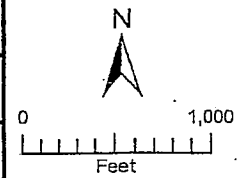


APPLICANT: WEIS

APN: 009-411-008-000

FILE # PLN070535

 300' Limit  2500' Limit  City Limits



PLANNER: GONZALES