

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: October 31, 2013 Time: 2:20 P.M	Agenda Item No.: 4
Project Description: Coastal Development Permit and Design Approval to allow the construction of a 560 square foot two-car garage and gate prior to the establishment of a main use.	
Project Location: 3136 Serra Avenue, Carmel	APN: 009-082-019-000
Planning File Number: PLN130506	Owner: Mallery, Timothy A Agent: Sylvia Savage
Planning Area: Carmel Area Land Use Plan	Flagged and staked: Yes
Zoning Designation: : “MDR/2-D (CZ)” [Medium Density Residential, 2 dwelling units per acre with Design Control Overlay, Coastal Zone]	
CEQA Action: Categorically Exempt per Section 15303 (e)	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit B**) to:

- 1) Find the project Categorical Exempt per Section 15303 (e); and
- 2) Approve PLN130506, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**)

PROJECT OVERVIEW:

The proposed project involves a Coastal Development Permit and Design Approval to allow the construction of a 560 square foot two-car garage and gate prior to the establishment of a main use. The property is located at 3136 Serra Avenue, Carmel (Assessor's Parcel Number 009-082-019-000) in the Coastal Zone of the County of Monterey (Carmel Land Use Plan).

Project Description

The subject property is zoned MDR/2-D(CZ) or Medium Density Residential, 2 units per acre, with Design Control Overlay. This zoning designation is designed for residential development, including the construction of accessory structures. The project involves the approval and issuance of a Design Approval, which is required to comply with the “D” or Design Control Overlay. The materials proposed for use consist of board and batt siding (oxford brown with swiss coffee trim) and composition shingle roof (timberline hickory).

The primary issue/concern with the project is the development of an accessory (non-habitable) structure on the site, prior to the establishment of the main use (residential development), which requires the issuance of a Coastal Development Permit pursuant to Monterey County Code (MCC) 20.12.050.N. The project site is under the same ownership as an adjacent parcel (009-082-020-000; 24630 Guadalupe Street, Carmel) which has previous residential development. The proposed project will provide parking and storage (off-street) for the adjacent property. In order to allow placement of the non-habitable structure (garage) no tree removal will be required, however minor trimming of an Oak tree (one branch) will be completed to make additional space for the roofline (12 feet in height) of the structure; no other impacts to biological resources (flora or fauna) are anticipated on site. The proposed structure has been located within the property to comply with all applicable front, side and rear setbacks and will be located within the center of the site.

CEQA

California Environmental Quality Act (CEQA) Guidelines Section 15303 (e) categorically exempts new accessory structures. The project involves the construction of a small non-habitable accessory structure (two-car garage) and gate. No adverse environmental effects were identified during staff MALLERY (PLN130506)

structure (two-car garage) and gate. No adverse environmental effects were identified during staff review of the development application during a site visit on January 10, 2013.

Recommendation

Staff recommends that the Zoning Administrator find the project categorically exempt from California Environmental Quality Act (CEQA) Guideline, Section 15303(e) and approve the Coastal Development Permit and Design Approval to allow the construction of a 560 square foot two-car garage and gate prior to the establishment of a main use.

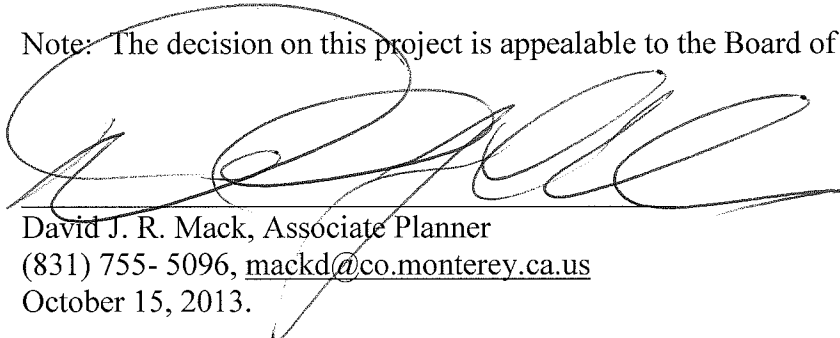
OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

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

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by Resource Management Agency-Public Works and Resource Management Agency-Planning Department have been incorporated into the Condition Compliance Reporting Plan attached to the draft resolution (**Exhibit B**).

The project was review by the Carmel Highlands Land Use Advisory Committee (LUAC) since it involves a Design Approval subject to review by the Zoning Administrator. The LUAC recommended approval of the project by a 4-0 vote, with 1 member absent on October 7, 2013. The LUAC recommended changes to the exterior lights, requesting that the lights be either softened, down-cast, or directed toward the garage wall. Copies of the LUAC minutes have been attached as **Exhibit D**.

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



David J. R. Mack, Associate Planner
(831) 755- 5096, mackd@co.monterey.ca.us
October 15, 2013.

cc: Front Counter Copy; Zoning Administrator; Cypress Fire Protection District; RMA- Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Bob Schubert, Senior Planner; Laura Lawrence, Planning Services Manager; David J. R. Mack, Project Planner; Timothy A Mallery, Owner; Sylvia Savage, Agent; The Open Monterey Project; LandWatch; Planning File PLN130506.

Attachments: Exhibit A Project Data Sheet
 Exhibit B Draft Resolution, including:
 • Conditions of Approval

MALLERY (PLN130506)

- Site Plan and Elevations
- Exhibit C Vicinity Map
Exhibit D Carmel Highlands LUAC Minutes

This report was reviewed by Bob Schubert, Senior Planner.

EXHIBIT A

Project Information for PLN130506

Application Name: Mallery Timothy A
Location: 3136 Serra Ave, Carmel
Applicable Plan: Carmel LUP
Advisory Committee: Carmel/Carmel Highlands Advisory Committee
Permit Type: Coastal Development Permit
Environmental Status: Exempt
Zoning: MDR/2-D(CZ)

Primary APN: 009-082-019-000
Coastal Zone: Yes
Final Action Deadline (884): 11/2/2013
Land Use Designation: Residential - Medium Density

Project Site Data:

Lot Size: 5022.6
Existing Structures (sf): 0
Proposed Structures (sf): 560
Total Sq. Ft.: 560

Coverage Allowed: 35
Coverage Proposed: 11
Height Allowed: 15
Height Proposed: 12' 5"

FAR Allowed: 45
FAR Proposed: 11

Special Setbacks on Parcel:

Resource Zones and Reports:

Seismic Hazard Zone: III
Erosion Hazard Zone: Moderate
Fire Hazard Zone: NONE
Flood Hazard Zone: X (unshaded)
Archaeological Sensitivity: moderate
Visual Sensitivity: None

Soils Report #: LIB130015
Biological Report #: N/A
Forest Management Rpt. #: LIB130028
Geologic Report #: N/A
Archaeological Report #: LIB130016
Traffic Report #: N/A

Other Information:

Water Source: PUBLIC
Water Purveyor: CAL-AM
Fire District: Cypress FPD
Tree Removal: NONE

Grading (cubic yds.): 0
Sewage Disposal (method): N/A
Sewer District Name: N/A

**EXHIBIT B
DRAFT RESOLUTION**

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

In the matter of the application of:

TIMOTHY A MALLERY (PLN130506)

RESOLUTION NO. ----

Resolution by the Monterey County Hearing Body:

- 1) Finding the project Categorically Exempt per Section 15303 (e); and
- 2) Approving a Coastal Development Permit and Design Approval to allow the construction of a 560 square foot two-car garage and gate prior to the establishment of a main use.

[PLN130506, Timothy A Mallery, 3136 Serra Avenue, Carmel Land Use Plan (APN: 009-082-019-000)]

The Mallery application (PLN130506) came on for public hearing before the Monterey County Zoning Administrator on October 31, 2013. 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 3136 Serra Avenue, Carmel (Assessor's Parcel Number 009-082-019-000), Carmel Area Land Use Plan . The parcel is zoned MDR/2-D (CZ) Medium Density Residential, 2 units per acre with a Design Control overlay in the coastal zone, which allows development of an accessory structure prior to main use, subject to the issuance of a Coastal Development Permit, pursuant to Monterey County Code (MCC) Section 20.12.050.N. Therefore, the project is an allowed land use for this site.
 - c) This project consists of a Coastal Development Permit and Design

Approval to allow the construction of a 560 square foot two-car garage and gate prior to the establishment of a main use. The materials to consist of board and batt siding (oxford brown with swiss coffee trim) and composition shingle roof (timberline hickory).

- d) The project planner conducted a site inspection on January 10, 2013 to verify that the project on the subject parcel conforms to the plans listed above.
- e) The project was referred to the Carmel Area 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 warrant referral to the LUAC because the Design Approval will be heard before the Zoning Administrator. The LUAC recommended approval of the project by a 4-0 vote, with 1 member absent on October 7, 2013. The LUAC recommended changes to the exterior lights, requesting that the lights be either softened, down-cast, or directed toward the garage wall. A condition requiring the submittal of an exterior lighting plan has been added to the project to ensure that lighting of the structure is unobtrusive, down-lit, and harmonious with the local area (Condition 7). Copies of the LUAC minutes have been attached as **Exhibit D** of the October 31, 2013 Zoning Administrator Staff Report.
- f) 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 PLN130506.

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, Cypress 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. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts to Tree Resources, Archaeological Resources, Soil/Slope Stability. The following reports have been prepared:
 - “Geotechnical Investigation for APN 009-082-019 and APN 009-082-020” (LIB130015) prepared by Haro, Kasunich and Associates, Inc, Watsonville, California, November 15, 2012.
 - “Preliminary Cultural Resources Reconnaissance of Assessor’s Parcel Numbers 009-082-019 & 009-082-020” (LIB130016) prepared by Susan Morley, M.A, Marina, California, March 2012.
 - “Tree Assessment APN: 009-082-019” (LIB130028) prepared by Albert Weisfuss, Monterey, California, January 27, 2012.

The above-mentioned technical reports by outside 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 has independently reviewed these reports and concurs with their

conclusions.

- c) Staff conducted a site inspection on January 10, 2013 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 PLN130506.

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 the RMA - Planning Department, Cypress Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective 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.
 - b) Necessary public facilities such as water and sewer are available but not required for the proposed project (construction of non-habitable accessory dwelling unit).
 - c) Preceding and following findings and evidence.
 - d) Staff conducted a site inspection on January 10, 2013 to verify that the site is suitable for this use.
 - e) 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 PLN130506.

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 January 10, 2013 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 PLN130506.

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 15303 (e) categorically exempts new accessory structures.
 - b) The project involves the construction of a small non-habitable accessory structure (two-car garage) and gate.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on January 10, 2013.
 - d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The proposed project does not have cumulative impacts of successive projects if the same type in the same place; is not located within or near a scenic highway, road or corridor; is not located on a hazardous waste site; and does not involve any change to a historical resource.
 - e) Preceding and following findings and evidence.
 - f) Staff conducted a site inspection on January 10, 2013 to verify that the site is suitable for this use.
 - g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN130506.

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 20.146.130 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 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) 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 PLN130506
 - e) The project planner conducted a site inspection on January 10, 2013.

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

- EVIDENCE:**
- a) Section 20.76.040 E. of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
 - b) Section 20.86.080 A. 3. of the Monterey County Zoning Ordinance states that the proposed project is subject to appeal to the Coastal Commission because the project involves development that is permitted in the underlying zone as a conditional use (Coastal Development Permit).

DECISION

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

1. Find the project Categorically Exempt per Section 15303 (e);
2. Approve the Coastal Development Permit and Design Approval to allow the construction of a 560 square foot two-car garage and gate prior to the establishment of a main use, in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference; and

PASSED AND ADOPTED this 31th day of October, 2013 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

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

Monterey County Planning Department

DRAFT Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan

PLN130506

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Coastal Development Permit and Design Approval (PLN130506) allows the construction of a 560 square foot two-car garage and gate prior to the establishment of the main use on the property. The property is located at 3136 Serra Avenue, Carmel (Assessor's Parcel Number 009-082-019-000), Carmel Area Land Use Plan. This permit 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 RMA - Planning. 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)

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 Coastal Development Permit and Design Approval (Resolution Number ***) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Number 009-082-019-000 on October 31, 2013. The permit was granted subject to 10 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

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.

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. Monterey County RMA - Planning 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)

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 Monterey County RMA - Planning 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/her/its 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, recordation of the certificates of compliance 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)

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 for review and signature by the County.

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

5. PD007- GRADING WINTER RESTRICTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services. (RMA - Planning and RMA - Building Services)

Compliance or Monitoring Action to be Performed: The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

6. PD011 - TREE AND ROOT PROTECTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to RMA - Planning for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to RMA-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

7. 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 RMA - Planning, prior to the issuance of building permits. (RMA - Planning)

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 RMA - Planning 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.

8. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on October 31, 2016 unless use of the property or actual construction has begun within this period. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

9. PD041 - HEIGHT VERIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible on-site until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor to the Director of RMA - Building Services 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 and RMA - Building Services)

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

Prior to the foundation pre-pour inspection, the Owner/Applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of RMA- Building Services for review and approval, that the height of first finished floor from the benchmark is consistent with what was approved on the building permit.

Prior to the final inspection, the Owner/Applicant/Engineer shall provide evidence from a licensed civil engineer or surveyor, to the Director of RMA- Building Services for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.

10. PW0005 - ENCROACHMENT (STD DRIVEWAY)

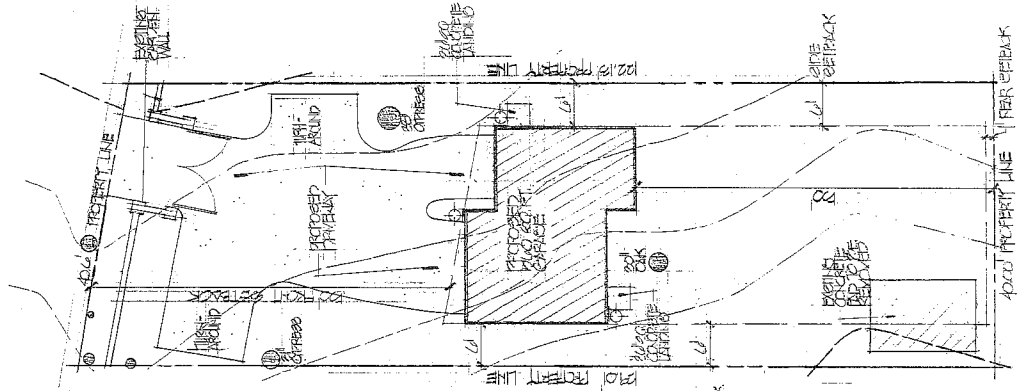
Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Department of Public Works and construct a standard driveway connection to Serra Avenue.

Compliance or Monitoring Action to be Performed: Prior to Building/Grading Permits Issuance, Owner/Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible in obtaining all permits and environmental clearances.

REVIEW
 AUG 07 2013
 MONTEREY COUNTY
 PLANNING DEPARTMENT

SITE PLAN
 SHEET 101



PROPERTY INFORMATION:
 OWNER: TIM WALLERY
 2845 CARMELA
 CARMEL, CA 95008
 ESSENTIAL PLAN

SITE INFORMATION:
 LOT: 081022.041
 BLOCK: 147
 ZONING: MDR(O-D)(OO)
 LOT AREA: 10024.6 SF
 PAR: 4576

FLOOR AREA: 2260.17 SF
ALLOWABLE FLOOR AREA: 2260.17 SF
EXISTING FLOOR AREA: 0 SF
PROPOSED FLOOR AREA: 2260.17 SF

PROJECT DESCRIPTION:
 CONSTRUCTION OF GARAGE
 STRUCTURE

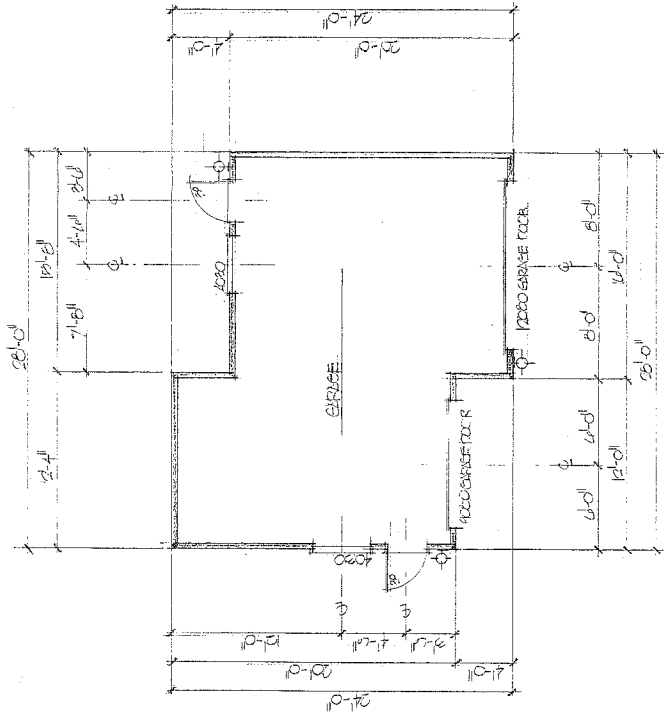
NOTED FOR FEEDBACK:
 ALL LANDSCAPE IS EXISTING AND IS TO REMAIN
 EXCEPT WHERE SHOWN OTHERWISE. MAXIMUM WINDMOTION EBEBERS
 PER COUNTY CODES.

APPROVED FOR THE BOARD OF SUPERVISORS
 MONTEREY COUNTY
 AUGUST 7, 2013

PROPOSED BY: TIM WALLERY
 2845 CARMELA
 CARMEL, CA 95008

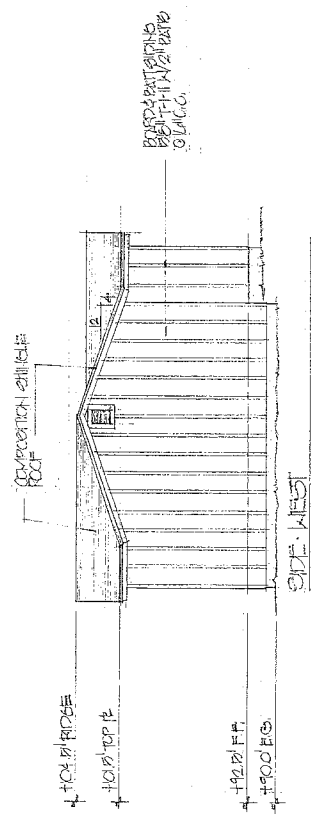
DATE: AUG 7, 2013
 TIME: 10:00 AM
 LOCATION: PLANNING DEPARTMENT
 SHEET 101

EXTERIOR FINISH NOTES
 ROOF TO BE THATCHER LIKE WITH DEFINITION
 COMPOSITION ANGLES - CHAR - HICKORY
 KINGSWOOD BE MILDRED VINTL - GRAY - WHITE
 EXTERIOR PAINT TO BE KEATLY WHITE
 PAINT COLOR: OXFORD WHITE
 TRIM COLOR: CHERRY CUPPER

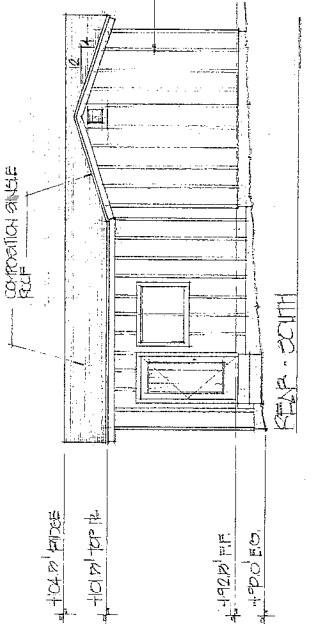


PROPOSED CEILING PLAN - 200 EQFT
 SCALE: 1/4" = 1'-0"

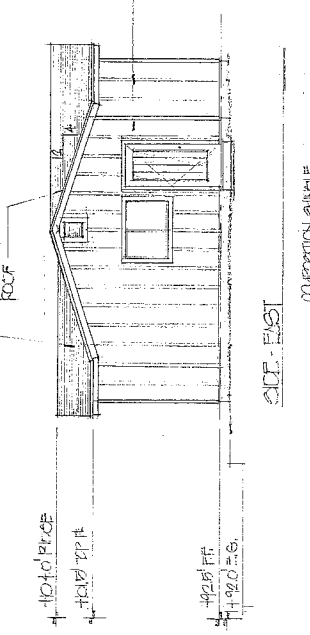
NOTE:
 POSITIVE CORNER TREATMENT 24" LED LIGHTS IN SWITCH SENSORS



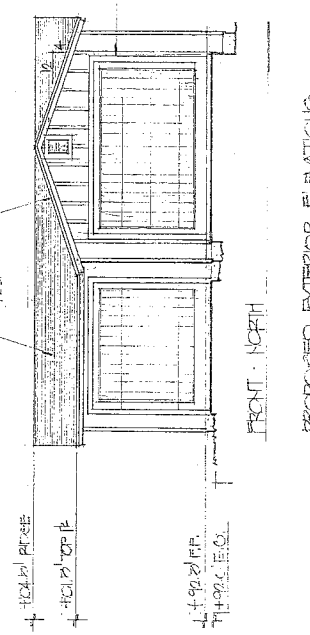
PROPOSED EXTERIOR
 PAINT COLOR: OXFORD
 WHITE



PROPOSED EXTERIOR
 PAINT COLOR: OXFORD
 WHITE



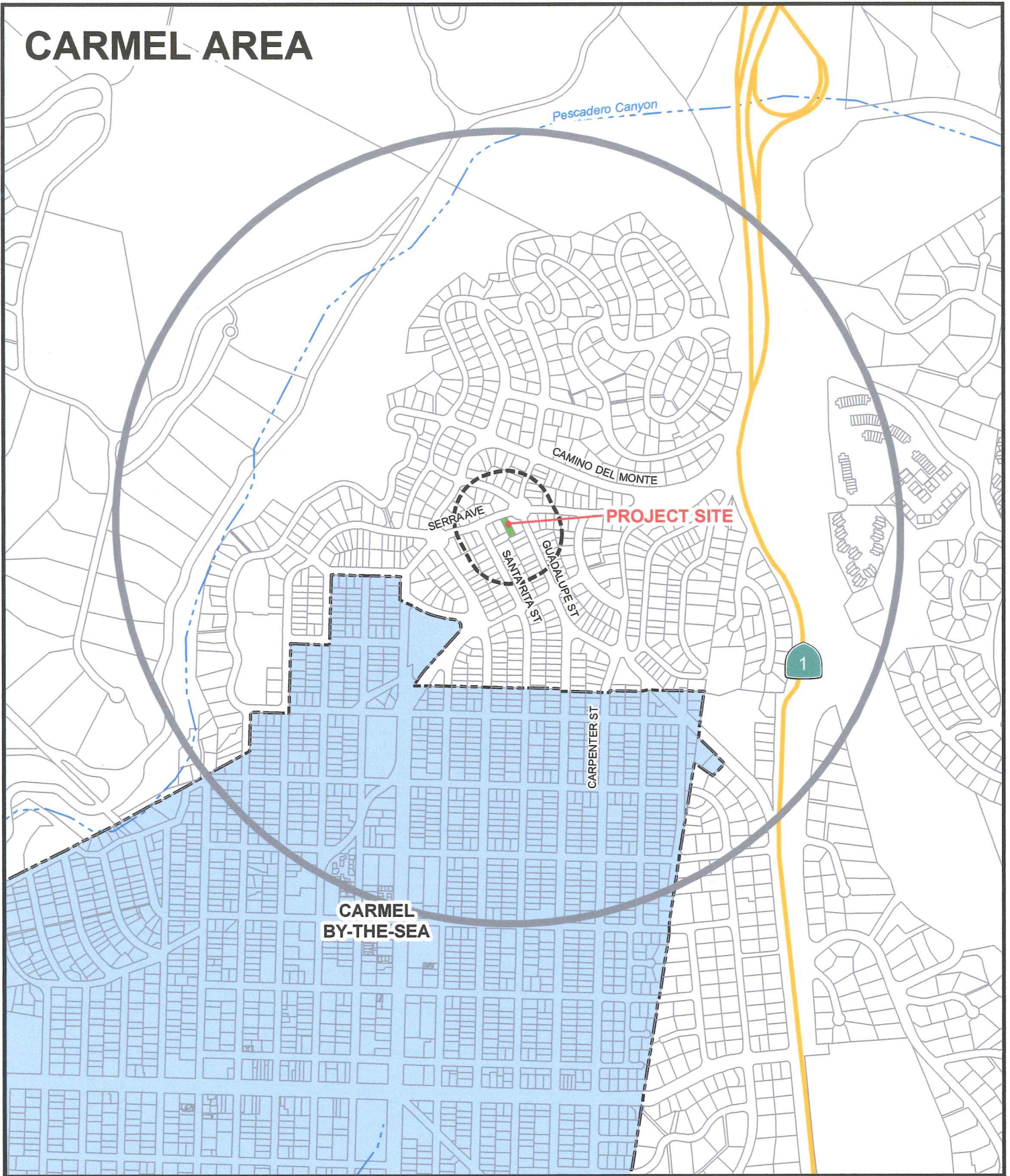
PROPOSED EXTERIOR
 PAINT COLOR: OXFORD
 WHITE



PROPOSED EXTERIOR
 PAINT COLOR: OXFORD
 WHITE

PROPOSED EXTERIOR ELEVATIONS
 SCALE: 1/4" = 1'-0"

CARMEL AREA

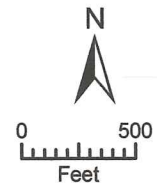


APPLICANT: MALLERY

APN: 009-082-019-000

FILE # PLN130506

 2500' Limit  300' Limit  Water  City Limits



EXHIBIT 

PLANNER: LEON

MINUTES

Carmel Highlands Land Use Advisory Committee

~~Tuesday~~, October 7, 2013
MONDAY

1. Meeting called to order by Davis at 4:05 pm

2. Roll Call

Members Present: Davis, Mcheen, Wald, Rainer

Members Absent: Adam Jeselnick

3. Approval of Minutes:

a. September 3, 2013 minutes

Motion: Mcheen - approval (LUAC Member's Name)

Second: Wald (LUAC Member's Name)

Ayes: 4 - Wald, Mcheen, Davis, Rainer

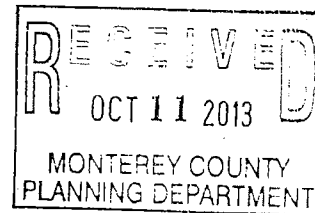
Noes: ⊖ None

Absent: A. Jeselnick - (1)

Abstain: ⊖ None

4. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

None

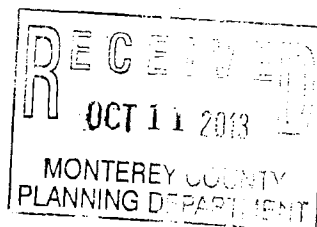


5. **Scheduled Item(s)** – Refer to attached project referral sheet(s)

6. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None



B) Announcements

None

7. **Meeting Adjourned:** 5:05 pm

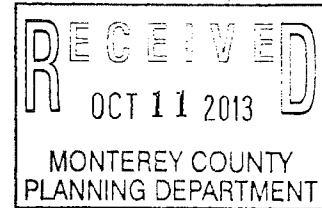
Minutes taken by: B. Reinert, acting sec'y.

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA 93901
(831) 755-5025

Advisory Committee: **Carmel Unincorporated/Highlands**

Please submit your recommendations for this application by: **October 7, 2013**



Project Title: MALLERY TIMOTHY A

File Number: PLN130506

File Type: ZA

Planner: MACK

Location: 3136 SERRA AVE CARMEL

Project Description:

Coastal Administrative Permit and Design Approval to allow the construction of a 560 square foot two-car garage prior to the establishment of a main use. The property is located at 3136 Serra Avenue, Carmel (Assessor's Parcel Number 009-082-019-000), Carmel Land Use Plan, Coastal Zone.

Was the Owner/Applicant/Representative present at meeting? Yes No
Timothy Mallery (owner)

Was a County Staff/Representative present at meeting? *Ann Quenga* (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
<i>none</i>			

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
Permanent address must be posted at gate entry to parcel	Cannot take electric power across property line. Garage electric supply must have its own meter.	Permanent street address must be posted.
Lighting, as proposed, is not acceptable to LUAC (3 exterior lights fixtures). Source of light must be softened or reflected toward wall of garage - or down cast.	Colors and materials are appropriate for this small garage project.	Exterior lights on garage (3 locations) must be down cast or reflected back toward wall.
No design was shown but applicant states the gate (driveway) will be wood, solid wood and dark brown.		Solid wooden gate to be designed at parcel entry from street.

ADDITIONAL LUAC COMMENTS Oak tree near rear of garage structure must be protected during construction. Any excavation in this area must be by hand digging to protect roots and trunk.

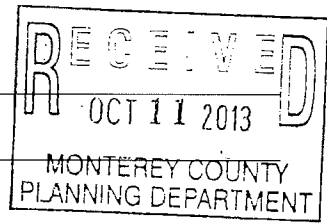
White trim of windows and doors should be softened w/ color against the dark brown proposed for walls, less contrast between these two colors.

RECOMMENDATION: Sides yard set back of 6' is required. 50 ft. front yard set back required, and height of garage roof is 15' as stated in county reqs.

Motion by: Meheen, Motion to approve (LUAC Member's Name)
with 3 conditions: 1. Permanent address must be posted
2. Not shown but proposed dark brown wooden gate at entrance to property.
3. The 3 exterior lights on garage are not acceptable to LUAC.

Second by: Wald
 Support Project as proposed
 Recommend Changes (as noted above)

Continue the Item
 Reason for Continuance: _____
 Continued to what date: _____



AYES: 4 - Wald, Meheen, Davis, Rainor
 NOES: None
 ABSENT: 1 - Jeselnick
 ABSTAIN: None