

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 02081

A. P. # 010147

FINDINGS AND DECISION

In the matter of the application of
Kevin & Sandra Shakell (PLN010147)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located at 154 San Remo Drive, Carmel, between Mentone Drive and Mal Paso Road, Carmel Highlands Area, Coastal Zone, came on regularly for hearing before the Planning Commission on December 11, 2002.

WHEREAS: Said proposal includes:

- 1) Coastal Administrative Permit to allow construction of a new 3,996 square foot single family dwelling including a 529 square foot attached garage, driveway, a retaining wall which is approximately 6 feet high and 50 feet long, an approximately 700 square foot concrete guest parking area, driveway, and grading (approximately 750 cubic yards of cut and 730 cubic yards of fill);
- 2) Coastal Development Permit for removal of ten (10) Monterey Pines including two (2) landmark trees; and
- 3) Design Approval

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING: CONSISTENCY** - The Project, as conditioned is consistent with applicable plans and policies, Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development.

- EVIDENCE:**
- (a) PBI staff have reviewed the project as contained in the application and accompanying materials for consistency with the Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan. PBI staff have reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and have determined that the project is consistent with the Carmel Area Land Use Plan which designates this area as appropriate for residential development. Staff notes are provided in Project File PLN010147.
 - (b) Project planner conducted an on-site inspection on June 22, 2002 to verify that the project on the subject parcel conforms to the plans listed above.
 - (c) The project for a single family home is an allowed use in accordance with Sections 20.14.040.
 - (d) The parcel is zoned Low Density Residential, 1 unit/acre, Design Control District, Coastal Zone ("LDR/1-D (CZ))." The project is in compliance with Site Development Standards for a Low Density Residential District in accordance with Section 20.14.060.
 - (e) **LAND USE ADVISORY COMMITTEE:** The Carmel Unincorporated/Carmel Highlands Land Use Advisory Committee recommended approval of the project by a vote of 5 for and 0 against. LUAC meeting minutes dated June 17, 2002.

(f) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN010147.

2. **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, and all zoning violation abatement cost, if any, have been paid.

EVIDENCE: (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

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

(b) Technical reports have been provided by consulting geotechnical engineers and geologists with recommended conditions and modifications that provide additional assurances regarding project safety. "Geologic Report for a Single Family Homesite" prepared by Nielsen and Associates, Santa Cruz, CA, April, 2002, updated on November 18, 2002; "Geotechnical Investigation for Proposed Single Family Residence" prepared by Haro. Kasunich & Associates, Inc., Watsonville, February 19, 2002, updated November 25, 2002. Reports are in Project File PLN010147.

4. **FINDING: SITE SUITABILITY** - The site is suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and Carmel Highlands Fire Protection District. Conditions recommended have been incorporated.

(b) Technical reports by outside archaeology, geology and geotechnical consultants indicate that there are no physical or environmental constraints such as geologic or seismic hazard areas or similar areas that would indicate the site is not suitable for the use proposed. "Preliminary Archaeological Reconnaissance" prepared by Archaeological Consulting, Salinas, CA, June 1, 2001. "Geologic Report for a Single Family Homesite" prepared by Nielsen and Associates, Santa Cruz, CA, April, 2002, updated on November 18, 2002; "Geotechnical Investigation for Proposed Single Family Residence" prepared by Haro. Kasunich & Associates, Inc., Watsonville, February 19, 2002, updated November 25, 2002. Reports are in Project File PLN010147.

(c) Staff conducted an on-site visit on June 20, 2002 to verify that the site is suitable for this use.

(d) Necessary public facilities are available and will be provided.

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

EVIDENCE: (a) CEQA Guidelines Section 15303(A) categorically exempts the construction of a single family dwelling in a residential area.

(b) No potential adverse environmental effects were identified during staff review of the development application or during the site visit on June 20, 2002.

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

EVIDENCE (a) The subject property is not described as an area where the Local Coastal Program requires access.
(b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 3, the 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 June 20, 2002.

7. **FINDING: TREE REMOVAL** – The subject project minimizes tree removal in accordance with the applicable goals and policies of the Carmel Area Land Use Plan and Coastal Implementation Plan (Part 4). No alternatives to development (such as resiting, relocation or reduction in development area) exist whereby the removal of landmark trees can be avoided.

EVIDENCE: (a) The proposed project has been redesigned twice in order to minimize tree removal. The current proposal will require the removal of a total of ten (10) Monterey pines.
(b) Two landmark pine trees are proposed for removal. One of them, a 42-inch landmark Monterey pine, is located directly in the footprint of the proposed house. Other siting and design alternatives analyzed also resulted in the removal of landmark trees and in a higher tree removal count. The other one, a 40-inch landmark Monterey pine could be saved but would pose a hazard to the future residence and to other trees on the parcel. All other landmark Monterey pines on the property will be retained.
(c) A one-to-one replacement of native trees is required except when it will result in an overcrowded and unhealthy environment (see 20.146.060.D.6). It was determined in the Forest Management Plan that sufficient room exists on the site to plant the necessary replacement trees in accordance with the required ratio.
(d) Forest Management Plan prepared by Stephen R. Staub, Forester and Environmental Consultant, dated March, 2002 and updated June 17, 2002, September 12, 2002, and November 29, 2002. Report is in Project File PLN010147.

8. **FINDING: APPEALABILITY** - The project is appealable to the Board of Supervisors and California Coastal Commission.

EVIDENCE: (a) Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan (Part 1).

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

1. The subject Combined Development Permit consists of a Coastal Administrative Permit to allow construction of a new 3,996 square foot single family dwelling including a 529 square foot attached garage, driveway, a retaining wall which is approximately 6 feet high and 50 feet long, an approximately 700 square-foot concrete guest parking area, and grading (approximately 750 cubic yards of cut and 730 cubic yards of fill); a Coastal Development Permit for removal of ten (10) Monterey Pines including two landmark trees; and Design Approval. The property is located at 154 San Remo Drive, Carmel (Assessor's Parcel Number 243-193-010-000), between Mentone Drive and Mal Paso Road, Carmel Highlands area, Coastal Zone. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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 Planning and Building Inspection. 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. **(Planning and Building Inspection)**

Prior to the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A permit (Resolution # 02081) was approved by the Planning Commission for Assessor's Parcel Number 243-193-010-000 on December 11, 2002. The permit was granted subject to 25 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
3. All exterior lighting shall be unobtrusive, 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 exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection)**
4. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
5. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
6. The applicant shall incorporate the recommendations from the Geotechnical Investigation Report prepared by Haro Kasunich & Associates dated June 19, 2002, updated on November 25, 2002, into the building permit plans. **(Planning and Building Inspection)**
7. A notice shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan has been prepared for this parcel by Stephen R. Staub dated November 29, 2002, and is on record in the Monterey County Planning and Building Inspection Department Library. All tree removal and planting on the parcel must be in accordance with the Forest Management Plan, as approved by the Director of Planning and

Building Inspection, with the exception of the snag labeled "Tree #55" that is marked for removal, which shall be retained."

This notice shall be recorded prior to issuance of building or grading permits. **(Planning and Building Inspection)**

8. Native trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by 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 shall be demonstrated in the form of photographs submitted prior to issuance of building permits and will be subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
9. The snag labeled "Tree #55" in the Forest Management Plan by Stephen Staub, dated November 29, 2002 that is marked for removal shall be retained. **(Planning and Building Inspection)**
10. A drainage plan shall be prepared by a registered civil engineer or architect to address on-site impacts. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. **(Water Resources Agency)**
11. Prior to the issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property in the form of an approved Water Release Form. **(Water Resources Agency)**
12. Before construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted prior to requesting final clearance. All address numbers (permanent & temporary) shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the address numbers shall be set adjacent to the driveway or access road to the property. Address numbers posted shall be Arabic, not Roman or written out in words. Address numbers posted shall be a minimum number height of 3 inches with a 3/8 inch stroke, and contrasting with the background colors of the sign. **(Carmel Highlands Fire Protection District)**
13. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:

"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection." **(Carmel Highlands Fire Protection District)**

Prior to Final Building Inspection/Occupancy:

14. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a) All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - b) Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency & Planning and Building Inspection)**
15. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, specie, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection)**
16. The landscape plan shall reflect the tree replacement and transplanting indicated in the approved Forest Management Plan. **(Planning and Building Inspection)**
17. Remove flammable vegetation from within 30 feet of structure (or to property line), Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. **(Carmel Highlands Fire Protection District)**
18. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances and be capable of supporting the imposed load of fire apparatus (60,000#). **(Carmel Highlands Fire Protection District)**
19. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. **(Carmel Highlands Fire Protection District)**
20. For residential driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius of curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. **(Carmel Highlands Fire Protection District)**
21. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Carmel Highlands Fire Protection District)**
22. Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. **(Carmel Highlands Fire Protection District)**

Continuous Permit Conditions:

- 23. If during the course of construction activity on the subject property, cultural, archaeological, historical, 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 it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**
- 24. All landscaped areas and replanted trees shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**
- 25. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 11th day of December, 2002 by the following vote:

AYES: Errea, Sanchez, Hawkins, Brennan, Parsons, Diehl, Hernandez, Engell, Wilmot
 NOES: None
 ABSENT: Pitt-Derdivanis

Original Signed By:
 LYNNE MOUNDAY, SECRETARY PRO TEM

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 OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

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 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 and Building Inspection Department office in Marina.

2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.