

**MONTEREY COUNTY PLANNING COMMISSION
STATE OF CALIFORNIA**

RESOLUTION NO. 02083

A.P.# 243-141-011-000

FINDINGS AND DECISION

In the matter of the application for
Drew & Kay Gibson (DA020279)

WHEREAS: The Planning Commission pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a design approval to allow the addition of fencing and hardscape to a single family dwelling previously approved by Coastal Development Permit (PLN970017) to include the following: gates, fencing, walls, walkways and patios; materials and colors to consist of: rusted corten steel fencing (1/4" x 3" slats, 5' to 6' tall), concrete fence base (tan, stone veneer retaining walls, dry stack stone walls {Shennandoah Ledger Stone (tan with rust,)} rusted steel and weathered wood meandering fence, steel with powdercoat paint (copper) screen fence, and wood walkways with steel screen railings (copper), located at 34 Yankee Point Drive, Carmel Highlands, west of Yankee Point Drive between Yankee Beach Way and Carmel Riviera Drive, Carmel area, Coastal Zone, came on regularly for hearing before the Planning Commission on December 11, 2002.

1. **FINDING:** The subject Design Approval (DA020279), as described in Condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the California Coastal Act, Carmel Area Land Use Plan, Monterey County Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). The project site is located at 34 Yankee Point Drive in the Yankee Point area of the Coastal Zone. The parcel is zoned "LDR/1(20')(D)(CZ)" or Low Density Residential, 1 unit per acre gross maximum density, with a 20 ft. height limit, design review required. The site is physically suitable for the proposed development. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 20, and any zoning violation abatement costs have been paid.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- 1) The California Coastal Act
- 2) The certified Carmel Area Land Use Plan
- 3) Chapter 20.146 Monterey County Coastal Implementation Plan, regulations for development in the Carmel Area Land Use Plan
- 4) Title 20 (Zoning Ordinance) - Regulations for development in the Low Density Residential or "LDR (CZ)" District found in Chapter 20.14 and Regulations for Development in Design Control or "D" District found in Chapter 20.44 of the Monterey County Coastal Implementation Plan
- 5) Coastal Implementation Plan, Part 6

EVIDENCE: County planners conducted site visits in July, September and December of 2002 and verified that the proposed project complies with the Monterey County Coastal Implementation Plan (Part 4).

2. **FINDING:** The project as proposed is consistent with policies of the Carmel Area Land

Use Plan dealing with visual resources and will have no significant impact on the public viewshed. The proposed project was evaluated in terms of the impact upon the public viewshed from State Highway 1 and public turnouts as defined in Section 2.2.1 of the Carmel Area Land Use Plan. The parcel is not visible from the State Highway 1 corridor or public turnouts, however, the parcel is visible from the sea (Monterey Bay Marine Sanctuary) and Yankee Point Drive.

EVIDENCE: The onsite inspection of the proposed development by staff in July, September and December of 2002, pursuant to Section 20.146.030 of the Monterey County Coastal Implementation Plan.

EVIDENCE: Application and Plans submitted by applicant on file (DA020279) with Planning and Building Inspection Department. The plans for the front perimeter fence have been modified to minimize the impact on the view from Yankee Point Drive toward the sea.

3. **FINDING:** The subject parcel is in a Design Control or "D" District requiring Planning Commission action pursuant to Chapter 20.44 of the Monterey County Zoning Ordinance. To this end, the applicant has provided the Planning Commission with a Design Approval Request, drawings, and a statement of materials and colors to be used. The application was referred to the Carmel Unincorporated/Highlands Advisory Committee on July 1, 2002.

EVIDENCE: Design Approval Request form with plans recommended for conditional approval by the Carmel Unincorporated/Highlands Advisory Committee dated July 1, 2002, found in File No. DA020279. Condition number 3 has been added to require that exterior lighting be limited to that required for safety.

4. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15303(e) of CEQA Guidelines categorically exempts the proposed development from environmental review (Class 3). No potential adverse environmental impacts were identified during staff review of the development application.

5. **FINDING:** The project, as approved by the Design Approval, is appealable to the Board of Supervisors and to the California Coastal Commission.

EVIDENCE: Sections 20.44.070, 20.86.030 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, it is the decision of said Planning Commission that said design be granted as shown on the attached sketch.

1. The subject Design Approval allows the addition of fencing and hardscape to a single family dwelling previously approved by Coastal Development Permit No. PLN970017, to include the following: gates, fencing, walls, walkways and patios. Materials and colors to consist of: rusted corten steel fencing (1/4 in. x 3 in. slats, 5 ft. to 6 ft. tall), concrete fence base (tan), stone veneer retaining walls, dry stack stone walls {(Shenandoah Ledger Stone (tan with rust)}, rusted steel and weathered wood meandering fence, steel with powdercoat paint (copper) screen fence, and wood decks with steel screen railings (copper).. 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 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 Construction or the Issuance of Building Permits:

2. The applicant shall record a notice which states: "A permit (Resolution 02083) was approved by the Monterey County Planning Commission for Assessor's Parcel Number 243-141-011-000 on December 11, 2002. The permit was granted subject to 8 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 and harmonious with the local area. Lighting fixtures shall be adequately shielded and designed at near-ground level so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lighting shall be kept to the minimum required for safety. No uplighting shall be allowed. 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. 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)**

Prior to Final Building Inspection/Occupancy:

5. Prior to final inspection, applicant shall provide verification by a Civil Engineer that the front perimeter fence does not exceed the dimensions as shown on the approved plans, sheet L6.5. **(Planning and Building Inspection)**
6. All new landscaping shall be compatible with the scenic character of the area and shall retain existing shoreline and ocean views. **(Planning and Building Inspection)**

Continuous Permit Conditions:

- 7. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**

- 8. 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 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)**

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.