

RESOLUTION NO. 010548

A. P. # 243-163-002-000

In the matter of the application of  
**John Filighera (PLN010548)**

**FINDINGS AND DECISION**

to allow a **Combined Development Permit** in accordance with Title 20 (Zoning) Chapter 21.210 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Administrative Permit to allow a 338 sq. ft. first story addition, a 484 sq. ft. garage addition, and a 1,480 sq. ft. second-story addition with 416 sq. ft. of deck to an existing 1,427 sq. ft. single story single family dwelling; 285 sq. ft. of cantilevered trellis with 12 inch wood columns, new windows, stucco, new tile roof, installation of new septic tank, leach field, a new 67 foot cedar wood fence, and construction of a retaining wall; a Coastal development Permit to allow a partial demolition; a Coastal Development Permit for development within 750 ft. of Archaeological resource; and Design Approval, located at 136 Carmel Riviera drive, Carmel, westerly of Highway One, Carmel Highlands area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on July 11, 2002.

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

1. **FINDING:** The Filighera application (PLN010548), as described in condition number one (1), is for a Combined Development Permit. The property is located at 136 Carmel Riviera Drive in the Carmel Highlands area, and is zoned "LDR/1-(26)(CZ)," or: Low Density Residential, 1 acre minimum, Design Control District, with a height limit of 26 feet, Coastal Zone. The project, as conditioned, conforms with the plans, policies, requirements and standards of the Carmel Area Land Use Plan and the Monterey County Coastal Implementation Plan. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the Monterey County Zoning Ordinance. Violation abatement costs, if any, have been paid.  
**EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with the Carmel Area Land Use Plan and Coastal Implementation Plan.  
**EVIDENCE:** The application and plans submitted, in the project file at the Monterey County Planning and Building Inspection Department.  
**EVIDENCE:** The project planner conducted a site visit on March 18, 2002, April 9, 2002, and April 22, 2002, to verify that the proposed project complies with the Monterey County Coastal Implementation Plan, and found the project to be in substantial compliance after redesign, having reviewed the revised site plans and the photos of the April 9 and April 22 site visits with senior members of staff of the Monterey County Planning and Building Inspection Department.  
**EVIDENCE:** Design Approval Request form with revised plans recommended for approval by the Carmel Highlands / Unincorporated Land Use Advisory Committee on June 3, 2002.  
**EVIDENCE:** No archaeological resources were identified on the site during the on-site surface reconnaissance performed by Dr. Robert Cartier. However, a condition of approval requires work to be stopped if resources are identified during construction activities.

**EVIDENCE:** Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

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

**EVIDENCE:** Section 15303(a) of the California Environmental Quality Act (CEQA) Guidelines categorically exempts the proposed development from environmental review. No exceptions to this categorical exemption exist for this project in particular under Section 15300.2, et seq., of the CEQA Guidelines. No adverse environmental impacts were identified during staff review of the development application.

3. **FINDING:** The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

**EVIDENCE:** The project as described in the application and accompanying material, was reviewed by the Monterey County Planning and Building Inspection Department, the Public Works Department; Water Resources Agency; Department of Health, Environmental Health Division; Parks Department; Carmel Highlands Fire Protection District; the Coastal Commission, and the Carmel Highlands Land Use Advisory Committee. The preceding organizations 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 or the county in general.

4. **FINDING:** The decision on this project is appealable to the Monterey County Board of Supervisors and the California Coastal Commission.

**EVIDENCE:** Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation (Title 20).

### 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 following conditions:

1. The subject Combined Development Permit (PLN010548) allows for the construction of a 338 sq. ft. first story addition, a 484 sq. ft. garage addition, and a 1480 sq. ft. second-story addition with 416 sq. ft. of deck to an existing 1427 sq. ft. single story single family dwelling; 285 sq. ft. of cantilevered trellis with 12 inch wood columns, new windows, stucco, new tile roof, installation of new septic tank, leach fields, a new 6 foot cedar wood fence, and construction of a retaining wall; a partial demolition; development within 750 ft. of archaeological resources; and design approval. The property is located at 136 Carmel Riviera Drive, Carmel (Assessor's Parcel Number 243-163-002-000), westerly of Highway One, Carmel Highlands area, Coastal Zone. 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 the Issuance of Grading and Building Permits:**

2. The applicant shall record a notice which states: "A Combined Development Permit (Resolution No. 010548) was approved by the Zoning Administrator for Assessor's Parcel Number 243-163-002-000 on July 11, 2002. The permit was granted subject to **13** 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 downlit, 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. Provide evidence that a note is indicated on the building and grading plans that the septic system shall be installed per the engineered design on file in the Monterey office of the Monterey County Department of Health, Division of Environmental Health. **(Department of Health, Division of Environmental Health)**
5. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. **(Carmel Highlands Fire Protection District)**
6. 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)**
7. 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 and 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)**
8. Prior to issuance of grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect to address on-site impacts. Storm water 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. The drainage plan shall be subject to the approval of the Director of Planning and Building Inspection and the Water Resources Agency. **(Water Resources Agency)**

**Prior to Final Building Inspection/Occupancy:**

9. Prior to final / occupancy, evidence shall be provided from a geotechnical engineer that all construction conforms to the recommendations in the Geotechnical Report prepared for this project. **(Planning and Building Inspection)**
10. 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. The landscaping plan shall provide for thinning of trees at the rear of the site to allow for maximum maturity of the trees. 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, species, 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)**
11. The applicant shall comply with Ordinance No. 3539, 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)**

**Continuous Conditions:**

12. 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)**

- Existing native trees shall be retained to the maximum extent possible both during construction and after construction is completed. All new landscaping shall be compatible with the scenic character of the area and shall retain existing shoreline and ocean views to the maximum extent feasible. **(Planning and Building Inspection)**

**PASSED AND ADOPTED** this **11th** day of July, **2002**.

Original Signed By:

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LYNNE MOUNDAY  
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

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 PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS AND THE COASTAL COMMISSION.

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

- 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 Monterey.

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