

RESOLUTION NO. 020019

A.P.# 009-282-012-000

In the matter of the application of
Charles Gibilterra (PLN020019)

FINDINGS & DECISION

for a Coastal Administrative Permit in accordance with Chapter 20.76 (Coastal Administrative Permits) of Title 20, Monterey County Code (Zoning), allowing for the demolition of more than 50% of a single family dwelling and to allow the construction of an 3,919 sq. ft. one-story single family dwelling with an attached two-car garage; and Design Approval, located at 26123 Mesa Drive, Carmel, west of Highway 1 on Mesa, Carmel 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,

- FINDING:** The subject Coastal Administrative Permit and Design Approval (PLN020019), as described in condition #1 and as conditioned, conforms to the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the Carmel Land Use Plan, Carmel Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). The property is located at 26123 Mesa Drive in the Carmel Area of the Coastal Zone. The parcel is zoned "MDR/2 -D (CZ)" or Medium Density Residential, 2 units/acre, Design Control District. The site is physically suitable for the use proposed. 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: The application and plans submitted for the Coastal Administrative Permit and Design Approval in the project file at the Monterey County Planning and Building Inspection Department.

EVIDENCE: The site is located within an archaeologically sensitive area. Grading activities is less than 100 cubic yards. Condition 15 requires stop work in the event of cultural resources being found during grading and/or construction.

EVIDENCE: Design Approval Request form with plans recommended for approval by the Carmel Highlands/Unincorporated Land Use Advisory Committee by a vote of 5 to 0, 2 absent.

EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the applicable Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

EVIDENCE: The subject property is not described as an area where the Local Coastal Program requires access based on section 20.70.050.B.4.c.i and ii.

2. **FINDING:** The project is consistent with Policy 2.2.3.6 of the Carmel Area Land Use Plan that requires “Structures shall be subordinate to and blended into the environment, using appropriate materials to that effect. Where necessary, modification of plans shall be required for siting, structural, design, color, texture, building materials, access and screening.

EVIDENCE: The proposed structure is consistent with the types of structures in design and height in the immediate area. There are several two-story structures in the immediate area with varying colors and materials as well as design style.

EVIDENCE: The Carmel land Use Advisory Committee approved the project design and commented, “The applicant has said that new roof tiles will be red but a blend of the red of three red ceramic colors in effort to tone down roof expanse. Rocky entry will give front exterior a more rustic look in keeping with what is considered blending with the natural environment”.

3. **FINDING:** The project is consistent with Policy 2.2.3.6 of the Carmel Area Land Use Plan that requires “Landscape screening and restoration shall consist of plant tree species consistent with the surrounding vegetation. Screening on open grassy slopes and ridges should be avoided.

EVIDENCE: The project is required as a condition of approval that a landscape plan providing screening for the proposed structure.

4. **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 Department of Planning and Building Inspection, applicable Fire Department, Public Works and Parks Departments, Environmental Health Division, and Water Resources Agency. The respective departments and Agency 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.

5. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 20, and all zoning violation abatement costs, if any, have been paid.

EVIDENCE: Sections 20.12.040 and 20.44.020 of the Monterey County Coastal Implementation Plan. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

6. **FINDING:** The project is appealable to the Board of Supervisors and, the California Coastal Commission.

EVIDENCE: Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

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

EVIDENCE: Section 15302 Class two of the State CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

DECISION

THEREFORE, it is the decision of said Zoning Administrator, that said application for a Coastal Administrative Permit be granted as shown on the attached sketch, subject to the following conditions:

1. The subject Coastal Administrative Permit allows for the demolition of an existing single family dwelling and the reconstruction of a 3,919 square foot one-story single family dwelling with an attached two-car garage. 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 property owner agrees as a condition and in consideration of the 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. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. **(Planning and Building Inspection Department)**
3. The applicant shall record a notice, which states: "A permit (Resolution PLN020019) was approved by the Zoning Administrator for Assessor's Parcel Number 009-282-012-000 on June 13, 2002. The permit was granted subject to 16 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)**

4. 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 three 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)**
5. 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)**
6. Prior to issuance of grading and/or building permits, a drainage plan shall be prepared by a registered civil engineer or architect to address on-site and off-site impacts, and necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
7. Prior to 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)**

Prior to Final Building Inspection/Occupancy:

8. The applicant shall comply with Ordinance No. 3932 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 re-circulating 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 and Planning and Building Inspection)**
9. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be required with review fees. Fees shall be paid at the time of landscape plan submittal. The landscape plan shall provide screening using native trees and shrubs to obscure views of the proposed structure from the adjacent parcels. 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, either landscaping shall be 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)**
10. Building plans shall reflect hours of operation for construction activities which are limited to the hours of 7 AM and 5 PM, Monday through Friday. **(Planning and Building Inspection)**
11. Prior to issuance of grading and/or building permits, location of staging area shall be indicated on the site plan.

Staging shall not be located outside of the property, unless authorized by the Director of Planning and Building Inspection. **Planning and Building Inspection)**

12. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from the ground. Remove limbs within 10 feet of chimneys. **(Cypress Fire District)**
13. Size of letters, numbers and symbols for addresses shall be a minimum of 3-inch letter height, 3/8-inch stroke, contrasting with the background color of the sign. **(Cypress Fire District)**
14. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located. **(Cypress Fire District)**
15. 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." **(Cypress Fire District)**

Continuous Permit Conditions:

16. 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 July, 2002.

Original Signed By:

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO 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 Monterey.

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