

RESOLUTION NO. 020075

A. P. # 243-131-004-000

In the matter of the application of
Michael Martin (PLN020075)

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 for the construction of a new two-story single family dwelling with an attached two-car garage (3,645 square feet); a Coastal Development Permit to allow the removal of two Monterey Pines (24 inch and 48 inch); and Design Approval; located at 14 Yankee Point Drive, Carmel on the west of Highway 1, 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 Martin application (PLN020075), as described in condition #1 is for a Combined Development Permit. The property is located at 14 Yankee Point Drive in the Carmel Highlands area and is zoned "LDR/1-D-26" or Low Density Residential 1 acre minimum - Design Control District and height limit of 26 feet. The project, as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, Carmel Area Plan, and the Monterey County Zoning Ordinance (Title 20). The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 20 Zoning 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 General Plan and Carmel Area 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 February 14, 2002, to verify that the proposed project complies with the Monterey County Zoning Ordinance.
EVIDENCE: Design Approval Request form with plans recommended for approval by the Carmel Highlands Land Use Advisory Committee.
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 #15303c of the Monterey County CEQA Guidelines categorically exempts the proposed development from environmental review. 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 Department of Planning and Building Inspection, Cypress Fire Protection District, Public Works, Parks Department, Environmental Health Division, and the Water Resources Agency. The preceding departments 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 landmark trees must be removed because there is no alternative to the proposed conforming development that exists whereby the tree removal can be avoided.

EVIDENCE: The Forestry Management Plan documents the health of the trees on this lot and makes recommendations for the replacement.

EVIDENCE: The project plans have been adjusted by the applicant to preserve as many trees as possible and meet the constraints of the lot including the curtain drain for this lot and its northern neighbor.

5. **FINDING:** The decision on this project is appealable to the Board of Supervisors and the Coastal Commission.

EVIDENCE: Section 20.90.030 of the Monterey County Zoning Ordinance (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 (PLN020075) allows for the construction of a single family residence with attached garage and the removal of two Monterey pine trees (24 and 48 inches respectively). The property is located at 14 Yankee Point Drive, in the Carmel Highlands area. 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 PLN020075) was approved by the Zoning Administrator for Assessor's Parcel Number 243-131-004-000 on July 11 2002. The permit was granted subject to 15 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. If applicable, 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. Prior to the issuance of a building or grading permit the applicant shall record a notice which states:

“A Forestry Management Plan has been prepared for this parcel by Stephen R. Staub Dated April 24, 2002 and is on record in the Monterey County Planning Department Library as Lib020144. All the tree removal on the parcel must be in accordance with this forest management plan, as approved by the Director of Planning.”
(Planning and Building Inspection)

5. A drainage plan shall be prepared 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 outlets. **(Water Resources Agency)**
6. An approved septic system location and design is on file at the Division of Environmental Health, File Number PLN010572. A dual leach field with a diversion valve shall be installed in accordance with Chapter 15.20 of Monterey county code and the Soils Survey engineering report requirements. **(Environmental Health)**
7. Prior to issuance of a building permit, applicant shall provide to the Director of Environmental Health written certification, and any necessary certification from State agencies that California American Water Company can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. **(Environmental Health)**
8. 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 District)**

Prior to Final Building Inspection/Occupancy:

9. All construction shall conform to the recommendations in the Geotechnical Report prepared for this project. **(Planning and Building Inspection)**
10. Prior to Final Building Inspection/Occupancy, applicant shall remove the exotic and invasive species following the “Biological Report for 14 Yankee Point Drive, Monterey County” recommendations by Vernal L. Yadon, dated April 9,2002. **(Planning and Building Inspection)**
11. 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)**

12. 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)**
13. 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 District)**
14. 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 District)**

Continuous Conditions:

15. 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 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. IT IS NOT APPEALABLE TO 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 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 2 years after the above date of granting thereof unless construction or use is started within this period.