

LYNNE MOUNDAY  
MONTEREY  
ZONING ADMINISTRATOR  
CALIFORNIA

COUNTY OF

STATE OF

RESOLUTION NO.

010407

A. P. # 241-201-007-

000

In the matter of the application of  
**DECISION**

**FINDINGS AND**

**Louis Ungaretti (PLN010407)**

to allow a **Combined Development Permit** in accordance with Title 20 (Zoning) Chapter 21.210 (Combined Development Permits) of the Monterey County Code, for a Combined Development Permit consisting of a Coastal Administrative Permit to allow for the construction of a two-car, 528 sq. ft. garage and a Coastal Development Permit for the removal of four (4) Coast Live Oaks and two (2) Pines, and Design Approval, located at 227 Peter Pan, Carmel, in a Low Density Residential Zoning District, Carmel Highlands area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on January 9, 2003.

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

### FINDINGS

**1. FINDING:** The proposed project consists of a Combined Development Permit (PLN010407/ Ungaretti) consisting of a Coastal Administrative Permit for the construction of a new 528 square foot garage, a Coastal Development Permit for the removal of seven trees, and Design Approval. The proposed development, together with the provisions of its design, are consistent with both the Carmel Area Land Use Plan and the development standards and zoning regulations contained in the certified Coastal Implementation Plan, specifically Chapter 20.146 "*Regulations for Development in the Carmel Land Use Plan Area.*" The parcel is designated as "LDR/1 (CZ)" (*i.e., Low Density Residential, 1 acre per unit, Coastal Zone*), which allows single-family dwellings. The site is physically suited 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 Combined Development Permit in the project file at the Monterey County Planning and Building Inspection Department.

**EVIDENCE:** Design Approval Request form with plans recommended for approval by the Carmel Unincorporated/Highlands Land Use Advisory Committee with a 5 to 0 unanimous vote in favor of the project proposal; found in File No. PLN010407/Ungaretti.

**EVIDENCE:** The on-site inspection of the parcel by the project planner.

**EVIDENCE:** Based on the Forest Management Plan prepared by John D. Otter, dated January 2, 2002 (in project file PLN010407), the project as proposed is consistent with policies of the Local Coastal Program regarding the removal of trees for development. The property owner has agreed to implement the Forest Management Plan.

**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 proposed project is consistent with regulations for accessory structures.

2. **FINDING:** The proposed project is consistent with policies of the Carmel Land Use Plan dealing with Forest Resources Development Standards.

**EVIDENCE:** A forest management plan was prepared for the site (John Otter, January 2, 2002) and is on file in the Monterey County Planning & Building Inspection Department. The report states that seven trees (Four coast live oak and two Monterey Pine trees, and one stem of a multiple-stem coast live oak) are proposed for removal. The forester states that no alternative, including relocation or reorientation of the garage, would have less impact on the forest, and that the proposed tree removal is the minimum necessary for the project. The forester's recommendations have been incorporated into conditions of approval.

3. **FINDING:** The approved project will not have a significant adverse impact on the environment.

**EVIDENCE:** Criteria contained in Article 19, Sections 15300.2 (Exceptions) & 15303 (Small Structures) of the California Environmental Quality Act Guidelines allow this project to be categorically exempted from environmental review. Due to the project's limited scale and because land disturbance will be minimal, no significantly adverse environmental impacts were identified during review of the proposed project.

4. **FINDING:** The establishment, maintenance, or operation of the use or building 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 materials was reviewed by the Department of Planning and Building Inspection, Health Department, Public Works Department, and the Water Resources Agency. The respective 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.

5. **FINDING:** The project, as approved by the Coastal Development Permit, is appealable to the Board of Supervisors.

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

## 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 (PLN010407/Ungaretti) consists of a Coastal Administrative Permit that allows the construction of a new 528 square foot garage; a Coastal Development Permit that allows the removal of seven trees and Design Approval. Construction of the new garage additionally involves grading (50 cu. yds. cut, 15 cu. yds. fill) and approximately 330 square feet of new paving. The project is in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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)**
2. This permit shall expire two years from the date of adoption unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan. **(Planning and Building Inspection)**
3. 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)**
4. 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)**
5. Within one year of construction of the garage, the applicant shall submit photographic evidence that the planting of fourteen oak trees required for replacement of the removed trees have been planted, consistency with the Forest Management Plan prepared for this project. **(Planning and Building Inspection)**

### **Prior to the Issuance of Grading and Building Permits:**

6. The applicant shall record a notice which states: *“A permit (Resolution # 010407) was approved by the Zoning Administrator for Assessor's Parcel Number 241-201-007-000 on January 9, 2003. The permit was granted subject to 12 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)**

7. The applicant shall record a notice which states: *“A Forest Management Plan has been prepared for this parcel by John Otter (January 2, 2002), and is on record in the Monterey County Planning Department Library as PLN010407. All landscaping and tree removal on this parcel must be in accordance with the Forest Management Plan, as approved by the Director of Planning and Building Inspection”*. 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)**
8. Prior to issuance of a building permit, 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. **(Health Department)**
9. All exterior lighting shall be unobtrusive, compatible 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 Department)**
10. 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 documented photographically by the applicant and/or by the project planner’s on-site inspection prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**

#### **Continuous Permit Conditions:**

11. 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)**
12. 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)**

**PASSED AND ADOPTED** this 9th day of January, 2003.

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. 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 90<sup>th</sup> 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.