

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 030001

A. P. # 009-084-012-000

In the matter of the application of
Sherod Alfred Santos TR (PLN030001)

FINDINGS & DECISION

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Development Permit for demolition of an existing one-story, 879 sq. ft. single family dwelling and removal of one 26" diameter Monterey pine; and a Coastal Administrative Permit for development of a two-story, 1,960 sq. ft. single family dwelling with detached garage, located at 3288 Serra Avenue, Carmel, west of Carpenter Street, Carmel area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on June 26, 2003.

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

- 1. FINDING:** The Project, as conditioned is consistent with applicable plans and policies, Carmel Land Use Plan, Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development.

EVIDENCE: PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the Carmel Land Use Plan, Coastal Implementation Plan (Part 4), and Part 6 of the Coastal Implementation Plan. PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and have determined that the project is consistent with the Carmel Land Use Plan which designates this area as appropriate for residential development. Staff notes are provided in Project File PLN030001.

EVIDENCE: Project planner conducted an on-site inspection on March 14, 2003 to verify that the project on the subject parcel conforms to the plans listed above. Staff notes regarding the site visit are in Project File PLN030001.

EVIDENCE: The parcel is zoned Medium Density Residential, 2 units/acre, Design Control District, Coastal Zone ("MDR/2-D (CZ))." The project is in compliance with Site Development Standards for a Medium Density Residential District in accordance with Section 20.12.060.

EVIDENCE: A Forest Management Plan (Robert Cain, March, 2003) was prepared to evaluate the impact of the proposed tree removal on the forest resource on the parcel, pursuant to Section 20.146.060. The report concluded that the tree removal would not have an adverse impact on the remaining trees on the parcel. The report recommended measures to protect retained trees during construction. These recommendations are included in the conditions of project approval (Condition Nos. 3, 5, 8 and 15).

EVIDENCE: The Carmel Highlands/Unincorporated Land Use Advisory Committee voted 4 to 0 to recommend approval of the project. LUAC meeting minutes dated May 19, 2003. The project conforms to Section 20.147.070.C regarding aesthetics because the design, materials and colors are subordinate to and blended into the environment.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN030001.

2. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property, and all zoning violation abatement cost, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

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

EVIDENCE: The project was reviewed by Planning and Building Inspection, Public Works, Water Resources Agency, and Department of Environmental Health. The respective departments and agencies 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.

4. **FINDING:** The site is suitable for the use proposed.

EVIDENCE: The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, and Department of Environmental Health. Conditions recommended have been incorporated.

EVIDENCE: Staff conducted an on-site visit on March 14, 2003 to verify that the site is suitable for this use.

EVIDENCE: Necessary public facilities are available and will be provided.

5. **FINDING:** The project is exempt from environmental review.

EVIDENCE: CEQA Guidelines Section 15305 categorically exempts single family dwellings.

EVIDENCE: No adverse environmental effects were identified during staff review of the development application or during a site visit on April 14, 2003.

EVIDENCE: The technical report by an outside forester indicates that the proposed tree removal will not result in potentially significant environmental impacts. "Forest Management Plan" prepared by Robert Cain, March, 2003. Report is in Project File PLN030001.

- 6. FINDING:** 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 subject property is not described as an area where the Local Coastal Program requires access.
- EVIDENCE:** The subject property is not indicated as part of any designated trails or shoreline access as shown in the Recreational Facilities Map and the Shoreline Access Map, of the Carmel Area Land Use Plan.
- EVIDENCE:** No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- EVIDENCE:** Staff site visit on March 14, 2003.
- 7. FINDING:** The project is appealable to the Board of Supervisors.
- EVIDENCE:** Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan (Part 1).
- 8. FINDING:** The landmark tree may be removed as no alternatives to development exist whereby the tree removal can be avoided.
- EVIDENCE:** The Forest Management Plan prepared for the project (Robert Cain, March, 2003) concluded that the proposed tree removal would not have an adverse impact on the forest resources of the parcel or the surrounding area, nor would it negatively impact soils, wildlife, noise or wind movement.
- EVIDENCE:** Due to the many trees located on the parcel, including 14 Monterey pines, any development on the parcel will require tree removal. The proposed project minimized the required tree removal by locating the new house over the footprint of the existing house.
- EVIDENCE:** The new residence will be 1,960 square feet in size. The house size is appropriate for the site, and is modest in size compared to other single family dwellings in the Carmel area. A reduction in the size of the house to retain the tree would result in a significantly smaller house (due to the need to set the house back from the root structure) and would create an undue hardship on the project applicant.
- EVIDENCE:** The applicant's representative has submitted written evidence (Ausonio Incorporated, April 22, 2003) that explains why the tree cannot be retained.

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 consists of a Coastal Administrative Permit and Design Approval for demolition of an existing 879 square foot, one-story single family dwelling and the construction of a new 1,960 square foot, two-story single family dwelling with detached garage; Coastal Development Permit for the

removal of one Monterey Pine tree. The property is located at 3288 Serra Avenue in Carmel, (Assessor's Parcel Number 009-084-012-000). The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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 be recorded with the Monterey County Recorder which states: "A permit (Resolution 030001) was approved by the Zoning Administrator for Assessor's Parcel Number 009-084-012-000 on June 26, 2003. The permit was granted subject to 19 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. A notice shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan (Robert Cain, March, 2003) has been prepared for this parcel, and is on record in the Monterey County Planning and Building Inspection Department Library. All tree removal and planting on the parcel must be in accordance with the Forest Management Plan, as approved by the Director of Planning and Building Inspection." This notice shall be recorded prior to issuance of building or grading permits. **(Planning and Building Inspection)**
4. Prior to the issuance of building permits, an exterior lighting plan shall be submitted to the Planning and Building Inspection Department for review and approval. 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. 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. **(Planning and Building Inspection)**
5. Prior to the issuance of building permits, the applicant shall submit proof to the Planning and Building Inspection Department that the temporary tree protection measures contained in the Forest Management Plan have been implemented. Tree protection measures shall include erecting and maintaining protective fencing around the drip-lines of retained trees, preventing storage of materials within the protective fencing, and preventing the operation or storage of equipment within the fenced area. Additionally, a three-inch layer of wood chips or bark mulch shall be placed in an 8 foot diameter from the base of the 30 inch Monterey Pine located south of the residence, and shall be maintained during demolition and construction of the project. **(Planning and Building Inspection)**

6. Prior to the 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)**
7. Prior to the issuance of grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect to address on-site and off-site impacts, to include retention/percolation facilities to mitigate the impact of impervious storm water runoff. Necessary improvement shall be constructed in accordance with the approved plans. **(Water Resources Agency)**
8. Storm water detention facilities shall be designed to avoid adverse impacts to the retained trees on the subject parcel. Prior to the issuance of grading or building permits, the applicant shall provide to the Director of Planning and Building Inspection a letter from the project Forester stating that the required storm water retention facilities will not adversely affect the long-term health of the retained trees on the subject parcel. **(Planning and Building Inspection)**
9. 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)**
10. 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. **(Fire District)**
11. 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. **(Fire District)**
12. 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." **(Fire District)**

Prior to Final Building Inspection/Occupancy:

13. 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 recirculation 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 & Planning and Building Inspection)**
14. Certification that the storm water retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**
 15. The site shall be landscaped. At least three weeks prior to occupancy, three (3) 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, 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. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection Department)**
 16. The applicant shall plant and grow one Monterey Pine (*Pinus radiata*) consistent with the Forest Management Plan prepared for the project. **(Planning and Building Inspection)**

Continuous Permit Conditions:

17. If during the course of construction activity on the subject property, cultural, archaeological, historical, 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)**
18. All landscaped areas and replanted trees shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**

19. 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)**

PASSED AND ADOPTED this 26th day of June, 2003.

Original Signed By:

MIKE NOVO
ZONING ADMINISTRATOR

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