

MIKE NOVO  
ZONING ADMINISTRATOR

COUNTY OF MONTEREY  
STATE OF CALIFORNIA

RESOLUTION NO. 030048

A. P. # 243-051-013-000

In the matter of the application of  
**William & Carol Leek (PLN030048)**

**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 Administrative Permit for construction of an 893 sq. ft. under story addition to an existing story of a two-story single family dwelling, which would create additional habitable space consisting of two bedrooms, a full bath, a family room, and storage space, with a new 70 sq. ft. exterior deck; a Coastal Development Permit for development within 100 feet of environmental sensitive habitat; and Design Approval, located at 2995 Ribera Road, Carmel, northeast of the intersection of Highway One and Ribera Road, Carmel Meadows, Coastal Zone, came on regularly for meeting before the Zoning Administrator on August 14, 2003.

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

- 1. FINDING: CONSISTENCY, SITE SUITABILITY AND PUBLIC ACCESS** – The Leek Combined Development Permit and Design Approval (PLN030048), as described in Condition #1, and as conditioned, are consistent with the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the Carmel Land Use Plan, the Monterey County Coastal Implementation Plan (Part 4), and the Monterey County Coastal Implementation Plan/Zoning (Part 1/Title 20). The property is located at 2995 Ribera Road, Carmel Meadows, Carmel Area Land Use Plan in the Coastal Zone. The parcel is zoned “MDR/2-D (18) (CZ) or Medium Density Residential, 2 units per acre, Design Control – with an 18 foot height limit, Coastal Zone. 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 the Local Coastal Program, and does not interfere with any form of historic public use or trust rights. No access is required as part of the project as no substantial adverse impacts 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:** (a) Staff Review: The application and plans submitted for the Combined Development Permit and Design Approval in project file PLN030048 at the Monterey County Planning and Building Inspection Department.
- (b) Design Application: The applicant provided the Monterey County Planning and Building Inspection Department with a Design Approval Request, and a statement of materials and colors to be used.

(c) Archaeological Resources: An archaeological report was prepared for this site by Susan Moley, MA, dated March 5, 2003. The report concludes that the parcel “does not contain significant cultural resources of a prehistoric nature.”

(d) Visual Resources: The project planner conducted a site visit on June 20, 2003, to verify that the proposed project complies with the policies of the County’s Local Coastal Program (LCP). The project will not have a significant adverse effect when viewed from the public viewshed. The structure is visible from Highway One. However, since the under-story addition is within the existing building footprint, the proposed addition would not add any bulk or mass to the existing structure.

(e) Land Use Advisory Committee: The Carmel Unincorporated / Highlands Land Use Advisory Committee reviewed the proposal and recommended approval (6 - 0 vote) on June 16, 2003.

(f) Environmentally Sensitive Habitat: The back of the parcel is adjacent to a large open wetland area, although the property is at a much higher elevation than the wetland. A letter dated April 17, 2003, identifying potential impacts to the wetland area was prepared for this project by Jean Ferreira of the Elkhorn Plant Nursery. The letter states that there is “no possibility” for the project to “affect natural habitat.” Conditions are incorporated that require implementation of erosion control measures during construction to ensure that there would be no impacts to the wetland as a result of the project.

(g) Site Suitability: The project and site have been reviewed by the Monterey County Planning and Building Inspection Department, Coastal Commission, Carmel Highlands Fire Protection District (FPD) Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department, and Monterey County Health Department. There has been no indication from these 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.

(h) Public Access: The subject property is not described as an area where the Local Coastal Program requires access. No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

2. **FINDING: CEQA (Exempt)** – The proposed project will not have a significant environmental impact.  
**EVIDENCE:** Section 15301(e) (l) of the CEQA Guidelines categorically exempt the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.
  
3. **FINDING: NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and other applicable provisions of Title 20. Zoning violation abatement costs, if any, have been paid.  
**EVIDENCE:** Sections 20.14.020 and 20.44.020 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

4. **FINDING: HEALTH AND SAFETY** – 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:** Preceding findings and supporting evidence.
5. **FINDING: APPEALABILITY** – The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:** Sections 20.86.030 and 20.86.080 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 Leek Combined Development Permit and Design Approval (PLN030048) consists of: 1) a Coastal Administrative Permit to convert an existing crawl space and add an 893 sq. ft. under-story habitable addition to an existing two-story single family dwelling with a new 70 sq. ft. exterior deck; (2) a Coastal Development Permit for development within 100-feet of environmentally sensitive habitat; and Design Approval. The property is located at 2995 Ribera Road, Carmel Meadows (Assessor's Parcel Number 243-051-013-000), Carmel Area Land Use Plan, 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 permit (Resolution No. 030048) was approved by the Zoning Administrator for Assessor's Parcel Number 243-051-013-000 on August 14, 2003. The permit was granted subject to 14 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 down-cast, 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 overall effect of the lighting shall be subdued so as to not add to the existing light emission from the home as seen from Highway One at night. 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. The building and/or grading permit plans shall include erosion control notes for implementation during construction activity. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion, subject to the approval of the Director of Planning and Building Inspection. All areas disturbed during construction shall be restored. **(Planning and Building Inspection)**
5. Prior to the issuance of any building permits, the applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. **(Water Resources Agency)**
6. Remove flammable vegetation from within 30 feet of structure (or to property line). Limb trees 7 feet up from the ground. Remove limbs within 10 feet of chimneys. **(Carmel Highlands FPD)**
7. Before construction begins, temporary or permanent address numbers shall be posted. 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 shall be posted in Arabic, not Roman or written out in words. Address numbers 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 FPD)**

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

8. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a combined (single sheet) landscaping and erosion control plan (to comply with §20.146.050(E) (4) (a) (3) of the Monterey County Coastal Implementation 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 and erosion control plan submittal. The landscape and erosion control plan shall include the following components: 1) Restoration of areas disturbed at the rear of the residence during construction. Restoration shall include native species common to the Carmel Meadows area. 2) Replacement of other elements as necessary where existing landscaping would be temporarily removed due to construction. 3) Native vegetation cover, temporary vegetation, seeding, and mulching shall be indicated on the plan in order to assure protection of soils subject to erosion that have been disturbed during grading or development. The landscaping and erosion control plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials, shall include drainage devices or other measures to achieve the effect of on-site retention of stormwater consistent with §20.146.050(E)(4)(e)(10) of the Monterey County Coastal Implementation Plan. The plan 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)**

9. The applicant shall paint the residence with an earth-tone color consistent with Section 20.146.030(C) (1) (c) of the Monterey Coastal Implementation Plan. The final color shall be selected by the owner, subject to a no fee Design Approval application submitted to the Director of Planning and Building Inspection prior to painting the residence. **(Planning and Building Inspection)**
10. Permanent address numbers shall be posted on the property prior to requesting final clearance and 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 shall be posted in Arabic, not Roman or written out in words. Address numbers 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 FPD)**
11. The applicant shall comply with Ordinance No. 3932, 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 Permit Conditions:**

12. If cultural, archeological, 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 archeologist. The Monterey County Planning and Building Inspection Department and a qualified archeologist (i.e., an archeologist registered with the Society of Professional Archeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archeologist 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)**
13. 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)**

- 14. 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 14th day of August, 2003.

<b>Original Signed By:</b>
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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 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 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 Marina.

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