

MIKE NOVO  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 030148

A.P. # 009-395-016-000

### **FINDINGS & DECISION**

In the matter of the application of  
**Carl A. & Jan A. Cox (PLN030148)**

for a Coastal Administrative Permit in accordance with Chapter 20.76 (Coastal Administrative Permits) of Title 20, Monterey County Code (Zoning), to allow for demolition of a one-story single family dwelling and construction of a 2,512 sq. ft. two-story single family dwelling with a 215 sq. ft. attached garage; Grading (50 cu. yds. of cut); and Design Approval, located at 26209 Carmelo, Carmel, west of Fifteenth Street, Mission Field Carmel area, Coastal Zone, came on regularly for hearing before the Zoning Administrator on October 30, 2003.

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

- 1. FINDING: CONSISTENCY, SITE SUITABILITY AND PUBLIC ACCESS** – The Cox Administrative Permit and Design Approval (PLN030148), 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 Area Land Use Plan, Carmel Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan and Part 1 of the Coastal Implementation Plan, Zoning Ordinance (Title 20). The property is located at 26209 Carmelo Street (Assessor's Parcel Number 009-395-016-000), west of Fifteenth Street, Mission Fields, Carmel Area, Coastal Zone. The parcel is zoned "MDR/2-D (CZ)" (Medium Density Residential, 2 units per acre, Design Review, in the 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 (see 20.70.050.B.4). 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)** The application and plans submitted for the Coastal Administrative Permit and Design Approval in project file PLN030148 at the Monterey County Planning and Building Inspection Department.
  - (b)** The applicant provided the Monterey County Planning and Building Inspection Department with a Design Approval Request, drawings, and a statement of materials and colors to be used.
  - (c)** The "Preliminary Archaeological Reconnaissance" prepared by Archaeological Consulting dated May 21, 2003, concludes that there is no surface evidence of potentially significant archaeological resources on the site.

(d) The project planner conducted a site visit on May 12, 2003, to verify that the proposed project complies with the LCP. The project will not have a significant adverse effect on the public viewshed. Based on the site visit and analysis of building records, the existing single family dwelling proposed for demolition is not considered a historic structure.

(e) The Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) reviewed the proposal and recommended approval (4 - 0) of the Coastal Administrative Permit and Design Approval on July 21, 2003. Changes recommended by the LUAC are included as permit conditions.

(f) The project has been reviewed by the Monterey County Planning and Building Inspection Department, Coastal Commission, Carmel Highlands Fire Protection District, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department and the 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.

(g) The subject property is not described as an area where the Local Coastal Program requires access and is not indicated as part of any designated trails or shoreline 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** – The proposed project will not have a significant environmental impact.

**EVIDENCE:** (a) The project is categorically exempt from environmental review per Section §15301(l)(1) regarding the demolition of an existing single family dwelling and 15303(a) for construction of the single family residence. No adverse environmental impacts were identified during staff review of the development application.

3. **FINDING: PUBLIC HEARING** – A public hearing was held for this Coastal Administrative Permit because there is evidence of public controversy and public opposition to the proposed use.

**EVIDENCE:** (a) Several written requests for a public hearing were made which include evidence of public controversy or public opposition to the project as described in Monterey County Coastal Implementation Plan (Zoning) Section 20.76.060 exists. As a result a public hearing before the Zoning Administrator was held on October 30, 2003.

(b) The letters received focus on the height and size of the proposed structure, which the neighboring residents state is too high and too large for the lot. The comments also indicate that due to the height and size, the structure, as currently proposed, would block sunlight access to adjacent residences, obstruct mountain and skyline views and would invade the privacy of neighbors.

Planning staff has reviewed the comments submitted to date. The following responses are provided:

- The Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) reviewed the proposal on July 21, 2003 and voted 4 to 0 to recommend approval stating, “the design of the house is in keeping with the Carmel character and will be a nice addition to the neighborhood.”

- Currently the County does not have any design guidelines or other special development standards for new structures located in the Carmel area of the Coastal Zone, other than review by the local LUAC which is made-up of residents from the area.
- The proposed structure complies with height, coverage, setback, floor area ratio and other applicable requirements for the “MDR” or Medium Density Residential Zoning District regulations in Section 20.12 of the Coastal Implementation Plan.

- 4. 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: (a)** Sections 20.12 and 20.44 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.
- 5. 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: (a)** Preceding findings and supporting evidence.
- 6. FINDING: APPEALABILITY** – The decision on this project is appealable to the Board of Supervisors; it is not appealable to the Coastal Commission.
- EVIDENCE: (a)** Sections 20.86 of Part 1 of the Coastal Implementation Plan (Title 20).

## 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 Cox Coastal Administrative Permit and Design Approval (PLN030148) allow for demolition of a one-story single family dwelling and construction of a 2,512 square foot two-story single family dwelling with a 215 square foot attached garage and grading (50 cubic yards of cut). The property is located at 26209 Carmelo Street (Assessor’s Parcel Number 009-395-016-000), west of Fifteenth Street, Mission Fields, Carmel Area, 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/or Building Permits:**

2. The applicant shall record a notice which states: "A permit (Resolution No. 030148) was approved by the Zoning Administrator for Assessor's Parcel Number 009-395-016-000 on October 30, 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. All exterior lighting shall be down-lit, 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. Low wattage and shaded light fixtures are mandatory. Up-lighting of trees is not allowed. 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. Native trees 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 demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
5. Prior to issuance of any building permit, the applicant shall delineate the location of the required off-street uncovered parking space, which is not within the 20-foot front setback, on the building plans. No on-site improvements are required for the uncovered parking space. **(Planning and Building Inspection)**
6. 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)**
7. Prior to the issuance of grading and building permits, the applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect to address on-site and off-site impacts. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. **(Water Resources Agency)**
8. Prior to issuance of a building permit, the 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)**
9. Prior to issuance of a building permit, provide written certification to the Director of Environmental Health from the appropriate community services district that it can and will provide sewer service for the proposed property/project. **(Environmental Health)**

10. The building (including the garage) 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 Protection District)**

11. The following notation is required on the plans when a building permit is applied for:

“In high and very high fire hazard areas, as defined by the California Department of Forestry and Fire Protection (CDF), roof construction shall be a Class A with fire resistive material.” **(Carmel Highlands Fire Protection District)**

12. The following notation is required on the plans when a building permit is applied for:

“Size of letters, numbers and symbols for addresses shall be a minimum 3-inch letter height, 3/8-inch stroke, contrasting with the background color of the sign.” **(Carmel Highlands Fire Protection District)**

13. The following notation is required on the plans when a building permit is applied for:

“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 numbers shall be visible and legible from the road on which the address is located.” **(Carmel Highlands Fire Protection District)**

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

14. The site shall be landscaped. At least 60 days 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, 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)**
15. 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)**

16. Final clearance of the new residence by the Carmel Highlands Fire Protection District is required prior to final building inspection or occupancy. **(Planning and Building Inspection)**

**Continuous Permit Conditions:**

17. 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)**

18. 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)**

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 30th day of October 2003.

Original Signed By:

MIKE NOVO  
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE 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 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 Planning Commission 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 two years after the above date of granting thereof unless construction or use is started within this period.