

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 030332

A.P. # 009-463-019-000

In the matter of the application of
James & Catherine Sims (PLN030332)

FINDINGS & DECISION

for a Coastal Development Permit in accordance with Title 20 (Monterey County Coastal Implementation Plan Ordinance) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, consisting of a Coastal Development Permit and Design Approval for the demolition of an existing two story single family dwelling and the construction of a new 3,496 square foot three story single family dwelling, and associated grading (approximately 97 cubic yards); Coastal Development Permit for development within 100 feet of environmentally sensitive habitat. The property is located at 26401 Scenic Road, Carmel, Coastal Zone.

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

FINDINGS OF FACT

- 1. FINDING: CONSISTENCY** - The Project, as conditioned is consistent with applicable plans and policies of the Carmel Area 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:**
- (a) PBI staff have reviewed the project as contained in the application and accompanying materials for consistency with the Carmel Area 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 Area Land Use Plan that designates this area as appropriate for residential development. Staff notes are provided in Project File PLN030332.
 - (b) Project planner conducted an on-site inspection on October 1, 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 PLN030332.
 - (c) The project for a single family home is an allowed use in accordance with Sections 20.12.040.
 - (d) The parcel is zoned Medium Density Residential, Design Control District, 18 foot height limitation, Coastal Zone ("MDR/2-D 18 (CZ))." The project is in compliance with Site Development Standards for a Medium Density Residential District in accordance with Section 20.12.060.
 - (e) The proposed project is located in a high archeological sensitivity area. The archeological survey prepared for the project (Pacific Legacy, February 25, 2003) found no surface evidence of any archeological or historic resources. A condition has been included to have a professional archeologist monitor excavation. Another condition requires stopping work if any cultural resources are found during the course of construction. Work will not resume until those resources are adequately evaluated by the professional archaeologist.

(f) The project is located within 100 feet of an Environmentally Sensitive Habitat Area, however no biological resources exist on the subject parcel, and implementation of the project will not adversely impact nearby habitat areas.

(g) The Carmel Highlands/Unincorporated Land Use Advisory Committee voted 5 to 0 to recommend approval of the project. LUAC meeting minutes dated October 6, 2003.

(h) 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 PLN030332.

2. FINDING: NO VIOLATIONS - 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: (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

3. FINDING: HEALTH AND SAFETY - 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: (a) 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: SITE SUITABILITY - The site is suitable for the use proposed.

EVIDENCE: (a) 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.

(b) Staff conducted an on-site visit on October 1, 2003 to verify that the site is suitable for this use.

(c) The archeological survey prepared for the project (Pacific Legacy, February 25, 2003) found no surface evidence of any archeological or historic resources.

(d) Necessary public facilities are available and will be provided.

5. FINDING: CEQA: - The project is exempt from environmental review.

EVIDENCE: (a) CEQA Guidelines Section 15303 categorically exempts single-family dwellings.

(b) No adverse environmental effects were identified during staff review of the development application or during a site visit on October 1, 2003.

(c) The archeological survey prepared for the project (Pacific Legacy, February 25, 2003) found no surface evidence of any archeological or historic resources.

(d) No changes in the project or unusual circumstances exist which would necessitate additional environmental review.

6. FINDING: PUBLIC ACCESS - 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 (a) The subject property is not described as an area where the Local Coastal Program requires access.
(b) 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.
(c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
(d) Staff site visit on October 1, 2003.

7. FINDING: APPEALABILITY - The project is appealable to the Board of Supervisors and California Coastal Commission.

EVIDENCE: (a) Sections 20.86.030 and 20.86.080 of the Monterey County Zoning Ordinance.

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for a Coastal Development Permit be granted as shown on the attached sketch, subject to the following conditions:

1. The subject Combined Development Permit consists of a Coastal Development Permit and Design Approval for the demolition of an existing two story single family dwelling and the construction of a new 3,496 square foot three story single family dwelling, and associated grading (approximately 97 cubic yards); and Coastal Development Permit for Development within 100 feet of Environmentally Sensitive Habitat. The property is located at 26401 Scenic Road (Assessor's Parcel Number 009-463-019-000) Carmel area, Coastal Zone. 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. A notice shall be recorded with the Monterey County Recorder that states: "A permit (Resolution 030332) was approved by the Zoning Administrator for Assessor's Parcel Number 009-463-019-000 on December 11,

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. The applicant shall submit a copy of a construction tree protection plan prepared by a professional forester or certified arborist (from the County's list of approved Foresters). Said plan shall recommend measures to protect the Cypress trees on site from damage during construction of the project and shall address measures to minimize impacts resulting from grading adjacent to the cypress trees. **(Planning and Building Inspection)**
4. The applicant shall submit a copy of a contract with a professional archeologist (from the County's list of approved archeologists) to monitor excavation for the presence of cultural and/or archeological resources, consistent with the recommendations contained in the archeological survey prepared for the project by Pacific Legacy, dated February 25, 2003. **(Planning and Building Inspection)**
5. The applicant shall submit 3 copies of an exterior lighting plan that 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. 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)**
6. 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)**
7. Prior to issuance of any grading or building permits, the applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing 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 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)**
9. 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." (Garage Included) **(Fire District)**
10. Prior to construction activities an erosion control plan shall be submitted for review and approve to the Director of Planning and Building Inspection. Evidence shall be provided that erosion control measures have been implemented to control erosion during the course of construction. The construction site shall be covered,

seeded, or otherwise treated to control erosion, with native materials and is subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

Prior to Final Building Inspection/Occupancy:

11. 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)**
12. 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)**
13. 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)**

Prior to Commencement of Construction:

14. The applicant shall submit evidence that the tree protection fencing measures contained in the Forest Management Plan prepared for the project have been implemented. **(Planning and Building Inspection)**

Continuous Permit Conditions:

15. 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)**
16. Tree protection fencing shall be maintained during construction. No equipment or materials shall be stored within the tree protection zones during construction. **(Planning and Building Inspection)**

- 17. 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, 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. 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)**
- 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 11th day of December, 2003.

Original Signed By:

MIKE NOVO, 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 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 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 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 Salinas.

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