

RESOLUTION NO. 030608

A.P. # 009-411-013-000

**FINDINGS & DECISION**

In the matter of the application of  
**Rebekah Mandell TR (PLN030608)**

for a Coastal Administrative Permit in accordance with Chapter 20.76 (Coastal Administrative Permits) of Title 20, Monterey County Code (Zoning), to allow a 189 sq. ft. one story addition and remodel, new entry, new bay window, a new 252 sq. ft. attached garage to an existing one-story single family dwelling, and the remodel of an existing legal nonconforming guesthouse; and Design Approval. The property is located at 26065 Scenic Road, Carmel, fronting on and southerly of Scenic Road, Carmel area, Coastal Zone, came on regularly for hearing before the Zoning Administrator on April 29, 2004.

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

**1. FINDING: CONSISTENCY** - The project, as conditioned is consistent with applicable plans and policies, 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. Specifically, the guesthouse complies with all applicable requirements of legal nonconforming use in accordance of Section 20.68.040 of the Monterey County Zoning Ordinance (Title 20).

**EVIDENCE:** (a) PBI staff has 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) 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 PLN030608.

(b) Project planner conducted an on-site inspection on January 22, 2004 to verify that the project on the subject parcel conforms to the plans listed above.

(c) The project for an addition to existing single family home and guesthouse are allowed uses, in accordance with Section 20.12.040 of Monterey County Zoning Ordinance (Title 20).

(d) The project complies with the regulations for a legal nonconforming guesthouse in accordance with Section 20.68.040.B of the Monterey County Zoning Ordinance (Title 20). A condition has been incorporated requiring the applicant to record a Guesthouse Deed Restriction.

(e) 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 of the Monterey County Zoning Ordinance (Title 20).

(f) The new 252 sq. ft. attached garage complies with the Regulations for Parking as it brings the structure into conformance in accordance with Section 20.58.040 of the Monterey County Zoning Ordinance (Title 20).

(g) The Carmel Area Land Use Advisory Committee recommended approval of the project by a vote of 5 for and 0 against. The LUAC commented, "Opaque glass outdoor lighting fixtures must be used to reduce impacts." LUAC meeting minutes dated February 2, 2004.

(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 PLN030608.

**2. 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, Environmental Health, Parks, Grading Inspection, and Cypress Fire Protection District. Conditions recommended have been incorporated.

(b) Archaeological Auger Testing Report" prepared by Susan Morley, M.A., Pacific Grove, CA, dated February 2004. A condition has been incorporated to require stop work, if during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site.

(c) Staff's on-site visit on January 22, 2004 to verify that the site is suitable for this use.

**3. FINDING: CEQA (Exempt):** - The project is exempt from environmental review.

**EVIDENCE:** (a) CEQA Guidelines Section 15301(e) categorically exempts additions to single-family dwellings.

(b) No adverse environmental effects were identified during staff review of the development application during site visit on January 22, 2004.

(c) Development is largely contained in an already disturbed area of the property. There are no unusual circumstances related to the project or property.

**4. FINDING: TREE REMOVAL** – The project is consistent with the Forest Resources Development Standards, Regulations for Development in the Carmel Area Land Use Plan, Coastal Implementation Plan, Part 4, and the Policies of the Carmel Area Land Use Plan. The proposal includes the removal of overgrown hedges along the fence line. The height of the hedge on the front of the property is approximately three feet high ranging to twenty feet on the rear of the property. Based on the arborist report prepared for the site by F.O. Consulting, dated July 15, 2003, and Forester's Report prepared by M.S. Forestry Consultant, dated March 26, 2004, the hedges that are proposed to be removed are non-native, Pittosporum, Myoporum, and New Zealand Christmas trees, which are in fair to poor condition. The report prepared by F.O. Consulting, arborist indicated that the hedge has outgrown its purpose, is deteriorating and has large root upheaval. Although the hedges have been trimmed to repair and replace fencing, a condition of approval requires that the non-natives be replaced with drought resistant native species, pursuant to Section 20.146.030.C.1.e of the Coastal Implementation Plan. Since the hedges are non-natives, the proposal is consistent with policy 2.5.3 of the Carmel Area Plan, which states "removal of non-native tree species is encouraged."

- EVIDENCE:** (a) Section 20.146.060, Forest Resources Development Standards, Regulations for Development in the Carmel Area Land Use Plan, Coastal Implementation Plan, Part 4, and the Carmel Area Land Use Plan policies 2.5.3.
- (b) Arborist Report prepared by F.O. Consulting, dated July 15, 2003, and Forester's Report prepared by M.S. Forestry Consultant, dated March 26, 2004.
- (c) Photos and reports as contained in Planning File PLN030608.
- (d) Conditions that require landscape screening utilizing native species.

- 5. FINDING: VISUAL RESOURCES** - The project site is located within the viewshed as defined in Policy 2.2 of the Carmel Area Land Use Plan and is consistent with the Visual Resources Development Standards, Regulations for Development in the Carmel Area Land Use Plan, Coastal Implementation Plan, Part 4, and the Policies of the Carmel Area Land Use Plan.

The proposal would allow for a remodel of the existing structure with a bedroom and garage addition. Except for the garage, the bedroom addition will be located behind the existing structure. Section 20.58 of the Monterey County Zoning Ordinance (Title 20), Regulations for Parking, requires one covered and one uncovered parking space not to be located within the front yard setback for all new development. The new garage will bring the proposal into conformance with this regulation. The proposed single story addition is less intrusive on the viewshed, than many of the larger two story homes on Scenic Drive.

Removing the non-native hedge enhances the public views from Santa Lucia and Bay View Avenue by providing ocean views. Conditions of Approval require the replacement planting conform to policies of the Carmel Area Land Use Plan and Coastal Implementation Plan.

The proposal is also consistent with Section 20.146.030 of the Coastal Implementation Plan that requires structures located in the public viewshed to be designed to minimize visibility and to blend into the site and site surroundings. The exterior materials will be stucco and redwood with Carmel stone, which will blend with the site and site surroundings.

- EVIDENCE:** (a) Section 20.146.030.C.1 of the Coastal Implementation Plan, requires that structures be subordinate to and blend into the environment using appropriate materials and drought resistant native species for landscaping.
- (b) Chapter 2.2 of the Carmel Area Land Use Plan, which requires all new landscaping to be compatible with the scenic character of the area and retain existing shoreline and ocean views.
- (c) Staff on-site inspections on January 22, 2004 and March 26, 2004.
- (d) The Carmel Unincorporated/Highlands Land Use Advisory Committee stated that colors and materials as presented are compatible to neighborhood character.
- (e) Arborist Report prepared by F.O. Consulting, dated July 15, 2003, and Forester's Report prepared by M.S., Forestry Consultant, dated March 26, 2004, as found in Planning File PLN030608, indicating that the existing hedges are non-natives.
- (f) Condition of Approval requiring native landscaping that does not impact ocean views.

6. **FINDING: EXTERIOR LIGHTING** - Section 20.146.030. C.1.d requires exterior lights to be unobtrusive and harmonious with the local area. As a condition of approval and exterior lighting plan shall be required to ensure that lighting fixtures are adequately shielded and designed at near-ground level so that only the intended area is illuminated and off-site glare is fully controlled.

**EVIDENCE:** (a) Condition number 5.

7. **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) Preceding findings and supporting evidence.

8. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

**EVIDENCE:** (a) Section 20.86.080.A.3 of the Monterey County Zoning Ordinance (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 attached conditions:

**PASSED AND ADOPTED** this 29th day of April 2004.

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MIKE NOVO  
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO 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 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.