

MIKE NOVO  
ZONING ADMINISTRATOR

COUNTY OF MONTEREY  
STATE OF CALIFORNIA

RESOLUTION NO. 060036

A. P. # 009-401-011-000

In the matter of the application of  
**Frank J. Creede (PLN060036)**

**FINDINGS AND DECISION**

for a **Combined Development Permit** in accordance with Title 20 (Zoning) Chapter 20.76 (Combined Development Permits) of the Monterey County Code, consisting of: 1) a Coastal Administrative Permit for the demolition of an existing 1,037 square foot one-story single family dwelling and removal of flagstone patio and pathways; and 2) a Coastal development Permit for development within 750 feet of a known archaeological resource. The property is located at 2594 Santa Lucia Avenue, Carmel, Coastal Zone, and came on regularly for meeting before the Zoning Administrator on June 29, 2006.

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

**FINDINGS OF FACT**

- 1. FINDING: CONSISTENCY** – The Combined Development Permit (PLN060036) allows a Coastal Administrative Permit for the demolition of an existing 1,037 square foot one-story single family dwelling and removal of flagstone patio and pathways and a Coastal Development Permit to allow development within 750 feet of a known archaeological resource. The project, as conditioned, is consistent with the policies, requirements, and standards of the Carmel Area Land Use Plan, Carmel Area Coastal Implementation Plan (Part 4), and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for residential development.

- EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of the application. No conflicts were found to exist. No communications were received during the course of review of the project to indicate that there is any inconsistency with the text, policies, and regulation in these documents.
- (b) The property is located at 2594 Santa Lucia Avenue, Carmel (Assessor's Parcel Number 009-401-011-000), Carmel Area Land Use Plan. The parcel is zoned Medium Density Residential, 2 units per acre, Design Control District with an 18 foot structure height limit in the Coastal Zone ["MDR/2-D (18) (CZ)"]. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is therefore suitable for the proposed development.
- (c) The project planner conducted a site inspection on February 15, 2006 to verify that the project on the subject parcel conforms to the plans listed above.

- (d) Based on the archaeological report prepared by Basin Research Associates, dated March 24, 2006, and the revised report dated April 17, 2006, no evidence of pre-historic or historically significant archaeological or architectural resources was observed during the field inventory. Based upon the recommendation of the consultant, a condition of project approval requires that in the event that any archaeological resources are found on site, work be halted immediately within 25 feet of the find until a qualified professional archaeologist can evaluate it (Condition No. 7). Recommendations are consistent with the requirements of Section 20.146.090 of the Carmel Area Coastal Implementation Plan
- (e) The project was not referred to the Carmel Highlands Coastal Land Use Advisory Committee for review. Based on current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this project did not warrant referral because the development is not considered to be of controversial nature.
- (f) On May 2, 2006, the applicant, Frank Creede, filed an application for a Combined Development Permit. The application was deemed complete on May 22, 2006. The application, plans, and related support materials submitted by the applicant to the Monterey County Resource Management Agency – Planning Department for the proposed development are found in Project File PLN060036.

**2. FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.

**EVIDENCE:** (a) The project has been reviewed for suitability by the following departments and agencies: Planning and Building Inspection, Carmel Highlands Fire Protection District, Public Works, Parks Department, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable. Recommended conditions have been incorporated.

- (b) Technical reports by an outside archaeological consultant and historical resources consultant indicated that there are not physical or environmental constraints that would indicate that the site is not suitable for the use propose. County staff concurs. The following reports have been prepared:
  - (1) “Archaeological Resources Assessment” (LIB060242), prepared by Basin Research Associates, San Leandro, California, March 24, 2006, revised April 17, 2006.
  - (2) “Historical Report” (LIB060241), prepared by Kent L. Seavey, Pacific Grove, California, December 23, 2005.
- (c) Staff conducted a site inspection on February 15, 2006 to verify that the site is suitable for this use.

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

**EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15301 (l) (1) categorically exempts the demolition and removal of one single-family residence.

- (b) No adverse environmental effects were identified during staff review of the project application and during site-visits on February 15, 2006.
- (c) Based on the archaeological report prepared by Basin Research Associates, dated March 24, 2006, and the revised report dated April 17, 2006, no evidence of pre-historic or historically significant archaeological or architectural resources was observed during the field inventory. Based upon the recommendation of the consultant, a condition of project approval requires that in the event that any archaeological resources are found on site, work be halted immediately within 25 feet of the find until a qualified professional archaeologist can evaluate it (Condition No. 7). Recommendations are consistent with the requirements of Section 20.146.090 of the Carmel Area Coastal Implementation Plan.
- (d) A Historical Evaluation has been prepared by Kent Seavey. The property was homesteaded by portrait and landscape artist Ida Maynard Curtis in 1936. The property is not included in the California Office of Historic Preservation-maintained "Historic Property Data File for Monterey County" and is not listed in any Monterey County historic resource inventory or survey. The report concluded that changes made to the home after the artist's passing have altered the historic appearance of the residence. The building lacks the physical integrity to meet the necessary criterion for listing in the California Register, and therefore cannot be considered as a historic resource as defined by CEQA
- (e) See preceding and following findings and supporting evidence.

**4. FINDING: NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and other applicable provisions of the County's zoning ordinance (Title 20). Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** (a) Staff verification of the Monterey County Resource Management Agency – Planning Department records indicate that no violations exist on subject property.  
 (b) Staff conducted a site inspection on February 15, 2006.

**5. 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. 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 Figure 3, the Carmel Area Local Coastal Program Public Access Map, and complies with 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 conducted a site inspection on February 15, 2006.

**6. 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) The project as described in the application and accompanying materials was reviewed by the following departments and agencies: Planning and Building Inspection, Carmel Highlands Fire Protection District, Public Works, Parks Department, Environmental Health Division, and Water Resources Agency. The Planning Department and the Public Works Department have recommended conditions to ensure that the project will not have an adverse effect 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.
  - (b) The application, plans, and related support materials submitted by the applicant to the Monterey County Resource Management Agency – Planning Department for the proposed development, found in Project File PLN060036.
  - (c) Preceding findings and supporting evidence.

**7. FINDING: APPEALABILITY** – The decision on this project is appealable to the Board of Supervisors. It is not appealable to the Coastal Commission.

**EVIDENCE:** Section 20.86.030 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 attached conditions.

**PASSED AND ADOPTED** this 29th day of June, 2006.

  
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MIKE NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON **JUL 03 2006**

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 JUL 13 2006

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS. IT IS NOT APPEALABLE TO THE COASTAL COMMISSION.

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 Salinas.

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

**Monterey County Resource Management Agency  
Planning Department  
Condition Compliance Plan**

**Project Name:** Frank Creede

**File No:** PLN060036

**APN:** 009-401-011-000

**Approval by:** Zoning Administrator

**Date:** June 29, 2006

*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p><b>PBD029 - SPECIFIC USES ONLY</b>            This Combined Development Permit (PLN060036) allows 1) A Coastal Administrative Permit for the demolition of an existing 1,037 square foot one-story single family dwelling and removal of flagstone patio and pathways; and 2) A Coastal Development Permit for development within 750 feet of a known archaeological resource. The property is located at 2594 Santa Lucia Avenue, Carmel (Assessor's Parcel Number 009-401-011-000). This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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 Resource Management Agency – Planning Department (RMA – PD). 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. <b>[Resource Management Agency (RMA) – Planning Department]</b></p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

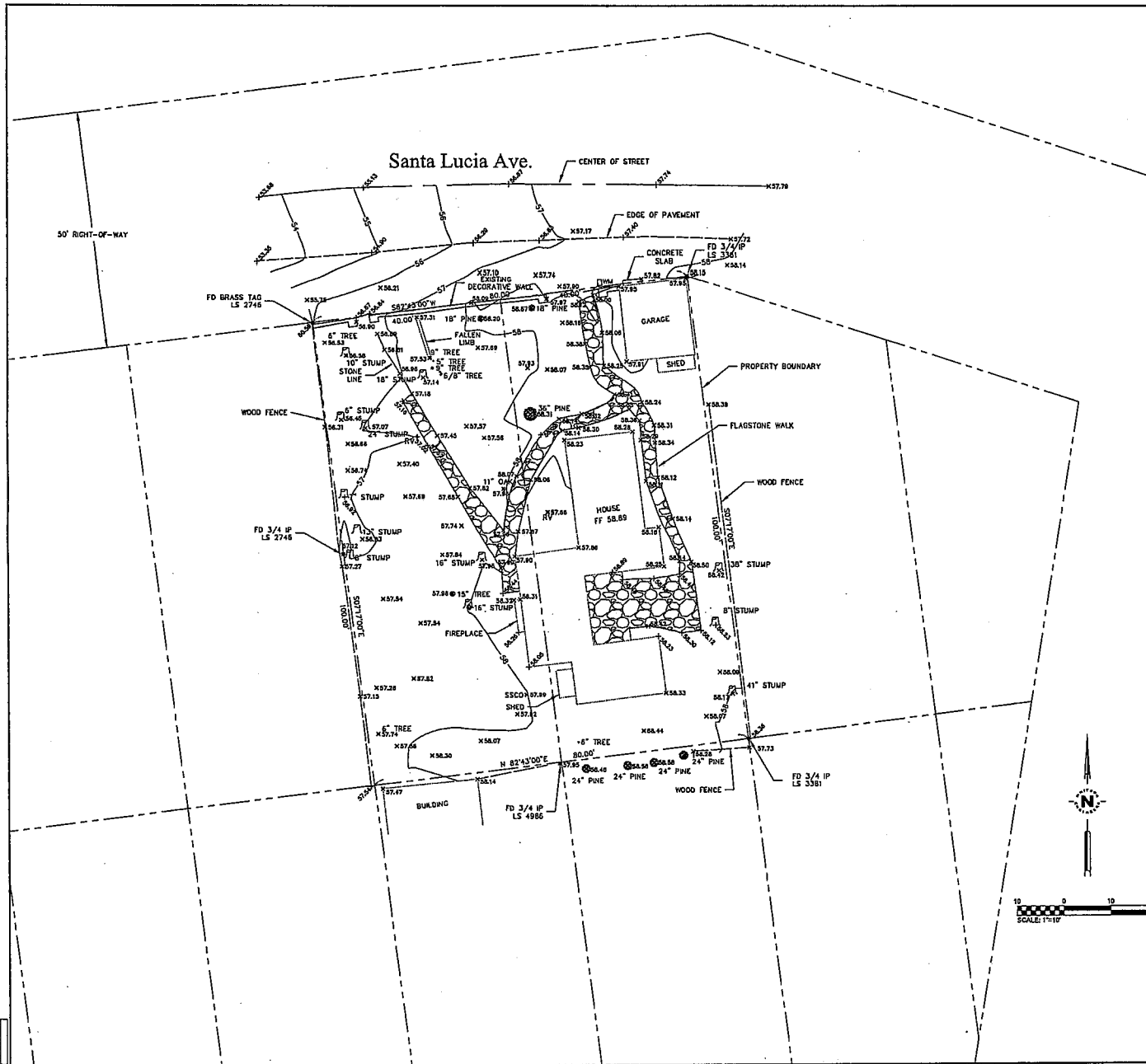
2.		<p><b>PBD025 - NOTICE-PERMIT APPROVAL</b>  The applicant shall record a notice which states: "A permit (Resolution 060036) was approved by the Zoning Administrator for Assessor's Parcel Number 009-401-011-000 on June 29, 2006. The permit was granted subject to ten (10) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Resource Management Agency – Planning Department." Proof of recordation of this notice shall be furnished to the Director of RMA – Planning Department (RMA – PD) prior to issuance of building permits or commencement of the use. <b>(RMA – Planning Department)</b></p>	Proof of recordation of this notice shall be furnished to RMA – PD.	Owner/ Applicant	Prior to Issuance of demolition permits	
3.		<p><b>PBD011 - EROSION CONTROL PLAN AND SCHEDULE</b>  The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Soils Conservation Service and the Director of RMA – Planning Department. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA – Planning Department. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA – Planning Department. <b>(RMA – Planning Department)</b></p>	1) Evidence of compliance with the Erosion Control Plan shall be submitted to RMA – PD prior to issuance of building and grading permits.	Owner/ Applicant	Prior to Issuance of a demolition permit	
			2) Evidence of compliance with the Implementation Schedule shall be submitted to RMA – PD during the course of construction until project completion as approved by the Director of RMA – PD.	Owner/ Applicant	Prior to Final Inspection	

4.		<b>PBD014 - GRADING-WINTER RESTRICTION</b> No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA – Planning Department. <b>(RMA – Planning Department)</b>	None	Owner/ Applicant	Ongoing	
5.		<b>PBD026 – NOTICE OF REPORT</b> Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A historical report, Library No. LIB060241 has been prepared for this parcel by Kent L. Seavey, dated December 23, 2005, and is on record in the Monterey County Resource Management Agency – Planning Department. All development shall be in accordance with this report." <b>(RMA – Planning Department)</b>	Proof of recordation of this notice shall be furnished to RMA – PD.	Owner/ Applicant	Prior to issuance of a demolition permit	
6.		<b>PBD026 – NOTICE OF REPORT</b> Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "An archaeological report, Library No. LIB060242 has been prepared for this parcel by Basin Research Associates, dated April 17, 2006, and is on record in the Monterey County Resource Management Agency – Planning Department. All development shall be in accordance with this report." <b>(RMA – Planning Department)</b>	Proof of recordation of this notice shall be furnished to RMA – PD.	Owner/ Applicant	Prior to issuance of a demolition permit	

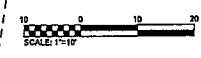


7.		<p><b>PBDSP001 - STOP WORK - RESOURCES FOUND (NON-STANDARD CONDITION)</b>  If, during the course of demolition, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 25 feet of the find until a qualified professional archaeologist can evaluate it. The Monterey County Resource Management Agency – Planning 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. <b>(RMA – Planning Department)</b></p>	<p>Stop work within 25 feet of uncovered resource and contact the Monterey County Resource Management Agency – Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. 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.</p>	<p>Owner/ Applicant/ Archaeologist</p>	<p>Ongoing</p>	
8.		<p><b>PBD032(B) – TREE AND ROOT PROTECTION</b>  Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, 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 RMA – Planning Department. <b>(RMA – Planning Department)</b></p>	<p>Submit evidence of tree protection to RMA – PD for review and approval.</p>	<p>Owner/ Applicant</p>	<p>Prior to Issuance of a demolition permit</p>	
			<p>Submit photos of the trees on the property after the demolition to document the condition of the trees and the project site.</p>	<p>Owner/ Applicant</p>	<p>Prior to final approval of the demolition</p>	

9.		<p><b>PBDSP002 – ASBESTOS SURVEY (NON STANDARD CONDITION)</b>  The applicant shall have a Certified Asbestos Consultant conduct an asbestos survey of the single family dwelling on the project site. A report shall be prepared and submitted to the Monterey Bay Unified Air Pollution Control District (MBUAPCD) for review and approval a minimum of ten (10) working days prior to commencing asbestos removal, or if no asbestos is present, a minimum of ten (10) working days prior to demolition. <b>(RMA – Planning Department)</b></p>	<p>A Certified Asbestos Consultant shall conduct an asbestos survey of the single family dwelling on the project site. A report shall be submitted to the MBUAPCD for review and approval a minimum of ten (10) working days prior to commencing asbestos removal.</p> <p>If no asbestos is present, a report shall be submitted to the MBUAPCD for review and approval a minimum of ten (10) working days prior to demolition.</p>	<p>Certified Asbestos Consultant/  Owner/  Applicant</p>	<p>Prior to the issuance of a demolition permit</p>	
10.		<p><b>PWSP001 (NON-STANDARD CONDITION)</b>  Obtain an encroachment permit from the Department of Public Works for any work within the public right-of-way. <b>(Public Works)</b></p>	<p>Applicant shall obtain an encroachment permit from the Dept of Public Works for any work within the Santa Lucia Avenue right-of-way.</p>	<p>Applicant</p>	<p>Prior to issuance of a demolition permit</p>	



- LEGEND**
- 55 ——— EXISTING CONTOUR
  - — — — — SUBJECT PROPERTY LINE
  - — — — — PROPERTY LINE
  - 12" K TREE, SIZE AND TYPE AS NOTED
  - x 60x27 SPOT GRADE
  - o SEWER CLEAN-OUT
  - RY RELIEF VALVE
  - WM WATER MAIN



**NOTES:**  
 THIS MAP REPRESENTS A FIELD SURVEY THAT WAS PERFORMED BY WHITSON ENGINEERS ON MAY 31, 2006. DISTANCES AND DIMENSIONS SHOWN ARE EXPRESSED IN FEET AND DECIMALS THEREOF.  
 BOUNDARY LOCATIONS SHOWN HEREIN WERE DETERMINED WITH THE BENEFIT OF A FIELD SURVEY SUPPLEMENTED BY RECORD DATA. BOUNDARY INFORMATION SHOWN IS TAKEN FROM VOLUME 2, CITIES & TOWNS PAGE 33, FILED MAY 4, 1910. THIS TOPOGRAPHY DOES NOT CONSTITUTE A BOUNDARY SURVEY.  
 TREES SHOWN ARE OAK TREES, UNLESS OTHERWISE INDICATED. DIAMETERS OF TREES ARE SHOWN IN INCHES. TREES SMALLER THAN 6" WERE NOT LOCATED AS PART OF THIS SURVEY.  
 BENCHMARK TAKEN FROM CENTER OF SANITARY SEWER MANHOLE NEAR THE INTERSECTION OF SAN ANTONIO AVENUE AND SANTA LUCIA AVENUE, CITY OF CARMEL, CALIF. ELEVATION: 42.50'

DATE: DEC. 16, 2005  
 SCALE: 1"=10'  
 DRAWN BY: C.L.P./C.K.  
 JOB # 1726.00

**WHITSON ENGINEERS**  
 8559 Blvd Lafayette Ln Ste 105 Monterey, CA 93940  
 831 646-5225 Fax 831 372-5885  
 CIVIL ENGINEERING • LAND SURVEYING • PROJECT MANAGEMENT

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**CREEDE PROPERTY**  
 MONTEREY COUNTY, CALIFORNIA  
 TOPOGRAPHIC SURVEY

2594 SANTA LUCIA AVENUE, CARMEL, CA

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REVISED	DATE	DESCRIPTION

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BY: \_\_\_\_\_

SHEET **1** OF 1