

MONTEREY COUNTY PLANNING COMMISSION

Meeting: February 12, 2014	Time: 9:00 A.M.	Agenda Item No.: 2
Project Description: Continued from January 8, 2014. After-the-fact Combined Development Permit (to clear 12CE00009) consisting of: 1) a Coastal Administrative Permit and Design Approval to allow the conversion of an existing 210 square foot attached garage to habitable living space; 2) a Coastal Development Permit, per MCC 20.58.050, to allow the modification of parking standards; and 3) a Coastal Development Permit to allow development with positive archaeological reports. The property is located at 26363 Scenic Road, Carmel (Assessor's Parcel Number 009-442-017-000), Carmel Area Land Use Plan, Coastal Zone.		
Project Location: 26363 Scenic Road, Carmel		APN: 009-442-017-000
Planning File Number: PLN120519		Owner/Applicant: Bearman, Garth and Diana Agents: Anthony Lombardo & Associates; International Design Group
Planning Area: Carmel Area Land Use Plan		Flagged and staked: No
Zoning Designation: MDR/2-D (18)(CZ) [Medium Density Residential, 2 units per acre with Design Control Overlay and 18-foot height limit (Coastal Zone)]		
CEQA Action: Categorically Exempt per CEQA Guidelines Section 15303		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1) Find the project categorically exempt per CEQA Guidelines Section 15303; and
- 2) Approve the Combined Development Permit, based on the findings and evidence, and subject to the conditions of approval (**Exhibit C**).

PROJECT OVERVIEW:

Item continued from the Planning Commission public hearing on January 8, 2014. Per Planning Commission direction, the Applicant now proposes to legalize the un-permitted conversion of a 210 square foot attached garage to habitable living space, and to modify the parking standards per Monterey County Code 20.58.050 to eliminate the requirement for a covered parking space and to allow two parking spaces within the front setback. Deletion of the previously-proposed 557 square foot subterranean garage avoids direct impacts to known pre-historic cultural resources. See **Exhibit B** for a more detailed discussion of the project.

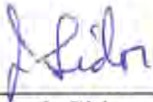
OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- √ RMA - Public Works
- Environmental Health Bureau
- Water Resources Agency
- Cypress Fire Protection District
- California Coastal Commission

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by RMA – Public Works and RMA – Planning have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

The project was referred to the Carmel Unincorporated Land Use Advisory Committee (LUAC) for review. The LUAC, at a public meeting held on November 5, 2012, reviewed and voted to support the project, as originally-proposed, with recommended changes (**Exhibit E**). Archaeological reports are not forwarded to LUACs, so the LUAC was not able to review and consider the project's potential impacts to cultural resources.

Note: The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.



Joseph Sidor, Associate Planner
(831) 755-5262, SidorJ@co.monterey.ca.us
January 31, 2014

cc: Front Counter Copy; Planning Commission; Cypress Fire Protection District; RMA-Public Works; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; Delinda Robinson, Senior Planner; Joseph Sidor, Project Planner; Garth and Diana Bearman, Owner; Anthony Lombardo and Associates (Shandell Clark), Agent; International Design Group, Applicant; The Open Monterey Project; LandWatch; Planning File PLN120519

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Draft Resolution, including:
• Conditions of Approval
• Revised Site Plan and Floor Plan
Exhibit D Vicinity Map
Exhibit E Advisory Committee Minutes (Carmel Unincorporated LUAC)



This report was reviewed by Delinda Robinson, Senior Planner.

EXHIBIT A

Project Information for PLN120519

Application Name: Bearman Garth & Diana Trs
Location: 26363 Scenic Rd, Carmel
Applicable Plan: Carmel LUP
Advisory Committee: Carmel/Carmel Highlands Advisory Committee
Permit Type: Combined Development Permit
Environmental Status: Categorical Exemption
Zoning: MDR/2-D(18)(CZ)

Primary APN: 009-442-017-000
Coastal Zone: Yes
Final Action Deadline (884): 1/13/2013
Land Use Designation: Residential - Medium Density

Project Site Data:

Lot Size: 4650
Existing Structures (sf): 2090
Proposed Structures (sf): 0
Total Sq. Ft.: 2090

Coverage Allowed: 1627
Coverage Proposed: 1500
Height Allowed: 18
Height Proposed: N/A
FAR Allowed: 2092
FAR Proposed: 2090

Special Setbacks on Parcel: NA

Resource Zones and Reports:

Seismic Hazard Zone: UNDETERMINED
Erosion Hazard Zone: High / Moderate
Fire Hazard Zone: N/A
Flood Hazard Zone: X
Archaeological Sensitivity: High
Visual Sensitivity: Sensitive

Soils Report #: LIB120383
Biological Report #: N/A
Forest Management Rpt. #: N/A
Geologic Report #: N/A
Archaeological Report #: LIB120384 / LIB130007
LIB130334 / LIB130343

Other Information:

Water Source: PUBLIC
Water Purveyor: CAL AM
Fire District: Cypress FPD
Tree Removal: 0

Grading (cubic yds.): 0
Sewage Disposal (method): SEWER
Sewer District Name: CAWD

EXHIBIT B DISCUSSION

Project & Site Description

As revised, the Applicant proposes to legalize the un-permitted conversion of a 210 square foot attached garage to habitable living space, install permeable pavers in the area of the former driveway, and to modify the parking standards per Monterey County Code (MCC) 20.58.050 to eliminate the requirement for a covered parking space and to allow two parking spaces within the front setback. Deletion of the previously-proposed 557 square foot subterranean garage avoids direct impacts to known pre-historic cultural resources. The Applicant also proposes to install permeable pavers in an area of the former driveway and existing lawn.

The project is located at 26363 Scenic Road, Carmel Point neighborhood, Carmel Area Land Use Plan, Coastal Zone. The parcel is a coastal residential lot, approximately 4,650 square feet (0.107 acre) in size. Existing development on the parcel includes a 2,090 square foot single family dwelling, and the parcel is bordered by similar residential lots and development to the north, east, and south. The site also has existing landscaped and hardscape areas that cover the remaining parcel area. The existing residence is legal non-conforming with regard to side setback and height limit; however, the proposed conversion of the garage to habitable space meets current development standards with regard to height and setbacks, and would not change the legal non-conforming elements of the existing structure.

Project Issues

Parking: The existing development on the parcel, including the un-permitted conversion of the former garage to habitable living space, resulted in a lack of adequate off-street parking as required by MCC 20.58. Per MCC 20.58, residential dwellings in MDR zones are required to provide 2 off-street parking spaces, with at least one space covered (e.g., either a carport or garage). Currently, the parcel has no permitted off-street parking, either covered or uncovered, and the former driveway area has been landscaped. The Applicant had proposed a 557 square foot subterranean garage to provide the required off-street and covered parking.

At the public hearing on January 8, 2014, the Planning Commission directed staff to return with a resolution allowing modification of the parking standards, per MCC 20.58.050; thereby eliminating the need for the subterranean garage and avoiding direct impacts to known cultural resources. MCC 20.58.050 allows, with a Coastal Development Permit, the modification of parking standards where appropriate due to the unusual characteristics of a use or its immediate vicinity, etc. The Applicant has submitted revised plans which delete the subterranean garage and identify two parking spaces within the front setback. The modified parking standards would delete the requirement for a covered parking space, and allow two uncovered parking spaces within the front setback. Deletion of the subterranean garage and modification of the parking standards better achieves the goals and objectives of the Carmel Area Land Use Plan in that it results in the preservation of cultural resources.

Cultural/Archaeological Resources: The project site is in an area identified in County records as having a high archaeological sensitivity, and is within the area of a larger cultural site (CA-MNT-17) identified in the archaeological reports prepared for this project. The Applicant submitted four archaeological reports either prepared for the subject parcel/project or the larger cultural site (LIB120384, LIB130007, LIB130334, and LIB130343). The project also includes application for development within an area of known cultural/archaeological resources. In

accordance with the applicable policies of the Carmel Area Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant the permit have been met. LUP Key Policy 2.8.2 directs the incorporation of all site planning and design features necessary to minimize or avoid impacts to archaeological resources. The project, as revised, avoids impacts to cultural/archaeological resources in accordance with the applicable goals and policies of the LUP and the associated Coastal Implementation Plan. The installation of permeable pavers in the area of the former driveway would not result in impacts to cultural resources since the area has been previously disturbed. Condition No. 4 has been applied to ensure appropriate steps are taken in the case of accidental discovery of cultural resources.

Environmental Review

California Environmental Quality Act (CEQA) Guidelines Section 15303 categorically exempts the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The project involves the conversion of an existing 210 square foot attached garage to habitable living space. Therefore, the project is consistent with the categorical exemption. Based on staff review of the revised plans, no adverse environmental effects or issues were identified, and no unresolved issues remain.

Recommendation

Staff recommends the Planning Commission find the revised project categorically exempt, per CEQA Guidelines Section 15303, and approve the after-the-fact Combined Development Permit based on the findings and evidence, and subject to the conditions of approval (**Exhibit C**).

**EXHIBIT C
DRAFT RESOLUTION**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

BEARMAN (PLN120519)

RESOLUTION NO. 14 - _____

Resolution by the Monterey County Planning
Commission:

- 1) Finding the project categorically exempt per CEQA Guidelines Section 15303; and
- 2) Approving an after-the-fact Combined Development Permit (to clear 12CE00009) consisting of a Coastal Administrative Permit and Design Approval to allow the conversion of an existing 210 square foot attached garage to habitable living space; a Coastal Development Permit, per MCC 20.58.050, to allow the modification of parking standards; and a Coastal Development Permit to allow development with positive archaeological reports.

[PLN120519, Bearman, 26363 Scenic Road, Carmel, Carmel Area Land Use Plan, Coastal Zone (APN: 009-442-017-000)]

The Bearman application (PLN120519) came on for public hearing before the Monterey County Planning Commission on February 12, 2014. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is an after-the-fact Combined Development Permit (to clear 12CE00009) consisting of a Coastal Administrative Permit and Design Approval to allow the conversion of an existing 210 square foot attached garage to habitable living space; a Coastal Development Permit, per MCC 20.58.050, to allow the modification of parking standards; and a Coastal Development Permit to allow development with positive archaeological reports.

 EVIDENCE: The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120519.

2. **FINDING:** **CONSISTENCY** – The Project, as revised, is consistent with the applicable plans and policies which designate this area as appropriate for development.

- EVIDENCE:**
- a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 1982 Monterey County General Plan;
 - Carmel Area Land Use Plan (LUP);
 - Monterey County Coastal Implementation Plan Part 4; and
 - Monterey County Zoning Ordinance (Title 20).

As revised, no conflicts were found to exist. No communications were received during the course of review of the revised project indicating inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 26363 Scenic Road, Carmel Point neighborhood (Assessor's Parcel Number 009-442-017-000), Carmel Area Land Use Plan, Coastal Zone. The parcel is zoned Medium Density Residential, 2 units per acre with a Design Control Overlay and 18-foot height limit (Coastal Zone) [MDR/2-D (18)(CZ)], which allows residential uses and structures. Therefore, the project is an allowed land use for this site.
- c) Legal Nonconforming Elements of the Existing Single Family Dwelling: The development standards for the MDR zone are identified in Section 20.12.060 MCC. Required setbacks in this MDR zone are 20 feet (front), 10 feet (rear), and 5 feet (sides). The existing structure has setbacks of 20 feet (front), 10 feet (rear), 4.2 feet (north side), and 11 feet (south side). The site coverage maximum in this MDR zone is 35 percent, and the floor area ratio maximum is 45 percent. The existing lot is approximately 4,650 square feet, which would allow site coverage of approximately 1,627.5 square feet and floor area ratio of approximately 2,092.5 square feet. The existing single family dwelling, with the converted garage area, results in site coverage of approximately 1,500 square feet (32.2 percent) and a floor area ratio of approximately 2,090 square feet (44.9 percent). The height limit for this property is 18 feet. The existing structure is approximately 21.8 feet tall from average natural grade. Therefore, the existing structure is legal non-conforming with regard to side setback (north side only) and height limit. However, the proposed conversion of the garage to habitable space meets current development standards with regard to height and setbacks, and would not change the legal non-conforming elements of the existing structure.
- d) The project planner conducted a site inspection on August 24, 2012, to verify whether or not the project on the subject parcel conforms to the plans listed above.
- e) Cultural/Archaeological Resources: The project site is in an area identified in County records as having a high archaeological sensitivity, and is within the area of a larger cultural site (CA-MNT-17) identified in the archaeological reports prepared for this project. The Applicant submitted four archaeological reports either prepared for the subject parcel/project or the larger cultural site (LIB120384, LIB130007, LIB130334, and LIB130343). The project also includes application for development within an area of known cultural/archaeological resources. In accordance with the applicable policies of the Carmel Area Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit

have been met. LUP Key Policy 2.8.2 directs the incorporation of all site planning and design features necessary to minimize or avoid impacts to archaeological resources. The project, as revised, avoids impacts to cultural/archaeological resources in accordance with the applicable goals and policies of the LUP and the associated Coastal Implementation Plan. The installation of permeable pavers in the area of the former driveway would not result in impacts to cultural resources since the area has been previously disturbed. Condition No. 4 has been applied to ensure appropriate steps are taken in the case of accidental discovery of cultural resources.

- f) Modification of Parking Standards: The revised project includes application for modification of parking standards. In accordance with the applicable policies of the Carmel Area Land Use Plan and Monterey County Code (MCC) 20.58.050, a Coastal Development Permit is required and the criteria to grant said permit have been met. Per MCC 20.58, residential dwellings in MDR zones are required to provide 2 off-street parking spaces, with at least one space covered (e.g., either a carport or garage). Currently, the parcel has no permitted off-street parking, either covered or uncovered. MCC 20.58.050 allows the modification of parking standards where appropriate due to the unusual characteristics of a use or its immediate vicinity, etc. The presence of documented cultural resources on the site presents an obstacle to excavating a subterranean garage. Therefore, modification of the parking standards better achieves the goals and objectives of the Carmel Area Land Use Plan in that it results in the preservation of known cultural resources. The modified parking standards would delete the requirement for a covered parking space, and allow two uncovered parking spaces within the front setback. Modification of the parking standards also involves the installation of permeable pavers in an area of the former driveway and existing lawn.
- g) The project was referred to the Carmel Unincorporated Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because it involves a Design Approval subject to review by the Zoning Administrator or Planning Commission. The LUAC, at a public meeting held on November 5, 2012, reviewed and voted to support the project with recommended changes. The LUAC recommended the County verify driveway sight distance and apply an applicable condition of approval. Archaeological reports are not forwarded to LUACs, so the LUAC was not able to review and consider the project's potential impacts to cultural resources. Subsequent revisions to the project to remove the subterranean garage and modify parking standards were not forwarded to the LUAC for review.
- h) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120519.

3. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.
- EVIDENCE:**
- a) The project, as revised, has been reviewed for site suitability by the following departments and agencies: RMA - Planning, Cypress Fire Protection District, RMA - Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. RMA – Planning identified potential suitability issues related to cultural resources; therefore, modifications to parking standards have been incorporated to avoid impacts to cultural resources. Conditions recommended have been incorporated.
 - b) Staff identified potential significant impacts to archaeological/cultural resources. The following reports have been prepared:
 - Archaeological Mitigation Plan (LIB120384) prepared by Archaeological Consulting, Salinas, California, September 12, 2012.
 - Archaeological Evaluation (LIB130007) prepared by the Gavilan Foundation, Soquel, California, May 1979.
 - Archaeological Letter (LIB130334) prepared by Archaeological Consulting, Salinas, California, September 11, 2013.
 - Overview of Archaeological Investigations and Summary of Findings for CA-MNT-17 (LIB130343) prepared by Archaeological Consulting, Salinas, California, February 24, 2012.The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental/resource constraints that would indicate that the site is not suitable for the use proposed, as revised. County staff has independently reviewed these reports and concurs with the conclusions.
 - c) Staff conducted a site inspection on August 24, 2012, to verify whether or not the site is suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120519.

4. **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 RMA - Planning, Cypress Fire Protection District, RMA - Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies recommended conditions, where appropriate, to ensure that the project would not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are available. The existing residence has a public water connection (Cal-Am) and a public sewer connection

(Carmel Area Wastewater District). The residence will continue to use these same connections. The Environmental Health Bureau reviewed the project application, and did not require any conditions.

- c) Staff conducted a site inspection on August 24, 2012, to verify whether or not the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120519.

5. **FINDING:** **VIOLATIONS** - The subject property is not in compliance with all rules and regulations pertaining to zoning uses and/or other applicable provisions of the County's zoning ordinance. Violations exist on the property. The approval of this permit will correct the violations and bring the property into compliance.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is aware of a violation existing on subject property [Code Enforcement (CE) File No. 12CE00009].
 - b) Staff conducted a site inspection on August 24, 2012, and researched County records to assess if any violation exists on the subject property.
 - c) The project, as proposed, would correct an existing violation involving the un-permitted conversion of a 210 square foot attached garage to habitable living space (CE File No. 12CE00009). As proposed, including the parking modifications, the project would bring the subject property into compliance with applicable site development regulations and would remove the existing violation.
 - d) Zoning violation abatement costs have been paid for the proposed discretionary permit. Additional fees would be required for a ministerial-level construction permit.
 - e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120519.

6. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review, and no unusual circumstances were identified.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15303 categorically exempts the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.
 - b) The project, as proposed and revised, involves the conversion of an existing 210 square foot attached garage to habitable living space. Therefore, the project is consistent with the categorical exemption per Evidences 6a.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on August 24, 2012.
 - d) None of the exceptions to exemptions listed under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve: a historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would

result in a significant effect, development that would result in a cumulatively significant impact, nor development in a particularly sensitive environment.

- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120519.

7. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3, Public Access, in 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) The project planner conducted a site inspection on August 24, 2012.
 - e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120519.
8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:**
- a) Board of Supervisors: Per Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20), an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) California Coastal Commission: Section 20.86.080.A.1 and A.3 of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because it involves development within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, and development that is permitted in the underlying zone as a conditional use.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Find the project categorically exempt per California Environmental Quality Act (CEQA) Guidelines Section 15303; and
2. Approve an after-the-fact Combined Development Permit (to clear 12CE00009) consisting of a Coastal Administrative Permit and Design Approval to allow the conversion of an existing 210 square foot attached garage to habitable living space; a Coastal Development Permit, per MCC 20.58.050, to allow the modification of parking

standards; and a Coastal Development Permit to allow development with positive archaeological reports; in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 12th day of February, 2014 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Secretary, Planning Commission

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 TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, 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 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 Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Monterey County Planning Department

DRAFT Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan

PLN120519

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This after-the-fact (to clear 12CE00009) Combined Development Permit (PLN120519) allows a Coastal Administrative Permit and Design Approval for the conversion of an existing 210 square foot attached garage to habitable living space; a Coastal Development Permit, per MCC 20.58.050, to allow the modification of parking standards; and a Coastal Development Permit to allow development with positive archaeological reports. The property is located at 26363 Scenic Road, Carmel (Assessor's Parcel Number 009-442-017-000), Carmel Area Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 RMA - Planning. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state: "An after-the-fact Combined Development Permit (Resolution Number 14 -) was approved by the Planning Commission for Assessor's Parcel Number 009-442-017-000 on February 12, 2014. The permit was granted subject to seven (7) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to RMA - Planning.

3. PD002(A) - ATTACH RESOLUTION TO CONSTRUCTION PLANS

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A copy of the Resolution of Approval (Resolution No. 14 -) for the after-the-fact Combined Development Permit (Planning File No.: PLN120519) shall be incorporated onto the construction plans for the project prior to the issuance of a grading or building permit. The Contractor/Owner/Applicant shall be responsible for compliance with all conditions of approval. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of any grading or construction activities, the Owner/Applicant shall submit evidence to RMA-Planning for review and approval, that the Resolution of Approval, for the project, has been incorporated onto the construction plans for the project/approved development.

Ongoing throughout construction and until all Conditions of Approval and/or Mitigation Measures have been complied with, the Contractor/Owner/Applicant shall provide evidence of compliance with Conditions of Approval to the Responsible Land Use Department as specified in the "Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan."

4. PD003(B) - CULTURAL RESOURCES POSITIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:

There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remain are discovered must be contacted to determine that no investigation of the cause of death is required.

If the coroner determines the remains to be Native American:

- The coroner shall contact the Native American Heritage Commission and RMA - Planning within 24 hours.

- The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendant.

- The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, Or

Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:

1. The Native American Heritage Commission is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 24 hours after being notified by the commission.

2. The descendant identified fails to make a recommendation; or

3. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

(RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans.

5. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning.

6. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of three (3) years, to expire on February 12, 2017, unless use of the property or actual construction has begun within this period. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

7. PW0005 - ENCROACHMENT (STD DRIVEWAY)

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from RMA - Public Works, and construct a standard driveway connection to Scenic Road.

Compliance or Monitoring Action to be Performed: Prior to Building/Grading Permits Issuance, Owner/Applicant shall obtain an encroachment permit from RMA - Public Works prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible in obtaining all permits and environmental clearances.

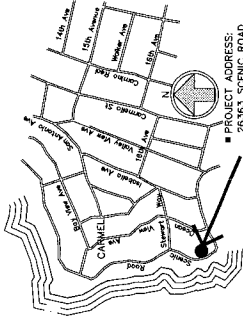
PLANNING INFO.

- PROPERTY OWNER:
GARTH BEARMAN
C/O INTERNATIONAL DESIGN GROUP
10000 S. PACIFIC AVE., SUITE 300
PACIFIC GROVE, CA 93950
PH: (831) 646-1261
- PROJECT ADDRESS:
28363 SCENIC ROAD, CARMEL, CA 93923
- PROJECT SCOPE:
CONVERTIBLE SPACE TO REMAIN
- CONVERT (E) LAWN TO CAR PARKING
(PERMEABLE CONCRETE PAVERS)
TO COMPLY W/ DTF-STREET & COVERED
PARKING REQUIREMENT
- A.P.N.: 009-442-017
- ZONE: MDR/2-0(18)(C2)
- MAX BLDG. HT. EXISTING TO REMAIN (18'-0" MAX)
- GRADING: NONE
- TREE REMOVAL: NONE - EXISTING TO REMAIN
- TOPOGRAPHY: GENTLY SLOPING
- PROJECT COMPLIANCE:
2013 CBC, OMC, CPC, CFC, CEC, CALIFORNIA
RESIDENTIAL CODE, CALIFORNIA GREEN
BUILDING CODE, & CALIFORNIA ENERGY CODE
- LOT SIZE: 4,650 SF (1 AC.)
- LOT COVERAGE CALCULATIONS:

	EXISTING	PROPOSED ADDITION	PROPOSED REMOVAL	PROPOSED TOTAL
RESIDENCE	1,280.0	210.0	0	1,500.0
GARAGE	1,500.0	210.0	0	1,710.0
TOTAL	2,780.0	420.0	0	3,200.0
- LOT COVERAGE ALLOWED: 1,627.5 SF (35%)
- LOT COVERAGE PROPOSED: 1,960.0 SF (42.2%)
- F.A.R. CALCULATIONS:

	EXISTING	PROPOSED ADDITION	PROPOSED REMOVAL	PROPOSED TOTAL
MAIN FLOOR	1,280.0	210.0	0	1,500.0
PER FLOOR	210.0	0	0	210.0
TOTAL	2,090.0	210.0	0	2,300.0
- F.A.R. ALLOWED: 2,092.5 SF (45%)
- F.A.R. PROPOSED: 2,090.0 SF (44.9%)

VICINITY MAP



PROJECT ADDRESS:
28363 SCENIC ROAD
CARMEL, CA, 93923

JUN A. SILLANO, AIA



INTERNATIONAL DESIGN GROUP
ARCHITECTURE • PLANNING • INTERIOR DESIGN

JOHN E. MATTHEWS
724 LIGHTHOUSE AVE
PACIFIC GROVE, CA
93950

- PHONE: (831) 646-1261
- FAX: (831) 646-1262
- EMAIL: JOHN@IDG.COM
- WEBSITE: WWW.IDG.COM

DISCLAIMER:
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STAMPS:

PROJECT/CLIENT:
GARTH BEARMAN

PROJECT ADDRESS:
**28363 SCENIC ROAD
CARMEL, CA.**

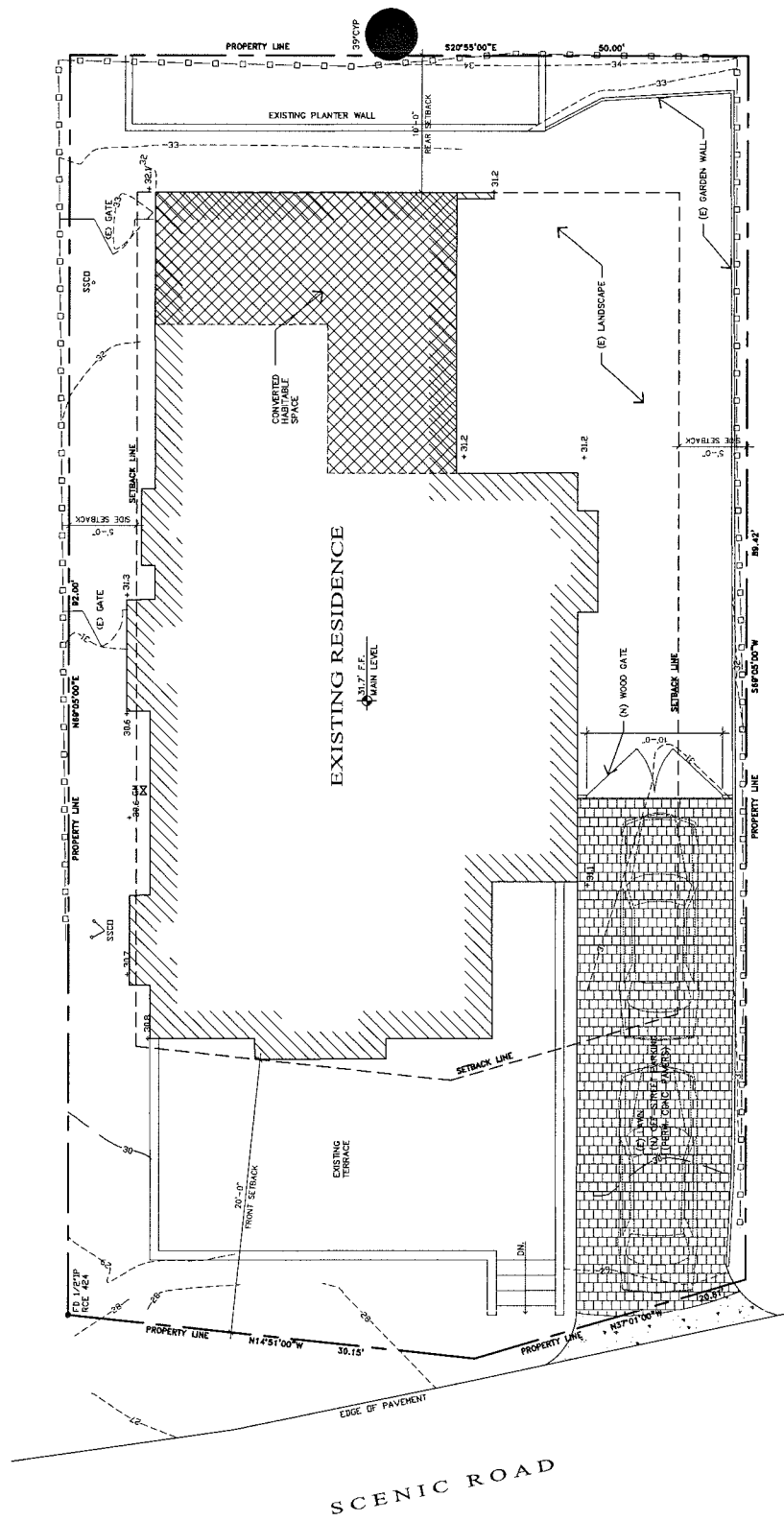
APN: 009-442-017

DATE: JANUARY 21, 2014
PLANNING RE-APPLICATION

REVISIONS:

SITE PLAN

SHEET NO. **A1.0**



MAIN LEVEL PLAN

JUN A. SILLAND, AIA



INTERIOR DESIGN & ARCHITECTURE • PETERSON SQUARE

JOHN E. MATTHAMS

7211 LIGHTHOUSE AVE
PACIFIC PALMS SPRING, CA
92652

PH: (949) 858-1043
FAX: (949) 858-1220
EMAIL: john@idgarch.com
WEB: www.idgarch.com

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STAMP:

PROJECT/CLIENT:
GARTH
BEARMAN

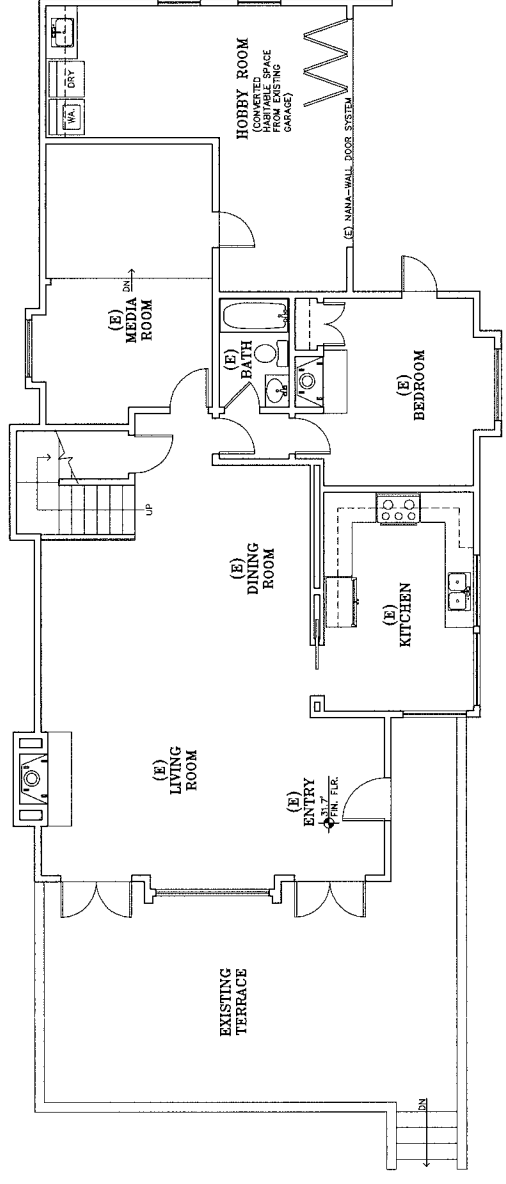
PROJECT ADDRESS:
26363
SCEANIC ROAD
CARMEL, CA.
APN: 009-442-017

DATE: JANUARY 27, 2014
PLANNING RE-APPLICATION

REVISIONS:
1. _____
2. _____
3. _____
4. _____
5. _____

MAIN LEVEL
PLAN

SHEET NO.
A2.0

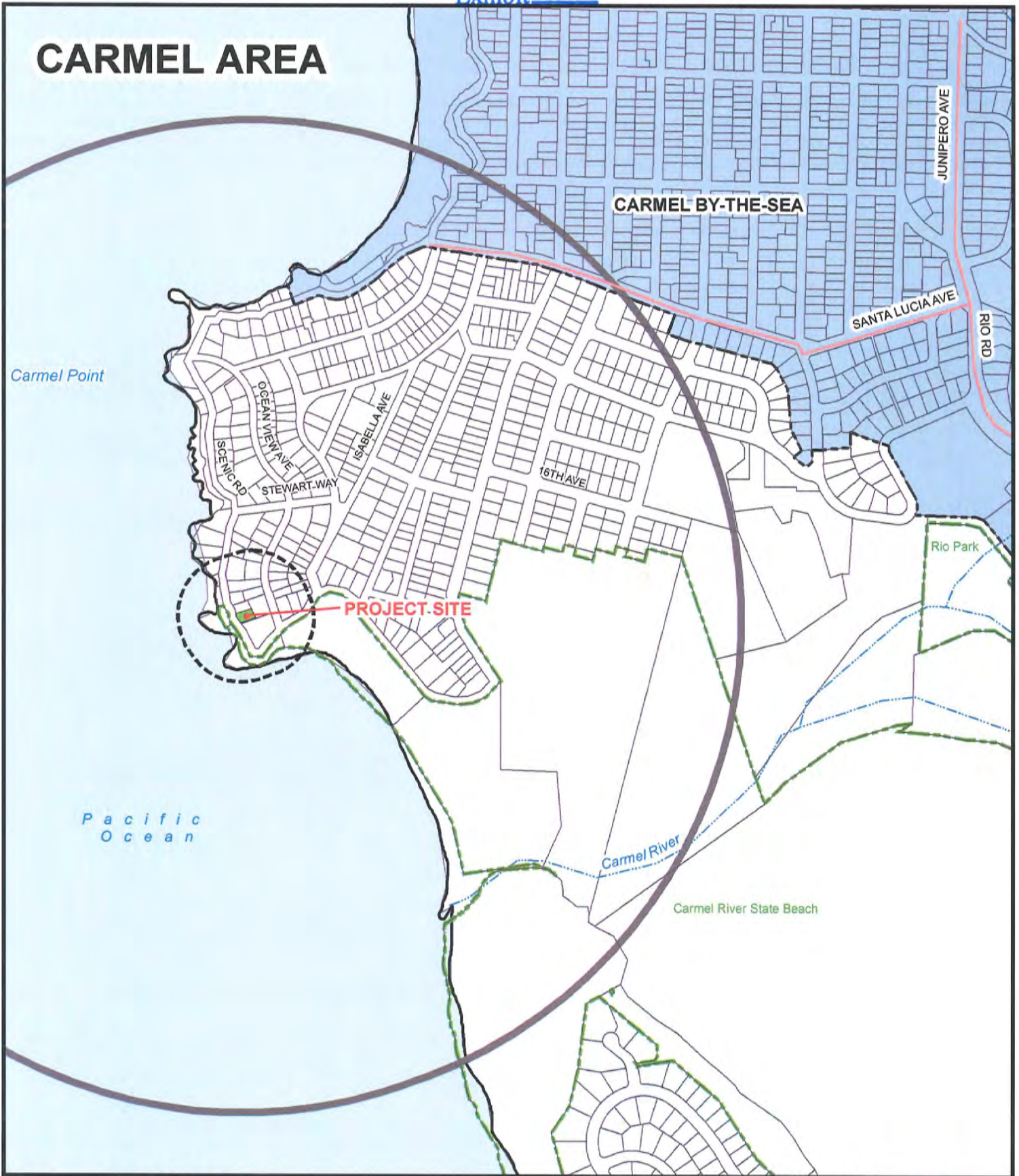


WALL LEGEND
2x EXISTING WALL TO REMAIN
2x6 EXTERIOR STUD FRAMED WALL
2x4 INTERIOR STUD FRAMED WALL U.O.N.



MAIN LEVEL PLAN
1/4"=1'-0"





CARMEL AREA

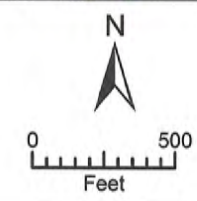


APPLICANT: BEARMAN

APN: 009-442-017-000

FILE # PLN120519

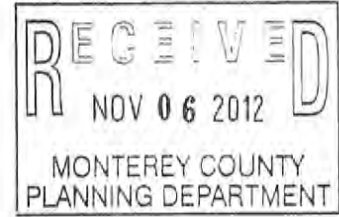
 Water
  2500' Limit
  300' Limit
  City Limits



PLANNER: SIDOR

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA 93901
(831) 755-5025



Advisory Committee: **Carmel Unincorporated/Highlands**

Please submit your recommendations for this application by: **November 5, 2012**

Project Title: BEARMAN GARTH & DIANA TRS

File Number: PLN120519

File Type: ZA

Planner: SIDOR

Location: 26363 SCENIC RD CARMEL

Project Description:

After-the-fact Combined Development Permit (to clear 12CE00009) consisting of: 1) a Coastal Administrative Permit and Design Approval to allow the conversion of an existing 210 square foot attached garage to habitable living space, and the construction of a 557 square foot subterranean garage, including attached storage room, mechanical room, stairwell, and railing; 2) a Coastal Development Permit to allow development with positive archaeological reports; and grading (approximately 225 cubic yards of cut and 0 cubic yards of fill). The property is located at 26363 Scenic Road, Carmel (Assessor's Parcel Number 009-442-017-000), Carmel Area Land Use Plan, Coastal Zone.

Was the Owner/Applicant/Representative present at meeting? Yes No

JUN SILIANO

Was a County Staff/Representative present at meeting? YES - CRAIG SPENCER (Name)

PUBLIC COMMENT: N/A

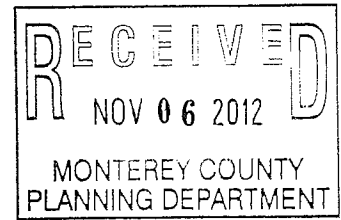
Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
SLOPE OF DRIVEWAY; REVIEWED BY COUNTY. PW. LINE OF SIGHT? EA.		CONDITION APPROVAL THAT DRIVEWAY ACTUALLY WORKS.
GEOLOGY: APPLICANT STATED SOILS REPORT SAYS SANDY.		⊖
EXT. LIGHTING		⊖

ADDITIONAL LUAC COMMENTS

None



RECOMMENDATION:

Motion by: PETER DAVIS. (LUAC Member's Name)

Second by: JACK MEBEEN (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: PETER D., JACK M., BARBARA R., DON W., ADAM J. (5)

NOES: ⊖

ABSENT: MICHAEL HIRST (1)

ABSTAIN: ⊖