

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 06040

A. P. # 009-122-023-000

FINDINGS AND DECISION

In the matter of the application of
Cherie Chooljian (PLN050619)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit consisting of a: 1) Coastal Development Permit on slopes in excess of 30%; 2) Coastal Administrative Permit to remove a 14-inch Oak tree; modify parking standards to allow parking within front setback and to allow no covered parking; and 3) Design Approval for 240 square bedroom addition (under existing house), 136 square foot stairwell addition; 179 cubic yards of grading for a new retaining wall, 326 square feet of deck and 440 square feet of driveway. The property is located at 24936 Lincoln Street, Carmel, Carmel Area Land Use Plan, Coastal Zone, and came on regularly for hearing before the Planning Commission on June 28, 2006.

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. FINDING: CONSISTENCY, SITE SUITABILITY - The Chooljian Combined Development Permit (PLN050619), as described in Condition No. 1, and as conditioned, conforms to the policies, requirements and standards of the Carmel Local Coastal Program and the Monterey County Zoning Ordinance (Title 20). The property is located at 24936 Lincoln Street, Carmel (Assessor's Parcel Number 009-122-023-000), Carmel area. The parcel is zoned "MDR/2-D(CZ)" (Medium Density Residential with a maximum density of 2 units per acre, Design Control, Coastal Zone). The site is physically suitable for the use proposed.

EVIDENCE: (a) The text, policies, and regulations in the above documents have been evaluated during the course of the review of the applications. 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 regulations in these documents.

(b) Project planner conducted a site visit on May 19, 2006 and verified that the project on the subject parcel conforms to the plans listed above.

(c) The Geotechnical Investigation Report dated September 25, 2005 concludes that the site is suitable for the proposed development, provided the recommendations of the report are followed.

(d) The project has been reviewed by the Monterey County Planning and Building Inspection Department, Carmel Highlands Fire Protection District, Monterey County Water Resources Agency, Monterey County Public Works Department and Monterey County Health Department. There has been no indication from these agencies that the site is not suitable for the use proposed. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

- (e) The Carmel Highlands Land Use Advisory Committee (LUAC) reviewed the plans for the project on May 15, 2006 and recommended approval on a vote of 4-0 (with Meheen excused). The LUAC members recommended that: 1) every effort should be made to protect the root system and trunk of the pine tree (18 inch) near where the oak tree will be removed at the edge of the new driveway (see Condition 9); 2) all lighting to show configuration of entrance to driveway and location of driveway down hillside should be downcast and preferably at level of finished driveway (see Condition 10); and 3) any new lighting of decks and patios must also be shaded and downcast (see Condition 10).
- (f) Subsequent findings and supporting evidence.

2. **FINDING: MODIFICATION OF PARKING STANDARDS** – In accordance with Section 20.58.050.C, parking standards may be modified by a Coastal Development Permit from the Planning Commission, where appropriate, in cases which, due to unusual characteristics of a use or its immediate vicinity, do not necessitate the number of parking spaces, type of design, or improvements.

- EVIDENCE:**
- (a) The proposed project provides for the required two off-street parking spaces on the project site. These two spaces will be adequate to accommodate all of the parking needs generated by the use.
 - (b) Covered parking on this project site is infeasible due to unusual characteristics of the project site. At the shortest point, the proposed driveway is 8 feet from the front property line. Adding a carport in this location would encroach into the street right-of-way.
 - (c) On November 29, 2005, the City of Carmel-by-the-Sea issued an encroachment permit for the driveway and walkway only.
 - (d) Staff conducted site visits on December 5, 2005 and May 19, 2006 and verified that there is no feasible alternative which would allow a covered parking space out of the street right-of-way.
 - (e) Section 20.58.050.C of the Monterey County Zoning Ordinance (Title 20 of the Monterey County Code).
 - (f) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development, found in the project file (PLN050619).
 - (g) Finding 1 and supporting evidence.

3. **FINDING: TREE REMOVALS** - The proposed tree removal is consistent with the policies of the Carmel Local Coastal Program and the requirements and standards of the Monterey County Zoning Ordinance (Title 20). The tree removal is the minimum required under the circumstances of the case. The removal will not involve a risk of adverse environmental impacts.

EVIDENCE: The Forest Management Plan (dated January 23, 2006) prepared by Frank Ono indicates that due to the amount of fill that will be necessary, a 14-Oak tree will be removed during construction.

EVIDENCE: Condition 6.

4. **FINDING: DEVELOPMENT ON SLOPES OF 30% OR MORE** – Approximately 102 square feet of the driveway will be built on slopes over 30%. Portions of the proposed retaining wall and grading are also on slopes over 30%. Due to the existing topography, location of the existing house and the configuration of the property, there is no feasible alternative

which would allow the proposed improvements to occur on slopes of less than 30%. The design and location of the proposed driveway is the only available option where parking from the street can be designed to meet the grade of the lot. The proposed improvements better achieve the goals, policies and objectives of the Monterey County Local Coastal Program than other development alternatives.

EVIDENCE: Project planner conducted a site visit on May 19, 2006 and verified that there is no feasible alternative which would allow the proposed improvements to occur on slopes of less than 30% due to the existing topography, location of the existing house and the configuration of the property.

5. **FINDING: CEQA (Exempt)** – The project is categorically exempt from environmental review.
EVIDENCE: (a) The California Environmental Quality Act (CEQA) Guidelines Section 15303 (a) categorically exempts the construction of single family dwellings.
(b) No adverse environmental effects have been identified during staff review of the development application or during a site visit conducted on May 19, 2006.
6. **FINDING: WATER AND SEWER** - Adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.
EVIDENCE: The project has been reviewed by the Monterey County Health Department. There has been no indication from the Health Department that the site is not suitable for development.
7. **FINDING: APPEALABILITY** – The project, as approved by the Planning Commission, is appealable to the Board of Supervisors and the California Coastal Commission.
EVIDENCE: Sections 20.86.030 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 28th day of June, 2006, by the following vote:

AYES: Errea, Brown, Isakson, Salazar, Vandever, Padilla, Sanchez, Diehl
NOES: None
ABSENT: Wilmot, Rochester



DALE ELLIS, SECRETARY PRO TEM

A COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON JUL 10 2006

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JUL 20 2006

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

**Monterey County Resource Management Agency
Condition Compliance and/or Mitigation Monitoring
Reporting Plan**

Project Name: Chooljian

File No: PLN050619

APN: 009-122-023-000

Approval by: Planning Commission

Date: June 28, 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>PBD029 - SPECIFIC USES ONLY The subject Combined Development Permit consists of 1) Coastal Development Permit on slope in excess of 30% (179 cubic yards of grading for a new retaining wall, 320 square feet of deck and 440 square feet of driveway); 2) Coastal Administrative Permit to remove a 14-inch oak tree; modify parking standards to allow paring within front setback and to allow no covered parking; and 3) Design Approval for 240 square bedroom addition (under existing house) and 136 square foot stairwell addition. The property is located at 24936 Lincoln Street, Carmel (Assessor's Parcel Number 009-122-023-000). 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 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

		appropriate authorities. (Resource Management Agency (RMA) – Planning Department)				
2		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 06040) was approved by the Planning Commission for Assessor's Parcel Number 009-122-023-000 on June 28, 2006. The permit was granted subject to 10 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. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3		PBD030 - STOP WORK - RESOURCES FOUND If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. 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. (RMA – Planning Department)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection 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.	Owner/ Applicant/ Archaeologist	Ongoing	
4		FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit	

	<p>occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be 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. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Carmel Highlands Fire Protection District).</p>	<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection</p>	
5	<p>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Carmel Highlands Fire Protection District).</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of grading and/or building permit.</p> <p>Prior to final building inspection</p>	

6	<p>PBD018(A) - LANDSCAPE PLAN AND MAINTENANCE (NONSTANDARD) The site shall be landscaped. The landscaping shall include at least two Coast Live Oaks (15 gallon). At least 60 days 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, landscaping shall be either 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 fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA –Planning Department)</p>	<p>Submit landscape plan and contractor's estimate to PBI for review and approval.</p> <p>All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p>	<p>Owner/ Applicant/ Contractor</p> <p>Owner/ Applicant</p>	<p>At least 60 days prior to final inspection or occupancy</p> <p>Ongoing</p>	
7	<p>PBD013 - GEOLOGIC CERTIFICATION Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the Geotechnical Investigation by Ali Oskoorouchi dated September 25, 2005 and updated on March 23, 2006. (RMA Planning Department)</p>	<p>Submit certification by the geological consultant to PBI showing project's compliance with the geological report.</p>	<p>Owner/ Applicant/ Geological Consultant</p>	<p>Prior to Final Building Inspection</p>	
8	<p>PBD026 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical Investigation Report has been prepared for this parcel by Ali Oskoorouchi, dated September 2005 and updated on March 23, 2006 and is on record in the Monterey County Planning and Building</p>	<p>Proof of recordation of this notice shall be furnished to PBI.</p>	<p>Owner/ Applicant</p>	<p>Prior to issuance of grading and building permits</p>	

		Inspection Department. All development shall be in accordance with this report." (RMA – Planning Department)				
9		PBDSP001 – TREE PROTECTION (NON-STANDARD CONDITION) Every effort should be made to protect the root system and trunk of the pine tree (18 inch) near where the oak tree will be removed at the edge of the new driveway. The recommendations contained in the Forest Management Plan dated January 23, 2006 by Frank Ono shall be followed. (RMA – Planning Department)	Submit evidence of compliance to PBI for review and approval.	Owner/ Applicant	Ongoing	
10.		PBDSP002 – LIGHTING – EXTERIOR LIGHTING PLAN (NON-STANDARD CONDITION) All lighting to show configuration of entrance to driveway and location of driveway down hillside shall be downcast and at level of finished driveway. Any new lighting of decks and patios shall be shaded and downcast. 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. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting plan shall include down lit lighting fixtures with amber opaque glass. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (RMA - Planning Department)	Submit three copies of the lighting plans to PBI for review and approval. Construct lighting in accordance with the approved plans.	Owner/ Applicant Owner/ Applicant	Prior to issuance of building permits. On-going	

END OF CONDITIONS