

NO. 000378

A. P. # 009-252-018-000

In the matter of the application of
Gregory & Teresa Kraft (PLN000378)

FINDINGS AND DECISION

to allow a **Combined Development Permit** in accordance with Title 20 (Zoning) Chapter 21.210 (Combined Development Permits) of the Monterey County Code, for a Combined Development Permit consisting of a Coastal Administrative Permit and Design Approval for a 3,180 sq. ft. two-story single family dwelling and grading permit (approximately 150 cubic yards cut/fill); Coastal Development Permit for tree removal (6 pines) (9 oaks), located at 25708 Hatton Road, south of Mountain View Avenue and north of Martin Road, Carmel Area Land Use Plan, Coastal Zone, came on regularly for meeting before the Zoning Administrator on April 26, 2001.

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

1. **FINDING:** The Combined Development Permit and Design Approval (PLN000378), as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the Carmel Area Land Use Plan, Carmel Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). The property is located at 25708 Hatton Road, Carmel. The parcel is zoned "MDR/2-D" or Medium Density Residential, 2 units/acre - Design Control District. The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 20, and any zoning violation abatement costs have been paid.
EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with Title 20 of the Monterey County Coastal Zoning Ordinance, the Carmel Area Land Use Plan and the Carmel Coastal Implementation Plan.
EVIDENCE: The project site is physically suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and Cypress Fire Department. There has been no indication from these agencies that the site is not suitable for the proposed development. Conditions recommended by these departments are included.
EVIDENCE: The proposed use is consistent with the development standards for the "MDR" (Medium Density Residential District), pursuant to Title 20, Monterey County Zoning Ordinance.
EVIDENCE: Design Approval request form, with a recommendation for approval of the project by the Carmel Unincorporated/Highlands Land Use Advisory Committee on December 4, 2000, by a vote of 6 to 0.

EVIDENCE: Written and verbal public testimony submitted at public hearings before the Zoning Administrator.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicate that no violations exist on subject property.

EVIDENCE: The on-site inspection by the project planner on January 31, 2001 to verify that the proposed project complies with the Carmel Area Land Use Plan.

2. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15303 (A) of the CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

EVIDENCE: A forester's report was prepared by Forest City Consulting on August 4, 2000. The report states that three of the four landmark trees proposed for removal are infected with Pine Pitch Canker and also show signs of damage from the Red Turpentine Beetle.

EVIDENCE: Plans for the proposed residence were sent to the California Department of Fish and Game to determine if the tree removal would trigger environmental review. Staff reviewed a letter on March 20, 2001 (see Exhibit "H" of the staff report) from Stephen Rae, Program Supervisor. The letter indicates that the Department of Fish and Game agrees with the Forester's recommendations that the "three landmark trees infected with Pine Pitch Canker are no longer a functioning component of the population of individual trees making up the gene pool of Monterey Pines and therefore their removal will not have a significant environmental effect and is exempt per CEQA." In addition, the 7 oak trees proposed for removal are 11" dbh or less and as such their removal is not subject to environmental review per CEQA due to their small size and heavy forestation of the site.

EVIDENCE: A biological report prepared by Vernal Yadon on September 22, 2000, indicates that no rare or endangered species were found on the parcel.

EVIDENCE: A geotechnical report prepared by Soil Surveys on August 2, 2000, indicates that the parcel is suitable for the proposed residence.

3. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

EVIDENCE: File and application materials contained in the project file.

4. **FINDING:** The project is appealable to the Board of Supervisors and the Coastal Commission.

EVIDENCE: Section 20.86.030. of the Monterey County Coastal 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 following conditions:

1. The subject Combined Development Permit consists of a Coastal Administrative Permit and Design Approval for a 3,462 sq. ft. two-story single family residence, a two-car attached and removal of 11 trees including 7 oaks (11" dbh or less), 3 landmark pines and 1 landmark oak. The project is located at 25708 Hatton Road, (Assessor's Parcel Number 009-252-018-000), in the Carmel Area. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

Prior to the Issuance of Grading and Building Permits:

2. The property owner agrees as a condition and in consideration of the 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. 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 the 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. **(Planning and Building Inspection)**
3. A notice shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan has been prepared for this parcel by Forest City Consulting dated August 4, 2000, and is on record in the Monterey County Planning and Building Inspection Department file No. PLN000378. All tree removal and replacements on the parcel must be in accordance with the Forest Management Plan, as approved by the Director of Planning and Building Inspection." This notice shall be recorded prior to issuance of building or grading permits. Replacement trees shall be in place prior to final clearance of the building permit. **(Planning and Building Inspection)**
4. Native trees, located close to the construction site shall be protected from inadvertent damage from construction equipment by 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 Planning and Building Inspection. **(Planning and Building Inspection)**

5. The applicant shall record a notice which states: "A permit (Resolution 000378) was approved by the Zoning Administrator for Assessor's Parcel Number 009-252-018-000 on April 26, 2001. The permit was granted subject to 25 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
6. 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 exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection)**
7. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
8. The applicant shall obtain a grading permit from the Building Inspection Division. **(Planning and Building Inspection)**
9. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion in coordination with the consulting biologist, subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
10. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
11. A drainage plan shall be prepared by a registered civil engineer or architect to address on-site and off-site impacts, and necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
12. Prior to the issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property, in the form of an approved Water Release Form. **(Water Resources Agency)**
13. Prior to issuance of a building permit, provide to the Director of Environmental Health written certification, and any necessary certification from State agencies that CAL AM can and will supply, **immediately upon demand**, sufficient water flow and pressure to comply with both health and fire standards. **(Environmental Health)**
14. All building(s) shall be fully protected with automatic fire sprinkler systems(s). The following is required on the plan when a building permit is applied for:

“The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be acceptable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections prior to requesting a framing inspection. **(Cypress Fire Protection District)**

15. Building permit plans and construction activities shall incorporate recommendations of the Geotechnical Report prepared by Soil Survey's Inc. on August 2, 2000. **(Planning and Building Inspection)**

Prior to Final Building Inspection/Occupancy:

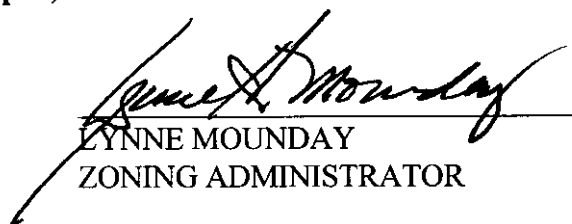
16. The applicant shall comply with Ordinance No. 3932 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency & Planning and Building Inspection)**
17. The site shall be landscaped. At least three weeks prior to occupancy, three 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, specie, 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. **(Planning and Building Inspection)**
18. Roadway turnarounds are required on driveways and dead-end roads in excess of 150 feet of surface length. Required Roadway turnarounds on access roadways shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the centerline of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. **(Cypress Fire Protection District)**
19. Driveways shall not be less than 12 feet wide unobstructed. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. **(Cypress Fire Protection District)**
20. Size of letters, numbers and symbols for address, shall be a minimum of 3-inch letter height, 3/8" stroke, contrasting with the background color of the sign. **(Cypress Fire Protection District)**

- 21. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located. **(Cypress Fire Protection District)**
- 22. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from the ground. Remove limbs within 10 feet of chimneys. **(Cypress Fire Protection District)**
- 23. Prior to final inspection, the geologic consultant shall provide certification that all development has been in accordance with the geologic report. **(Planning and Building Inspection)**

Continuous Permit Conditions:

- 24. If during the course of construction activity on the subject property, cultural, archaeological, historical and/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 they can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**
- 25. All landscaped areas and replanted trees shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 26th day of April, 2001.


 LYNNE MOUNDAY
 ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON APR 27 2001

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 MAY - 7 2001

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS AND 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 90th day following the date on which this decision becomes final.

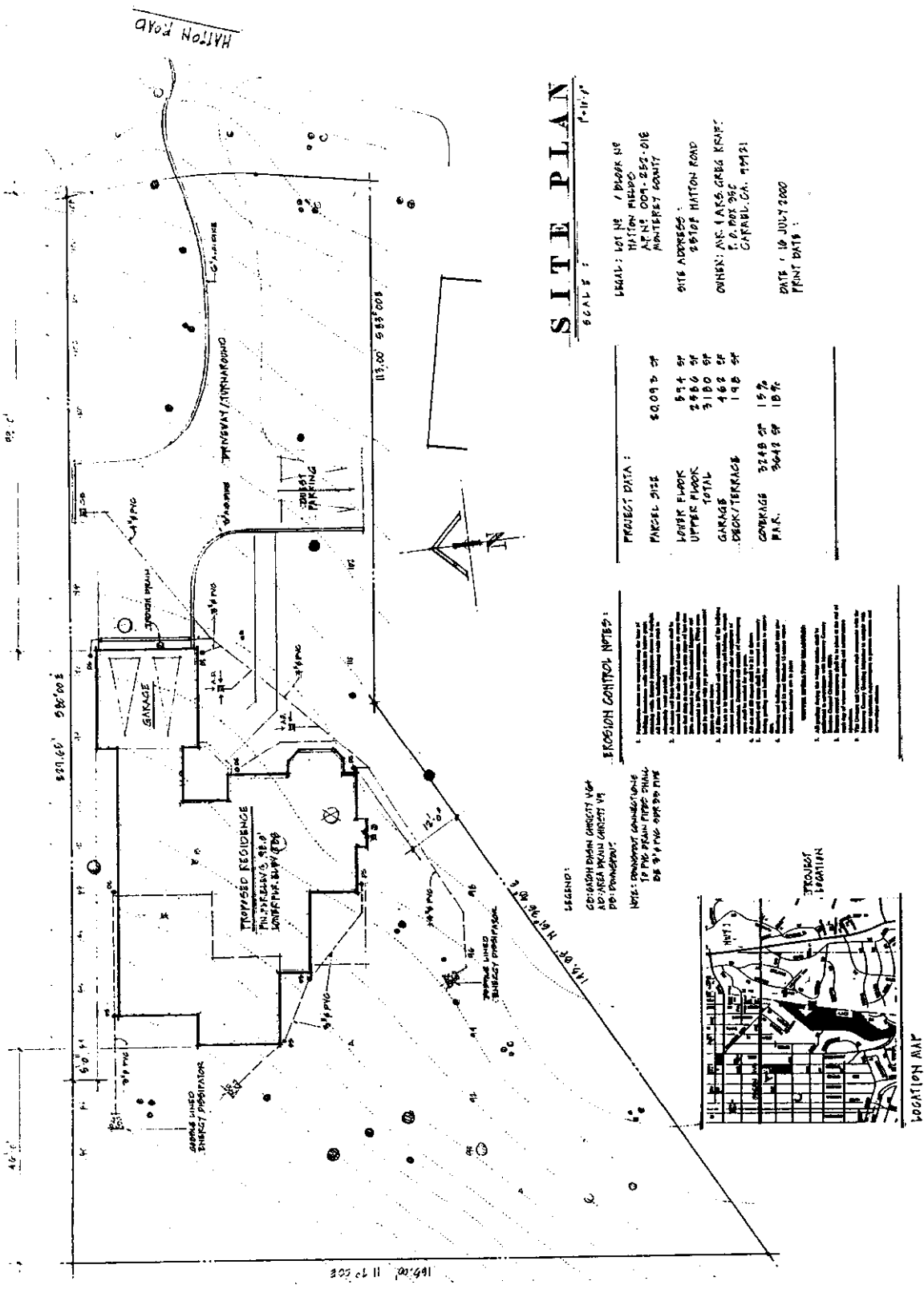
NOTES

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 Monterey.

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



SITE PLAN

SCALE: 1" = 10' - 0"

LEAD: LOT 16 / BLOCK 18
HATTON ROAD
AT R/C DOT 252-016
MONTEREY COUNTY

DATE: 10 JULY 2000
PRINT DATE:

OWNER: MRS. LASS, GREG KRAFT
P.O. BOX 283
CARMEL, CA 95021

PROJECT DATA:

PARCEL SIZE	80.093 SF
LOWER FLOOR	574 SF
UPPER FLOOR	2866 SF
GARAGE TOTAL	3100 SF
DECK/TERRACE	482 SF
COVERED	3248 SF 15%
P.A.C.	3043 SF 18%

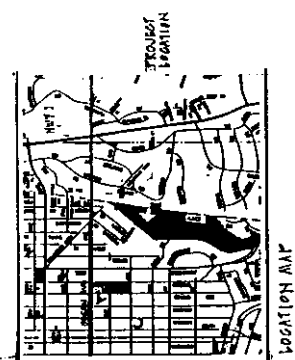
EROSION CONTROL NOTES:

1. All areas of exposed soil shall be protected from erosion by the installation of erosion control measures.
2. Erosion control measures shall be installed and maintained until permanent vegetation is established.
3. Sedimentation control measures shall be installed to prevent sediment from entering adjacent water bodies.
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LEGEND:

GRASSHOPPER DRAIN CATCHER V&P
AD-AREA MAIN CATCHER V&P
PO-POUNDER

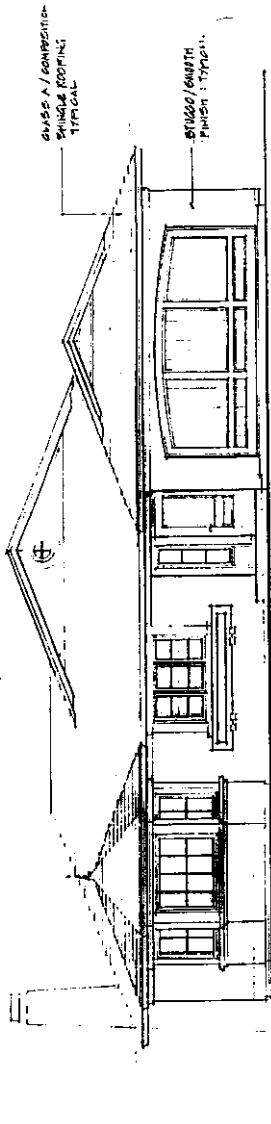
NOTE: CONCRETE CONDUIT SHALL BE 12" DIA. WITH 1" DIA. DRILLING BY 1/2" DIA. OPER. TO FIT



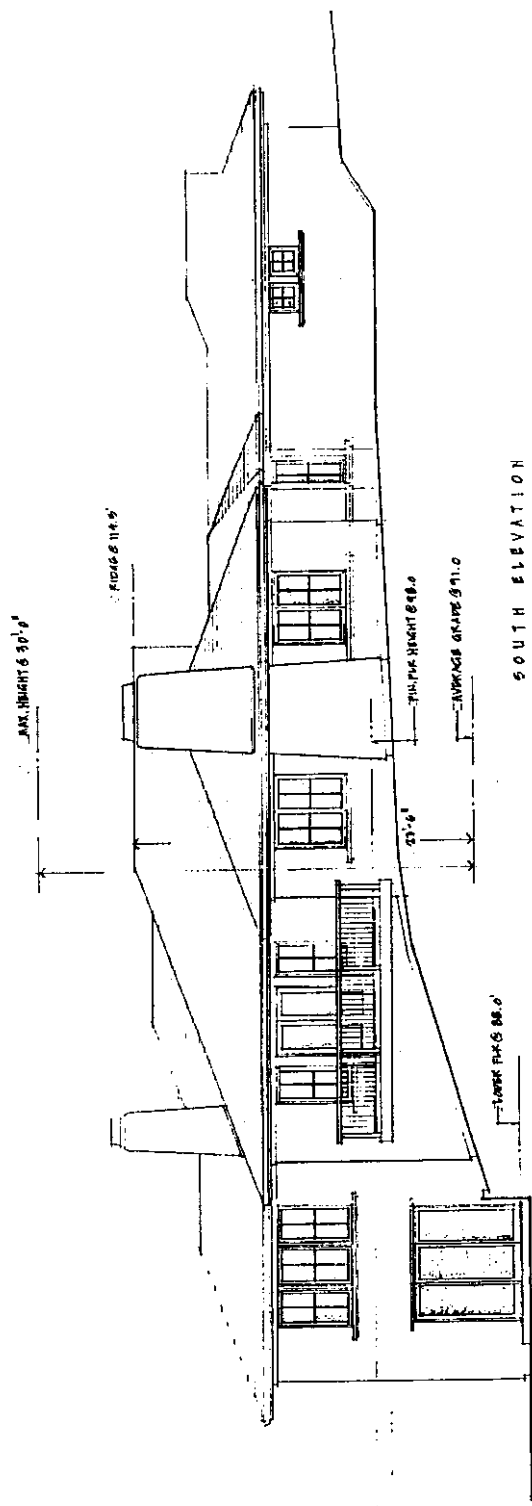
ALAN TURPEN/ASSOCIATES
P.O. BOX 3063
CARMEL, CALIFORNIA 95021
837/624 2833

ADDITIONS REAR DEL FOR: MRS. LASS, GREG KRAFT HATTON ROAD - CARMEL

FOR: MRS. LASS



EAST ELEVATION

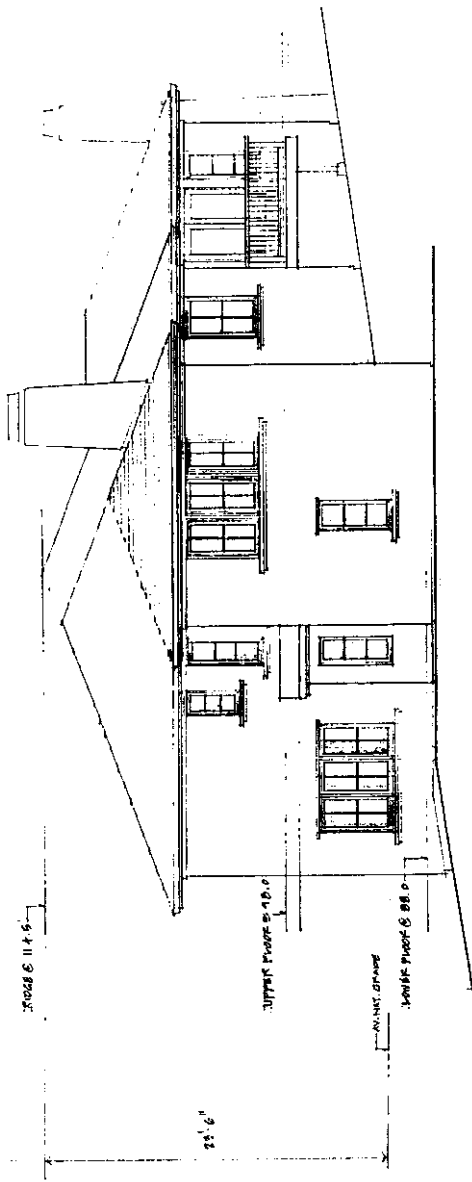


SOUTH ELEVATION

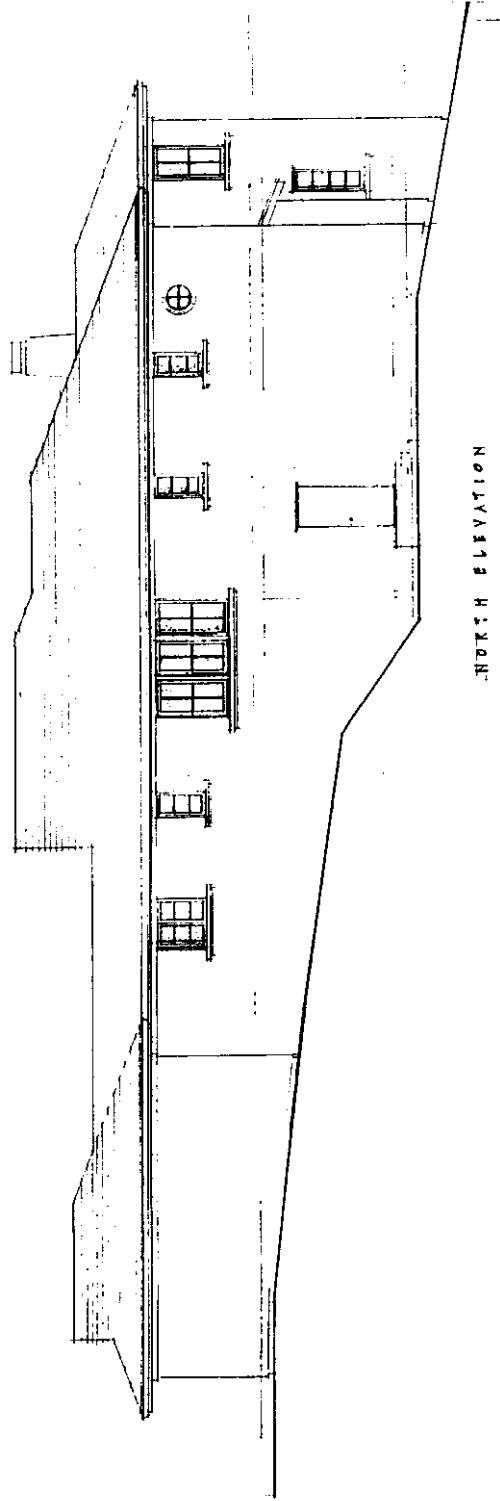
ELEVATIONS SCALE: 1/4" = 1'-0"

RESIDENCE FOR: A.R.G. ARG. GREG KRATT HATTON ROAD · CARMEL

ALAN TURPEN/ASSOCIATES
 P.O. BOX 3063
 CARMEL, CALIFORNIA 93921
 831/624-2833



WEST ELEVATION



NORTH ELEVATION

EXTERIOR ELEVATIONS / SCALE: 1/4" = 1'-0"

RESIDENCE FOR MR & MRS GREG KRAFT HATTON ROAD, CARMEL

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