

RESOLUTION NO. 000671

A. P. # 243-152-001-000

In the matter of the application of
Jim and Sharon Swallow (PLN000671)

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, consisting of a Coastal Administrative Permit for the remodel of an existing 3,312 square foot two-story single family dwelling, a 470 square foot first-story addition, an additional 405 square feet of decking, and 20 cubic yards of grading for the relocation of the driveway; a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat; and Design Approval; located west of Carmel Riviera Drive at 50 Yankee Point Drive, Carmel, Yankee Point area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on October 25, 2001.

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

1. **FINDING:** The subject Combined Development Permit, (PLN000671, Swallow), consisting of a Coastal Administrative Permit for the remodel of an existing 3,312 square foot two-story single family dwelling, a 470 square foot first-story addition, an additional 405 square feet of decking, and 20 cubic yards of grading for the relocation of the driveway; a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat; and Design Approval as conditioned, conforms with the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the Carmel Area Land Use Plan, Carmel Area Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). The project is located west of Carmel Riviera Drive at 50 Yankee Point Drive, Carmel, (Assessor's Parcel Number 243-152-001-000), Yankee Point area, Coastal Zone. The parcel is in the Carmel Highlands area of the Coastal Zone. The parcel is zoned Low Density Residential, 1 unit per acre, 20 foot height limit, (LDR/1(20)(CZ)). The project is located in a Design Control District. The site is physically suitable for the use proposed. 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. 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:

- a) The certified Carmel Area Land Use Plan
- b) Chapter 20.146 Monterey County Coastal Implementation Plan (Part 4) regulations for development in the Carmel Area Land Use Plan, and
- c) The certified Monterey County Coastal Implementation Plan (Part 1, Title 20), regulations for Low Density Residential and Design Control Districts in the Coastal Zone.

EVIDENCE: 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 applicable Fire Department. There has been no indication from these agencies that the site is not suitable for the proposed development. Necessary public facilities are available to the project site. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property. Each agency has recommended conditions for improvements.

EVIDENCE: Design Approval request form, with recommendation for approval of the project by the Carmel Unincorporated/Highlands Land Use Advisory Committee on March 19, 2001 by a vote of 6 to 0.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

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

EVIDENCE: The Local Coastal Plan does not require access across the property per section 20.70.050.B.4.c.i and ii.

EVIDENCE: Condition-of-approval requiring runoff volumes and rates to be maintained at pre-development levels.

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

EVIDENCE: Section 15303 of the CEQA Guidelines Categorically exempts the project from environmental review. No adverse environmental impacts were identified during review of the proposed project.

EVIDENCE: File and application materials contained in the project file PLN000671.

3. **FINDING:** The site is suitable for the use proposed.

EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department and Health Department. There has been no indication from those agencies that the site is not suitable. 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.

4. **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: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, the applicable Fire Department, and the Water Resources Agency. The respective departments have recommended conditions, where appropriate, to

ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.

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

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

EVIDENCE: Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

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, (PLN000671, Swallow), consisting of a Coastal Administrative Permit for the remodel of an existing 3,312 square foot two-story single family dwelling, a 470 square foot first-story addition, an additional 405 square feet of decking, and 20 cubic yards of grading for the relocation of the driveway; a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat; and Design Approval. The project is located west of Carmel Riviera Drive at 50 Yankee Point Drive, Carmel, (Assessor's Parcel Number 243-152-001-000), Yankee Point area, Coastal Zone. 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 applicant shall record a notice which states: "A permit (Resolution 000671) was approved by the Zoning Administrator for Assessor's Parcel Number 243-152-001-000 on October 25, 2001. The permit was granted subject to 22 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)

3. 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)

4. 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)

5. The applicant shall obtain a grading permit from the Building Inspection Division. (Planning and Building Inspection)
6. 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 Department)
7. Prior to any construction activates, a deed restriction shall be recorded with the Monterey County Recorder's office which reads that "If any limited fuel reduction program should become necessary in the native habitats for fire protection, it shall be developed with the aid of a qualified biologist so as to best help reduce fire danger and maintain or improve habitat values." The deed restriction shall be subject to the Director of Planning and Building Inspection Department. This restriction applies in the fulfillment of the requirements of Condition #17 listed below. (Planning and Building Inspection)
8. A notice or deed restriction shall be recorded with the Monterey County Recorder which states: "A Geotechnical Soils-Foundation and Geo-seismic Report has been prepared for this parcel by Grice Engineering and Geology Inc., dated February 2001 and is on record in the Monterey County Planning and Building Inspection Department Library No. 2414033 and File PLN000671. All development shall be in accordance with this report." (Planning and Building Inspection Department)
9. The applicant shall provide evidence (in the form of a letter from a Geotechnical Engineer) that the project design and subsequent grading is in compliance with the conclusions and recommendations contained in the geotechnical report. Prior to final inspection for grading or building permits, the applicant shall provide evidence from a Geotechnical Engineer that all work is in conformance with the geotechnical report. (Planning and Building Inspection Department)
10. A drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, to include dispersal of impervious surface stormwater runoff onto a non-erodible surface below the bluff (Noted as "Edge of Steep Bank" on site plan). Necessary improvements shall be constructed in accordance with approved plans. (Water Resources Agency)
11. The applicant shall provide evidence (in the form of a letter from a Geotechnical Engineer) that the provisions of Section 20.146.050(D)2 are met which require that "runoff volumes and rates shall be maintained at pre-development levels." (Planning and Building Inspection)

Prior to Final Building Inspection/Occupancy:

12. 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)
13. 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)
14. 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. (Carmel Highlands Fire Protection District)
15. All buildings shall have a permanently posted address visible from both directions of travel. 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. (Carmel Highlands Fire Protection District)
16. Size of letters, numbers and symbols for addresses shall be a minimum of 3 inch letter height, 3/8-inch stroke, contrasting with the background color of the sign. (Carmel Highlands Fire Protection District)
17. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from the ground. Remove limbs within 10 feet of chimneys. (Carmel Highlands Fire Protection District)

Continuous Permit Conditions:

18. If during the course of construction activity on the subject property, 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 it 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)
19. 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)
20. Removal of indigenous vegetation and land disturbance shall be restricted to only those amounts necessary for the construction of approved project. (Planning and Building Inspection)

