

MIKE NOVO  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 050276

APN# 243-161-005-000  
**FINDINGS & DECISION**

In the matter of the application of  
**SEABORN NORA I TR (PLN050276)**

Combined Development Permit consisting of: a Coastal Administrative Permit to allow construction within 100 feet of an environmentally sensitive area; a Coastal Administrative Permit and Design Approval for 370 square feet of deck, construction of redwood trellis over an existing parking space and redesign of an existing patio area. The project is located at 102 Yankee Point Drive, Carmel. The project came on regularly for hearing before the Zoning Administrator on September 8, 2005.

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

#### **FINDINGS OF FACT**

- 1. FINDING: CONSISTENCY** - The project as conditioned is consistent with applicable Monterey County plans and policies, including the Carmel Area Land Use Plan, Local Coastal Program and Title 20 of the Monterey County Zoning Ordinance, which designates the project area as appropriate for residential development.

**EVIDENCE:**

  - (a) 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 Project File PLN050276.
  - (b) PBI staff has reviewed the project application and accompanying materials for consistency with the Carmel Area Land Use Plan, Local Coastal Program and Title 20 of the Monterey County Zoning Ordinance.
  - (c) The project planner conducted an on-site inspection on August 19, 2005 to verify that the project on the subject parcel conforms to the plans listed above.
  - (d) Single-family dwellings are allowed uses in the subject property's zoning district according to Section 20.14.040 of the Zoning Ordinance.
  - (e) The parcel is zoned "LDR/1-D (20)(CZ)" (Low Density Residential with a structure height limit of 20 feet, Design Control Overlay, Coastal Zone). The project is in compliance with site development standards for Low Density Residential zoning districts (Section 20.14.060 of the Zoning Ordinance).
  - (f) A Design Approval application was submitted, and staff has determined that the project will not negatively impact public viewsheds, neighborhood character, or the visual integrity of the development.
  
- 2. FINDING: SITE SUITABILITY** - The site is suitable for the use proposed.

**EVIDENCE:**

  - (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Environmental Health, Water Resources Agency, and the Carmel Highlands Fire Protection District. Recommended conditions have been incorporated into the attached list.

- (b) Staff conducted a site visit on August 19, 2005 to verify that the site is suitable for this use.
- (c) Necessary public facilities are available and will be provided.

**3. FINDING: CEQA (EXEMPT) -** The project is exempt from environmental review.

- EVIDENCE:**
- (a) The project is exempt from environmental review per Section 15301(e) of the CEQA Guidelines (Existing Facilities).
  - (b) No adverse environmental effects were identified during a site visit to the subject property on August 19, 2005 or during review of the project application.
  - (c) There are no unusual circumstances related to the project or property.

**4. FINDING: ENVIRONMENTALLY SENSITIVE HABITATS –** The proposed improvements have been properly sited and designed to avoid impacts which would degrade the adjacent environmentally sensitive habitat.

- EVIDENCE:**
- (a) Map B (Environmentally Sensitive Habitats – Known Locations) in the Carmel Area Land Use Plan shows kelp beds along the coast adjacent to the property.
  - (b) Section 20.14.030 of the Monterey County Zoning Ordinance requires a Coastal Development Permit for development located within 100 feet of an environmentally sensitive habitat.
  - (c) Development is largely contained in an already disturbed area of the property. Additional disturbance would be minimal.

**5. FINDING: PUBLIC ACCESS -** The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights. No access is required as part of the project as no substantial adverse impacts on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

- EVIDENCE:**
- (a) The subject property is not described as an area where the Local Coastal Program requires access.
  - (b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 3, the Public Access Map, of 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) Staff site visit on August 19, 2005.

**6. FINDING: NO VIOLATIONS –** There are no known Code violations on the site.

- EVIDENCE:** Staff has reviewed Monterey County Planning and Building Inspection Department records and is not aware of any other violations existing on the subject property.

## DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the attached conditions.

**PASSED AND ADOPTED** this 8th day of September, 2005.

---

MIKE NOVO  
ZONING ADMINISTRATOR

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 OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

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

**Monterey County Planning and Building Inspection  
Condition Compliance and/or Mitigation Monitoring  
Reporting Plan**

**Project Name: Seaborn File No: PLN050276**

**APN: 243-161-005-000**

**Approval by: Zoning Administrator**

**Date: September 8, 2005**

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

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p><b>PBD029 - SPECIFIC USES ONLY</b> This Combined Development Permit (PLN050276) allows a 370 square foot addition, redesign of an existing patio area, removal of an existing deck and installation of a new trellis over an existing parking space for an existing one story single family dwelling. The property is located at 102 Yankee Point Drive (APN: 243-161-005-000), Carmel Area Plan. 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 appropriate authorities. <b>(Planning and Building Inspection)</b></p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

<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>
2.		<p><b>PBD025 - NOTICE-PERMIT APPROVAL</b></p> <p>The applicant shall record a notice which states: "A permit (Resolution 050276) was approved by the Zoning Administrator for Assessor's Parcel Number 243-161-005-000 on September 8, 2005. The permit was granted subject to 6 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. (<b>Planning and Building Inspection</b>)</p>	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		<p><b>FIRE011 - ADDRESSES FOR BUILDINGS</b></p> <p>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 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</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 and Owner</p> <p>Applicant and Owner</p>	<p>Prior to issuance of building permit</p> <p>Prior to final building inspection</p>	

<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>
		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. <b>(Carmel Highlands Fire Protection District).</b>				
4		<b>PBD021 – LIGHTING – EXTERIOR LIGHTING PLAN</b> 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. <b>(Planning and Building Inspection)</b>	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	
5		<b>PBD030 - STOP WORK - RESOURCES FOUND</b> 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	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	Owner/ Applicant/ Archaeologist	Ongoing	

<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>
		proper mitigation measures required for the discovery. <b>(Planning and Building Inspection)</b>	visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.			
6		<b>PBD011 - EROSION CONTROL PLAN AND SCHEDULE</b> The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Soils Conservation Service and the Director of Planning and Building Inspection. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of Planning and Building Inspection. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Building Inspection. <b>(Planning and Building Inspection)</b>	Evidence of compliance with the Erosion Control Plan shall be submitted to PBI prior to issuance of building and grading permits.  Evidence of compliance with the Implementation Schedule shall be submitted to PBI during the course of construction until project completion as approved by the Director of PBI.	Owner/ Applicant          Owner/ Applicant	Prior to Issuance of Grading and Building Permits          Prior to Final Inspection	

End of Conditions.