Attachment D



Before the Zoning Administrator in and for the County of Monterey, State of California

In the matter of the application of:

GOPALKRISHNAN/BRENDA VENKATESH (PLN130706)

RESOLUTION NO. 14-022

Resolution by the Monterey County Zoning Administrator:

- Finding the project / Adopting a / Certifying an Categorically Exempt per Section 15301(e) of the CEQA Guidelines; and
- 2) Approving a Combined Development Permit consisting of: 1) a Coastal Administrative Permit to allow the construction of a new 1,938 square foot residential addition and interior remodel to an existing residence; 2) a Coastal Development Permit to allow development within 750 feet of positive archaeological resource; and 3) a Design Approval.

[PLN130706, Gopalkrishnan & Brenda Venkatesh, 173 Spindrift Road, Carmel, Carmel Land Use Plan (APN: 241-301-014-000)]

The Combined Development Permit application (PLN130706) came on for public hearing before the Monterey County Zoning Administrator on June 26, 2014. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:**

PROJECT DESCRIPTION – The proposed project is a Combined Development Permit consisting of: 1) a Coastal Administrative Permit to allow the construction of a new 1,938 square foot residential addition (893 square foot second-story master bedroom addition; 1,010 square foot main level garage addition; 35 square foot elevator addition), 197.5 square foot upper-level deck addition and interior remodel to an existing residence; 2) a Coastal Development Permit to allow development within 750 feet of positive archaeological resource; and 3) a Design Approval.

EVIDENCE:

The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN130706.

2. FINDING:

CONSISTENCY / SITE SUITABILITY - The proposed project and/or use, as conditioned, is consistent with the policies of the Local Coastal Program (LCP) and other County health, safety, and welfare ordinances related to land use and development. 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 site is physically suitable for the use proposed.

EVIDENCE:

- a) No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
- b) The project has been reviewed for site suitability by the following departments and agencies: RMA-Planning, Carmel Highlands Fire Protection District, RMA-Public Works, RMA-Stormwater; 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. Conditions recommended by the reviewing departments and agencies have been incorporated as part of the Combined Development Permit.
- c) The project planner conducted site inspections on October 22, 2013 and May 18, 2014 to verify that the project on the subject parcel conforms to the plans listed above and to verify that the site is suitable for this use and concluded that is does.
- d) Based on the LUAC Procedure Guidelines, adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application warranted referral to the Carmel Highlands Land Use Advisory Committee (LUAC) because the project had the potential to raise significant land use issues (aesthetics and neighborhood character). The LUAC reviewed the project on April 7, 2014, and recommended approval with requested conditions regarding outdoor lighting, landscape lighting, and stucco wall design, by a 5-0 vote (1 member absent). Standard conditions of approval for exterior lighting and landscaping have been included in the project to address concerns with outdoor and landscape lighting. LUAC minutes are attached to as Exhibit D of the June 26, 2014 Zoning Administrator Staff Report.
- e) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN130706.

3. **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:

- The project was reviewed by the RMA Planning, Carmel Highlands Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies 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.
- b) Necessary public facilities are available. The property has an existing residence and the project proposes an addition to the existing residence.

- The Environmental Health Bureau has conditioned the project to require an upgrade to the existing on-site wastewater system (Condition 7).
- c) Staff conducted site inspections on October 22, 2013 and May 18, 2014 to verify that the site is suitable for this use and concluded that it is.
- d) See Finding 1: Project Description Evidence.

4. FINDING:

NO VIOLATIONS - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

EVIDENCE:

- Staff reviewed Monterey County RMA Planning and Building Services Department records and is not aware of any violations existing on subject property.
- b) Staff conducted site inspections on October 22, 2013 and May 18, 2014 and researched County records to assess if any violation exists on the subject property and concluded that none exist.
- c) See Finding 1: Project Description Evidence.

5. FINDING:

CEQA (Exempt): - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

EVIDENCE:

- a) California Environmental Quality Act (CEQA) Guidelines Section 15301(e) categorically exempts the additions to existing structures that will not result in an increase of more than 50% of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.
- b) The application proposes additional development (remodel/addition) of the first single family dwelling on the site, which is less than 2,500 and is not more than 50% of the existing floor area.
- c) No potential adverse environmental effects were identified during staff review of the development application or during site visits on October 22, 2013 and May 18, 2014.
- d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project.
- e) See Finding 1: Project Description Evidence.

6. **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) The subject property is described as an area where the Local Coastal Program requires public access (Figure 3 in the Carmel Land Use Plan). An existing access trail is directly adjacent to the subject property; this project will not impact the existing access trail.
- b) No additional 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.
- c) See preceding Finding 2 and supporting evidence.

7. FINDING:

APPEALABILITY - The decision on this project may be appealed to the

Board of Supervisors and the California Coastal Commission

EVIDENCE:

a) Section 20.86.030.A of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.

b) Section 20.86.080 of the Monterey County Zoning Ordinance states that the proposed project is subject to appeal by/to the Coastal Commission because [the project is located between the sea and the first through public road paralleling the sea.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- 1. Find the project Categorically Exempt per Section 15301(e) of the CEQA Guidelines;
- 2. Approve a Combined Development Permit consisting of: 1) a Coastal Administrative Permit to allow a new 1,938 square foot residential addition (893 square foot second-story master bedroom addition; 1,010 square foot main level garage addition; 35 square foot elevator addition), 197.5 square foot upper-level deck addition and interior remodel to an existing residence; 2) a Coastal Development Permit to allow development within 750 feet of positive archaeological resource; and 3) a Design Approval, 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 26th day of June, 2014.

Jacqueline R. Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON

JUL 0 2 2014

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

JUL 1 4 2014

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 Monterey County RMA-Planning and RMA-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 RMA Planning

Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN130706

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

Development Permit (PLN130706) Combined allows a 1,860 square This residential addition (831 square foot second-story master bedroom addition; 197.5 square foot upper-level deck addition; 1,029 square foot main level garage addition) and interior remodel to an existing residence; development within a 750 foot positive archaeological buffer zone; and Design Approval for colors and materials. property is located at 173 Spindrift Road, Carmel (Assessor's Parcel Number 241-301-014-000), Carmel Land Use Plan.

This permit was approved in accordance with County ordinances and land regulations subject to the terms and conditions described in the project file. 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 -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. 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.

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2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department:

RMA-Planning

Condition/Mitigation Monitoring Measure:

The applicant shall record a Permit Approval Notice. This notice shall state:

"A Combined Development Permit (Resolution Number 14-022) was approved by the Parcel Monterev County Zonina Administrator for Assessor's 241-301-014-000 on June 26, 2014. The permit was granted subject to 9 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 the RMA -Planning.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

during the course of construction, cultural, archaeological, 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. Monterey County RMA - Planning and a archaeologist (i.e., an archaeologist registered with the Register 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 recovery.

(RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning 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.

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4. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

All exterior lighting shall be unobtrusive, down-lit, 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 lighting source shall be shielded and recessed into the fixture. The applicant shall submit three (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 shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of RMA - Planning, prior to the issuance of building permits.

(RMA - Planning)

Compliance or Monitoring Action to be Performed:

Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to RMA - Planning for review and approval. lighting plans shall be incorporated into final building plans.

Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

5. PD032(A) - PERMIT EXPIRATION

Responsible Department:

RMA-Planning

Condition/Mitigation Monitoring Measure:

The permit shall be granted for a time period of 3 years, to expire on June 26, 2017, unless use of the property or actual construction has begun within this period. (RMA-Planning)

Compliance or Monitorina 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.

6. PD041 - HEIGHT VERIFICATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible on-site until The applicant shall provide evidence from a licensed civil final building inspection. engineer or surveyor to the Director of RMA - Building Services for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA -Planning and RMA - Building Services)

Compliance or Monitorina Action to be Performed:

Prior to the issuance of grading or building permits, the Owner/Applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection.

Prior to the foundation pre-pour inspection, the Owner/Applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of RMA- Building Services for review and approval, that the height of first finished floor from the benchmark is consistent with what was approved on the building permit.

Prior to the final inspection, the Owner/Applicant/Engineer shall provide evidence from a licensed civil engineer or surveyor, to the Director of RMA- Building Services for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.

7. EHSP01 - ONSITE WASTEWATER TREATMENT SYSTEM DESIGN

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Environmental Health has determined that the existing septic system is not sized adequately for this project. Submit onsite wastewater treatment system plans for review and approval indicating the location, design layout and size specifications that meets standards found in Monterey County Code Chapter 15.20, Sewage Disposal Ordinance, Carmel Highlands OWMP and the Central Coast Basin Plan, Regional Water Quality Control Board.

Compliance or Monitoring Action to be Performed:

Prior to issuance of construction permit. Submit onsite wastewater treatment system design plans for review and approval by the Environmental Health Bureau. shall obtain a permit to install the onsite wastewater treatment system from Environmental Health.

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8. EHSP02 DEED RESTRICTION FUTURE ONSITE WASTEWATER TREATMENT SYSTEM REQUIREMENT

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure:

The applicant shall record a deed restriction with the Monterey County Recorder for parcel 241-301-014-000 with language indicating that an alternative onsite wastewater treatment system may be required for any future repairs of the existing onsite wastewater treatment system on the property. Contact the Environmental Health Bureau (EHB) for the deed restriction form.

Compliance or Monitoring Action to be Performed:

Prior to issuance of construction permit the property owner shall sign and notarize the completed deed restriction template and submit the draft for review and approval by the Environmental Health Bureau and County Counsel.

Prior to final inspection of construction permit, the deed restriction shall be recorded with the Monterey County Recorder. Proof of recordation shall be provided to EHB and the Planning Department.

9. WR049 - WATER AVAILABILITY CERTIFICATION

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide the Monterey County Water Resources Agency proof of water availability in the form of a complete Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)

Compliance or Monitoring Action to be Performed:

Prior to issuance of any construction permit, the owner/applicant shall submit a Water Release Form to the Water Resources Agency for review and approval.

A copy of the Water Release Form can be obtained at the Monterey Peninsula Water Management District, the Water Resources Agency, or online at: www.mcwra.co.monterey.ca.us.

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