

MONTEREY COUNTY

PLANNING & BUILDING INSPECTION DEPARTMENT
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MONTEREY COUNTY PLANNING COMMISSION

Meeting: October 8, 2003 at 10:35 a.m.	Agenda Item 4
Healey Use Permit (PLN010517) for a waiver of the policy prohibiting development on slopes of 30 percent or more for the construction of a 2,485 square foot two-story single family dwelling with an attached 756 square foot garage, an attached 320 square foot workshop, and an attached 680 square foot guesthouse.	
Project Location: 35068 Sky Ranch Road, Carmel Valley (Assessor's Parcel Number 417-081-058-000)	
Plan Area: Cachagua Area Plan	Flagged and staked Yes
Zoning Designation: "RDR/B-6" or Rural Density Residential	
CEQA Action : Exempt §15303(a) one single family residence.	
Department: Planning and Building Inspection	

RECOMMENDATION: Staff recommends the following:

Approve the project based on Findings and Evidence (Exhibit B) and subject to proposed conditions (Exhibit C)

OVERVIEW OF PRIMARY ISSUES:

Use Permit. The applicant proposes to construct a single family residence on a 10-acre parcel. Seven acres is in "Scenic Easement" due to the steepness of the slopes. The balance of the lot has only one buildable site. However, this building site is encumbered with both steep slopes and oak trees. Thus, the applicant's house must be constructed where the foot print would either take out protected Oak trees or move into a portion of the 30% slope. The applicant's justification for 30% slope exception is attached to the staff report as Exhibit E.

Approval of the Waiver is justified in this case since the required findings can be made demonstrating that special circumstances apply to the subject property and that approval of the Waiver would not constitute a special privilege. Because Waivers granted on a case-by-case basis, justification for approval of a Waiver in one case may not necessarily apply to other cases.

- **Special Circumstances.**

The structure site could not be reasonably relocated, since to the north and to the south are existing trees and to the east is the common drive easement and the west the slopes drop off precipitously. The trees are substantial ranging in size from 10 to 22 inches in diameter. Relocation of the structure out of the 30 percent slopes would require removal of 7 Coastal live oaks.

- **Special Privilege.**

Approval of this Waiver would not be a special privilege. The subject parcel is a legal lot of record in the Sky Ranch Subdivision. Some have needed a waiver on slopes to build.

Staff recommends approval of this Use Permit, for a waiver of the policy prohibiting development on slopes of 30 percent or more, to allow for the construction of a 2,485 square foot two-story single family dwelling with an attached 756 square foot garage, an attached 320 square foot workshop, and an attached 680 square foot guesthouse. Only 518 square feet (21.7%) of 30% slope will be utilized for this 2,384 square foot structure footprint. The proposed building site designated is the only relatively flat portion of the legal lot of record. In order to maintain the upland environment and reduce visibility, applicant has chosen thereby to preserve the 7 large Oaks, 10 to 22 inch diameter trunks.

OTHER AGENCY INVOLVEMENT:

- ✓ Water Resources Agency
- ✓ Environmental Health Division
- ✓ Public Works Department
- ✓ Parks Department
- ✓ Cachagua Volunteer FPD

All have reviewed this project. Water Resources, Public Works, and Cachagua Volunteer FPD recommended conditions (conditions in Exhibit "C").

The Cachagua Land Use Advisory Committee (LUAC) reviewed the project on August 28, 2002 and recommended approval (vote 5 to 0) with no further recommendations (Exhibit "F").

Note: The decision on this project is appealable to the Board of Supervisors.

Jody Lyons, Assistant Planner
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cc: Planning Commission; Health Department; Public Works; Salinas Rural FPD; Monterey County
Water Resources Agency; Ann Towner; Jody Lyons; Kay Barrett; and Owner

Attachments: Exhibit "A" Overview of Primary Project Issues
Exhibit "B" Recommended Findings and Evidence
Exhibit "C" Recommended Conditions of Approval
Exhibit "D" Project Plans
Exhibit "E" Waiver Justification letter

Exhibit "F" Cachagua LUAC Referral
Exhibit "G" Vicinity Map

This report reviewed by Ann Towner, Planning and Building Services Manager

EXHIBIT "A"

Additional Discussion of Primary Issues Affecting This Project

Development on Slopes > 30 Percent. The proposed single family residence is located south of Sky Ranch Road, east of a common drive. Over 80% of the lot of record consists of a slope greater than 30%. It is found in the Scenic Easements and nearby the building site. See also the discussion below regarding geological hazards on the site.

- **Alternative Locations.** The steep slopes extend across the entire width of the lot, as a series of 3 ridges. As a result, there are no viable alternative sites on the property for this residence on slopes less than 30 percent. Two alternative sites were discussed with the applicant, both of which would either develop steeper slopes and/or require the removal of protected oak trees. Therefore, the proposed location is consistent with and furthers the goals and policies of the Cachagua Area Plan.

CEQA. The project is exempt from environmental review. CEQA Guideline Section 15303c categorically exempts single family dwellings. CEQA Guidelines Section 15061 applies to the proposed site, 518 square feet of which would be located on slopes averaging 30 to 40 percent, since this portion of the development does not have the potential for causing a significant effect on the environment for the following reasons:

- No adverse environmental effects were identified during staff review of the development application and during the site visit. There are no environmentally sensitive habitats or trees that would be impacted.
- The applicant is required to comply with Title 16 (Environment) of the Monterey County Code in terms of grading and erosion control requirements.
- See also the following discussion regarding archaeological and visual resources, as well as geological hazards.

Archaeological Resources. The Archaeological Report prepared for this site by Archeological Consulting (November 16, 2001) concludes that there is no surface evidence of potentially significant archeological resources on the site.

Biological Resources. The Biological Inventory prepared for this site by Craig Hohenberger (June 17, 2002) concludes that there will be no problem with construction at the proposed site if the recommendations are followed.

Visual Resources. Staff conducted a site visit on May 16, 2003, to verify that the proposed project complies with policies in the Cachagua Area Plan. The proposed project will not have a significant adverse effect on the public viewshed as conditioned.

Geological Hazards. A Geologic Report dated February 26, 2002, was prepared for this site/project by Soil Survey Inc. The Geological Report concludes that the seismic hazards and potential for

liquefaction are low due to dense soil found across the subject property. In addition, no surface ruptures or free ground water was detected which would have indicated unfavorable soils. However, the surface soils were found to be slightly expansive and recommendations include specifications addressing this condition. The preliminary geotechnical report also concludes that the site is suitable for the proposed development provided recommendations in the report are successfully implemented. The recommendations are included as permit conditions.

EXHIBIT "B"
RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING: CONSISTENCY** - The Healey application (PLN010517), as described in condition #1 is for a Use Permit. The property is located at 35068 Sky Ranch Road in the Cachagua area and is zoned "RDR/B-6" or Rural Density Residential. The project, as conditioned, conforms to the plans, policies, requirements and standards of the General Plan, Cachagua Area Plan, and the Monterey County Zoning Ordinance (Title 21). The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.
- EVIDENCE:** (a) The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with the General Plan and Cachagua Area Plan.
- (b) The application and plans submitted for the Use Permit, including the waiver justification letter, in the project file at the Monterey County Planning and Building Inspection Department.
- (c) The project planner conducted a site visit on July 11, 2002, to verify that the proposed project complies with the Monterey County Zoning Ordinance.
- (d) A voluntary Design Approval Request form with plans recommended for approval by the Cachagua Land Use Advisory Committee by a 5 to 0 vote at their August 28, 2002, meeting.
- (e) Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.
2. **FINDING: SITE SUITABILITY** – The site is suitable for the use proposed.
- (a) The project and site have been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, and Cachagua Volunteer FPD. Conditions recommended have been incorporated.
- (b) An Archaeological Reconnaissance of the site was performed by Archaeological Consulting dated November 16, 2001, and found no evidence of surface evidence of potentially significant cultural resources.
- (c) A Biological Inventory Report was prepared for this project by Craig Hohenberger dated June 17, 2002, which concluded that the site was suitable providing the recommendations in the report are followed. The recommendations are included as permit conditions.
- (d) A Geologic Report dated February 26, 2002, was prepared for this site/project by Soil Survey Inc. The Geological Report concludes that the seismic hazards and potential for liquefaction are low due to dense soil found across the subject property. In addition, no surface ruptures or free ground water was detected which would have indicated unfavorable soils. However, the surface soils were found to be slightly expansive and recommendations include specifications

addressing this condition. The preliminary geotechnical report also concludes that the site is suitable for the proposed development provided recommendations in the report are successfully implemented. The recommendations are included as permit conditions.

3. **FINDING: CEQA** - The proposed project will not have a significant environmental impact.
EVIDENCE: Section #15303c of the Monterey County CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.
4. **FINDING: NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.
EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.
5. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, and operation of the proposed development applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
EVIDENCE: Preceding findings and supporting evidence.
6. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.
EVIDENCE: Section 21.80.040.C of the Monterey County Zoning Ordinance (Title 21).

EXHIBIT "C"
RECOMMENDED CONDITIONS

1. The Use Permit for a waiver, of the policy prohibiting development on slopes of 30 percent or more, to allow for the construction of a two-story single family dwelling, an attached guesthouse, and attached garage. This permit would include 163 cubic yards of cut and 62 cubic yards of fill grading. 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. **(Planning and Building Inspection)**

Prior to the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A Use Permit (Resolution 010517) was approved by the Planning Commission for Assessor's Parcel Number 417-081-058-000 October 29, 2003. 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)**
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. If applicable, 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. Guesthouses shall not be separately rented, let or leased from the main residence whether compensation is direct or indirect. **(Planning and Building Inspection Department)**
5. Prior to the issuance of permits for guesthouse construction, or for use of an existing structure as a guesthouse, the applicant shall record a deed restriction stating the regulations applicable to the guesthouse, including that the guesthouse shall not be separately rented, let or leased from the main residence and shall not have cooking or kitchen facilities. **(Planning and Building Inspection Department)**
6. Protected trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by fencing around 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 the issuance of a building permit, a drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts to include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resource Agency)**
8. Prior to the issuance of a building permit, pay the Carmel Valley expanded area Traffic Mitigation fee (currently \$4,664.00). This fee is adjusted annually. **(Public Works)**
9. Prior to the issuance of a building permit, fire department notes shall be stamped on the approved plans. **(Cachagua Fire Protection District)**

Prior to Final Building Inspection/Occupancy:

10. All construction shall conform to the recommendations in the Geotechnical Report prepared for this project by Soil Surveys Inc on February 26, 2002. **(Planning and Building Inspection)**
11. All construction and landscaping shall conform to the recommendations in the Biological Report prepared for this project by Craig Hohenberger on dated June 17, 2002. **(Planning and Building Inspection)**
12. 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)**
13. Certification that stormwater retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**

14. The applicant shall comply with Ordinance No. 3539, or as subsequently amended, 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)**
15. 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. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400 foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25-foot taper on each end. **((Cachagua Fire Protection District)**
16. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus. **(Cachagua Fire Protection District)**
17. Turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required 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 minimum of 60 feet in length. **(Cachagua Fire Protection District)**
18. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. **(Cachagua Fire Protection District)**
19. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Cachagua Fire Protection District)**
20. 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. The size of letters, numbers, and symbols for address shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with the background color of the sign. **(Cachagua Fire Protection District)**

21. In accordance with the Cachagua Area Plan, a minimum of 10,000 gallons of water is required for fire fighting purposes. **(Cachagua Fire Protection District)**
22. All parcels 1-acre and larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, or when a 30 foot minimum setback cannot be reached, alternate fuel modification standards may be imposed by the local fire jurisdiction to provide the same practical effect. **(Cachagua Fire Protection District)**
23. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans 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 in compliance with applicable NFPA Standard 13 D (1999), the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection." **(Cachagua Fire Protection District)**

24. All new construction shall require an ICBO Class A roof. **(Cachagua Fire Protection District)10**

Continuous Conditions:

25. If 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)**

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