MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: Sept. 30, 2004 at 9:30_ AM	**Agenda Item: 8**
PLN040004 ~ MacGown. Administrative Permit and Design Approval to allow for the demolition of a 1,756 sq. ft. single family dwelling and construction of a new 1,805 sq. ft. (coverage) two-story single family dwelling including a patio (200 sq. ft.) and second story deck (96 sq. ft.), with removal and relocation of two multi-trunk (18" – 22" diameter at breast height) oaks.	
Project Location: 55 La Rancheria Road, Carmel Valley (Assessor's Parcel Number 187-111-012-000), northerly of La Rancheria Road with existing access approximately 200 yards from Laureles Road.	
Plan Area: Carmel Valley Master Plan	**Flagged and staked:** Yes
Zoning Designation: Low Density Residential, 1 acre/unit, with Design Approval and Site Plan Review overlays (LDR/1-D-S).	
CEQA Action: Categorically Exempt (§15303(a) & §15061(b)(2, 3), CEQA Guidelines)	
Department: Planning and Building Inspection	

RECOMMENDATION:

Staff is recommending approval of the MacGown project, based on the attached Findings and Evidence (Exhibit "B") and subject to the proposed conditions (Exhibit "C").

SUMMARY:

The applicant proposes to develop a two-story dwelling on a previously developed legal lot of record. A ministerial permit was issued for demolition of a deteriorating one-story structure previously existing on the property, and an Administrative Permit and Design Approval is sought to complete the process of obtaining required permits for the project. The project has been referred to a public hearing before the Zoning Administrator due to evidence of public controversy surrounding the proposed development, pursuant to Section 21.70.060.A of the Monterey County Zoning Ordinance.

Staff's recommended conditions, and recently resubmitted project plans, allow the applicant to relocate two multi-trunk oaks and require inspection from an arborist to ensure long-term survival of the oaks. A new survey has been provided which has established the precise height from average natural grade for the project.

OTHER AGENCY INVOLVEMENT:

- ✓ Public Works Department
- ✓ Water Resources Agency
- ✓ Environmental Health Division
- ✓ Parks Department
- ✓ Carmel Valley Fire Protection District

All have reviewed the application. The Carmel Valley Land Use Advisory Committee reviewed the project on July 5, 2004, and recommended continuance (3 to 0, with 2 members absent) of the project. The Planning Division, Water Resources Agency, and Carmel Valley Fire Protection District have recommended conditions.

Note: The project is appealable to the Planning Commission.

Colin Gallagher, Assistant Planner
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(831) 883-7559

cc: Zoning Administrator; Division of Environmental Health; Public Works; Monterey County Water Resources Agency; Carmel Valley Fire Protection District; Colin Gallagher; Delinda Robinson; Linda Rotharmel; Jim Huey (c/o Amara Robbins); John Bridges; Applicant; Owner.

Attachments:	Exhibit "A"	Project Data Sheet
	Exhibit “B”	Recommended Findings and Evidence
	Exhibit "C"	Recommended Conditions
	Exhibit "D"	Carmel Valley LUAC Recommendation
	Exhibit "E"	Project Plans
	Exhibit "F"	Vicinity Map

This report was reviewed by: Delinda Robinson, Senior Planner

Exhibit "B"
RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING:** **CONSISTENCY** – The MacGown Administrative Permit and Design Approval application (PLN040004), as described in condition No. 1, is consistent with the plans and policies of the Monterey County General Plan, the Carmel Valley Master Plan, and the requirements and standards of the Monterey County Zoning Ordinance (Title 21). The property is located at 55 La Rancheria Road, Carmel Valley (Assessor's Parcel Number 187-111-012-000), northerly of La Rancheria Road with existing access approximately 200 yards from Laureles Road, Carmel Valley Master Plan Area. The parcel is zoned "LDR/1-D-S," or Low Density Residential, with Design and Site Review overlays. The site is physically suitable for the use proposed.

   EVIDENCE: (a) The text and policies of these documents have been evaluated during the course of review of this application. No conflicts were found to exist. No communication was received during the course of review of this project to indicate that there is any inconsistency with the text and policies of these documents.

   (b) Project planner conducted an on-site inspection to verify that the project is consistent with the plans listed above. The development will not have a significant adverse visual impact when viewed from a public viewing area.

   (c) The Soil Engineering Investigation (Project LSS-0293-01) prepared by Landset Engineers, Inc., dated March 31, 2004 concludes that the site is suitable for the proposed development, provided the recommendations of the report are followed.

   (d) On April 16, 2004, a demolition permit (BP040985) was received and issued.

   (e) The application, plans, and supporting materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in project File PLN040004.

   (e) On July 5, 2004, the Carmel Valley Land Use Advisory Committee voted (3 to 0, with 2 absent) to recommend continuance, due to concerns regarding setback and removal of oak(s).

   (f) The applicant provided a revised submittal on July 9, 2004, amending the site plan to allow for removal and relocation (transplanting) of the oak trees, and agreed to a condition which would provide for an arborist to inspect the relocation to ensure long-term survival. Another revised submittal was provided on Sept. 7, 2004, which included clarification of height from average natural grade.

   (f) The applicant provided the Monterey County Planning and Building Inspection Department with a Design Approval Request, drawings, photographs and a statement of materials and colors to be used found in project File PLN040004.

2. **FINDING:** **SUITABILITY** - The site is physically suitable for the use proposed.

   EVIDENCE: (a) 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, Carmel Valley Fire Protection District, Public Works Department and Environmental Health Division. 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.

3. **FINDING:** **TREE REMOVAL** – The tree removal is the minimum required under the circumstances of the case, and will not involve a risk of adverse environmental impacts. The tree(s) are in danger of falling too close to existing or proposed structures.

EVIDENCE: (a) In order to maintain fire and zone setbacks while utilizing the existing pad for development of a structure, the specified oaks will need to be relocated. The proposal for removal and relocation, as described on the site plans and in Condition No. 1, avoids impact to numerous other trees on the property, and minimizes the number of trees impacted. The trees are not landmark oaks pursuant to Section 21.64.260.C.5 of the Monterey County Zoning Ordinance.

(b) Due to the project condition requiring inspection by an arborist, there is not a risk of adverse environmental impacts such as soil erosion, water quality, ecological impact(s), noise pollution, air movement, or wildlife habitat.

(c) If the proposed structure were to be built around the two proposed oak clusters, the danger of limbs or trunks of the multi-trunk tree(s) falling on a structure on the property would be greater than if the trees were removed and relocated to another part of the property.

4. **FINDING:** **CEQA (Exempt)** – The project is exempt from environmental review. .

EVIDENCE: (a) The State CEQA Guidelines categorically exempts this project from environmental review pursuant to CEQA Guideline Section 15303 (a), Class 3 (*exemption for one single family residence*), 15061 (b)(2) and (3) (*activities exempt from CEQA*).

(b) No adverse environmental impacts were identified during review of the proposed project.

(c) Preceding findings and supporting evidence.

5. **FINDING:** **REFERRAL TO PUBLIC HEARING** – The application was referred to public hearing because (a) there was a request for a public hearing by the applicant, and (b) there was evidence of public controversy surrounding the proposed development.

EVIDENCE: (a) Requests for a public hearing were made by both applicant and neighbor.

(b) Evidence of public controversy as described in Section 21.70.060.A, Title 21, Monterey County Code (Zoning) or 21.78 was found to exist.

6. **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 Title 21. No violations exist on the property, and that all zoning violation abatement costs, if any, have been paid.

EVIDENCE: (a) Staff reviewed the Monterey County Planning and Building Inspection Department records and is not aware of any violations on subject property.

(b) Sections 21.14, 21.44 and 21.45 of the Monterey County Code (Zoning).

7. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, happiness, 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.

8. **FINDING:** **APPEALABILITY-** The decision on this project is appealable to the Planning Commission.

EVIDENCE: Section 21.80.040.B of the Monterey County Zoning Ordinance, Title 21.

Exhibit "C" **Monterey County Planning and Building Inspection Condition Compliance and/or Mitigation Monitoring Reporting Plan**	**Project Name: MacGown** **File No: PLN040004** **APN: 187-111-012-000** **Approval by:** Zoning Administrator **Date:** August 12, 2004

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

Permit Cond. Number	***Mitig. Number***	***Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department***	***Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.***	***Responsible Party for Compliance***	***Timing***	***Verification of Compliance (name/date)***

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1		This Administrative Permit (PLN030569) allows for the demolition of a 1,756 sq. ft. single family dwelling and construction of a new 1,805 sq. ft. (coverage) two-story single family dwelling including a patio (200 sq. ft.) and second story deck (96 sq. ft.), with removal and relocation of two multi-trunk (18" – 22" diameter at breast height) oaks. The property is located at 55 La Rancheria Road, Carmel Valley (Assessor's Parcel Number 187-111-012-000), northerly of La Rancheria Road with existing access approximately 200 yards from Laureles Road, Carmel Valley Master Plan Area. 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. **(Planning and Building Inspection)**	Adhere to conditions and uses specified in the permit	Owner/ Applicant	Ongoing unless otherwise stated	

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2		The applicant shall record a notice which states***: "A permit (Resolution 040004) was approved by the_Zoning Administrator for Assessor's Parcel Number 187-111-012-000 on Sept. 30, 2004.*** The permit was granted subject to 16 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)**	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		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 proper mitigation measures required for the discovery. **(Planning and Building Inspection)**	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 visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeo-logist	Ongoing	

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4		**WR1 - DRAINAGE PLAN** The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. **(Water Resources Agency)**	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits	
5		**WR43 - WATER AVAILABILITY CERTIFICATION** The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. **(Water Resources Agency)**	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	
6		**WR40 - WATER CONSERVATION MEASURES** The applicant shall comply with Ordinance No. 3932, 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)**	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/ occupancy	

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7		**FIRE007 - DRIVEWAYS** Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. 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 of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. **(Carmel Valley Fire Protection District)**	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	*Applicant or owner*	Prior to issuance of grading and/or building permit.	

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8		**FIRE011 - ADDRESSES FOR BUILDINGS** 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 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. **(Carmel Valley Fire Protection District)**	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	*Applicant or owner*	Prior to issuance of building permit.	

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9		**FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)** Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. **_ (Carmel Valley Fire Protection District)**	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	*Applicant or owner*	Prior to issuance of grading and/or building permit.	
10		**FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)** The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. **(Carmel Valley Fire Protection District)**	Applicant shall enumerate as "Fire Dept. Notes" on plans.	*Applicant or owner*	Prior to issuance of building permit.	

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11		**FIRE025 - SMOKE ALARMS – (SINGLE FAMILY DWELLING)** Where a household fire warning system or combination fire/burglar alarm system is installed in lieu of single-station smoke alarms required by the Uniform Building Code the alarm panel shall be required to be placarded as permanent building equipment. **(Carmel Valley Fire Protection District)**	Applicant shall enumerate as "Fire Dept. Notes" on plans.	*Applicant or owner*	Prior to issuance of building permit.	
12		**FIRE008 - GATES** All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. **(Carmel Valley Fire Protection District)**	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	*Applicant or owner*	Prior to issuance of grading and/or building permit.	
13		**FIRE028 - ROOF CONSTRUCTION - (CARMEL VALLEY FPD)** All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. **(Carmel Valley Fire Protection District)**	Applicant shall enumerate as "Fire Dept. Notes" on plans.	*Applicant or owner*	Prior to issuance of building permit.	

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14		The site shall be landscaped. At least 60 days prior to occupancy, three (3) 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, species, 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. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**	Submit landscape plans and contractor's estimate to PBI for review and approval.	Owner/ Applicant/ Contractor	At least 60 days prior to final inspect-ion or occu-pancy	
15		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)**	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	

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16		Prior to issuance of building and / or grading permits for the construction of a new residence, the two multi-trunk oaks in the area of the proposed structure shall be removed and relocated (transplanted) to a safe location on the property, with all tree removal and relocation (transplanting) activities being under the direct supervision and control of an arborist. The arborist shall provide a brief (1 to 3 page) report to the County prior to said removal and relocation, which shall describe required actions which will ensure long-term survival of the transplanted oaks. Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill 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 by the arborist and Director of Planning and Building Inspection. **(Planning and Building Inspection)**	Submit evidence of tree protection to PBI for review and approval.	Owner/ Applicant	Prior to Issuance of Grading and/or Building Permits	