

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> October 12, 2006    Time: 9:40 A.M.		<b>Agenda Item No.:</b> 3
<b>Project Description:</b> Use Permit for the construction of a 1,568 square foot tennis pavilion with tennis court prior to the establishment of the main structure, five to ten foot high walls surrounding the tennis court; Grading of 476 cubic yards of cut and 263 cubic yards of fill; and Design Approval.		
<b>Project Location:</b> Lot # 38, Quail Meadows Drive, Carmel Valley South of the intersection of Quail Meadows Drive and Covey Court		<b>APN:</b> 157-171-077-000
<b>Planning File Number:</b> PLN060454		<b>Name:</b> John L. Shadek, Trust
<b>Plan Area:</b> Carmel Valley Master Plan		<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> : “LDR/B-6-D-S-RAZ” [Low Density Residential, Building Site Zoning District with Design Control and Site Plan Review Overlays; Residential Allocation Zoning District]		
<b>CEQA Action:</b> Categorically Exempt per Section 15303		
<b>Department:</b> RMA - Planning Department		

**RECOMMENDATION:**

Staff recommends that the Zoning Administrator approve the Use Permit based on the Findings and Evidence (**Exhibit B**) and subject to the recommended Conditions (**Exhibit C**).

**PROJECT OVERVIEW:**

The project consists of a Use Permit pursuant to Section 21.14.050.T. of the Monterey County Zoning Ordinance Title 21 and Design Approval for the construction of an accessory structure prior to the establishment of the main use. The accessory structure is a 1,568 square foot tennis pavilion with tennis court area, five to ten foot high walls surrounding the tennis court and grading of 476 cubic yards of cut and 263 cubic yards of fill.

The subject property is a 3.3 acre parcel located within the Quail Meadows Subdivision. The subject lot and adjacent lot (APN 157-171-076-000) are owned by the same owners. The owners are currently constructing a single family residence on the adjacent lot. The subject project will serve as a recreational hobby for the owners and their guests.

The zoning for the subject property is “LDR/B-6-D-S-RAZ” or Low Density Residential, Building Site Zoning District with Design Control, Site Plan Review Overlays and Residential Allocation Zoning District. Per the LDR zoning district, accessory structures and accessory uses are allowed uses to any permitted use. Because the subject lot is a separate legal lot of record and has no main use, a Use Permit is required.

The project meets all applicable site development standards. It meets structure height and setback regulations as well as lot coverage limitations. No tree removal is proposed and the project will not disturb any areas in excess of 30% slopes.

Therefore, staff recommends approval of the project subject to recommended findings and evidence and subject to the proposed conditions of approval.

**OTHER AGENCY INVOLVEMENT:**

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

The above checked agencies and departments have reviewed this project. Conditions recommended by the Carmel Highlands Fire Protection District, Water Resources Agency and the RMA-Planning Department have been incorporated into the condition compliance reporting plan (**Exhibit C**).

The project was not referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project does not involve slope restrictions, involve ridgeline or viewshed development.

Note: The decision on this project is appealable to the Planning Commission.

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Nadia Amador  
(831) 755-5114, amadorn@co.monterey.ca.us  
October 4, 2006

cc: Zoning Administrator; Carmel Highlands Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Planning & Building Services Manager; Nadia Amador, Planner; Carol Allen, John L. Shadek, Trust, Applicants; Lombardo & Gilles c/o Miriam Schakat, Agent; Planning File PLN060454.

Attachments: Exhibit A      Project Data Sheet  
                  Exhibit B      Recommended Findings and Evidence  
                  Exhibit C      Recommended Conditions of Approval  
                  Exhibit D      Site Plan, Elevations, Floor Plans  
                  Exhibit E      Applicant's Letter Describing the Use of the Tennis Pavilion

This report was reviewed by Laura Lawrence, Planning and Building Service Manager.

## **EXHIBIT B**

### **RECOMMENDED FINDINGS AND EVIDENCE**

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Carmel Valley Master Plan, Carmel Valley Master Plan Inventory and Analysis, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for development.

- EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. 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 property is located on Quail Meadows Drive in Carmel Valley (Assessor's Parcel Number 157-171-077-000), Carmel Valley Master Plan. The parcel is zoned Low Density Residential, Building Site Zoning District with Design Control and Site Plan Review Overlays; Residential Allocation Zoning District ("LDR/B-6-D-S-RAZ"). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.
- (c) The project planner conducted a site inspection on August 4, 2006 to verify that the project on the subject parcel conforms to the plans listed above.
- (d) The subject property is a legal lot of record per Volume 17 of Cities & Towns, page 42.
- (e) The project was not referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project did not involve slope restrictions, involve ridgeline or viewshed development.
- (f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN060454.

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

- EVIDENCE:** (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Carmel Highlands Fire Protection District, Public Works, Environmental Health Division, 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 have been incorporated.
- (b) The subject property is in a Moderate and High Archaeological Sensitivity Zone according to County resource maps. Staff researched the original Quail Meadows Subdivision file number SB00843 and retrieved information on the Archaeological Surveys conducted for the entire subdivision. This particular lot was found to be clear of any archaeological resources.

- (c) Monterey County Geographic Information System (GIS) indicates that the subject parcel is within a Seismic Hazard V Area. Based on Section 21.66.040 *Standards for Hazardous Areas* (Title 21), this project did not warrant the requirement of a geological report.
- (d) Monterey County GIS indicates that no environmentally sensitive habitat or species exist on the subject property.
- (e) The project area has an average slope of 10% and it is outside the scenic easement area.
- (f) Staff conducted a site inspection on August 4, 2006 to verify that the site is suitable for this use.
- (g) Materials in Project File PLN060454.

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

- EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15303, categorically exempts new construction of accessory structures.  
(b) No adverse environmental effects were identified during staff review of the development application during a site visit on August 4, 2006.  
(c) See preceding and following findings and supporting 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. Zoning violation abatement costs, if any, have been paid.

- EVIDENCE:** (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.

5. **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:** (a) Preceding findings and supporting evidence.

6. **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.

<b>EXHIBIT C</b> <b>Monterey County Resource Management Agency</b> <b>Planning Department</b> <b>Condition Compliance and/or Mitigation Monitoring</b> <b>Reporting Plan</b>	<b>Project Name: Shadek</b> <b>File No: PLN060454</b> <b>Approved by: Zoning Administrator</b>	<b>APN: 157-171-077-000</b> <b>Date: October 12, 2006</b>
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*\*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.		<b>PBD029 - SPECIFIC USES ONLY</b> This Use Permit (PLN060454) allows for the construction of a 1,568 square foot tennis pavilion with tennis court prior to the establishment of the main structure, five to ten foot high walls surrounding the tennis court; Grading of 476 cubic yards of cut and 263 cubic yards of fill; and Design Approval. The property is located at Lot # 38 Quail Meadows Drive, Carmel Valley, south of the intersection of Quail Meadows Drive and Covey Court (Assessor's Parcel Number 157-171-077-000), Carmel Valley Master 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 RMA - Planning Department. 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	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

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		permit is allowed unless additional permits are approved by the appropriate authorities. <b>[Resource Management Agency (RMA) - Planning Department]</b>				
2.		<b>PBD025 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit ( <b>Resolution No.</b> _____) was approved by the Zoning Administrator for Assessor's Parcel Number 157-171-077-000 on October 12, 2006. The permit was granted subject to 11 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of RMA - Planning Department prior to issuance of building permits or commencement of the use. <b>(RMA - Planning Department)</b>	Proof of recordation of this notice shall be furnished to RMA - PD	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3.		<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 RMA - Planning 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 RMA - Planning 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/ Archaeologist	Ongoing	

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		proper mitigation measures required for the discovery. <b>(RMA - Planning Department)</b>				
4.		<p><b>PBD016 - INDEMNIFICATION AGREEMENT</b></p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense</p>	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable.	

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		thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless.. <b>(RMA - Planning Department)</b>				
5.		<p><b>PBDSP001 (NON-STANDARD) - LANDSCAPE PLAN AND MAINTENANCE</b></p> <p>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 the RMA Planning Department 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 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. <b>(RMA-Planning Department)</b></p>	<p>Submit landscape plans and contractor's estimate to the RMA-Planning Department for review and approval.</p> <hr/> <p>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.</p>	<p>Owner/ Applicant/ Contractor</p> <hr/> <p>Owner/ Applicant</p>	<p>At least 60 days prior to final inspection or occupancy.</p> <hr/> <p>Ongoing</p>	



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6.		<p><b>PBDSP002 (NON-STANDARD) LIGHTING – EXTERIOR LIGHTING PLAN</b></p> <p>All exterior lighting shall be unobtrusive, downlit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. 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>(RMA-Planning Department)</b></p>	<p>Submit three copies of the lighting plans to the RMA- Planning Department for review and approval.</p>	Owner/ Applicant	Prior to issuance of building permits.	
			<p>Construct and maintain lighting in accordance with approved plans.</p>	Owner/ Applicant	Ongoing	
7.		<p><b>PBD032(B) – TREE AND ROOT PROTECTION</b></p> <p>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 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 RMA- Planning Department. <b>(RMA-Planning Department)</b></p>	<p>Submit evidence of tree protection to the RMA-Planning Department for review and approval.</p>	Owner/ Applicant	Prior to Issuance of Grading and/or Building Permits.	
8.		<p><b>WR43 - WATER AVAILABILITY CERTIFICATION</b></p> <p>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</p>	<p>Submit the Water Release Form to the Water Resources Agency for review and approval.</p>	Owner/ Applicant	Prior to issuance of any building permits.	

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		Peninsula Water Management District Water Release Form. <b>(Water Resources Agency)</b>				
9.		<p><b>WR40 - WATER CONSERVATION MEASURES</b>  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:</p> <p>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.</p> <p>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. <b>(Water Resources Agency)</b></p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/ Occupancy.	
10.		<p><b>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS</b>  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</p>	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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		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. <b>(Carmel Highlands Fire District)</b>	Applicant shall schedule fire dept. clearance inspection.	Applicant or owner	Prior to final building inspection.	
11.		<b>FIRE021 - FIRE PROTECTION EQUIPMENT &amp; SYSTEMS - FIRE SPRINKLER SYSTEM</b> 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. <b>(Carmel Highlands Fire District)</b>	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection.	Applicant or owner	Prior to framing inspection.	
			Applicant shall schedule fire dept. final sprinkler inspection.	Applicant or owner	Prior to final building inspection.	