

**PLANNING COMMISSION
STATE OF CALIFORNIA, COUNTY OF MONTEREY**

RESOLUTION NO. 02021

A.P.# 239-051-016-000

In the matter of the application of

John and Nancy Montgomery (PLN010231)

FINDINGS & DECISION

for an Administrative Permit in accordance with Title 21 (Zoning) Chapter 21.70 (Administrative Permits) of the Monterey County Code, to allow for the construction of an approximately 8,017 sq. ft. two-story single family dwelling with an approximately 1,284 sq. ft. attached three-car garage, swimming pool, retaining walls, green house, propane tank, tree removal consisting of (2) 16" oak, (1) 13" oak, (2) 12" oaks, (2) 10" oaks, (1) 8" oak, (2) 7" oaks, and grading (approx. 3,370 cu. yds. of cut/2,721 cu. yds. of fill); and Design Approval, located at 6 Garzas Trail, Carmel Valley, westerly of Rancho San Carlos Road, Santa Lucia Preserve, came on regularly for meeting before the Planning Commission on April 10, 2002.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

1. **FINDING:** The proposed project and/or use, as described in condition #1 as conditioned, is consistent with the policies of the Monterey County General Plan, the applicable Area Plan and the requirements and standards of the Monterey County Zoning Ordinance (Title 21).
 EVIDENCE: The text and policies of these documents have been evaluated during the course of the review of this application. No conflicts were found to exist except tree removal policy and requirements as indicated in Finding #2. 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.
 EVIDENCE: Potential Impacts (e.g., archeological, geological, sensitive habitat, drainage, etc.) due to the proposed grading are analyzed in the certified final EIR for the Santa Lucia Preserve (No. 94-005); applicable mitigations are included as permit conditions.
2. **FINDING:** The site is physically suitable for the use proposed.
 EVIDENCE: 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 Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable.
3. **FINDING:** The proposed project will not have a significant environmental impact.
 EVIDENCE: 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). No potentially adverse environmental impacts were identified during review of the proposed project. The project is consistent with the conclusions and mitigations contained in the certified Santa Lucia Preserve Final EIR No. 94-005.

4. **FINDING:** No written request, based on a substantive issue, for public hearing or other evidence of public controversy or public opposition as described in Section 21.70.060A, Title 21, Monterey County Code (Zoning) was found to exist.
EVIDENCE: Materials in project file.
5. **FINDING:** Public notice of the pending Administrative Permit was provided pursuant to Section 21.70.040, Title 21, Monterey County Code (Zoning).
EVIDENCE: Materials in project file.
6. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of Title 21, that no violations exist on the property, and that all zoning violation abatement costs have been paid.
EVIDENCE: Sections 21.36 and 21.45 of the Monterey County Code (Zoning). Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.
7. **FINDING:** 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, 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.

DECISION

THEREFORE, it is the decision of said Planning Commission, that said application for an Administrative Permit be granted as shown on the attached sketch, subject to the following conditions:

1. This permit allows the construction of an approximately 8,017 sq. ft. two-story single family dwelling with an approximately 1,284 sq. ft. attached three-car garage, retaining walls, green house, propane tank, removal of 2 coast live oak trees (19" and 18"), transplanting of 6 coast live oak trees((3) 6", (1) 8", (1) 16", (1) 7") and grading (approx. 3,370 cu. yds. of cut/ 2,721 cu. yds. of fill). The property is located at 6 Garzas Trail, Santa Lucia Preserve. The project is 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)**

Prior to the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A permit (Resolution 02021) was approved by the Planning Commission for Assessor's Parcel Number 239-051-016-000 on April 10, 2002. The permit was granted

subject to 31 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. The proposed development shall be consistent with the development plan, findings, evidence and conditions of approval in the previously approved permits for the Santa Lucia Preserve (PC94067) and the EIR for the Santa Lucia Preserve (No. 94-005) approved by the Board of Supervisors. **(Planning and Building Inspection)**
4.
 - a) Prior to issuance of grading or building permits, native trees located close to the construction site shall be protected from inadvertent damage from construction equipment by 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 Planning and Building Inspection. Tree protection shall be performed and supervised by a registered Forester according to the recommendations of the Rancho San Carlos Forest Management Plan prepared by Ralph Osterling Consultants, Inc., dated February 18, 1994.
 - b) Prior to issuance of grading or building permits, the applicant shall submit a tree replacement plan. The plan shall provide for replacement of the seven trees within the homeland. The replacement plan shall include a schedule of implementation and success criteria, and is subject to the approval of the consulting forester and Monterey County landscaping planner and Director of Planning and Building Inspection. **(Planning and Building Inspection)**
5. All exterior lighting shall be unobtrusive, compatible 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 Department)**
6. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
7. The applicant shall pay the following traffic impact fees:

A.	Carmel Valley Traffic Impact Fees	\$9,047.00
B.	State Highway 1	<u>661.00</u>
TOTAL:		\$9,708.00

(Public Works)
8. Prior to issuance of grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, to include storm water dispersion facilities to mitigate the impact of impervious surface storm water runoff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**

9. Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction. **(Carmel Valley Fire District)**
10. Before construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted prior to requesting final clearance. All address numbers (permanent and temporary) shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the address numbers shall be set adjacent to the driveway or access road to the property. Address numbers posted shall be Arabic, not Roman or written out in words. Address numbers posted shall be a minimum height of 3 inches with a 3/8-inch stroke, and contrasting with the background colors of the sign. **(Carmel Valley Fire District)**
11. The applicant shall obtain a grading permit from the Building Inspection Division. **(Planning and Building Inspection Department)**

Prior to Final Building Inspection/Occupancy:

12. The applicant shall comply with Ordinance No. 3932 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 re-circulating 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 & Planning and Building Inspection)**
13. 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. The project will be subject to a landscape plan review fee, which 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. The replacement trees shall be included on this plan as well as the transplanted trees. 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 Department)**
14. 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. **(Carmel Valley Fire District)**
15. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. **(Carmel Valley Fire District)**

16. For residential 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 of curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. **(Carmel Valley Fire District)**
17. Roadway turnouts 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 a minimum of 60 feet in length. **(Carmel Valley Fire District)**
18. Roadway turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25 foot taper on each end. **(Carmel Valley Fire District)**
19. 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. **(Carmel Valley Fire District)**
20. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. **(Carmel Valley Fire District)**
21. 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 that road. **(Carmel Valley Fire District)**
22. Where gates are to be locked, the Reviewing Authority having jurisdiction may require installation of key box or other acceptable means to immediate access for emergency equipment. **(Carmel Valley Fire District)**
23. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Carmel Valley Fire District)**
24. Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of the building permit. **(Carmel Valley Fire District)**
25. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 20 feet of chimneys. **(Carmel Valley Fire District)**
26. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. **(Carmel Valley Fire District)**
27. 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 sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform

Building Code Standards, 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.”

(Carmel Valley Fire District)

28. Where road grades exceed 8 percent, a minimum structural roadway surface thickness of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. **(Carmel Valley Fire District)**
29. All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface, shall require a Class A roof construction. **(Carmel Valley Fire District)**

Continuous Permit Conditions:

30. 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 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)**
31. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 10th day of **April**, 2002 by the following vote:

AYES:	Errea, Sanchez, Hawkins, Parsons, Diehl, Hernandez, Wilmot
NOES:	None
ABSENT:	Brennan, Lacy
ABSTAIN:	Pitt-Derdivanis

DALE ELLIS, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

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