

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

RESOLUTION NO. 02045

A. P. # 239-021-008-000

FINDINGS AND DECISION

In the matter of the application of
Wayne and Tsang Merrick (PLN020062)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located 1 Cantera Run, Carmel, Rancho San Carlos, Santa Lucia Preserve, Greater Monterey Peninsula area, came on regularly for hearing before the Planning Commission on July 31, 2002.

WHEREAS: Said proposal includes:

- 1) an Administrative Permit for the construction of a 6,635 sq. ft. single family dwelling;
- 2) an Administrative Permit for a 595 sq. ft. Guesthouse above a detached 1,127 sq. ft. garage;
- 3) Use Permit for removal of 17 oak trees; grading of 1,517 cubic yards cut, 25 cubic yards of fill; and
- 4) Design Approval

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

FINDINGS OF FACT

1. **FINDING:** The subject Combined Development Permit and Design Approval (PLN020062) as described in Condition #1,” and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, Greater Monterey Peninsula Area Plan and the Monterey County Zoning Ordinance (Title 21). The property is located at 1 Cantera Run, Carmel, (Santa Lucia Preserve). The parcel is zoned “RC/40D-S” or Resource Conservation 40 acres/unit, Design Control and Site Plan Review District. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.
EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with the General Plan and the Greater Monterey Peninsula Area Plan.
EVIDENCE: The project site is physically suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and applicable Fire Department. There has been no indication from these agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.
EVIDENCE: The proposed use is consistent with the development standards for Resource Conservation (RC) district, pursuant to Title 21, Monterey County Zoning Ordinance.
EVIDENCE: Written and verbal public testimony submitted at public hearings before the Planning

Commission.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

EVIDENCE: Chapters 21.36, 21.62, 21.64.020, and 21.76 of the Monterey County Zoning Ordinance (Title 21). Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

EVIDENCE: The on-site inspection by the project planner on Saturday, July 20, 2002 to verify that the proposed project complies with all applicable policies.

2. **FINDING:** Per CEQA Guidelines Sections 15162 and 15168, no new environmental document is required for the removal of oak trees in the building envelope. On February 6, 1996, the Board of Supervisors certified a final environmental impact report (EIR No. 94-005) for the Santa Lucia Preserve. The proposed project, as analyzed in the environmental document, is consistent with the EIR's conclusions and mitigations. There have been no changes in the project, changed circumstances, or new information indicating significant environmental effects not previously analyzed in the EIR.

EVIDENCE: Materials in file; Board Resolution No. 96-059 certifying the EIR for the Santa Lucia Preserve project; Board Resolution No. 96-060 approving the original Certified Development Plan for the Santa Lucia Preserve; EIR No. 94-005.

3. **FINDING:** The proposed project will not have a significant environmental impact.
EVIDENCE: Section 15303 and 15304 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:** Public notice of the hearing on the Combined Development Permit application was provided pursuant to Section 21.70.040 of Title 21, Monterey County Code (Zoning).

EVIDENCE: Materials in project file.

5. **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: Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

EVIDENCE: Pursuant to Section 21.64.020 C11 of the Zoning Code, the placement of the guesthouse above the attached garage unit and the treatments tying the structures together provide for architectural consistency and compatibility with the main residence.

EVIDENCE: Pursuant to Section 21.62 of the of the Zoning Code, any accessory structure structurally attached to the main structure shall be allowed the same height as the main structure.

6. **FINDING:** The establishment, maintenance, or operation of the use or structure 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 of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division,

Public Works Department, Carmel Valley Fire Protection District, and Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.

EVIDENCE: Technical reports have been provided by a registered professional forester, and a registered geologist with recommended conditions and modifications that provide additional assurances regarding project safety. Reports are in the project file (PLN020062):

- 1) Forest Management Plan for Lot 9 – Merrick Residence, Santa Lucia Preserve, Ralph Osterling Consultants, Inc. March 19, 2002
- 2) Geotechnical Engineering Investigation Proposed Merrick Residence Lot No. 9; Santa Lucia Preserve, Carmel California, Twining Laboratories, Inc. February 19, 2002.

EVIDENCE: File and application materials contained in the project file.

7. **FINDING:** The tree removal is the minimum required under the circumstances of the case.

EVIDENCE: Application materials in file.

EVIDENCE: Forest Management Plan prepared by Ralph Osterling Consultants Inc., March 19, 2002

EVIDENCE: On-site inspection by the project planner on Saturday, July 20, 2002 to verify that the proposed tree removal is the minimum required under the circumstances of the case.

8. **FINDING:** The tree removal will not involve risk of adverse environmental impacts.

EVIDENCE: Potential adverse environmental impacts of protected tree removal were examined in the Environmental Impact Report for the Santa Lucia Preserve.

EVIDENCE: Materials in file; Board Resolution No.96-059 certifying the EIR for the Santa Lucia Preserve project; Board Resolution No. 96-060 approving the original Certified Development Plan for the Santa Lucia Preserve; EIR No. 94-005.

9. **FINDING:** The project is appealable to the Board of Supervisors. It is not appealable to the Coastal Commission.

EVIDENCE: Section 21.80.040 D of the Monterey County Zoning Ordinance (Title 21).

DECISION

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

1. The subject Combined Development Permit and Design Approval consists of an Administrative Permit for the construction of a 6,635 sq. ft. single family dwelling; Administrative Permit for a 595 s.f. guesthouse above a detached 1,127 sq. ft. garage; Use Permit for removal of 17 oak trees; grading of 1,517 cu. yds. cut, 25 cu. yds. fill; and Design Approval. The project is located at 1 Cantera Run, Carmel (Santa Lucia Preserve) (Assessor's Parcel Number # 239-021-008-000) in the Greater Monterey Peninsula Area Plan. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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. 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 number height of 3 inches with a 3/8-inch stroke, and contrasting with the background colors of the sign. **(Fire District)**
3. Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction. **(Fire District)**
4. The applicant shall record a notice which states: "A permit (Resolution 02045) was approved by the Planning Commission for Assessor's Parcel Number 239-021-008-000 on July 31, 2002. The permit was granted subject to **23** 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)**
5. Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan report has been prepared for this parcel by Ralph Osterling Consultants, Inc. dated March 19, 2002 and is on record in the Monterey County Planning and Building Inspection Department Library No. **LIB020138**. All Development shall be consistent with this report." **(Planning and Building Inspection)**.
6. Prior to issuance of Building Permits, the applicant shall submit for review and approval to the Director of Planning and Building Inspection, an Oak Tree Replanting Plan consistent with the provisions and replacement ratios of the Ralph Osterling Forest Management Plan and the Santa Lucia Preserve. The Replanting Plan will be reviewed for consistency with the mitigation measures specified in the Board of Supervisor's Resolution 96-060 approving the Findings, Evidence and Conditions of Approval for the various entitlement applications and requests comprising the Santa Lucia Preserve Project (PC94067). Such Replanting Plan will acknowledge and abide by Condition #24 of that approval: That all non-landmark oak trees removed as a result of the project be replaced at a 3:1 ratio and landmark trees replaced at a 5:1 ratio. Oak trees removed shall be replaced in on-site areas suitable for supporting oak species as determined by a qualified resource ecologist. **(Planning and Building Inspection)**.
7. Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical Engineering Investigation (for) Proposed Merrick Residence Lot No. 9; Santa Lucia Preserve, Carmel California, has been prepared for this parcel by The Twining Laboratories, Inc., dated February 19, 2002 and is on record in the Monterey County Planning and Building Inspection Department Library No. **LIB020139**. All development on the parcel must be in accordance with the Geotechnical Investigation. **(Planning and Building Inspection)**
8. 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 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." (Fire District)

9. Prior to the issuance of a building permit for the guesthouse, the applicant shall submit for review and approval of the Director of Planning and Building Inspection, and subsequently record, a deed restriction stating the regulations applicable to the guesthouse, as follows:
 - a) Only one guesthouse shall be allowed per lot.
 - b) Detached guesthouses shall be located in close proximity to the principal residence.
 - c) Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.
 - d) The guesthouse shall contain no kitchen or cooking facilities, including but not limited to microwave ovens, hot plates, and toaster ovens.
 - e) There shall be a maximum of six linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of eight square feet of cabinet space, excluding clothes closets.
 - f) Guesthouses shall not exceed 600 square feet of livable floor area.
 - g) Guesthouses shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.
 - h) Subsequent subdivisions which divide a main residence from a guesthouse shall not be permitted.
 - i) The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.
10. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
11. Native trees which are 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. **(Planning and Building Inspection Department)**
12. 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 stormwater dispersion facilities to mitigate the impact of impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
13. 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)**

14. 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)**
15. The applicant shall obtain a grading permit from the Building Inspection Division. **(Planning and Building Inspection)**
16. This application is subject to Carmel Valley Impact Fees and State HWY 1 Impact Fees. Present evidence to the Planning and Building Inspection department that these fees have been paid. **(Public Works, Planning and Building Inspection)**
17. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

Prior to Final Building Inspection/Occupancy:

18. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion, subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
19. 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 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 & Planning and Building Inspection)**
20. 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)**
21. Prior to Occupancy, the Carmel Valley Fire Protection District has made the following requirements and conditions of this permit approval that must be satisfied:

- a) 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. (Fire District)
- b) The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. (Fire District)
- c) 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. (Fire District)
- d) Roadway 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. (Fire District)
- e) Roadway turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25-foot taper on each end. (Fire District)
- f) 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. (Fire District)
- g) Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. (Fire District)
- h) 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. (Fire District)
- i) Where gates are to be locked, the Reviewing Authority having jurisdiction may require installation of a key box or other acceptable means to immediate access for emergency equipment. (Fire District)
- j) Unobstructed vertical clearance shall not be less than 15 feet for all access roads. (Fire District)
- k) 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. (Fire District)
- l) Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. (Fire District)
- m) Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. (Fire District)

- n) The building(s) shall be fully protected with automatic fire sprinkler system(s). (Fire District)
- o) 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. (Fire District)
- p) All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface, shall require Class A roof construction. (Fire District)

Continuous Permit Conditions:

- 22. If during the course of construction activity on the subject property, cultural, archaeological, historical, 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)**
- 23. All landscaped areas and replanted trees shall be continuously maintained by the applicant 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 31st day of July, 2002 by the following vote:

AYES: Errea, Sanchez, Hawkins, Pktt-Derdivanis, Brennan, Parsons, Diehl, Hernandez, Wilmot
 NOES: Engell
 ABSENT: Brennan

Original Signed By:

 DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on

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

This project is located in the Coastal Zone and is appealable to the Board of Supervisors. This project is not appealable to the California Coastal Commission.

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 Marina.

2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.