

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

RESOLUTION NO. 02060

A.P. # 187-591-028-000

FINDINGS AND

DECISION

In the matter of the application of
James & Holly Randall (PLN020161)

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for development on a 30% slope, to include site and Design Approval for the proposed project consisting of a 2,328 square foot addition (second-story addition, artist studio and garage) to an existing 1,760 square foot single family dwelling to be remodeled and grading for retaining wall (approximately 90 cubic yards cut and 80 cubic yards fill); located at 254 El Caminito, Carmel Valley east of the intersection of Chapparal Road and El Caminito Road, Carmel Valley area, came on regularly for hearing before the Planning Commission on September 25, 2002.

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

FINDINGS OF FACT

1. **FINDING:** The subject Use Permit and Design Approval (PLN020161), 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, the Carmel Valley Master Plan and the Monterey County Zoning Ordinance (Title 21). The property is located at 254 El Caminito Road, Carmel Valley. The parcel is zoned LDR/1-D-S, 1 unit/acre - Design and Site Control 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:

- a) The General Plan and Carmel Valley Master Plan
- b) Chapter 21.14 of the Monterey County Zoning Ordinance regulations for development in the LDR zoning district.
- c) Title 21 Chapters 21.44 and 21.45 regulations for development in the 'D' and 'S' district respectively
- d) Section 21.64.230 of Title 21, Development on slopes of 30%

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 garage and artist studio additions, pursuant to Title 21, Monterey County Zoning Ordinance.

EVIDENCE: Section 21.14 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:** Design Approval request form, with recommendation for approval of the project by the Carmel Valley Land Use Advisory Committee on August 12, 2002 , by a vote of *4 ayes, 2 noes, 2 absent*.
- EVIDENCE:** Written and verbal public testimony submitted at the September 25, 2002 Planning Commission hearing.
- 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:** The on-site inspection by the project planner on August 23, 2002 to verify that the proposed project complies with the General Plan and Carmel Valley Master Plan.
2. **FINDING:** The proposed project is statutorily exempt from the California Environmental Quality Act.
EVIDENCE: Section 15303 County CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application
3. **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 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, applicable Fire Department, Water Resources Agency and Monterey Peninsula Water Management District. 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.
4. **FINDING:** There is no feasible alternative which would allow development to occur on slopes of less than 30%.
EVIDENCE: Based on a site inspection on August 23, 2002, and a review of the project plans, staff determined there is no alternative location for the proposed addition, garage and artist studio. Due to the length of the driveway, a side-entry garage is required with adequate vehicle maneuvering space to allow (a) when entering the property, a 90-degree turn into the garage from the driveway; (b) adequate backup area to allow complete exiting from the garage; (c) a 90-degree turn onto the driveway to exit the property facing forward, and (d) adequate room for fire truck turn-around. The only feasible location on the property which satisfies all four requirements is the proposed location.
5. **FINDING:** The project is appealable to the Board of Supervisors.
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 Use Permit consists of development on a 30% slope, to include Site and Design Approval for the proposed project consisting of a 2,328 square foot addition (second-story addition, artist studio and garage) to

an existing 1,760 square foot single family dwelling and grading for retaining wall (approximately 90 cubic yards cut and 80 cubic yards fill). The project is located at 254 El Caminito Road, (Assessor's Parcel Number 187-591-028-000) in the Carmel Valley Area. 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)**

2. All exterior colors and materials shall be in conformance with the Color Sample sheet dated received August 14, 2002, as approved by the Carmel Valley Land Use Advisory Committee on August 12, 2002. **(Planning and Building Inspection)**

Prior to the Issuance of Grading and Building Permits:

3. The applicant shall record a notice which states: "A permit (Resolution 02060) was approved by the Planning Commission for Assessor's Parcel Number 187-591-028 on September 25, 2002. The permit was granted subject to 17 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)**
4. 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)**
5. Prior to the issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property in the form of an approved Water Release Form. (Water Resources Agency)
6. A drainage plan shall be prepared by a registered civil engineer or architect to address on-site and off-site impacts, to include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with approved plans. If retention is not feasible, then stormwater runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. stormwater runoff shall be dispersed at multiple points. (Water Resources Agency)
7. 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)**
8. The applicant shall obtain a grading permit from the Building Inspection Division, if deemed necessary. **(Planning and Building Inspection)**
9. 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 in coordination with the consulting biologist, subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

10. A registered geologist shall certify that the geotechnical report is adequate for this project. Alternatively, a geologic and seismic hazards report shall be prepared for the project, in conformance with the Monterey County Interim Geological Reporting Requirements dated July 1, 1995. **(Planning and Building Inspection)**
11. Prior to issuance of building or grading permits, a (notice/deed restriction) shall be recorded with the Monterey County Recorder which states: "A geotechnical report has been prepared for this parcel by Earth Systems Consultants Northern California, dated February 7, 2002 and is on record in the Monterey County Planning and Building Inspection Department, file PLN020161. All development shall be in accordance with this report." **(Planning and Building Inspection Department)**

Prior to Final Building Inspection/Occupancy:

12. The retaining wall shall be finished and painted to match the exterior walls of the residence. Said retaining wall shall be continuously screened by landscaping as shown on the Landscaping Plan dated August 8, 2002. **(Planning and Building Inspection)**
13. 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)
14. Certification that stormwater retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. (Water Resources Agency)
15. 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. Said landscape plan shall conform with the conceptual Landscaping Plan dated August 8, 2002. **(Planning and Building Inspection)**

Continuous Permit Conditions:

16. 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)**

- 17. 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 25th day of September, 2002, by the following vote:

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

Original Signed By:

 DALE ELLIS, SECRETARY

Copy of this decision mailed to 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 Marina.
- 2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.