

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

RESOLUTION NO. 03009

A. P. # 187-181-031-000

FINDINGS AND DECISION

In the matter of the application of
Mike and Cathie Foster (PLN020346)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located at 22 Marquard Road, Carmel Valley, northeast of the intersection of Marquard Road and De Amaral Road, Carmel Valley Master Plan, came on regularly for hearing before the Planning Commission on February 12, 2003.

WHEREAS: Said proposal includes:

- 1) A Use Permit for development on 30 percent slopes to allow the construction of a 480 square foot detached garage, an open parking area and driveway turnouts (approximately 55 cubic yards cut, no fill);
- 2) An Administrative Permit for demolition of an existing single-family house, and the construction of a new 5,212 square foot single family house in the existing building footprint, and
- 3) 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, as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, the Carmel Valley Master Plan and the Monterey County Zoning Ordinance (Title 21). The property is located at 22 Marquard Road, Carmel Valley. The parcel is zoned LDR/2.5-D-S, 2.5 units/acre, Design Control and Site Plan Review Districts. 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; and
 - d) Section 21.64.230 of Title 21, Development on slopes of 30%.
2. **FINDING:** The project site is physically suitable for the proposed use as described in the project file.
EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, 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: 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 January 27, 2003, (6-0).

EVIDENCE: Written and verbal public testimony submitted at the February 12, 2003 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 January 3, 2003 to verify that the proposed project complies with the General Plan and Carmel Valley Master Plan.

3. **FINDING:** The proposed project is categorically exempt from the California Environmental Quality Act.

EVIDENCE: Sections 15301 and 15302 of the County CEQA Guidelines categorically exempts the proposed development from environmental review. The majority of new construction will occur in the footprint of the existing dwelling. No adverse environmental impacts were identified during staff review of the development application.

4. **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.

EVIDENCE: Materials in file PLN020346.

5. **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 January 03, 2003, and a review of the project plans, staff determined there is no alternative location for the proposed garage, parking area and driveway safety modifications. 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. The best feasible location on the property which satisfies all three requirements is the proposed location.

EVIDENCE: Driveway modifications are required by the Fire District to improve fire vehicle access to the site, as the driveway is presently very long and narrow, and there are no opportunities for vehicles to pass one another along the driveway. The two exiting sharp turns in the driveway are the most appropriate places to expand vehicle maneuvering areas, as these areas are the most constricted, and are the best feasible areas for safety modifications which meet the vehicle maneuvering requirements of the Fire District.

EVIDENCE: Materials in file PLN020346.

6. **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 Combined Development Permit consisting of a Use Permit for development on 30% slopes, and Site Approval for the proposed project consisting of a 480 square foot detached garage, driveway modifications and open parking area (approximately 55 cubic yards cut, no fill); an Administrative Permit for demolition of an existing single-family house, and the construction of a new, 5,212 square foot single family house in the existing building footprint; and Design Approval. The project is located at 22 Marquard Road (Assessor's Parcel Number 187-181-031-000) 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 1, 2002, as approved by the Carmel Valley Land Use Advisory Committee on January 27, 2003. **(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 03009) was approved by the Planning Commission for Assessor's Parcel Number 187-181-031-000 on February 12, 2003. The permit was granted subject to 28 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. The plans shall be modified to show a 10-foot separation between the existing trellis and the proposed detached garage, or that the trellis is attached to the garage. **(Planning and Building Inspection)**
5. 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)**
6. 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)**
7. 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, S.C.)**
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 retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
9. 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)**
10. The applicant shall obtain a grading permit from the Building Inspection Division. **(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 November 2, 2002 and is on record in the Monterey County Planning and Building Inspection Department, file PLN020346. All development shall be in accordance with this report." **(Planning and Building Inspection Department)**
12. 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)**
13. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. **(Fire District)**
14. 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)**
15. All parcels 1 acre and larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, or when a 30 foot minimum setback cannot be reached, alternate fuel modification standards may be imposed by the local fire jurisdiction to provide the same practical effect. **(Fire District)**
16. 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)**
17. 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)**

18. In high and very high fire hazard areas, as defined by the California Department of Forestry and Fire Protection (CDF), roof construction shall be a Class A or Class B, with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired or modified so as to affect 50 percent or more of the roof. Vegetation removal will not be allowed as a means of removing high or very high fire hazard area designation from an entire parcel. **(Fire District)**
19. The applicant shall provide assurance to the Planning and Building Inspection Department that the access easement crossing the subject parcel to the Grover parcel (AP 187-181-032) has been modified or reduced with the easement holder such that the project is not in conflict with the easement. **(Planning and Building Inspection)**

Prior to Final Building Inspection/Occupancy:

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. 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, S.C.)**
22. 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)**
23. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Fire District)**
24. Size of letters, numbers and symbols for addresses shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with the background color of the sign. **(Fire District)**
25. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance 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, and the address shall be visible and legible from the road on which the address is located. **(Fire District)**
26. 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)**
27. 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)**

Continuous Permit Conditions:

28. 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)**

PASSED AND ADOPTED this 12th day of February, 2003 by the following vote:

AYES: Errea, Sanchez, Hawkins, Padilla, Brennan, Parsons, Diehl, Gonzalves, Rochester, Wilmot
NOES: None
ABSENT: None

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. 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.