

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

RESOLUTION NO. 03012

A. P. # 416-133-002-000

**FINDINGS AND DECISION**

In the matter of the application of  
**Douglas and Debra Sallen (PLN020231)**

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located 11755 Saddle Road, Monterey in the Bay ridge Subdivision, greater Monterey Peninsula area, came on regularly for hearing before the Planning Commission on February 26, 2003.

WHEREAS: Said proposal includes:

- 1) an Administrative Permit to allow for the construction of a new 4,700 sq. ft. single family dwelling with a subterranean garage and retaining walls; approximately 3,750 cubic yards of grading;
- 2) Design Approval and
- 3) a Use Permit for removal of 16 Coast Live Oak trees between 6" and 23" I diameter.

WHEREAS: 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 (**Sallen; PLN020231**) 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 11755 Saddle Road, Monterey in the Bay Ridge Subdivision of Hidden Hills Estates (APN 416-133-002-000). The parcel is zoned "Low Density Residential" or LDR B-6- VS (20'), allowing for only one unit on the property with no further subdivision of the parcel in a "Visual Sensitivity" 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:** P&BI staff have reviewed the project as contained in the application and accompanying materials for consistency with the Zoning Ordinance (Title 21) and for conformity with the Greater Monterey Peninsula Area Plan which designates this area as appropriate for residential development.  
**EVIDENCE:** Project planner conducted an on-site inspection on February 7, 2003 to verify that the project on the subject parcel conforms to the plans listed above. Staff notes regarding the site visit are in PBI File No. PLN020231.  
**EVIDENCE:** The use/project, which is a single family home, is an allowed use in accordance with Section 21.14.030 A.
  - (a) The parcel is zoned Low Density Residential ("LDR/B-6-V-6-VS (20') which cannot be further subdivided in a Visually Sensitive district allowing for a 20 foot height limit.
  - (b) Project Review Sheet, Exhibit A, indicates compliance with Site Development Standards in accordance with Sections 21.14.060, and 21.42.030 F.
  - (c) Section 21.46.060 provides special development standards for a residential lot in a

Visually Sensitive District. The actual building site is located on 12% to 15% slopes just below the ridgeline of the property as it slopes toward Saddle Road. The proposed split level construction takes advantage of this slope so that the rear or western elevation of the house is just one-story above grade facing the ridge line and at no greater height than that of surrounding oak trees to be retained at the site, thereby removing the proposed structure from the public viewshed. Further, the 15 or 16 coast live oak trees proposed for removal will be replaced at a 2:1 ratio at the open area in front of the residence and around the approximately 24 foot long driveway. Therefore, the siting of the residence, the split-level construction, and the planting of the oak trees to screen the driveway will avoid ridgeline development or other visual impacts on public viewing areas.

- (d) The Greater Monterey Peninsula Land Use Advisory Committee voted on October 16, 2002 to recommend design approval of the project. LUAC meeting minutes dated October 16, 2002.

**EVIDENCE:** Application, plans and materials found in Planning and Building Inspection file no. PLN020231/

2. **FINDING:** 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, and all zoning violation abatement cost, if any, have been paid.

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

3. **FINDING:** 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:** The project was reviewed by the Planning and Building Inspection Department, Salinas Rural Fire District, Environmental Health Department, Public Works Department, and the Water Resources Agency. The respective departments/agencies 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.

**EVIDENCE:** "Geotechnical Investigation with Geoseismic Analysis for Mr. and Mrs. Doug Sallen" prepared by Richard E. Dante, consulting engineer, Salinas, CA, March 29, 2002, and found in Planning and Building Inspection file no. PLN020231.

4. **FINDING:** The site is suitable for the use proposed.

**EVIDENCE:** The project has been reviewed for suitability by the Planning and Building Inspection Department, Salinas Rural Fire District, Environmental Health Department, Public Works Department, and the Water Resources Agency. Conditions recommended have been incorporated to be assured of water availability, of sufficient water flow and pressure to comply with both health and fire flow standards as certified by State agencies, of water conservation measures, and of fire protection measures (see Exhibit C).

**EVIDENCE:** Technical reports by outside consultants, found in Planning and Building Inspection file no. PLN020231:

- (a) "Geotechnical Investigation with Geoseismic Analysis for Mr. and Mrs. Doug Sallen" prepared by Richard E. Dante, consulting engineer, Salinas, CA, March 29, 2002;  
 (b) "Forest Management Plan" prepared by Stephen R. Staub, consulting forester, dated September, 2002.

5. **FINDING:** The proposed project is consistent with policies of the Zoning Ordinance, Title 21, dealing with “Preservation of Oak and Other Protected Trees” (Section 21.64.260). A forest management plan was prepared for the site by Stephen R. Straub, dated September, 2002 and is on file in the Monterey County Planning & Building Inspection Department. The report states that 15 coast live oaks are proposed for removal, and possibly 16 if special construction methods prove unsuccessful. The forester states that the 15 or 16 oak trees proposed for removal are mostly small (6-11” diameter) on a parcel that has limited open areas for development except for the area within the 30 foot front setback. But it is within this front setback area that the consulting forester recommends replacement of 30 oak trees (2:1 ratio) taken from native stock, including transplanting 8 oak trees that were within the proposed building envelope and oak seedlings taken from shaded areas elsewhere on the site that will have greater chance for survival in the open areas. The forester's recommendations have been incorporated into conditions of approval.
- EVIDENCE:** Forest Management Plan prepared by Stephen R. Staub contained in the Planning and Building Inspection Department, file no. PLN020231. Conditions No. 11.
6. **FINDING:** The tree removal is the minimum required under the circumstances of the case.
- EVIDENCE:** Site visit by project planner on February 7, 2003.
- EVIDENCE:** Forest Management Plan by Stephen Staub, dated September 2002.
- EVIDENCE:** Application, plans and materials found in file PLN020231.
7. **FINDING:** The tree removal will not involve a risk of adverse environmental impacts such as soil erosion, water quality, ecological impacts, noise pollution, air movement or wildlife habitat.
- EVIDENCE:** Forest Management Plan by Stephen Staub, dated September 2002.
- EVIDENCE:** The condition of approval by the County of Monterey Water Resources Agency requiring a drainage plan to address water runoff from impervious surfaces; Condition no. 7.
- EVIDENCE:** Application, plans and materials found in file PLN020231.
8. **FINDING:** The project is exempt from environmental review.
- EVIDENCE:** CEQA Guidelines categorically exempt single family dwellings per Section 15303 a. Project is a single family home.
- EVIDENCE** “Geotechnical Investigation Report with Geoseismic Analysis for the Sallen property” prepared by Richard E. Dante determines engineering specifications for approximately 3,570 cubic yards of grading required for a subterranean garage and retaining/building walls. Staff finds little possibility that the activity may have a significant environmental impact on the 1.87 acre parcel.
- “Forest Management Plan” prepared by Stephen R. Staub, dated September, 2002. The consulting forester’s recommendation to replace the 15 or 16 oak trees to be removed at the building site by a ratio of 2:1 to include moving 8 of the larger oaks and other over-shaded oak seedlings to open areas at the site, as well as introducing native oak nursery stock, serves both to enhance the oak woodland at the site and screen the driveway from Saddle Road.
9. **FINDING:** The project as proposed is consistent with the regulations for development in a “Visual Sensitivity” district as found in Chapter 21.46 of the Zoning Ordinance (Title 21), dealing with visual resources and will have no substantially adverse visual impact when viewed from a common public viewing area.

**EVIDENCE:** The proposed project was evaluated in terms of the impact upon the public viewshed from Highway 68, Carmel Valley Road and Laureles Grade. a) The project will not result in ridgeline development. b) The project is not located in the public viewshed as discussed in Chapter IV of the Greater Monterey Peninsula Area Plan on "Visual Sensitivity" and defined in Section 21.06.195 of the Zoning Ordinance, Title 21.

**EVIDENCE:** The on-site investigation by the project planner, pursuant to Chapter IV of the Greater Monterey Peninsula Area Plan that cites Highway 68, Carmel Valley Road and Laureles Grade as scenic roads. The project planner finds that the parcel is not visible from these public viewing areas, although situated just off a ridgeline, because of the distance from these viewing areas and because of the step-down construction from the ridgeline and the oak woodland that screens the development from the public viewshed. The location of the house is on a ridge that curves away from the Highway 68 viewshed and is below the ridge as seen from Laureles Grade. The subject parcel's distance from Carmel Valley Road is too great to be seen with the naked eye.

**EVIDENCE:** The project is consistent with the Development Standards of Section 21.46.060 1. a and b of the Monterey County Zoning Ordinance, Title 21 that encourages a building site to be screened by existing topography and vegetation. The proposed residence will be surrounded by a coast live oak tree woodland, with open areas further planted with transplanted coast live oak that will screen the driveway access to the proposed residence as well as the residence itself.

10. **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 a Combined Development Permit (**Sallen; PLN020231**) including (1) an Administrative Permit to allow for the construction of an approximately 4,700 square foot, single family dwelling with a subterranean garage and retaining walls in a Visual Sensitivity district, grading (approximately 3,570 cubic yards), and design approval; (2) a Use Permit for removal of 16 Coast Live Oak trees between 6" and 23" in diameter. 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. The applicant shall record a notice which states: "A permit (Resolution 03012) was approved by the Planning Commission for Assessor's Parcel Number 416-133-002-000 on February 26, 2003. The permit was granted subject to 26 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. 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)**

4. The applicant shall obtain a grading permit from the Building Inspection Division. **(Planning and Building Inspection)**
5. The applicant shall provide to the Director of Public Works a Construction Traffic Management Plan that will provide truck routes and non-peak hour scheduling for the transport of excavated materials off-site. **(Public Works)**
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. 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)**
8. A drainage plan shall be prepared by a registered civil engineer or architect to address on-site impacts. Storm water 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. **(Water Resources Agency)**
9. 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)**
10. Provide to the Director of Environmental Health written certification, and any necessary certification from State agencies that California American Water Company can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. **(Environmental Health Department)**
11. The applicant shall submit a detailed septic disposal system design to the Director of Environmental Health for review and approval. Design shall include the proposed dwelling and garage, primary and secondary septic leach fields and the area for future expansion of the leach field. Design shall also ensure adequate setbacks from the existing well, slopes and retaining walls. Design shall meet the standards established in Chapter 15.20 of the Monterey County Code. **(Environmental Health Department)**
12. A Notice shall be recorded with the Monterey County Recorder which states: "A "Geotechnical Investigation with Geoseismic Analysis for Mr. and Mrs. Doug Sallen" has been prepared for this parcel by Richard E. Dante, P.E., consulting engineer, dated March 29, 2002 and is on record in the Monterey County Planning and Building Inspection Department file no. PLN020231. All development shall be in accordance with this report." **(Planning and Building Inspection Department)**
13. A notice shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan has been prepared for this parcel by Stephen R. Staub, consulting forester dated September, 2002 and is on record in the Monterey County Planning and Building Inspection Department File No. PLN020231. All tree removal on the parcel must be in accordance with the Forest Management Plan, as approved by the Director of Planning and Building Inspection." This notice shall be recorded prior to issuance of building or grading permits. **(Planning and Building Inspection Department)**

14. The single family dwelling shall contain only one kitchen. A second "buffet kitchenette" on the lower floor level shall not serve as a second kitchen that is capable of being used for the preparation or cooking of food containing both a stove or other device for cooking and a refrigerator or other device for the cool storage of food pursuant to Sections 21.06.420 and 21.06.720 of the Monterey County Zoning Ordinance (Title 21). **(Planning and Building Inspection Department)**

**Prior to Final Building Inspection/Occupancy:**

15. 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. **(Salinas Rural Fire District)**
16. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. **(Salinas Rural Fire District)**
17. When 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. **(Salinas Rural Fire District)**
18. 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. **(Salinas Rural Fire District)**
19. 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."* **(Salinas Rural Fire District)**
20. 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. **(Salinas Rural Fire District)**
21. The applicant shall comply with Ordinance No. 3532, 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)**
22. The site shall be landscaped. Any landscaping at the site shall be compatible with the oak woodland habitat. The exotic French Bloom infestation at the site shall be removed at the direction of a consulting forester or arborist in order to encourage native, drought-resistant plants at the site. Also, any coast live oak tree replacement shall be in accordance with the Forest Management Plan prepared for the site by Stephen R. Straub.
- 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 \$84.00 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 and Building Inspection Department. **(Planning and Building Inspection Department)**
23. 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)**
24. All new utility and distribution lines shall be placed underground. **(Planning and Building Inspection; Public Works)**

**Continuous Permit Conditions:**

25. 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)**
26. 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)**

**PASSED AND ADOPTED** this 26th 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 90<sup>th</sup> 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.