

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

RESOLUTION NO. 03024

A. P. # 157-171-046-000

FINDINGS AND DECISION

In the matter of the application of
Richard Valliere (PLN020386)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered at public hearing, a two year extension of a Combined Development Permit (PLN990444), located at 5451 Quail Way, Carmel Valley, and which came on regularly for hearing before the Planning Commission on April 30, 2003.

WHEREAS: Said proposal includes:

- 1) Administrative Permit for a 6,767 square foot single family residence and a 1,057 square foot garage/utility/storage space, and
- 2) Use Permit for removal of 24 Oak trees

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

FINDINGS OF FACT

1. **FINDING:** The proposed single-family residence is consistent with the Carmel Valley Master Plan which designates the property as "Low Density Residential, 5-1 Acres per Unit," and with the policies of the Monterey County General Plan.
EVIDENCE: The Land Use Plan and the text and policies of the Carmel Valley Master Plan and the Monterey County General Plan were evaluated during the review of the application. No conflict or inconsistencies with the Plan, or with the text or policies, were found. No testimony, either written or oral, was received during the administrative proceedings to indicate that there is any inconsistency with said plans.
2. **FINDING:** The proposed single-family residence is consistent and with the "LDR/B-6-VS(20')"(Low Density Residential) zoning of the property.
EVIDENCE: Under Chapter 21.14 of Title 21 (Zoning) of the Monterey County Code, the first single-family dwelling per lot is permitted in the "LDR" District. Under Chapter 21.46, a Use Permit is required for development in the "VS" (Visual Sensitivity) Zoning District unless, after flagging, staking and on-site inspection, the project is determined not to have potential to create a substantial adverse visual impact when viewed from a public viewing area. The proposed residence was staked and flagged, and Planning and Building Inspection Department Staff determined that the project will not have an adverse visual impact. Therefore, an Administrative Permit for the single-family residence, in lieu of a Use Permit, is required. All roads in Quail Meadows are private roads, and are not "public viewing areas."
3. **FINDING:** The tree removal is the minimum required under the circumstances of this project consistent with Section 21.64.260 of Title 21 (Zoning).
EVIDENCE: The Applicant proposes to remove 24 Oak trees out of a total of 76 Oak trees on site that

could be affected in the building area, including 3 landmark trees. The Biological Study for the site recommends two-for-one tree replacement in the grassy openings on the site, particularly in the openings adjacent to the intersection of Quail Meadows Drive and Quail Way, which intersect at the front of the parcel. The Forest Management Plan also makes recommendations for the care of the existing, retained trees during construction. Reference "Forest Assessment and Recommendation," prepared by Glenn C. Flamik, BSF, Carmel, California, February 9, 2000; and "Biological Study," prepared by Jeffrey B. Froke, PhD., Pebble Beach, California, April 30, 2000.

4. FINDING: The site is suitable for the proposed use.
EVIDENCE: There are no physical or environmental constraints, such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar conditions, that would indicate that the site is not suitable for the proposed use, nor is there other evidence in the record to indicate that the site is not suitable for the project.
5. FINDING: An Initial Study was prepared and a Negative Declaration was adopted by the Planning Commission on July 26, 2000.
EVIDENCE: Staff conducted a site visit on April 16, 2003. No new environmental issues not addressed in the earlier report and studies were evident.
EVIDENCE: Application and materials located in File 990444 and PLN020386. A Forest Management Plan and a Biological Study was prepared for the site to address the proposal removal of 24 Oak trees, and did not identify any potential significant impacts. A two-for-one replacement of the Oak trees to be removed and measures to protect existing trees on site are placed as conditions of project approval.
EVIDENCE: Evidence for #5 and #9.
6. FINDING: The subject property is in compliance with all rules and regulations pertaining to the use of the property, no violations exist on the property, and all zoning abatement costs, if any, have been paid.
EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection records indicated that no violations exist on the subject property.
7. FINDING: Adequate sewage disposal and water supply facilities are available on the site.
EVIDENCE: Application, materials, and interdepartmental correspondence located in File 990444.
8. FINDING: Necessary public facilities are available for the proposed use, and the conditions of approval are appropriate.
EVIDENCE: The project has been reviewed by the Planning and Building Inspection Department, Public Works Department, Health Department, Water Resources Agency, and Cypress Fire District. The conditions incorporate the concerns and recommendations of these departments and agencies.
9. FINDING: The removal of 24 Oak trees under this permit will not involve the risk of an adverse environmental impact.
EVIDENCE: The Applicant proposes to remove 24 Oak trees from the project site. This tree removal falls under the provisions of Section 21.64.260(D)(4) of Title 21 (Zoning) of the Monterey County Code, which requires the Applicant to relocate or replace trees on a one-to-one basis. However, the Biological Study for the project recommends replacement on a two-for-one bases. Condition 19 requires the two-for-one replacement of the Oak trees permitted for removal.

EVIDENCE: Due to the location of the lot, topography and nature of the tree removal, there will not be increases in erosion or significant impacts to water quality and localized ecology resulting from the oak tree removal. The proposed oak tree removal will not result in increased ambient noise levels and will not have a substantial adverse impact on existing biological and ecological systems. Reference "Forest Assessment and Recommendation," prepared by Glenn C. Flamik, BSF, Carmel, California, February 9, 2000; and "Biological Study," prepared by Jeffrey B. Froke, PhD., Pebble Beach, California, April 30, 2000.

10. FINDING: The establishment, maintenance, or operation of the uses and buildings applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood, or to the general welfare of the County.

EVIDENCE: Findings and Evidence set forth above.

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. This permit is an two year extension of a Combined Development Permit (PLN990444 / PLN020386) consisting of an Administrative Permit for a 6,767 square foot single-family residence with a 1,057 square foot garage/utility/storage space and a Use Permit for removal of 24 Oak trees.

This permit 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 Issuance of Grading and Building Permits:

2. ~~This permit is subject to a \$8,308.00 traffic impact fee.~~ Prior to issuance of the building permit, pay a traffic impact fee of \$15,000 toward improvements in the Carmel Valley Master Plan Area. **(Public Works)**
3. Prior to the issuance of any building permits, the Applicant shall provide to the Director of Environmental Health written certification, and any necessary certification from State agencies, that the California-American Water Company can and will supply sufficient water flow and pressure to comply with both Health Department and fire flow standards. **(Environmental Health)**
4. Prior to the issuance of any building permits, the Applicant shall provide to the Director of Environmental Health written certification that the Carmel Area Wastewater District can and will provide sewer service for the property/proposed project. **(Environmental Health)**
5. A drainage plan shall be prepared by a registered civil engineer or architect to address on-site and off-site impacts. Impervious surface storm water runoff shall be directed to the existing storm water drainage system for the Quail Meadows Subdivision. **(Water Resources)**

6. Prior to the issuance of any building permit, the Applicant shall obtain from the Monterey County Water Resources Agency (MCRWA) proof of water availability on the property in the form of an approved Water Release Form. **(Water Resources)**
7. The Applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources)**
8. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when any 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 (garage included). **(Cypress Fire District)**
9. Applicant shall follow the recommendations for "Protection of trees not listed for removal" set forth in the Forest Assessment and Recommendation by Glenn C. Flamik, BSF, dated February 9, 2000, and shall submit to the Director of Planning and Building Inspection a tree care report. **(Planning and Building Inspection) [Initial Study, Item 4e]**
10. The Applicant shall record a notice with the Monterey County Recorder stating that: "A Forest Assessment and Recommendation by Glenn C. Flamik, BSF, dated February 9, 2000, and a Biological Study by Jeffrey B. Froke, PhD., dated April 30, 2000, was prepared for the property and are on file in the Monterey County Planning and Building Inspection Department in project File No. 990444. The recommendations contained in said reports shall be followed in all further development of this property." **(Planning and Building Inspection) [Initial Study, Items 4d and 4e]**
11. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve Applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. **(Planning and Building Inspection)**
13. Applicant shall record a notice which states: "A Permit (Resolution # _____) was approved by the Monterey County Planning Commission for Assessor's Parcel Number 157-171-046 on July 26, 2000 and was extended for two additional years on April 30, 2003. The permit was granted subject to 24 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)**

Prior to Final Inspection/Occupancy:

14. The Applicant shall relocate or replace the oak trees proposed for removal on a two-to-one basis with similar species that are a minimum of five (5) gallons in size. **(Planning and Building Inspection) [Initial Study, Items 4d and 4e]**
15. 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)**
16. 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 (60,000#). **(Cypress Fire District)**
17. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. **(Cypress 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. **(Cypress 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. **(Cypress Fire District)**
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 \$84 per lot 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)**

Continuous Permit Conditions:

21. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Cypress Fire District)**

22. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. **(Cypress Fire District)**
23. The 24 trees required for replacement shall be continuously maintained in a healthy growing condition. On the fifth year following project approval, the Applicant shall submit a report prepared by a registered forester to include an analysis and recommendations regarding the health of the planted trees. The Applicant shall implement any recommendations included in the report to the satisfaction of the Director of Planning and Building Inspection. **(Planning and Building Inspection) [Initial Study 4d]**
24. All landscaped areas and/or fences 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)**
25. 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. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 30th day of April, 2003 by the following vote:

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

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.