

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

RESOLUTION NO. 03059

A.P. # 161-552-004-000

**FINDINGS AND
DECISION**

In the matter of the application of
Castlerock Estates, Inc. (PLN030035)

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow the construction of a 6,100 sq. ft. two story single family dwelling with a two story detached garage consisting of 1,250 square foot of under story garage area and a 1,610 second story office area, artist's work studio and swimming pool; a 645 square foot green house; 180 square foot detached deck and trellis; 864 square foot barn; and circular driveway; grading 1,193 cubic yards of cut and 489 cubic yards of fill for the proposed structures; and Design Approval on property located in the RDR/B-8 "VS" (Visually Sensitivity) Zoning District with a 20 foot height restriction, located in the Markham Ranch subdivision on Castle Rock Road, east of Corral de Tierra Road, Toro Area, came on regularly for hearing before the Planning Commission on September 24, 2003.

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

FINDINGS OF FACT

1. FINDING: CONSISTENCY & SITE SUITABILITY - The Castle Rock Use Permit and Design Approval (PLN030035), as described in condition #1 and as conditioned are consistent with the plans, policies, requirements, and standards of the Monterey County General Plan, Toro Area Plan, and Monterey County's Zoning Ordinance (Title 21). The property is located on Lot 4 in the Markham Ranch Subdivision on Castle Rock Road, east of Corral De Tierra Road, in the Toro area. The parcel is zoned "RDR/B-8-VS (20)" or Rural Density Residential, within an area of visually sensitivity and subject to water constraints, with a 20-foot height limit. The site is physically suitable for the use proposed.

EVIDENCE:

- (a) The Planning and Building Inspection staff reviewed the project for consistency with:
 - Monterey County General Plan policies
 - Toro Area Plan policies
 - Chapter 21.46, Regulations for Visually Sensitive areas or the "VS" Zoning District of the Monterey County Zoning Ordinance (Title 21)
 - Regulations for the Rural Density Residential Zoning District of the Monterey County Zoning Ordinance (Title 21).
- (b) The application and plans submitted for the Use Permit and Design Approval in project file PLN030035 in the Monterey County Planning and Building Inspection Department.
- (c) The Toro Land Use Advisory Committee (LUAC) reviewed the proposal on June 9, 2003, and voted 5 to 0 to recommend approval.
- (d) An Archaeological Report on file for this parcel was prepared for this project by Archeological Consulting on March 17, 2003. The report concludes that there is no evidence of cultural resources within the area currently proposed for development. A condition is included to stop work in the event cultural resources are discovered during grading and/or construction activity.
- (e) There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The Monterey County Planning and Building

Inspection Department, Water Resources Agency, the Salinas Rural Fire Protection District, Public Works Department and Environmental Health Division have reviewed the project and the site. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

- (f) A Geotechnical Investigation was prepared for this site by Haro, Kasunich and Associates, Inc dated August, 2003. The report concludes that the site is suitable for the proposed development provided recommendations in the report are incorporated in the project design.
- (g) The project is located in a “B-8” zoning overlay district which precludes second (habitable) units including, but not limited to, senior citizen and caretaker units. This is due to poor water quality and quantity in certain hydrogeological basins in the Toro area. Several accessory structures are proposed as part of this project, none of which are considered habitable.

2. FINDING: CEQA (Exempt) - The proposed project will not have a significant environmental impact.

- EVIDENCE:**
- (a) CEQA Section 15061 (b) (3). The applicant has designed the project and proposes landscape screening to ensure that the development will not have a significant adverse visual impact.
 - (b) CEQA Section 15303 (a). No potentially adverse environmental impacts were identified during review of the proposed project.
 - (c) The project as condition is consistent with the conclusions and mitigations contained in the certified Markham Ranch Subdivision EIR No. 81-114.

3. FINDING: VISUAL IMPACTS - The project as proposed is consistent with policies of the Toro Area Plan dealing with visual resources and with regulations in Title 21 for development within an area of Visual Sensitivity or “VS” Zoning District. The development as designed and as conditioned will not have a significant adverse visual impact on the public viewshed.

- EVIDENCE:**
- (a) The on-site investigation by the project planner, pursuant to Chapter 21.46.030.B. and the Area Plan policies for development located in a visually sensitive area.
 - (b) Based on the flagging and staking in place and the planner’s site visit, the development has the potential to create a substantial adverse visual impact when viewed from an established scenic corridor (i.e., Laureles Grade Road & Corral De Tierra Road). The development may also visually impact a well-known land feature known as Castle Rock.

All of the structures would be located within the buildable area outside of the existing scenic easements. Existing vegetation will screen a portion of the development. Additional landscape screening is required to minimize visual impacts as a result of the remaining structures while protecting views of Castle Rock. This is primarily due to the fact that the overall height of the structures was not lowered by utilizing a deeper bench cut into the hillside. As a result portions of the two-story structures will be more visually prominent, potentially impacting views of Castle Rock. However, staff has determined that this project as designed and conditioned will reduce the visibility of the proposed structures and is consistent with the intent of Toro Area Plan land use policies that protect the visual resources such as Castle Rock as well as designated scenic corridors from impacts.

- (c) Materials in project file PLN030035

4. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and other applicable provisions of Title 21. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.
EVIDENCE: (a) Sections 21.14, 21.44 and 21.46 of the Monterey County Code (Zoning).
(b) Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.
5. **FINDING: HEALTH and SAFETY** - The establishment, maintenance, or operation of the use or building 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 or to the general welfare of the County.
EVIDENCE: Preceding findings and supporting evidence.
6. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.
EVIDENCE: Section 21.80.040.C of Title 21 (Zoning Ordinance).

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. Use Permit consisting of: 1) construction of a two-story single family dwelling (4,000 sq. ft. first story and 2,100 sq. ft. second story) with 180 square feet of attached trellis and decking; 2) a two-story detached structure consisting of a 1,250 square foot first-story garage, and a 1,610 second-story non-habitable office artist's work studio and a swimming pool for personal use; 3) a 645 square foot green house; 4) an 864 square foot barn; 5) circular driveway; 6) grading (1,193 cubic yards of cut & 489 cubic yards of fill) located on a 24.5 acre lot; and Design Approval. 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 the appropriate authorities approve additional permits. **(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 No. 03059) was approved by the Planning Commission for Assessor's Parcel Number 161-552-004-000 on September 24, 2003. The permit was granted subject to 25 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. Prior to issuance of any grading or building permits, the applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-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. Drainage improvements shall be

constructed in accordance with plans approved by the Water Resources Agency. **(Water Resources Agency)**

4. Prior to issuance of a building permit, provide to the Director of Environmental Health written certification, and any necessary certification from State agencies that the California Water Service Company can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. **(Environmental Health)**
5. Fire Department notes shall be printed on approved plans. **(Fire District)**
6. 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)**

Prior to Occupancy or Final Building Inspection:

7. The site shall be landscaped. At least three weeks prior to final inspection, 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 include adequate vegetation to minimize structures visible from Los Laureles Grade and Corral de Tierra Road and to ensure views of Castle Rock are protected. The landscape 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, either landscaping shall be 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)**
8. Prior to final inspection, the geologic consultant shall provide certification that all development has been in accordance with the geotechnical investigation prepared by site by Haro, Kasunich and Associates, Inc., dated August, 2003. **(Planning and Building Inspection)**
9. 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)**
10. Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roads shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the “T” shall be a minimum of 60 feet in length. **(Fire District)**
11. Roadway turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25 foot taper at each end. **(Fire District)**
12. 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)**

13. 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)**
14. 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)**
15. Unobstructed vertical clearance shall be not less than 15 feet for all access roads. **(Fire District)**
16. Size of letters, numbers, and symbols for street and road signs shall be a minimum 4 inch letter height, 1/2 inch stroke, and shall be a color that clearly contrasts with the background color of the sign. All numerals shall be Arabic. **(Fire District)**
17. 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 **(Fire District)**
18. Occupancies exist within a single building; each individual occupancy shall be separately identified by its own address. **(Fire District)**
19. 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)**
20. Fire sprinklers shall be installed in attached garages. **(Fire District)**
21. In high and very high fire hazard areas, as defined by the California Department of Forestry and Fire Protection (CDF), roof construction shall be 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 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)**
22. 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. **(Fire District)**
23. 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 recirculation 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)**

Continuous Permit Conditions:

24. If cultural, archaeological, historical or 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)**
25. All landscaped areas 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 24th day of September, 2003, by the following vote:

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

Original Signed By:

JEFF MAIN, 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.