

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

RESOLUTION # 03074

A.P. # 416-194-006-000

In the matter of the application of
Richard & Patricia Quaglia (PLN030343)

FINDINGS & DECISION

for a Combined Development Permit in accordance with Title 21 (Zoning) Chapter 21.76 of the Monterey County Code, consisting of an Administrative Permit to construct a two-story 4,785 sq. ft. single family residence with attached garage in the VS visually sensitive zoning district; 2) a Use Permit for development on slopes in excess of 30%; 3) a Use Permit for removal of 15 protected trees (14 oaks, 1 pine); 4) Grading of 790 cu. yds. {350 cu. yds. cut, 440 cu. yds. fill (90 cu. yds. import)}; and Design Approval. The property is located at 25560 Boots Road, Monterey, Mesa Hills West, Greater Monterey Peninsula area, came on regularly for meeting before the Planning Commission on November 12, 2003.

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

FINDINGS OF FACT

- 1. FINDING:** The project proposed in this application consists of a Combined Development Permit (Quaglia: PLN030343), as described in Condition #1 and conforms with the plans, policies, requirements and standards of the Monterey County General Plan, Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 25560 Boots Road, Hidden Hills area. The parcel is zoned "RDR/B-6-VS." (Rural Density Residential, Building Site Combining Designation B-6, Visual Sensitivity District.)

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

 - a) The Greater Monterey Peninsula Area Plan.
 - b) Chapters of the Monterey County Zoning Ordinance: 21.76 Regulations for Combined Development Permits; 21.70 Administrative Permits; 21.64.260 Preservation of Oaks and Other Protected Trees; 21.64.230 Development on Slopes in Excess of 30%; 21.46 Regulations for Visual Sensitivity Districts.

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, Parks and Recreation Department, and the Salinas Rural 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 subdivision improvements.

EVIDENCE: Written and verbal public testimony submitted at public hearing before the decision-making body.

EVIDENCE: The on-site inspection of the subject parcel by the project planner.

EVIDENCE: The application, plans, and support materials found in the project file.

- 2. 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, Salinas Rural Fire Department, and Water Resources Agency. 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:** File and application materials, contained in the project file.
- 3. FINDING:** The subject property is in compliance with all the rules and regulations pertaining to zoning: uses and any other applicable provisions of this Title and any zoning violation abatement costs have been paid.
- EVIDENCE:** The subject property is currently vacant and undeveloped and there are no zoning violations recorded or pending to be resolved.
- 4. FINDING:** Visual Resources. The development as approved and conditioned will not create a substantially adverse visual impact when viewed from a common public viewing area.
- EVIDENCE:** The existing lot configuration has a raised berm with vegetation and landscaping adjacent to its Boots Road frontage and the balance of the lot area is behind this berm and then slopes downward and provides for the building site to be screened by the existing topography and vegetation.
- EVIDENCE:** The structure has been located and sited so as to minimize tree removal, grading, and visibility from common public viewing areas.
- EVIDENCE:** Access to the proposed residence utilizes an existing built driveway and easement across the neighbor's property.
- EVIDENCE:** The on-site investigation by the project planner.
- 5. FINDING:** Slope: There is no feasible alternative which would allow development to occur on slopes of less than 30%. The proposed house location is the most desirable given the constraints inherent with the site.
- EVIDENCE:** Elimination of unnecessary grading. The only access point for this lot is the existing easement through the adjoining Lot 5. Placement of the house in an area remote from the access point would cause excessive grading and an undesirably steep driveway.
- EVIDENCE:** No portion of the house footprint is in an area over 30%. The house is oriented to the site with the long axis parallel to the contours. Construction activities will temporarily impact areas with slopes greater than 30%.
- EVIDENCE:** Minimizing Removal of Protected Live Oak trees. Any other placement of the house and the hammerhead turn-around would result in removal of more trees.
- EVIDENCE:** Elimination of a potential ridgeline impact. Siting the house at the uppermost part of the lot would make the house visible from Boots Road along with more impacts on trees, creation of a steep driveway, requiring a slope exception, and crowding the existing house on Lot 5.
- EVIDENCE:** Letter of professional opinion from Monterey Bay Engineers, Inc.

EVIDENCE: The on-site investigation by the project planner.

EVIDENCE: As conditioned, upon completion of the project, long-term drainage and erosion control will be in place as well as an approved landscape.

6. **FINDING:** Trees. The proposed tree removal is the minimum required under the circumstances of the case

EVIDENCE: The location of the proposed residence fits well into the topography and vegetation of the parcel. The Driveway will be extended over a portion of an existing driveway with very little modification. Tree removal is minimized by the siting of improvements. Additional trees were recommended for removal by Forest City Consulting in the preparation of the Forest Management Plan to reduce the risks of wild fire as recommended by the California Department of Forestry and Fire Protection.

EVIDENCE: Forest Management Plan prepared by Forest City Consulting.

EVIDENCE: Site visit by the project planner.

EVIDENCE: Materials in project File#PLN030343

7. **FINDING:** Trees. Tree removal will not involve a risk of adverse environmental impacts.

EVIDENCE: Soil Erosion. The proposed tree removal is not expected to increase the risk of soil erosion or contribute to erosion.

- Tree removal for the residence is on an area where the trees are currently very sparse. The trees to be removed do not contribute greatly to preventing soil erosion.
- Trees will remain undisturbed on areas of the property with slopes approaching 30%. Trees will be retained above and below the residence.
- Any increase in runoff related to the project appears to be accounted for in drainage plans and a significant amount of Soil erosion is unlikely to result from the tree removal.

EVIDENCE: Water Quality. The removal of the trees will not substantially lessen the ability for the natural assimilation of nutrients, chemical pollutants, heavy metals, silt, and other noxious substances from the ground and surface waters. The trees proposed for removal play a relatively insignificant role with concerns to water quality.

EVIDENCE: Ecological Impacts. The majority of the property will be retained in a forested condition completely undisturbed by the proposed improvements and a section of the parcel is in Scenic Easement. The biological and ecological systems to which these retained trees are a part will not be adversely affected by the tree removal.

EVIDENCE: Noise Pollution. A relatively large area of dense vegetation is required to control noise. Proposed tree removal will not significantly increase ambient noise levels to a degree that a nuisance is expected to occur.

EVIDENCE: Air Movement. A small gap in tree canopy will be created by removal of the trees; however, this gap will be quickly filled by the proposed structure. The retained trees on this and the neighboring properties will not be subject to any significant increase in wind velocities that could create a nuisance such as windthrow.

EVIDENCE: Wildlife Habitat. The majority of the parcel will be retained in a forest condition. The remaining forest will be available as habitat for wildlife. No nest or heavy wildlife use were observed in the area of the proposed improvements during the foresters site visit July 30, 2003

EVIDENCE: Forest Management Plan prepared by Forest City Consulting.

EVIDENCE: Site visit by the project planner.

EVIDENCE: Materials in project File#PLN030343

- 8. **FINDING:** The site is physically suitable for the use proposed.
EVIDENCE: Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, applicable Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable.
EVIDENCE: Site visit by the project planner.

- 9. **FINDING:** CEQA. The proposed project, including all permits and approvals, will not have significant adverse impacts on the environment.
EVIDENCE: Section 15061(b)(3) of the CEQA Guidelines addresses exemptions for activities covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
EVIDENCE: EIR #80-110 Mesa Hills West Subdivision, Monterey County. Certified July 1981. Prepared by EMC. (Monterey County Planning Offices Library, Marina)
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: No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts, have been submitted that refute the conclusions reached by these studies, data and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data, and reports.
EVIDENCE: Site visit by the project planner.
EVIDENCE: See Findings and Evidence above #1-8.

- 10. **FINDING:** The project is appealable to the Board of Supervisors.
EVIDENCE: The Monterey County Zoning Ordinance Title 21, Chapter 21.80.

DECISION

THEREFORE, it is the decision of the Planning Commission that said application for a Combined Development Permit be granted as shown on the attached sketch, subject to the following conditions:

General and Informational Conditions

- 1. This Combined Development Permit (Quaglia #PLN030343) allows for: 1) An Administrative Permit to construct a two-story 4,785 sq. ft. single family residence with attached garage in the VS Visually Sensitive zoning district; 2) A Use Permit for development on slopes in excess of 30%; 3) A Use Permit for removal of 15 protected trees (14 Oaks, 1 Pine); 4) Grading of 790 cu. yds. {350 cu. yds. cut, 440 cu. yds. fill (90 cu. yds. import)}. The property is located at 25560 Boots Road, Monterey (Assessor’s Parcel Number 416-194-006-000. This permit was approved 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)**

2. The Public Works Department and Parks Department have responded to the Quaglia development proposal and have no conditions of approval to add.

Prior to Issuance of Building and or Grading Permits

3. A notice shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan has been prepared for this parcel by Forest City Consulting, dated August 21, 2003 and is on record in the Monterey County Planning and Building Inspection Department Library. 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)**
4. Prior to Issuance of Building or grading permits a notice to be recorded with the Monterey County Recorder which states, "An erosion control plan has been prepared for this parcel by Monterey Bay Engineers, Inc. and is on record in the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection)**
5. The applicant shall record a notice that states: "A permit (Resolution 030343) was approved by the Planning Commission for Assessor's Parcel Number 416-194-006-000 on November 12, 2003. The permit was granted subject to 18 conditions of approval that 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 Department)**
6. 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. That 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 Department)**
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 Department)**

8. 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)**
9. 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).**
10. Prior to issuance of any building permits, the applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. **(Water Resources Agency).**
11. Salinas Rural Fire District Conditions
 - a. Prior to issuance of the Building Permit, Fire Department Notes shall be printed on the approved plans. **(Fire District)**
 - b. 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)**
 - c. The Grade for all roads, streets, private lanes, and driveways shall not exceed 15 percent. **(Fire District)**
 - d. 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)**
 - e. 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 centerline 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)**
 - f. 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)**
 - g. 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)**
 - h. 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."
 - i. Fire sprinklers shall be installed in attached garages. **(Fire District)**

j. 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, 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)**

k. 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)**

Prior to Certificate of Occupancy or Building Permit Final

12. A landscaping plan shall include low water use or native drought resistant plants, low precipitation sprinkler heads (disperses less than 0.75 inches of water per hour at any pipe pressure), bubblers, drip irrigation and timing devices. The landscaping plans shall conform with Chapter 18.50, Residential, Commercial, and Industrial Water Conservation Measures, found in Title 18 of the Monterey County Code. **(Planning and Building Inspection Department)**
13. The site shall be landscaped. At least 60 days (per Ann Towner E-mail 10-03) prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. The landscape plan shall include the 14 replacement coast live oak trees identified in the Forest City Consulting report and required by Title 21 Section 21.64.260D4. 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, 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)**
14. All new utility and distribution lines shall be placed underground. **(Planning and Building Inspection; Public Works)**
15. 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)**
16. Continuous Fire Department Conditions

- a. Unobstructed vertical clearance shall be not less than 15 feet for all access roads. **(Fire District)**
- b. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. **(Fire District)**
- c. 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)**
- d. 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)**
- e. 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)**
- f. 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)**
- g. 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)**
- h. Because of extra hazardous conditions, remove flammable vegetation from the structure to the property lines at the side yard and for a distance of 50 feet to the rear of the residence. In addition, the all windows on the south side of the home will be removed and the doorway into the garage shall be a 45 min. rated door with self-closure. **(Fire District)**

Ongoing

- 17. 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 Department)**
- 18. An approved engineered septic system design is on file at the Division of Environmental Health, any development on this property shall be in compliance with the engineered septic system design and Chapter 15.20 of the Monterey County Code unless otherwise approved by the Director of Environmental Health. **(Environmental Health)**

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

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

Original Signed By:

 JEFF MAIN, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO 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 Salinas.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.