

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

RESOLUTION NO. 05036

APN# 169-121-015-000
FINDINGS & DECISION

In the matter of the application of
COX MICHAEL D & LESLIE A (PLN050099)

Use Permit to allow the construction of a 1,387 sq. ft. addition to an existing single story residence and construction of 224 sq. ft. covered porch within 100-year floodplain of the Carmel River and Design Approval. The project is located at 27655 Selfridge Lane, Carmel. The project came on regularly for hearing before the Planning Commission on August 10, 2005.

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

FINDINGS OF FACT

1. **FINDING: CONSISTENCY** - The Project, as conditioned, is consistent with applicable plans and policies, the Carmel Valley Land Use Plan, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for residential development. Specifically, the proposed addition complies with all applicable requirements of Section 21.64.130.

EVIDENCE: (a) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency and conformity with the Carmel Valley Land Area Plan and the Monterey County Zoning Ordinance (Title 21) and have determined that the project is consistent, and conforms with, said Area Plan and Ordinance. Staff notes are provided in Project File PLN05009.

(b) Project planner conducted an on-site to verify that the project on the subject parcel conforms to the plans listed above.

(c) 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 Project File PLN050099.

2. **FINDING: SITE SUITABILITY** - The site is suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Environmental Health, Water Resources, Carmel Valley Fire Protection District and the Carmel Valley Land Use Advisory Committee. Conditions recommended have been incorporated.

(b) Staff conducted an on-site visit to verify that the site is suitable for this use.

(c) Necessary public facilities are available and will be provided.

3. **FINDING: CEQA** - The project is exempt from environmental review.

EVIDENCE: (a) CEQA Guidelines Section 15301 Class e(1) categorically exempts additions to existing structures proved that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 sq. ft., whichever is less.

- (b) No adverse environmental effects were identified during staff review of the development application or during a site visit.
- (c) Development is largely contained in an already disturbed area of the property. There are no unusual circumstances related to the project or property.

4. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the project applied for will, under the circumstances of this particular case, will not 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: (a) Preceding findings and supporting evidence.

5. **FINDING: NO VIOLATIONS** - 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. Zoning violation abatement cost, if any, have been paid.

EVIDENCE: (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.

6. **FINDING: CARMEL VALLEY FLOODWAY** - Per Section 21.64.130.D.3 of Title 21 (Monterey County Zoning Ordinance) structural repairs and alterations to existing structures may be permitted in the floodway or floodway fringe subject to obtaining a Use Permit. A Use Permit may only be issued if there is adequate protection of riparian habitats, riparian vegetation, smooth flood flow, retention of Federal Flood Insurance Eligibility, and prevention of damage to structures in the floodway. The subject property is in compliance with Section 21.64.130.D.3 of Title 21 (Monterey County Zoning Ordinance.)

EVIDENCE: (a) The proceeding Findings and Evidence

7. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: (a) Monterey County Zoning Ordinance Title 21, Chapter 21.80.

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 10th day of August, 2005 by the following vote:

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| AYES: | Errea, Parsons, Hawkins, Padilla, Vandever, Sanchez, Salazar, Rochester |
| NOES: | None |
| ABSTAIN: | None |
| ABSENT: | Diehl, Wilmot |

DALE ELLIS, SECRETARY

Copy of this decision mailed to the 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.

***Planning and Building Inspection Department
Condition Compliance & Mitigation Monitoring and/or
Reporting Plan***

Project Name: COX MICHAEL D & LESLIE A
File No: PLN050099 APNs: 169-121-015-000
Approval by: Planning Commission Date: August 10, 2005

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
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| 1. | | PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 050099) was approved by the Planning Commission for Assessor's Parcel Number 169-121-015-000 on August 10, 2005. The permit was granted subject to 18 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) | Proof of recordation of this notice shall be furnished to PBI. | Owner/ Applicant | Prior to Issuance of building permits | |
| 2. | | PBD016 - INDEMNIFICATION AGREEMENT 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 | Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to PBI. | Owner/ Applicant | Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, which-ever occurs first and as applicable | |

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| | | 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) | | | | |
| 3. | | PBI (NON-STANDARD) LIGHTING – EXTERIOR LIGHTING PLAN 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. In addition, the lighting plan shall incorporate notes that all lighting shall be downlit and shading of any skylights shall also be incorporated. 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) | Submit three copies of the lighting plans to PBI for review and approval. | Owner/ Applicant | Prior to issuance of building permits. | |

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| 4. | <p>PBD030 - STOP WORK - RESOURCES FOUND</p> <p>If, during the course of construction, 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 a qualified professional archaeologist can evaluate it. 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)</p> | <p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. 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.</p> | <p>Owner/ Applicant/ Archaeologist</p> | <p>Ongoing</p> | |
| 5. | <p>FIRE007 - DRIVEWAYS</p> <p>Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For 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 curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All</p> | <p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> | <p>Applicant or owner</p> | <p>Prior to issuance of grading and/or building permit.</p> | |

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| | | 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. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and 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 driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (Carmel Valley Fire District). | Applicant shall schedule fire dept. clearance inspection | Applicant or owner | Prior to final building inspection. | |
| 6. | | FIRE008 - GATES 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 the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (Carmel Valley Fire District). | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. | Applicant or owner | Prior to issuance of grading and/or building permit. | |
| | | | Applicant shall schedule fire dept. clearance inspection | Applicant or owner | Prior to final building inspection. | |
| 7. | | FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. | Applicant or owner | Prior to issuance of building permit. | |

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| | | Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Carmel Valley Fire District) | | | | |
| 8. | | FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Carmel Valley Fire District.) | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. | Applicant or owner | Prior to issuance of grading and/or building permit. | |
| 9. | | FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Carmel Valley Fire District.) | Applicant shall enumerate as "Fire Dept. Notes" on plans. | Applicant or owner | Prior to issuance of building permit. | |
| | | | Applicant shall schedule fire dept. rough sprinkler inspection | Applicant or owner | Prior to framing inspection | |
| | | | Applicant shall schedule fire dept. final sprinkler inspection | Applicant or owner | Prior to final building inspection | |

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| 10. | <p>FIRE025 - SMOKE ALARMS – (SINGLE FAMILY DWELLING)</p> <p>Where a household fire warning system or combination fire/burglar alarm system is installed in lieu of single-station smoke alarms required by the Uniform Building Code the alarm panel shall be required to be placarded as permanent building equipment (Carmel Valley Fire District.)</p> | Applicant shall enumerate as “Fire Dept. Notes” on plans. | Applicant or owner | Prior to issuance of building permit. | |
| 11. | <p>FIRE028 - ROOF CONSTRUCTION - (CARMEL VALLEY FPD)</p> <p>All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Carmel Valley Fire District.)</p> | Applicant shall enumerate as “Fire Dept. Notes” on plans. | Applicant or owner | Prior to issuance of building permit. | |
| 12. | <p>WR15 - STEMWALL INSPECTION</p> <p>The applicant shall provide the Water Resources Agency a FEMA Elevation Certificate completed by a registered civil engineer or licensed surveyor certifying the lowest floor elevation, venting, external grades and internal grades are compliant with Chapter 16.16 of the Monterey County Code. (Water Resources Agency)</p> | Submit a completed FEMA Elevation Certificate, based on building under construction, and completed by the engineer or surveyor, to the Water Resources Agency for review and approval. | Owner/ Applicant/ Engineer/ Surveyor | Prior to the stemwall inspect-ion | |
| 13. | <p>WR16 - ELEVATION CERTIFICATE</p> <p>The applicant shall provide the Water Resources Agency a FEMA Elevation Certificate, based on finished construction, completed by a registered civil engineer or licensed surveyor certifying the structure has been constructed in accordance with Chapter 16.16 of the Monterey County Code. (Water Resources Agency)</p> | Submit a completed FEMA Elevation Certificate, based on finished construction, and completed by the engineer or surveyor, to the Water Resources Agency for review and approval. | Owner/ Applicant/ Engineer/ Surveyor | Prior to final inspect-ion | |
| 14. | <p>WR21 - FOUNDATION PLAN – ENCLOSURES/GRADE ELEVATIONS</p> <p>All fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area shall be provided. The bottom of all openings shall be no higher than one foot above grade. The applicant shall provide the Water Resources</p> | Submit the engineered foundation plan to the Water Resources Agency for review and approval. | Owner/ Applicant/ Engineer | Prior to issuance of any grading or building permits | |

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| | | Agency a foundation plan prepared by a registered civil engineer showing the internal and external grade elevation, as well as, the location and dimensions of all vents. (Water Resources Agency) | | | | |
| 15. | | WR22 - FLOODPLAIN RECORDATION The owner shall provide the Water Resources Agency a recorded Floodplain Notice stating: "The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions." (Water Resources Agency) | Submit the recorded floodplain notice to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency.) | Owner/ Applicant | Prior to issuance of any grading or building permits | |
| 16. | | WR40 - WATER CONSERVATION MEASURES 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) | Compliance to be verified by building inspector at final inspection. | Owner/ Applicant | Prior to final building inspection/occupancy | |
| 17. | | WR43 - WATER AVAILABILITY CERTIFICATION 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) | Submit the Water Release Form to the Water Resources Agency for review and approval. | Owner/ Applicant | Prior to issuance of any building permits | |

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| 18. | | Zone A1-A30 ELEVATION REQUIREMENTS The lowest floor attendant utilities shall be constructed at least 139.5 feet above mean sea level (NGVD 1929). The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed land surveyor that a reference marker has been established at the building site to provide for the flood proofing and certification of the lowest floor elevation. (Water Resources Agency) | Submit a letter to the Water Resources Agency for review and approval. | Owner/Applicant | Prior to issuance of any grading or building permits | |
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End of Conditions.