PLANNING COMMISSION COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 05044

A.P. # 197-041-051-000

In the matter of the application of

Paul S. Porch (PLN050042)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for development on slopes in excess of 30% (approximate 50% slope) and Design Approval for the following: 1) additions and remodel to an existing single family dwelling allowing the enclosure of a crawl space into habitable space containing two-bedrooms, one (1) bathroom and living room and converting such into a first floor totaling 1,055 sq. ft.; remodel to existing second story and addition of a 173 sq. ft. dormer to the front of the house; remodel to existing third story and minor addition of 6 sq. ft. for reconfiguration of the balcony; 2) construction of a new detached accessory structure consisting of a 298 sq. ft. garage with a 298 sq. ft. office above (no bathrooms proposed) on an existing pad; removal of one (1) 18 inch in diameter oak tree and retaining walls. The property is located at 170 East Carmel Valley Road, Carmel Valley, southerly of the intersection of Carmel Valley Road and Via Los Tulares, Carmel Valley Master Plan area. The project came on regularly for hearing before the Planning Commission on August 31, 2005.

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

- 1. FINDING:
- **CONSISTENCY** The Project, as conditioned, is consistent with applicable plans and policies of the Monterey County General Plan, 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 21.64.230.
- EVIDENCE: (a)
- (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 PLN050042.
 - (b) Project planner conducted an on-site to verify that the project on the subject parcel conforms to the plans listed above.
 - (c) The project is consistent with General Plan policy 26.1.10.
 - (d) 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 PLN050042.
 - (e) The application meets regulation 21.62.040.F. Height and Setback Exceptions. The applicant submitted a survey of the front setbacks located at the 100th block of Carmel Valley Road and the average of the front setbacks improved with building site is 59 feet from Carmel Valley Road. The applicant is proposing a front setback of 82 feet from Carmel Valley Road.

- (f) The proposed two-story detached accessory structure measures 15 feet from average natural grade as defined under 21.06.630 *Height of Structure*.
- 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 and the Carmel Valley Fire Protection District. Recommended conditions 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.
 - (d) Geotechnical reports prepared by Grice Engineering and Geology Inc. dated April 18, 2005 and October 6, 2004 provided in Project File PLN050042 and in Exhibit F of this staff report.
 - (e) Letter from Central Coast Engineering Inc. prepared by Rene A. Bravo, Civil Engineer addressing the stability of the structure provided in Project File PLN050042 and in Exhibit E of this staff report.
- 3. **FINDING:** CEQA The project is exempt from environmental review.
 - **EVIDENCE:** (a) CEQA Guidelines Section 15301 Class e(2) categorically exempts additions to existing structures proved that the addition will not result in an increase of more than 10,000 sq. ft. if 1) The project is in an area where all public services and facilities are available to allow for the maximum development permissible in the General Plan and 2) The area in which the project is located is not environmentally sensitive.
 - (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.
 - (b) Recommendations of the Geotechnical reports prepared by Grice Engineering and Geology Inc. dated April 18, 2005 and October 6, 2004 provided in Project File PLN050042 and in Exhibit F of this staff report, will be considered and made part of the conditions of approval.
- 5. **FINDING: EXISTING VIOLATIONS** The approval of this permit will bring the property into compliance pursuant to Title 21 Section 21.84.
 - **EVIDENCE:** Currently the parcel has a pending Code Enforcement case filed under CE050132. The approval of this permit along with proper building permits would rectify such violations.
- **6. 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.

- 7. FINDING:
- DEVELOPMENT ON SLOPES IN EXCESS OF 30% Per Section 21.64.230.E.1 of Title 21 (Monterey County Zoning Ordinance) in order to approve development on slopes of 30% or more, the Appropriate Authority must find, in addition to other necessary findings, based on substantial evidence that a) there is no feasible alternative which would allow development to occur on slopes of less than 30%; or b) that the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan that other development alternatives. The subject property is in compliance with Section 21.64.230.E.1 of Title 21 (Monterey County Zoning Ordinance.)

- EVIDENCE: (a) The parcel has very limited developable terrain since the parcel is constraint by steep slopes. The only alternative is to develop additional square footage within the existing house perimeter. The proposed detached accessory structure (bottom level garage and upper level office) will be situated in an existing graded area. Under the circumstances of the proposed additions and as conditioned the application meets the intent of the Zoning Ordinance.
 - The project proposes a covered parking area which currently it lacks. proposal of the garage would meet Section 21.58 Regulations for Parking, specifically the requirement that a single family dwellings requires two parking spaces.

DECISION

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

PASSED AND ADOPTED this 31st day of August 2005, by the following vote:

AYES:

Errea, Hawkins, Parsons, Padilla, Vandevere, Sanchez, Salazar, Rochester, Wilmot, Diehl

NOES:

None

ABSENT:

None

ABSTAIN:

None

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON OCT

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE BOARD OF SUPERVISORS ALONG WITH THE OCT 14 2005 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.

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

Project Name: PORCH

File No: PLN050042

APNs: 197-041-051-000

Approval by: Planning Commission Date: August 31, 2005

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

Permit Cond. Number	Mitig: Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department.	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
1.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 050042) was approved by the Planning Commission for Assessor's Parcel Number 197-041-051-000 on August 31, 2005. The permit was granted subject to 14 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,	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to PBI.	Owner/ Applicant	Upon demand of County Counsel or concur-rent 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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		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)	3'			٠
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 down lit 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.	

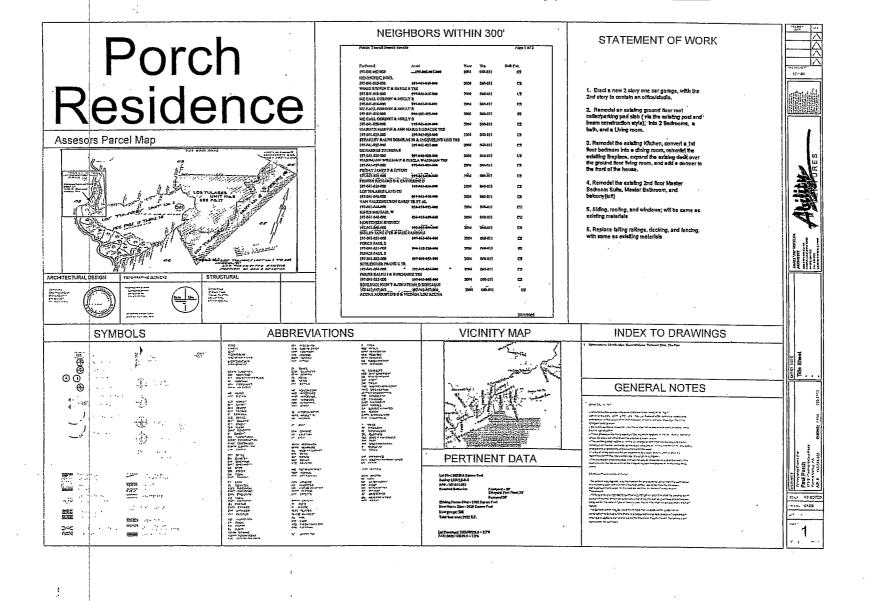
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4.		PBD030 - STOP WORK - RESOURCES FOUND If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 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 onsite. 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)	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.	Owner/ Applicant/ Archaeo- logist	Ongoing	
5.		NON-STANDARD- NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical report has been prepared for this parcel by Grice Engineering and Geology, Inc. dated April 18, 2005 and is on record in the Monterey County Planning and Building Inspection Department. All development shall be in accordance with this report." (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits	

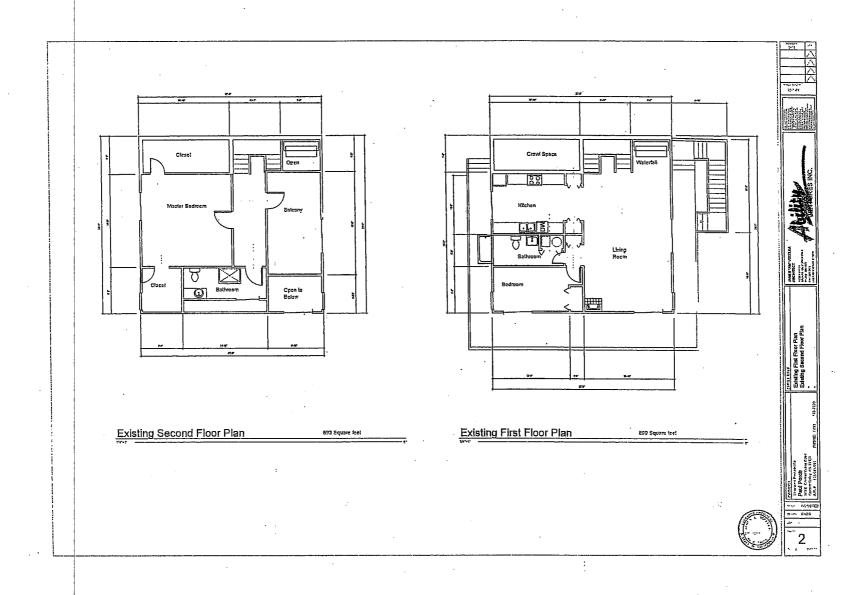
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6.		NON-STANDARD – GEOTECHNICAL CERTIFICATION Prior to final inspection, the Geotechnical Report prepared by Grice Engineering and Geology Inc. Consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (Planning and Building Inspection)	Submit certification by the geological consultant to PBI showing project's compliance with the geological report.	Owner/ Applicant/ Geological Consultant	Prior to Final Building Inspect-ion	٠
7.		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	

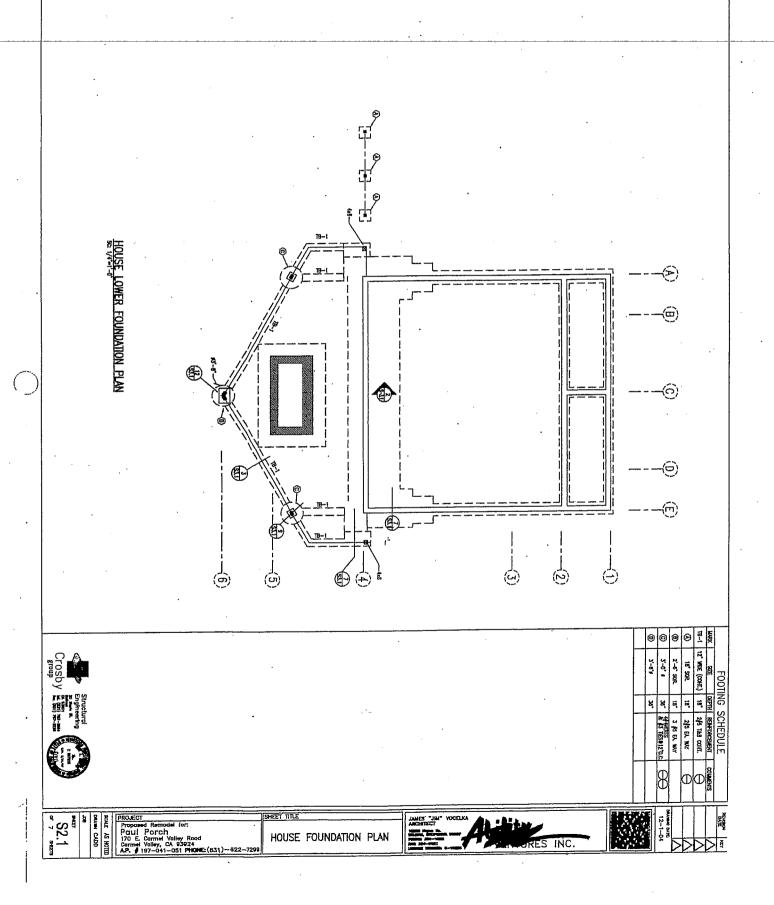
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8.		WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction 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 inspect-ion/occupancy	
9.		EH11 - SEPTIC SYSTEM DESIGN Submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. (Environmental Health)	Division of Environmental Health must approve plans. Applicant shall obtain a permit to install the septic system.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final parcel map or issuance of building	

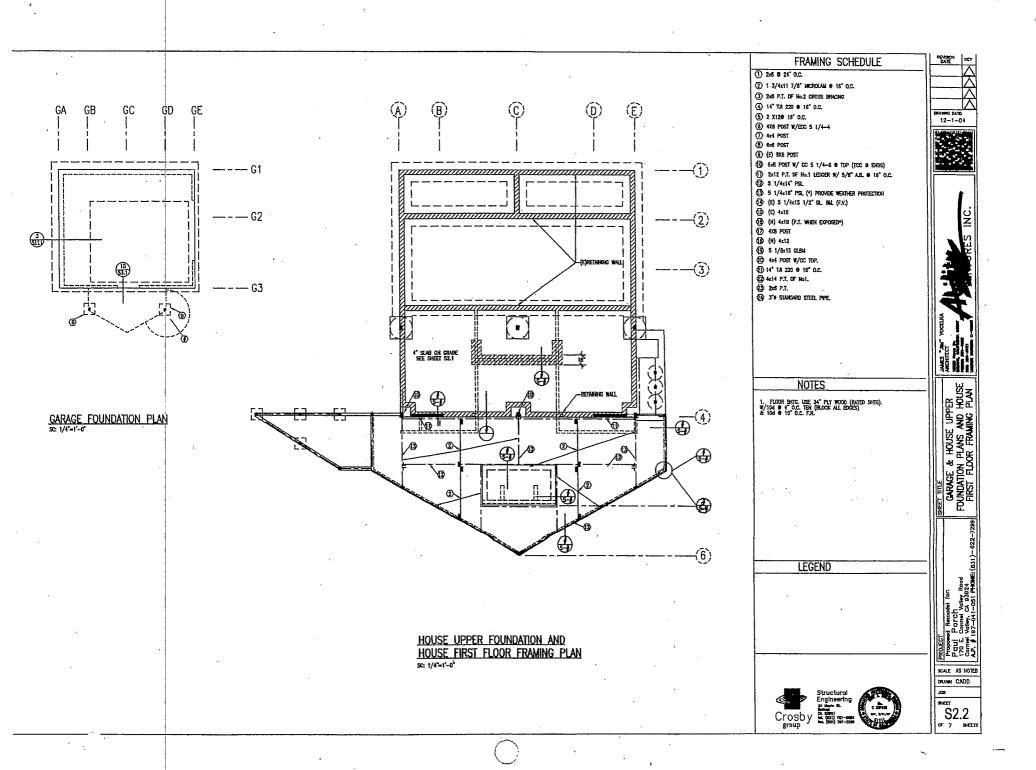
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10.		FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies 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. 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.	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
11.		FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS) Remove combustible vegetation from within a minimum of 100 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing 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.	

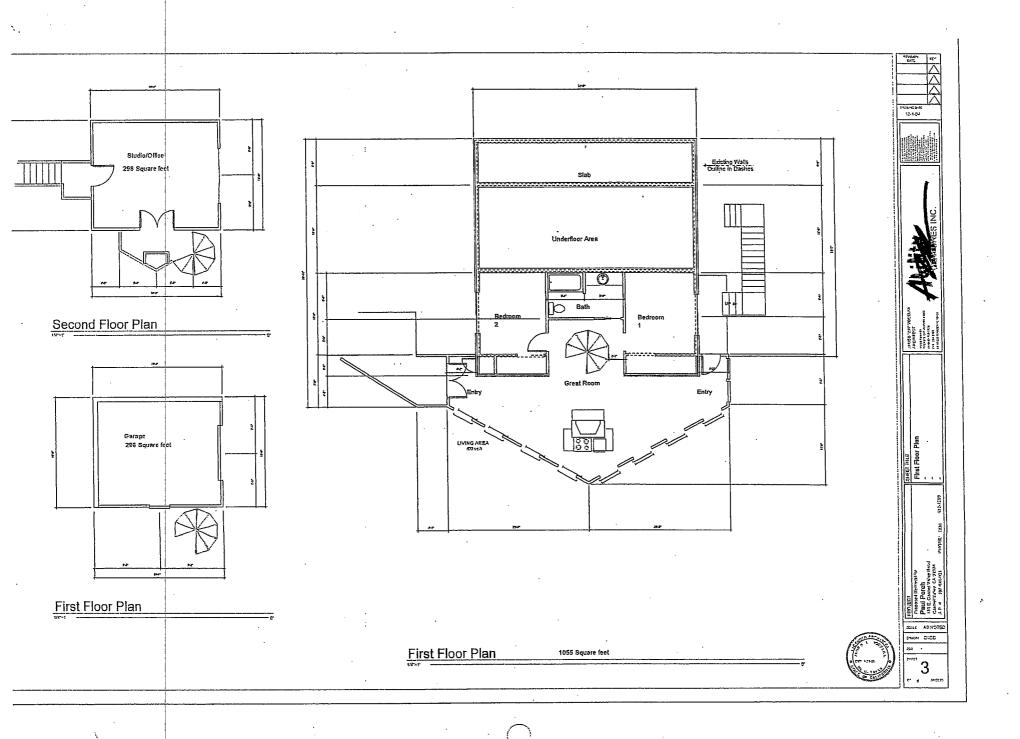
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12.		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA 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.	
13.		FIRE025 - SMOKE ALARMS - (SINGLE FAMILY DWELLING) 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.	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
		FIRE028 - ROOF CONSTRUCTION - (CARMEL VALLEY FPD) 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.	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

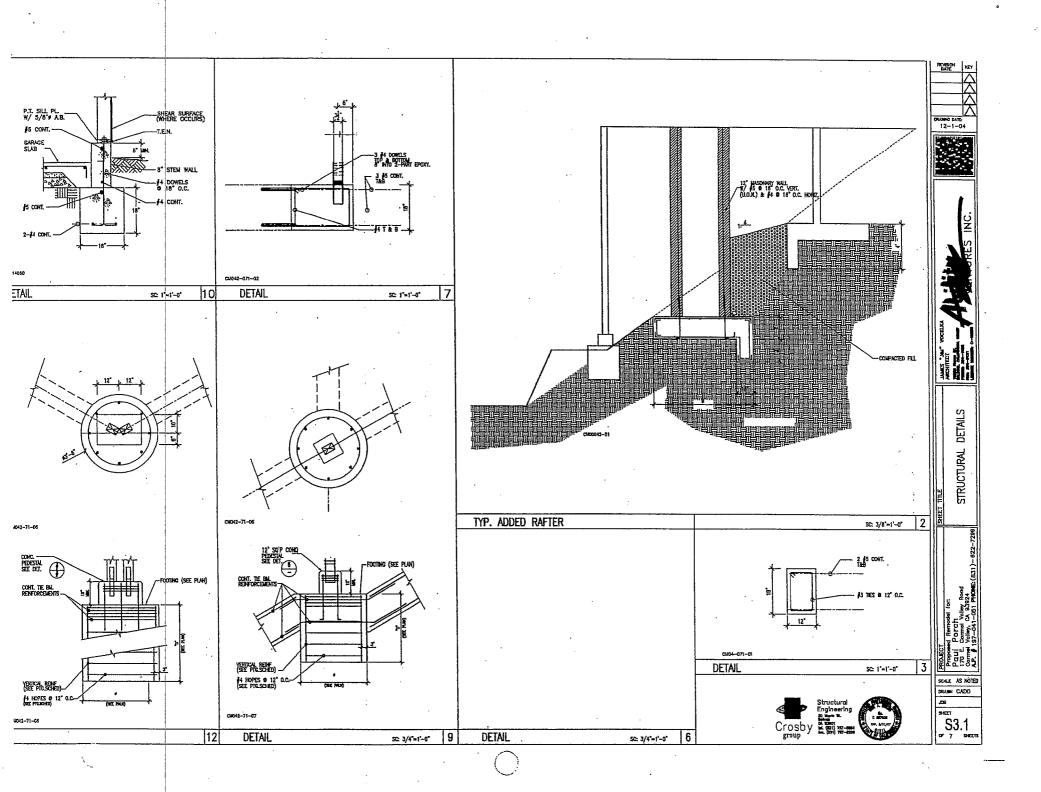


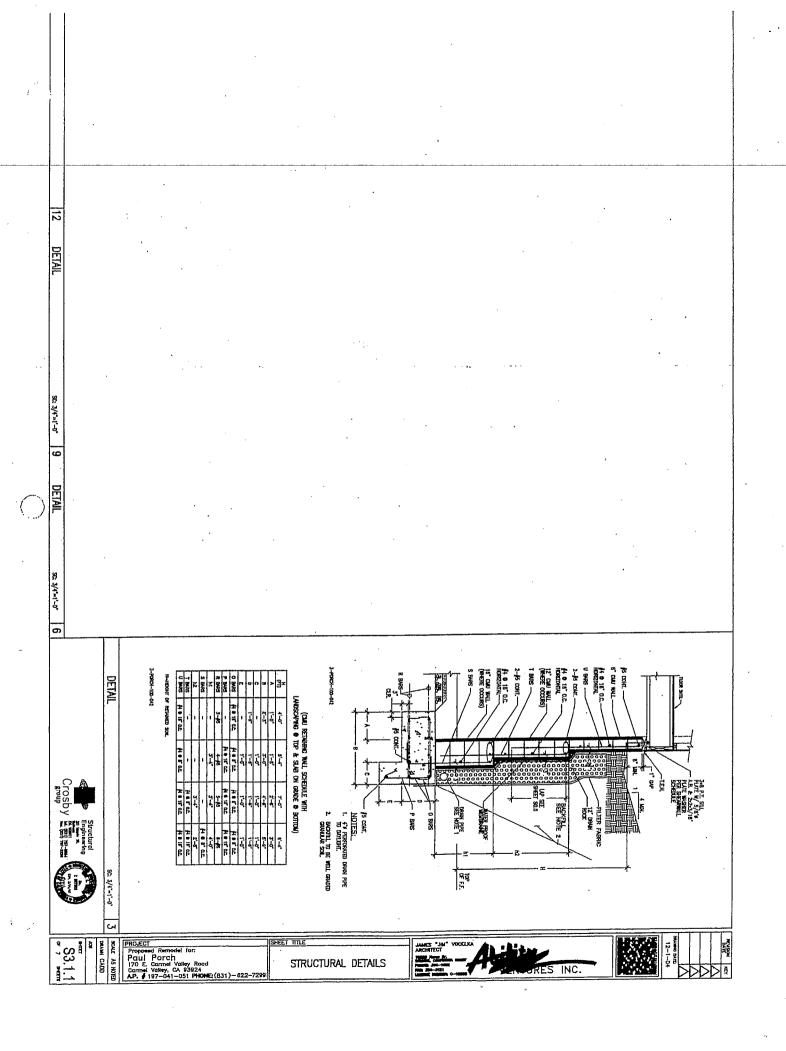


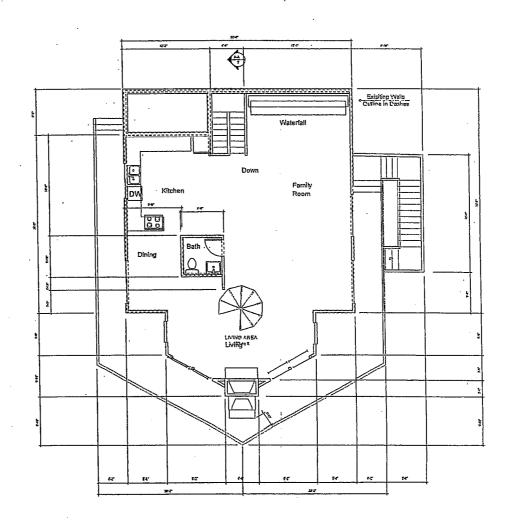












Second Floor Plan

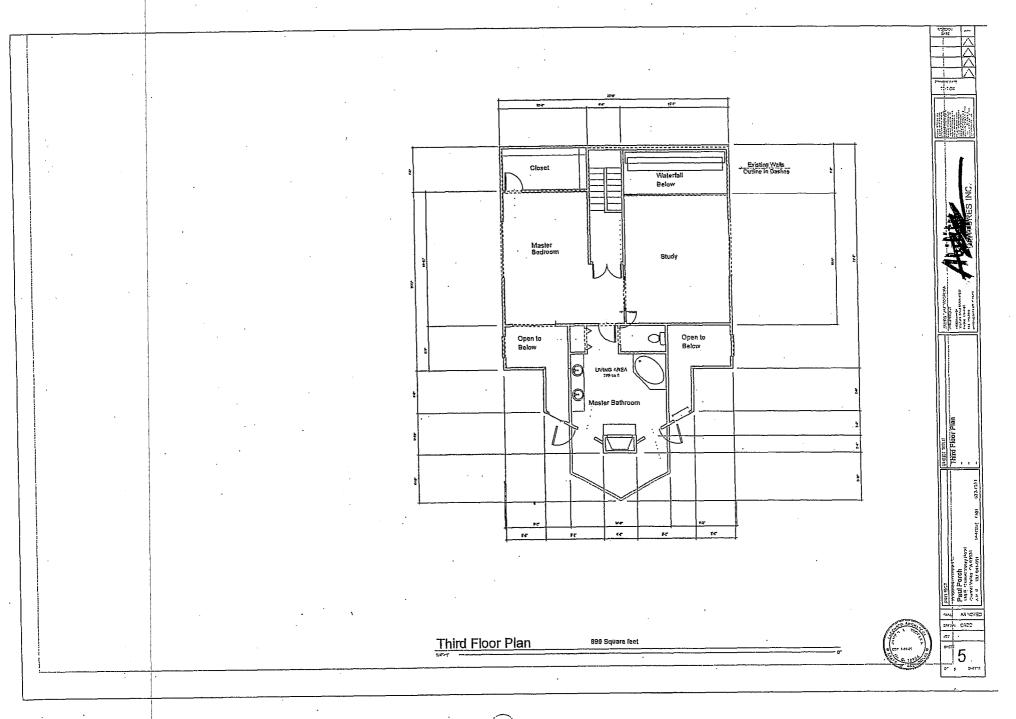
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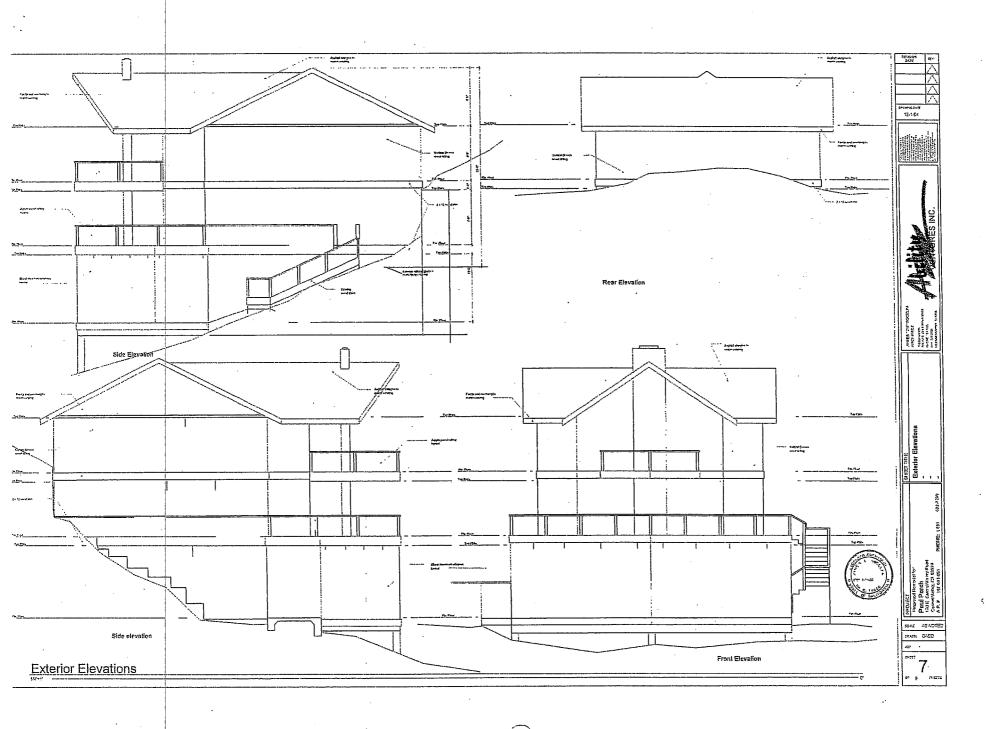
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