

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

RESOLUTION NO. 05054

A.P. # 189-341-007-000

FINDINGS AND DECISION

In the matter of the application of
Jane Weismann (PLN040725)

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 711 sq. ft. addition to an existing single story residence and construction of a new 200 sq. ft. attached carport within the 100-year floodplain of the Carmel River and Design Approval. The property is located at 10 Esquiline Rd, Carmel Valley, and came on regularly for hearing before the Planning Commission on October 12, 2005.

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 PLN040725.

- (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 PLN040725.

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, Carmel Valley Fire Protection District and the Carmel Valley Land Use Advisory Committee, but most importantly by the Monterey County Water Resources Agency. 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.
- (d) A historic evaluation of the existing structures was prepared by Historic Preservation Associates. This report is on file with Monterey County Planning and Building Inspection Department. This evaluation concluded that the structures on this property cannot be considered historic either architecturally or structurally.
- (e) An Arborist Report dated January 18, 2005, prepared by Frank Ono, Certified Arborist evaluated any potential construction related impacts to oak trees on site even if no trees are proposed for removal. The evaluation, specifically involved a 27 inch oak located in

close proximity to the existing house and close the proposed addition. The report concluded that the proposed additions should have no negative impacts on this existing 27 inch oak tree, subject to following general construction guidelines when working near trees.

(f) A Soils Engineering Investigation performed by Landset Engineers, Inc. on March 24, 2005 determined that the proposed addition is feasible from a soil engineering standpoint provided the recommendations included by the report are implemented.

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 square feet if (a) the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and (b) 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.

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: 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: 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

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 12th day of October, 2005, by the following vote:

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



DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on **DEC 13 2005**

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 **DEC 23 2005**

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 2 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: Weismann

File No: PLN040725

APNs: 189-341-007-000

Approval by: Planning Commission **Date:** October 12, 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.		PBD029- SPECIFIC USES ONLY The Weismann Use Permit and Design Approval (PLN040725) is to allow the construction on a 711 sq. ft. addition to an existing single story residence and addition of an attached 200 sq. ft. carport located within the 100-year floodplain of the Carmel River. The parcel is located at 10 Esquiline Rd, Carmel Valley (APN 189-341-007-000). This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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 & Building Inspection)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	
2.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 05054) was approved by the Planning Commission for Assessor's Parcel Number 189-341-007-000 on October 12, 2005. The permit was granted subject to 15 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	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of building permits	

<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>
		of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)				
3.		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 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)	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, whichever occurs first and as applicable	

<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>
4.		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.	
5.		PBI (NON-STANDARD – SOIL ENGINEERING CERTIFICATION) Prior to final inspection, the soil engineering consultant shall provide certification that all development has been constructed in accordance with the Soil Engineering Investigation report prepared by Landset Engineers, Inc. in March of 2005. (Planning and Building Inspection)	Submit certification by the Soil Engineer consultant to PBI showing project's compliance with the soil engineering report.	Owner/ Applicant/ Soil Engineering Consultant	Prior to Final Building Inspection	

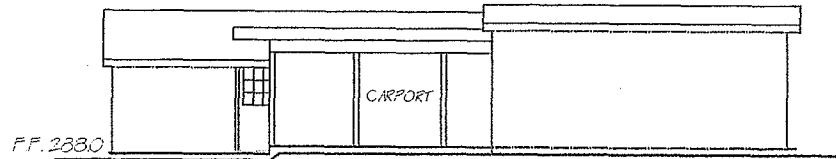
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
6.		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 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)	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	
7.		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	
8.		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)				
9.		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.	
10.		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.	

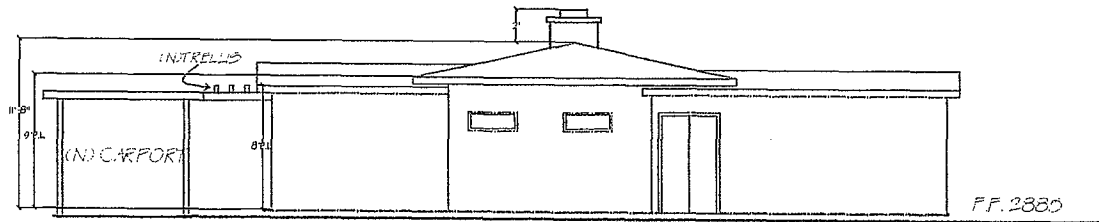
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11.		FIRE028 - ROOF CONSTRUCTION - (CARMEL VALLEY FPD) All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Carmel Valley Fire District.)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
12.		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	
13.		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	
14.		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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15.		ELEVATION CERTIFICATE (NON-STANDARD WORDING) 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. (Water Resources Agency)	Submit a completed FEMA Elevation Certificate, based on finished construction, to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to final inspection	WRA

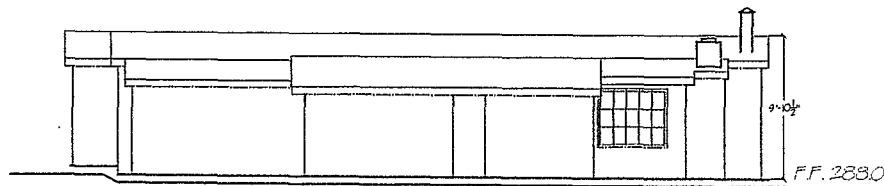
END OF CONDITIONS



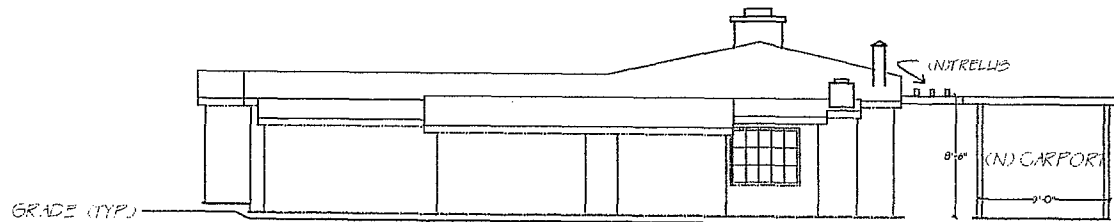
EXISTING EAST ELEVATION
SCALE 1/4" = 1'-0"



PROPOSED EAST ELEVATION
SCALE 1/4" = 1'-0"



EXISTING WEST ELEVATION
SCALE 1/4" = 1'-0"



PROPOSED WEST ELEVATION
SCALE 1/4" = 1'-0"

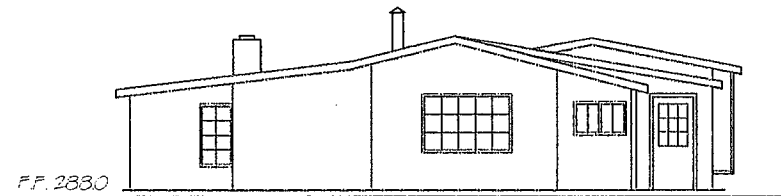
HAND RESIDENCE
ADDITION
10 ESQUILINE ROAD CARPHELVILLE, CA

No.	Revision	Date
ONE	2/23/00	
TWO	3/25/00	

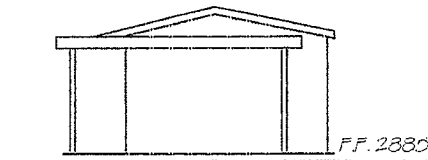
PLN 040920

JEFF HAND 888-8300

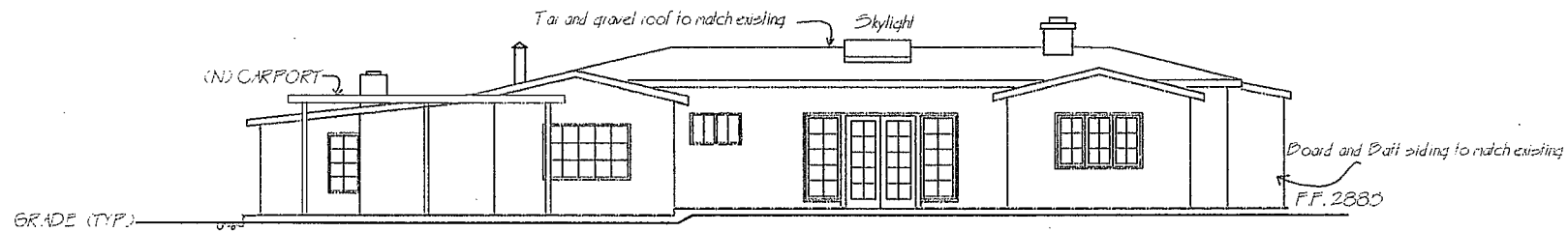
Drawn by	Jeff Hand
Site	AK
Project	10 ESQUILINE ROAD
Block	5



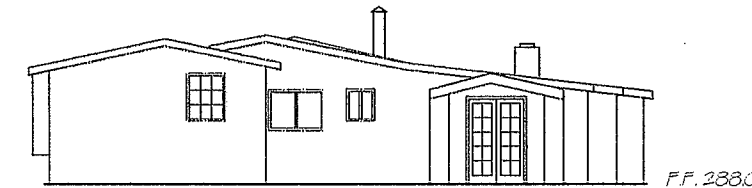
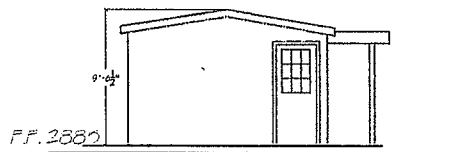
EXISTING SOUTH (FRONT) ELEVATION
SCALE 1/4" = 1'-0"



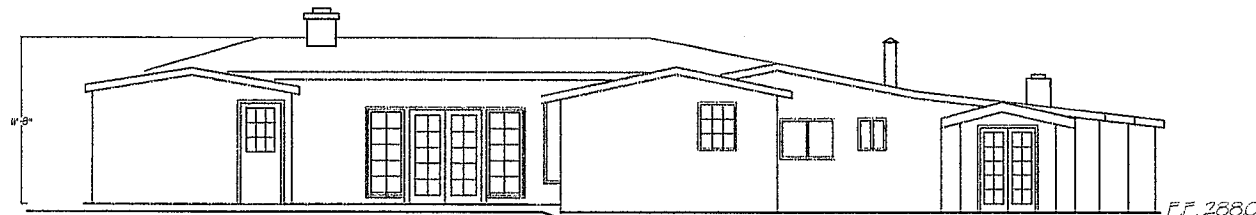
EXTERIOR COLORS TO MATCH EXISTING
BODY: RDWD. STAIN TRIM: DEEP BLUE



PROPOSED SOUTH (FRONT) ELEVATION
SCALE 1/4" = 1'-0"



EXISTING NORTH ELEVATION
SCALE 1/4" = 1'-0"



PROPOSED NORTH ELEVATION
SCALE 1/4" = 1'-0"

HAND RESIDENCE
ADDITION
10 ESCUILLINE ROAD CARMEL VALLEY, CA

No.	Revision	Date
ONE	3/22/00	

PLN-040120

JEFF HAWK 659-9370

Drawn by: Jeff Hawk	
Date: 11/23/04	REV: 10/17/04
Sheet: 2	