

RESOLUTION NO. 010303

A. P. # 418-041-010-000

In the matter of the application of
Anna Lorraine Hoffman (PLN010303)

FINDINGS AND DECISION

to allow a **Combined Development Permit** in accordance with Title 20 (Zoning) Chapter 21.210 (Combined Development Permits) of the Monterey County Code, for a Combined Development Permit consisting of a Coastal Administrative Permit to allow for the construction of a 425 sq. ft. one-story guesthouse and deck, including a new septic system; grading 22 cubic yards cut (no fill); Coastal Development Permit for an increase in height over the 12 foot height limit; and Design Approval; located at 5062 Garrapatos Road, Carmel, off Palo Colorado Road, Big Sur area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on February 28, 2002.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

1. FINDING: The establishment, maintenance, or operation of the proposed 425 square foot 14'9" tall guesthouse 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 improvements in the neighborhood, or to the general welfare of the County.

EVIDENCE: The proposed development (425 square foot guesthouse) has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Parks Department and the California Department of Forestry. There has been no indication from these agencies that the site is not suitable for the development. Each agency has had opportunity to recommend conditions for project approval. The Environmental Health Division has required soils and percolation tests for review and approval prior to determining whether the proposed septic system will be allowed. If soil conditions or percolation tests are not conducive to a properly designed septic system, no additional bathroom or plumbing fixtures will be allowed in the 425 square foot accessory structure.

2. FINDING: The additional 2'9" height of the guesthouse from the 12 foot height standard (for a total height of 14'9") is intended to provide for architectural consistency and compatibility with the main residence.

EVIDENCE: The existing main residential structure combines craftsman and shingle siding architecture with rock, untreated wood and Japanese architectural treatments. The proposed guesthouse also combines craftsman, shingle siding, untreated wood, and includes a large circular window to compliment round windows found on the main residence. The overall roof and structure height is largely a result of the structure's placement on a moderate slope and the need to calculate average natural grade according to Monterey County Code. Furthermore, the 5/12 roof pitch selected also complements the main residence architecturally, and this has contributed to the increase in calculated structure height.

3. FINDING: The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of this Title and any zoning violation abatement costs have been paid.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials for conformity with the General Plan, the Big Sur Coast Land Use Plan, and the Monterey County Zoning Ordinance.

EVIDENCE: Design Approval Request form with a recommendation for approval (4 to 0) by the Big Sur & South Coast Use Advisory Committee.

EVIDENCE: Written and verbal public testimony submitted at the public hearing before the Zoning Administrator.

EVIDENCE: Staff verification of Monterey County Planning and Building Inspection Department records indicates that there are no violations on the property.

4. FINDING: The site is suitable for the proposed development.

EVIDENCE: Staff surveyed the property and the proposed location of the guesthouse. The proposed development site is not on slopes in excess of 30%, and has been occupied by a patio deck structure for many years – thereby not further disturbing native or planted vegetation. Furthermore the proposed guesthouse will not be visible from a critical viewshed.

5. FINDING: The proposed project will not have a significant adverse impact on the environment and is exempt from the California Environmental Quality Act (CEQA), Section 15303 Class 3.

EVIDENCE: Section 15303 Class 3 of the CEQA Guidelines addresses exemptions for new construction and the location of limited numbers of new, small facilities or structures.

6. FINDING: The subject project is in conformance with the Monterey County Local Coastal Program.

EVIDENCE: Materials and Evidence in File

7. FINDING: The decision on this project is appealable to the Planning Commission.

EVIDENCE: Section 20.86 of the Monterey County Zoning Ordinance (Title 20).

DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. A Combined Development Permit (PLN010303) consisting of a Coastal Administrative Permit to allow for the construction of a 425 sq. ft. one-story guesthouse and deck, including a new septic system; grading 22 cu. yds. cut (no fill); Coastal Development Permit for an increase in height over the 12 ft. height limit; and Design Approval. The property is located at 5062 Garrapatos Road, Carmel (Assessor's Parcel Number 418-041-010-000), off Palo Colorado Road, Big Sur area, Coastal Zone.

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 constructions other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (Planning and Building Inspection Department)

2. This permit shall expire two years from the date of adoption 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)

3. 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)
4. If archeological resources or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. (Planning and Building Inspection)

Prior to the Issuance of Building Permits:

5. The applicant shall record a notice which states: "A Combined Development Permit (Resolution 010303) was approved by the Zoning Administrator for Assessor's Parcel Number 418-041-010 on February 28, 2002. The permit was granted subject to 10 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 Department)
6. Prior to the issuance of a building permit for the guesthouse, the applicant shall submit for review and approval of the Director of Planning and Building Inspection, and subsequently record, a deed restriction stating the regulations applicable to the guesthouse, as follows:
 - a. Only one guesthouse shall be allowed per lot.
 - b. Detached guesthouses shall be located in close proximity to the principal residence.
 - c. Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.
 - d. The guesthouse shall contain no kitchen or cooking facilities, including but not limited to microwave ovens, hot plates, and toaster ovens.
 - e. There shall be a maximum of six linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of eight square feet of cabinet space, excluding clothes closets.
 - f. Guesthouses shall not exceed 425 square feet of livable floor area.
 - g. Guesthouses shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.
 - h. Prior to the issuance of permits for the guesthouse construction, or for use of an existing structure as a guesthouse, the applicant shall record a deed restriction stating the regulations applicable to the guesthouse, including that the guesthouse shall not be separately rented, let or leased from the main residence and shall not have cooking or kitchen facilities.
 - i. Subsequent subdivisions which divide a main residence from a guesthouse shall not be permitted.

- j. The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.
 - k. The guesthouse height shall not exceed 14 feet 9 inches nor be more than 1 story. Additions to height and placement of guesthouses over a 1-story structure, such as a garage, may be considered by Coastal Development Permit (ZA) when intended to provide for architectural consistency and compatibility with the main residence.
7. All existing trees on the lot shall be retained (redwoods, pine and cypress), and special precautions taken for those trees proximate to the building envelope. All native trees which are located next to the building envelope 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 trunk 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).
8. California Department of Forestry, Battalion 1 Big Sur Conditions of Approval.
- a) ACCESS
 - i) Driveways shall not be less than 12 feet wide unobstructed.
 - ii) All driveways exceeding 150 feet in length, but less than 800 feet in length shall provide a turnout near the mid-point 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 25 foot taper on each end.
 - iii) The surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces shall be capable of supporting the imposed load of fire apparatus.
 - iv) The grade for all roads and driveways shall not exceed 15 percent. Where grades exceed 8%, roads and driveways shall be paved.
 - v) Turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roads shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.
 - b) PREMISES IDENTIFICATION
 - i) Each building shall have a unique address. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance 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, and the address shall be visible and legible from the road on which the address is located.
 - c) SETBACKS
 - i) 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.
 - ii) For parcels less than 1 acre or a 30 foot minimum setback cannot be reached, alternatives may be conditioned.
 - d) FIRE PROTECTION WATER SUPPLY / FIRE SPRINKLER SYSTEMS
 - i) A minimum fire protection water supply of 3,000 gallons shall be provided regardless of parcel size. Minimum storage requirements for a single family dwelling may be reduced to 2,000 gallons if an approved automatic sprinkler is installed.

- ii) The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet or further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway.
- iii) The hydrant serving any building shall not be less than 50 feet nor more than 1000 feet by road from the building it is to serve.
- iv) Minimum hydrant standards shall include a brass head and valve with at least one 2 ½ inch National Hose outlet supplied by a minimum 4 inch main and riser.
- v) Each hydrant/valve or access to water shall be identified as follows:
 - (1) If located along a driveway, a reflectorized blue marker, with a minimum dimension of 3 inches, shall be located on the driveway address sign and mounted on a fire retardant post.
 - (2) If located along a street or road, a reflectorized blue marker with a minimum dimension of 3 inches, shall be located on the driveway address sign and mounted on a fire retardant post. The sign post shall be within 3 feet of said hydrant/valve, with a sign no less than 3 feet or greater than 5 feet above ground, in a horizontal position and visible from the driveway.
- vi) Due to the location of the (guesthouse) building and the distance between the building and legal fire department access, the building shall be fully protected with an automatic fire sprinkler system. The following notation is required on the plans when a building permit is applied for:

“The (guesthouse) building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with NFPA 13-D (1998). 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.”

Prior to Final Building Inspection:

- 9. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculation system.
 - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)

Continuous Permit Conditions:

10. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection Department)

PASSED AND ADOPTED this **28th** day of **February, 2002**.

Original Signed By:

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS. IT IS NOT APPEALABLE TO THE COASTAL COMMISSION.

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 Monterey.

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

