

RESOLUTION NO. 010396

A. P. # 239-091-041-000

In the matter of the application of
Robert & Bonnie Riley (PLN010396)

FINDINGS AND DECISION

to allow a **Combined Development Permit** in accordance with Title 21 (Zoning) Chapter 21.76 (Combined Development Permits) of the Monterey County Code, consisting of an Administrative Permit to allow for construction of a single family residence (4,757 square foot) with an attached garage (650 square foot), a detached garage (610 square foot), and a guesthouse (600 square foot), approximately 500 cubic yards of cut and fill grading, and a Use Permit to allow for removal of 21 Oak trees; and Design Approval located at 38 Arroyo Sequoia (Lot 116), Carmel east of Robinson Canyon Road and south of Clemente Trail, Santa Lucia Preserve, came on regularly for meeting before the Zoning Administrator on April 25, 2002.

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

1. **FINDING:** The proposed project and/or use, as described in Condition No. 1, and as conditioned, is consistent with the policies of the Monterey County General Plan, the Greater Monterey Peninsula Area Plan and the requirements and standards of the Title 21 (Zoning) of the Monterey County Code.
EVIDENCE: The text and policies of these documents have been evaluated during the course of the review of this application. No conflicts were found to exist. No communication was received during the course of review of this project to indicate that there is any inconsistency with the text and policies of these documents.
EVIDENCE: The project is located in an "RC/40-D-S" (Resource Conservation, Design Review, Site Plan Review) Zoning District. Under Chapter 21.45 of Title 21, an Administrative Permit is required for single-family residences in "S" (Site Plan Review) Districts. Under Chapter 21.44 of Title 21, a Design Approval is required for the location, size, configuration, materials, and colors of structures and fences in "D" (Design Review) Districts. Under Section 21.64.260 of Title 21, a Use Permit is required for the removal of four or more protected trees (e.g., oak trees) in any zoning district.
2. **FINDING:** The site is physically suitable for the use proposed.
EVIDENCE: There has been no testimony received, either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Planning and Building Inspection Department, Water Resources Agency, Carmel Valley Fire District, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable.
EVIDENCE: The Geotechnical Investigation prepared for the site concludes that the site is suitable for the proposed development provided that the recommendations of the report are followed. Condition 10 requires that a notice be recorded stating that the recommendations of the report shall be followed. Reference "Geotechnical Engineering Investigation for Proposed Riley

Residence,” dated January 21, 2001, prepared by Twining Laboratories, Inc., Monterey, California.

3. **FINDING:** The proposed project will not have a significant environmental impact.
EVIDENCE: Under Section 15303(a) and 15062(b)(2) and (3) of the State CEQA Guidelines, single-family residences are exempt from environmental review. No potentially adverse environmental impacts were identified during review of the proposed project. The project, including designation of the homeland site, is consistent with the conclusions and mitigations set forth in the certified Santa Lucia Preserve Final Environmental Impact Report (EIR No. 94-005).
4. **FINDING:** Public notice of the pending Combined Development Permit was provided pursuant to Section 21.78.040, Title 21, Monterey County Code (Zoning).
EVIDENCE: Application materials in Project File No. PLN010396.
5. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of Title 21, no violations exist on the property, and all zoning violation abatement costs have been paid.
EVIDENCE: Chapters 21.36 and 21.45 of Title 21 (Zoning) of the Monterey County Code. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.
6. **FINDING:** The tree removal is the minimum required under the circumstances of this project consistent with Section 21.64.260 of Title 21 (Zoning).
EVIDENCE: The applicant proposes to remove 17 oak trees for the main residence and 4 oak trees for the driveway, for a total of 21 oak trees. The homeland site is densely populated with various species of oaks, maples and madrones, including 21 landmark trees. These trees form a virtually continuous canopy within the homeland site. The residence and driveway are positioned to minimize the number of trees to be removed, and to avoid the removal of any of the landmark trees. Condition No. 5 requires a one-for-one replacement of the 21 oak trees proposed for removal. The Forest Management Plan for the site also makes recommendations for the care of the existing, retained trees on site during construction. Condition No. 6 implements that recommendation. Reference “Forest Assessment and Recommendations for Lot 116, Santa Lucia Preserve,” dated September 18, 2001, Forest City Consulting (Glenn C. Flamik), Carmel, California.
7. **FINDING:** The removal of 21 oak trees under this permit will not involve the risk of an adverse environmental impact.
EVIDENCE: Due to the location of the lot, topography and nature of the tree removal, there will not be increases in erosion or significant impacts to water quality and localized ecology resulting from the oak tree removal. The proposed oak tree removal will not result in increased ambient noise levels and will not have a substantial adverse impact on existing biological and ecological systems. The project, including designation of the homeland site, is consistent with the conclusions and mitigations set forth in the certified Santa Lucia Preserve Final Environmental Impact Report (EIR No. 94-005).

8. **FINDING:** The establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

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. This is a Combined Development Permit consisting of an Administrative Permit for a single-family residence (4,757 square-feet) with an attached garage (650 square-feet), a detached garage (610 square-feet), a guesthouse (600 square feet), and 500 cubic yards of grading, a Use Permit for removal of 21 oak trees, and Design Approval. The project is in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (Planning and Building Inspection)

Prior to the Issuance of Grading and Building Permits:

2. The applicant shall pay the Carmel Valley and Highway 1 traffic impact fees. (Public Works)
3. Prior to the issuance of grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, to include stormwater dispersion facilities to mitigate the impact of impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with approved plans. (Water Resources)
4. The proposed development shall be consistent with the development plan, findings, evidence and conditions of approval in the previously approved permits for the Santa Lucia Preserve (Project File No. PC94067) and the Environmental Impact Report for the Santa Lucia Preserve (EIR File No. 94-005) approved by the Board of Supervisors. (Planning and Building Inspection)
5. Prior to issuance of grading or building permits, the applicant shall submit a tree protection plan to the Director of Planning and Building Inspection. Said plan shall provide that construction activities be confined to the development area; the remainder of the forested areas within the homeland site shall be protected by placing high visibility orange fencing consistent with the recommendations of the Forest Assessment and Recommendations for Lot 116, Santa Lucia Preserve, dated September 18, 2001, prepared by Forest City Consulting (Glenn C. Flamik), Carmel, California (the Forest Assessment includes a location map for the fencing). A qualified arborist shall be employed during construction, at the applicant's expense, to periodically inspect the protected areas and, if necessary, to make further recommendations for tree protection. Tree

protection shall be also be consistent with the Rancho San Carlos Forest Management Plan, dated February 18, 1994, prepared by Ralph Osterling Consultants, Inc. (Planning and Building Inspection)

6. 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)
7. All exterior lighting shall be unobtrusive, compatible 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. 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)
8. Approved fire protection water supply systems shall be installed and made serviceable prior to the time of construction. (Carmel Valley Fire District)
9. The Applicant shall record a notice with the Monterey County Recorder stating that: "A Geotechnical Engineering Investigation for Proposed Riley Residence,' dated January 21, 2001, was prepared for the site by Twining Laboratories, Inc., Monterey, California, and a 'Forest Assessment and Recommendations for Lot 116, Santa Lucia Preserve,' dated September 18, 2001, was prepared for the site Forest City Consulting, Carmel, California, and are on file in the Monterey County Planning and Building Inspection Department, in Project File No. 010396. The recommendations set forth in said reports shall be followed in all further development of this property." This notice shall be recorded prior to issuance of any grading or building permits. (Planning and Building Inspection)
10. The applicant shall record a notice which states: "A permit (Resolution 010396) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Number 239-091-041 on April 25, 2002. The permit was granted subject to 31 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)

Prior to Final Building Inspection/Occupancy:

11. The applicant shall comply with Ordinance No. 3932 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 re-circulating 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 & Planning and Building Inspection)

12. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. The project will be subject to a landscape plan review fee, which shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Said landscaping plan shall provide for a one-for-one replacement, within the homeland site, or in other portions of the subject parcel if appropriate, of the 21 oak trees to be removed. The plan shall include a schedule of implementation of the tree replacement and success criteria, subject to the approval of the project forester, the County landscape consultant, and the Director of Planning and Building Inspection. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection department. (Planning and Building Inspection)
13. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances and be capable of supporting the imposed load of fire apparatus. (Carmel Valley Fire District)
14. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. (Carmel Valley Fire District)
15. For residential driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius of curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. (Carmel Valley Fire District)
16. Roadway turnouts shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the centerline of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (Carmel Valley Fire District)
17. Roadway turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25 foot taper on each end. (Carmel Valley Fire District)
18. Driveways shall not be less than 12 feet wide unobstructed. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400 foot intervals. (Carmel Valley Fire District)
19. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. (Carmel Valley Fire District)
20. All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. (Carmel Valley Fire District)
21. Where gates are to be locked, the Carmel Valley Fire District may require installation of key box or other acceptable means to immediate access for emergency equipment. (Carmel Valley Fire District)

22. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. (Carmel Valley Fire District)
23. Disposal, including chipping, burying, burning or removal to a landfill site, approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be done prior to completion of road construction or final inspection of the building permit. (Carmel Valley Fire District)
24. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 20 feet of chimneys. (Carmel Valley Fire District)
25. Additional fire protection or firebreaks approved by the Carmel Valley Fire District may be required to provide reasonable fire safety. (Carmel Valley Fire District)
26. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:

The building shall be fully protected with an automatic sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protections Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection.” (Carmel Valley Fire District)
27. Where road grades exceed 8 percent, a minimum structural roadway surface thickness of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. (Carmel Valley Fire District)
28. All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface, shall require a Class A roof construction. (Carmel Valley Fire District)
29. Before construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted prior to requesting final clearance. All address numbers (permanent and temporary) shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the address numbers shall be set adjacent to the driveway or access road to the property. Address numbers posted shall be in Arabic, not Roman or written out in words. Address numbers posted shall be a minimum height of 3 inches with a 3/8-inch stroke, and contrasting with the background colors of the sign. (Carmel Valley Fire District)

Continuous Permit Conditions:

30. 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 165 feet of the find until it can be evaluated by a qualified professional archaeologist. 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)

31. 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)

PASSED AND ADOPTED this 25th day of April, 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 SECRETARY TO THE PLANNING COMMISSION 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. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.