

RESOLUTION NO. 010449

A.P.# 157-171-033-000

In the matter of the application of
Risdel, Inc. (PLN010449)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow development of accessory structures and uses prior to establishment of the main use on the property, including development of a tennis court and a 680 square foot locker room; access road, removal of one 12” Oak, and approximately 950 cubic yards of grading (cut and fill); located at 5477 Covey Court (Lot 33 Quail Meadows Subdivision), Carmel Valley at the end of Covey Court westerly of quail Meadows Drive, Carmel Valley area, came on regularly for hearing before the Zoning Administrator on July 11, 2002.

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

FINDINGS OF FACT

1. FINDING: The subject Use Permit (File PLN010449) as described in Condition No. 1 and as conditioned conforms with the plans, policies, requirements and standards of the General Plan, Carmel Valley Master Plan and the Monterey County Zoning Ordinance (Title 21). The property is located at 5477 Covey Court (Assessor’s Parcel Number 157-171-033-000), in the Quail Meadows Subdivision, Carmel Valley area. The property is zoned : “LDR/B-6/-D-S” or Low Density Residential with Building Site, Design Control and Site Review overlay zoning districts. The subject parcels are in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 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:

- a) General Plan
- b) The Carmel Valley Master Plan
- c) Chapters 21.14 (LDR Zoning Regulations), 21.42 (Building Site Regulations), 21.44 (Design Control Regulations) and 21.45 (Site Plan Review Regulations) of the Monterey County Zoning Ordinance.

EVIDENCE: The project site is suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency and the Carmel Valley Fire Protection District. There has been no indication from those agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.

EVIDENCE: The proposed use is consistent with the development standards for Low Density Residential district, pursuant to Title 21, Monterey County Zoning Ordinance.

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

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development.

- EVIDENCE:** The on-site inspection by the project planner to verify that the proposed project complies with the applicable regulations.
2. **FINDING:** The proposed project will not have a significant environmental impact.
- EVIDENCE:** The project is exempt from environmental review under Sections 15303, 15304 and 15061(b)3 of the CEQA Guidelines.
- EVIDENCE:** The majority of the proposed project would be developed within a designated Building Envelope per the Quail Meadows Subdivision Final Map. Development within this Building Envelope and its potential impacts were determined to be insignificant through its designation as the buildable area in the lot. No significant environmental resources or effects were determined from project review by the project planner.
- EVIDENCE:** The issuance of a Grading Permit, including the requirement for a Slope Restoration Plan (Condition Nos. 4 & 5) would assure compliance with the requirements of Title 16 of the Monterey County Code Grading and Erosion Control Ordinance and prevent potential impacts.
3. **FINDING:** The site is 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 Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Health Department and the Carmel Valley Fire Protection District. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas or similar areas that would indicate the site is not suitable for the use proposed.
4. **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 health, safety, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
- EVIDENCE:** The project as described in the application and accompanying materials was reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency and the Carmel Valley Fire Protection District. The respective Departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for a Use Permit be granted as shown on the attached sketch, and subject to the following conditions:

1. This Use Permit allows development of accessory structures and uses prior to establishment of the main uses on the property, including a tennis court, a 680 square foot locker room, access road, removal of one 12"-diameter Oak tree and approximately 1,900 cubic yards of grading (950 cubic yards of cut and 950 cubic yards of fill) in accordance with County ordinances and land use regulations subject to the following terms and

conditions. The property is located at 5477 Covey Court, Quail Meadows Subdivision, Carmel Valley area. 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 Department)

Prior to Issuance of Demolition, Grading or Building permits

2. The applicant shall record a notice which states: "A permit Resolution No. 010449 was approved by the Zoning Administrator for Assessor's Parcel Number 157-171-033-000 on July 11, 2002. 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 of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection Department)
3. A Slope Restoration and Erosion Control Plan shall be prepared by the consulting engineer for construction of all phases of the project and to ensure the stability of all disturbed slopes. The plan shall be incorporated into the project plans and specifications. The plan shall contain the following:
 - a) Appropriate erosion control measures to protect bare soil areas and slopes within the project site during the duration of the project.
 - b) A Revegetation and Landscaping Plan for the restoration of all bare road shoulders, reconfigured slopes along the road alignment and any other areas disturbed as a result of the construction of all phases of the project. The plan shall be prepared by an engineer and shall contain a planting palette of appropriate native plants and grasses to be used, success criteria, and contingency planning if those criteria are not met. The plan shall also include a list of Best Management Practices for its monitoring and implementation and shall also include a monitoring schedule for a minimum period of three years. A plan review fee shall be paid at the time of submittal. All revegetation/landscaping plant material shall be installed prior to issuance of a final building permit. (Planning and Building Inspection Department)
4. Any trees or vegetation in the vicinity of the road improvements but not planned for removal shall be protected during construction activity. This includes exclusionary fencing of herbaceous and shrubby vegetation at the dripline, hay bales, and protective wood barriers for trees. Native trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by the placement of orange safety netting outside of the dripline of the trees, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or dripline of the retained trees. No vehicle parking, storage of equipment, materials or debris or dumping of wastes shall be permitted within the fenced areas. Fencing shall remain in place during all stages of development of the project. The applicant shall submit evidence (photographs) of the installation of the protective measures to the Director of Planning and Building Inspection for approval. (Planning and Building Inspection Department)
5. A Grading Permit shall be required for all phases of the project pursuant to Chapter 16.08 of the Monterey County Code. All grading and earthwork should be done in conformance with the recommendations of Geologic and Geotechnical Feasibility Investigation prepared for the first phase of the project and the required update for the second phase. Specifically, the grading plans shall contain provisions for implementation of the following measures:
 - a. The geotechnical engineer shall be present on the site to make field observations and conduct testing to

determine the adequacy of fill materials and assess the compliance of earthwork with recommended specifications. Fill slopes should be constructed with engineered fill; no fill slopes steeper than 2:1 (horizontal/vertical) should be constructed, unless otherwise approved by the geotechnical engineer; cut slopes should be no steeper than as recommended by the geotechnical engineer. Fill slopes should be keyed if over five feet high. Appropriate drainage measures and setbacks shall be developed, and incorporated into the project improvement plans.

- b. All slopes and disturbed surfaces resulting from grading operations shall be prepared and maintained to control erosion. This control shall consist of vegetative measures to provide temporary cover to help control erosion during construction and permanent cover to stabilize the site after construction has been completed. The faces of all fill slopes should be prepared by track rolling of the slope and effective planting. All cut and fill slopes should be stabilized as soon as possible with native vegetation cover, temporary vegetation, seeding, mulching or other approved landscaping practices in compliance with the requirements of the grading and landscaping plans. The protection of the slopes should be installed as soon as practicable, so that a sufficient growth will be established prior to inclement weather conditions. It is vital that no slope be left standing through a winter season without the erosion control measures having been provided.
 - c. Surface drainage should be planned to prevent ponding and enable water to drain away from road cuts and fills, the edges of pavements, and retaining structures. Surface drainage should be designed to capture runoff and discharge to a suitable collection or discharge facility.
 - d. Permanent cut slopes into weathered rock should be made at an inclination of 1.5H to 1V. Cut slopes in the overlying soil mantle should be made no steeper than 2H to 1V. Permanent fill slopes should be no steeper than 2H to 1V.
6. No land clearing or grading shall take place between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. The following specific provisions shall apply should grading work be authorized between those dates:
- a. No fill materials shall be placed, spread or rolled during unfavorable weather conditions.
 - b. Disturbed surfaces not involved in the immediate operations must be protected by mulching and/or other effective means of soil protection.
 - c. Runoff from the site shall be detained or filtered by berms, vegetated filter strips and/or catch basins to prevent the escape of sediment from the site. These drainage controls must be maintained by the owner and/or contractor as necessary to achieve their purpose throughout the construction of the project.
 - d. Erosion control measures shall be in place at the end of each day's work.
 - e. The Building Inspector shall stop operations during periods of inclement weather if he determines that erosion problems are not being controlled adequately.
(Planning and Building Inspection Department)
7. Provide to the Director of Environmental Health written certification, and any necessary certification from State agencies, that the California American Water Company can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. (Environmental Health)
8. Prior to the issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property, in the form of an approved Water Release Form. (Water Resources Agency)
9. All new utilities and distribution lines shall be placed underground. (Planning and Building Inspection Department)

10. All exterior lighting for the locker room and the access road shall be unobtrusive and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit a copy of an exterior lighting plan indicating the type and location of all light fixtures for review and approval by the Planning and Building Inspection Department. (Planning and Building Inspection Department)

Prior to Final Building Inspection/Occupancy

11. Development of the project shall include landscaping. Three copies of a landscaping plan shall be submitted to the Planning and Building Inspection Department for approval at least three weeks prior to occupancy. The plan shall identify the location, species, and size of the proposed landscaping materials and shall include a nursery or contractor's estimate of the cost of plant materials and their installation. The plan shall include low water use or native drought resistant plants, low precipitation sprinkler heads (disperses less than 0.75 inches of water per hour at any pipe pressure), bubblers, drip irrigation and timing devices in compliance with Chapter 18.50 of the Monterey County Code (Residential, Commercial and Industrial Water Conservation Measures). As an alternative, the applicant may submit a certificate of deposit or other form of surety in the amount of the cost estimate for the installation of the landscaping made payable to Monterey County. (Planning and Building Inspection Department)
12. The applicant shall comply with Ordinance No. 3539, 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)
13. The proposed Oak tree removal shall be replaced at a 1:1 ratio with 25-gallon size trees. (Planning and Building Inspection)

On Going Conditions

14. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection Department)
15. There shall be no lighting on the tennis court. (Planning and Building Inspection)

PASSED AND ADOPTED this 11th day of July, 2002.

Original Signed By:

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE 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 Salinas.

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