

LYNNE MOUNDAY
MONTEREY
ZONING ADMINISTRATOR

COUNTY OF
STATE OF CALIFORNIA

RESOLUTION NO. 020051

A. P. # 161-601-021-

000

In the matter of the application of
DECISION

FINDINGS AND

David & Melissa Martella (PLN020051)

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 an Administrative Permit for a 3,560 sq. ft. single family residence and a 960 sq. ft. detached garage in a “VS” (Visual Sensitivity) Zoning District, Use Permit for development on slopes of greater than 30%, and Design Approval, located at 13040 Corte Diego, west of Corral De Tierra Road, Toro area, came on regularly for meeting before the Zoning Administrator on December 12, 2002.

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

1. **FINDING:** The subject Combined Development Permit, File No. PLN020051, David Martella, as described in Condition No. 1, and as conditioned, conforms to the plans, policies, requirements and standards of the Monterey County General Plan, the Toro Area Plan, and Title 21 (Zoning) of the Monterey County Code. The property is located at 13040 Corte Diego, Toro area, Salinas. The parcel is designated as “Low Density Residential, 1 Unit per Acre” in the Toro Area Plan, and is zoned “LDR/B-8-VS (20)” (Low Density Residential).

EVIDENCE: The Land Use Plan and the text and policies of the Toro Area Plan and the Monterey County General Plan were evaluated during the review of the application. The proposed single-family residence and garage are consistent with the land use designation and density allowed under the Toro Area Plan and Title 21. The property is located in a “Sensitive Area” as shown on the *Visual Sensitivity and Scenic Highways Map* in the Toro Area Plan. The project was reviewed for conformity with Policy 26.1.6.1(T) of the Toro Area Plan which requires that, in areas designated as visually sensitive, no development shall be permitted without a finding that such development will not adversely effect the natural scenic beauty of the area (Reference Finding No. 2).

EVIDENCE: The project planner determined that the project is consistent with Chapters 21.14 (“LDR” Districts), 21.42 (“B” Districts), and 21.46 (“VS” Districts) of the Monterey County Zoning Ordinance (Title 21).

EVIDENCE: The proposed project was reviewed by the Toro Land Use Advisory Committee, and it recommended approval by unanimous vote (4 ayes).

EVIDENCE: The Zoning Administrator considered any written and verbal public testimony submitted at the public hearing on the subject Combined Development Permit.

EVIDENCE: Application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development located in project File No. PLN020051, and the administrative record.

2. FINDING: The proposed use will not adversely affect the natural scenic beauty of the area, and will not have a substantially adverse visual impact when viewed from a common public viewing area.

EVIDENCE: Under Chapter 21.46, the project was staked and flagged, and the project planner conducted an on-site inspection of the project on August 27, 2002. The project planner concluded that the project, as proposed, will not have an adverse effect on the natural scenic beauty of the area nor an adverse visual impact when viewed from a common public viewing area. The project is visible from Highway 68, but can be seen for only a few seconds in passing, and only with deliberate effort. The proposed residence and garage will utilize earth tone colors to minimize visibility.

EVIDENCE: Application, building plans and other materials in project File No. PLN020051, and the administrative record.

3. FINDING: There is no feasible alternative which would allow development to occur on slopes of less than 30 percent, and the proposed development better achieves the purposes of the General Plan and the Toro Area Plan.

EVIDENCE: Under Chapter 21.46 of Title 21 (Zoning) of the Monterey County Code, the project was staked and flagged, and the project planner conducted an on-site inspection of the project on August 27, 2002. The only proposed development on slopes of greater than 30 percent are the pier and grade foundations needed to support a portion of the detached garage.

EVIDENCE: Other portions of the subject parcel have steeper slopes with greater potential for erosion than the proposed garage site. Since the parcel is also forested, relocation of the garage to another part of the site would also require removal of protected trees.

EVIDENCE: Application, building plans and other materials in project File No. PLN020051, and the administrative record.

4. FINDING: The project site is physically suitable for the proposed use as described in the project file.

EVIDENCE: The proposed development was reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and Salinas Rural Salinas Rural Fire District. There was no indication from these departments and agencies that the site is not suitable for the proposed development. These departments and agencies have recommended conditions for project approval.

5. FINDING: The project is exempt from environmental review under the California Environmental Quality Act (CEQA).

EVIDENCE: Under Section 15303 of the CEQA Guidelines, small structures, including single-family residences, are exempt from environmental review. No adverse environmental effects were identified during staff review of the development application and during a staff visit to the site. Because the proposed residence replaces an existing residence at the same location, minimal disturbance of undeveloped land is required.

6. FINDING: The subject property is 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: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

7. FINDING: The establishment, maintenance, or operation of the use or structure applied for 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 improvement 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, Environmental Health Division, Public Works Department, Water Resources Agency, and Salinas Rural Fire District. The respective departments and agencies 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.

EVIDENCE: A Geotechnical Report has been provided with recommended conditions and modifications that provide additional assurances regarding project safety (“Geotechnical Soils-Foundation and Geo-Seismic Report for the Martella Residence,” Grice Engineering, Inc., Salinas, California, May 2002).

8. FINDING: This project is appealable to the Planning Commission.

EVIDENCE: Section 21.80.040.B of Title 21 (Zoning) of the Monterey County Code sets forth the procedures for an appeal.

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 permit is a Combined Development Permit, consisting of an Administrative Permit for a 3,560 square-foot single-family residence and a 960 square-foot detached garage in a “VS” (Visual Sensitivity) Zoning District, a Use Permit for development on slopes of greater than 30 percent, and a Design Approval. This Permit 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 Issuance of Building and Grading Permits:

2. A drainage plan shall be prepared by a registered civil engineer or architect to address on-site impacts. Storm water runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. (Water Resources)
3. Prior to issuance of any grading or building permits, Fire Department notes shall be printed on the approved plans. (Salinas Rural Fire District)
4. The applicant shall record a notice which states: "A 'Geotechnical Soils-Foundation and Geo-Seismic Report for the Martella Residence, 13040 Corte Diego, Salinas California,' dated May 2002, was prepared for the site by Grice Engineering, Inc., Salinas, California, and is on file in the Monterey County Planning and Building Inspection Department in project File No. PLN020051. The recommendations set forth in said report shall be followed in all further development of this property." 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 use. (Planning and Building Inspection)
5. The applicant shall record a notice which states: "A Permit (Resolution # 020051) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Number 161-601-021 on December 12, 2002. The permit was granted subject to 17 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 Inspection/Occupancy:

6. 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)
7. The Grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. (Salinas Rural Fire District)
8. Roadway 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. (Salinas Rural Fire District)
9. 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. (Salinas Rural Fire District)
10. Unobstructed vertical clearance shall be not less than 15 feet for all access roads. (Salinas Rural Fire District)
11. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except occupancy of accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. (Salinas Rural Fire District)
12. When 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 Arabic, not Roman or written out in words. Address numbers posted shall be a minimum number height of 3 inches with a 3/8 inch stroke, and contrasting with the background colors of the sign. (Salinas Rural Fire District)
13. 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. For parcels less than 1 acre, or when a 30 foot minimum setback cannot be reached, alternate fuel modification standards may be imposed by the local fire jurisdiction to provide the same practical effect. (Salinas Rural Fire District)
14. In high and very high fire hazard areas, as defined by the California Department of Forestry and Fire Protection (CDF), roof construction shall be Class A or Class B, with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired so as to affect 50 percent or more of the roof. Vegetation removal will not be allowed as a means of removing high or very high fire hazard area designation from an entire parcel. (Salinas Rural Fire District)

15. 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. A landscape plan review fee is required for this project. Fees 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. 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)

Continuous Permit Conditions:

16. The property and all improvements 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)
17. 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. (Planning and Building Inspection)

PASSED AND ADOPTED this 12th day of December, 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 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.