

RESOLUTION NO. 020101

A. P. # 416-122-005-000

In the matter of the application of
Joseph & Beverly Kordsmeier (PLN020101)

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 for a single family dwelling with attached garage (3,780 square feet) and a Use Permit for the removal of 20 Oak trees, located on Colt Lane, Carmel Valley, 0.25 miles from the intersection of Saddle Road and Colt Lane, Greater Monterey Peninsula area, came on regularly for meeting before the Zoning Administrator on September 26, 2002.

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

1. **FINDING:** The Kordsmeier application (PLN020101), as described in condition #1 is for a Combined Development Permit. The property is located on Colt Lane, Hidden Hills area (Assessor's Parcel Number 416-122-005-000), and is zoned "LDR/2.5-VS-(20)" or Low Density Rural, 2.5 acre minimum – Visual Sensitivity District, with a 20 foot height limit. The project, as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21. Zoning violation abatement costs, if any, 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 and Greater Monterey Peninsula Area Plan.
EVIDENCE: The project planner conducted a site visit on June 20, 2002, to verify that the proposed project complies with the Monterey County Zoning Ordinance.
EVIDENCE: Design Approval Request form with plans recommended for approval by the Greater Monterey Peninsula Land Use Advisory Committee.
EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.
2. **FINDING:** The proposed project will not have a significant environmental impact.
EVIDENCE: Section #15303a of the Monterey County CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.
3. **FINDING:** The proposed project is consistent with policies of the Greater Monterey Peninsula Area Plan and applicable regulations in Title 21 dealing with Forest Resources Development Standards. A Forest Management Plan was prepared for the site by Stephen R. Staub, dated May 6, 2002 and is on file in the Monterey County Planning & Building Inspection Department. The report states that 20 Coast Live oaks are proposed for removal. The forester states that redesign or

relocation of the proposed structure would not save additional trees. The forester's recommendations are incorporated as conditions of approval.

EVIDENCE: Forest Management Plan prepared by Stephen R. Staub contained in file No. PLN020101 and permit conditions.

EVIDENCE: Staff site visit.

EVIDENCE: The oak cover ranges ranging from extensive to dense on this property. Applicant proposes to remove 20 oak trees ranging in size from 6 to 23 inches in diameter. According to the Forestry Management Plan prepared for the project by Stephen Staub, (May 2002), "the tree cover on the parcel will remain relatively unaffected by development as proposed with the proposed removals estimated to be less than 15% of the trees on the parcel." (p.3). The proposed development is sited in an area which would require the least tree removal for this lot. The tree replacements are required at a 1:1 ratio.

4. **FINDING:** The establishment, maintenance, and operation of the proposed development 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: The project as described in the application and accompanying material, was reviewed by the Department of Planning and Building Inspection, Salinas Rural Fire Protection District, Public Works, Parks Department, Environmental Health Division, and the Water Resources Agency. The preceding 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.

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

EVIDENCE: Section 21.80.040.B of the Monterey County Zoning Ordinance (Title 21).

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. The Kordsmeier Combined Development Permit (PLN020101) consists of: an Administrative Permit for a two-story single family dwelling with an attached garage (3,780 square feet), a Use Permit for the removal of 20 Oak trees from a heavily forested lot and Design Approval. 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 record a notice which states: "A Combined Development Permit (Resolution PLN020101) was approved by the Zoning Administrator for Assessor's Parcel Number 416-122-005-000 on September 26, 2002. The permit was granted subject to 24 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)**
3. 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. If applicable, 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)**
4. All construction shall conform to the recommendations in the Geotechnical Report prepared for this project. **(Planning and Building Inspection)**
5. The root system to the drip line of the oak trees near the proposed dwelling and garage shall be protected by bridging during grading and construction. All oak trees shall be preserved to provide stability for the slope areas. **(Planning and Building Inspection)**
6. Prior to the issuance of a building permit and prior to final inspection where appropriate, applicant shall follow all the recommendations of the Forest Management Plan prepared for this project by Stephen R. Staub, dated May 2002 including replacement of the 20 Coastal Live oaks on a 1:1 basis. **(Planning and Building Inspection)**
7. Prior to the issuance of a building permit, applicant shall include recommendations of the Forest Management Plan as notes on the building plans. **(Planning and Building Inspection)**
8. Native trees which are located close to the construction site 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 trunks 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 and be included as notes on the Building Plans. **(Planning and Building Inspection)**
9. Prior to the issuance of a building permit, applicant shall submit a detailed disposal system design to the Director of Environmental Health for review and approval meeting the regulations found in Chapter of 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. **(Environmental Health)**
10. A drainage plan shall be prepared to address on-site impacts. Stormwater 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 Agency)**
11. 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)

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 (temporary and permanent) shall be posted on 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. Addresses posted numbers shall be a minimum of 3-inch letter height, 3/8-inch stroke, contrasting with the background color of the sign. **(Salinas Rural Fire Protection District)**
13. Prior to the issuance of a building permit, fire department notes shall be stamped on the approved plans. **(Salinas Rural Fire District)**
14. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except 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)**
15. 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 fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection 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."
(Salinas Rural Fire District)

Prior to Final Building Inspection/Occupancy:

16. 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 incorporate the requirements for the 20 tree replacements. The landscaping plan shall be in sufficient detail to identify the location, specie, 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)**
17. 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)**
18. All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface, shall require Class "A" roof construction. **(Salinas Rural Fire District)**
19. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except 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 Protection District)**
20. 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 Protection District)**
21. 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 Protection District)**
22. 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 fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection 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." **(Salinas Rural Fire Protection District)**
23. Attached garages shall be protected with automatic fire sprinklers. **(Salinas Rural Fire Protection District)**

Continuous Conditions:

24. 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 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)**

PASSED AND ADOPTED this **26th** day of **September, 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.