

RESOLUTION NO. 990586

A. P. # 015-251-043-000

In the matter of the application of
Roxanne M. Callahan (PLN990586)

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 construction of a single family dwelling and Use Permit for development in the Carmel River floodplain; and Design Approval; located at 26570 Rancho San Carlos Road, south of Carmel Valley Road, Carmel Valley, came on regularly for meeting before the Zoning Administrator on July 25, 2002.

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

1. **FINDING:** The proposed single-family residence is consistent with the Carmel Valley Master Plan which designates the property as "Low Density Residential, 2.5 Acres per Unit," and with the policies of the Monterey County General Plan.
EVIDENCE: The Land Use Plan and the text and policies of the Carmel Valley Master Plan and the Monterey County General Plan were evaluated during the review of the application. No conflict or inconsistencies with the Plan, or with the text or policies, were found. No testimony, either written or oral, was received during the administrative proceedings to indicate that there is any inconsistency with said plans.
2. **FINDING:** The proposed single-family residence is consistent and with the "LDR/2.5-D-S" (Low Density Residential) zoning of the property.
EVIDENCE: Under Chapter 21.14 of Title 21 (Zoning) of the Monterey County Code, the first single-family dwelling per lot is permitted in the "LDR" District. Under Chapter 21.45, an Administrative Permit is required for any development in the "S" (Site Plan Review) Districts. Findings 3, 4, 7 and 8 address such development. Under Chapter 21.44, a Design Approval is required for any development in the "D" (Design Review) District. To this end, the applicant has provided the Zoning Administrator with a Design Approval Request, drawings, and a statement of materials and colors to be used.
3. **FINDING:** The site is suitable for the proposed use.
EVIDENCE: There are no physical or environmental constraints, such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar conditions, that would indicate that the site is not suitable for the proposed use, nor is there other evidence in the record to indicate that the site is not suitable for the project. A Geotechnical Report was prepared for the project; this report indicated that the site is suitable for the proposed development if the recommendations of the report are implemented (Geotechnical Engineering Report for the project, dated February 27, 2002, prepared by Buena Geotechnical Services, Paso Robles, California). Condition 9 requires that a Notice be recorded stating that a Geotechnical Engineering Report was prepared

for the project, and that all development of the parcel shall be in compliance with the recommendations of that report. A Biological Survey was prepared for the project; this report indicated that the proposed development will not impact any sensitive individual plant species or plant communities of special significance. (Biological Survey for the project, dated April 29, 2002, prepared by Thomas K. Moss, Pacific Grove, California).

4. **FINDING:** The proposed project is consistent with Section 21.64.130 of Title 21 (Zoning) of the Monterey County Code, particularly subsections C.4, D.1 and D.2 relating to development in the “Floodway Fringe” of the Carmel River.

EVIDENCE: The proposed project is located 350 feet from the Carmel River and 200 feet from any associated riparian vegetation, and is located outside of the “Floodway.” The proposed structure is located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. On-site waste disposal systems are located to avoid impairment of them or contamination from and during flooding. The first habitable floor of the proposed residence is located to avoid the 100-year flood level.

EVIDENCE: The Environmental Health Division has approved the proposed site plan and the location of the proposed area for the septic system. Conditions 3 through 6 placed by the Water Resources Agency address location outside of the FEMA Floodway, 200-foot setback from the top-of-bank of the river, floodplain recordation, and lowest floor certification.
5. **FINDING:** This project is categorically exempt under Section 15303(c) of the Monterey County CEQA Guidelines relating to small structures.

EVIDENCE: Application and materials located in File 990586. Due to the location of the proposed residence, there are no substantial environmental issues associated with this project. Reference Geotechnical Engineering Report, dated February 27, 2002, prepared by Buena Geotechnical Services, Paso Robles, California; and Biological Survey, dated April 29, 2002, prepared by Thomas K. Moss, Pacific Grove, California.
6. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to the use of the property, no violations exist on the property, and all zoning abatement costs, if any, have been paid.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection records indicated that no violations exist on the subject property.
7. **FINDING:** Adequate sewage disposal and water supply facilities are available on the site.

EVIDENCE: Application, materials, and interdepartmental correspondence located in File 990586.
8. **FINDING:** Necessary public facilities are available for the proposed use, and the conditions of approval are appropriate.

EVIDENCE: The project has been reviewed by the Planning and Building Inspection Department, Public Works Department, Health Department, Water Resources Agency, and Cypress Fire District. The conditions incorporate the concerns and recommendations of these departments and agencies.

9. **FINDING:** The establishment, maintenance, or operation of the uses and buildings applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood, or to the general welfare of the County.
- EVIDENCE:** Findings and Evidence set forth above.

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 2,623 square-foot single-family dwelling, with a 590 square-foot attached garage, Use Permit for development in the Carmel River floodplain, and 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 Grading and Building Permits:

2. The applicant shall pay the Carmel Valley Traffic Impact Fee and State Highway 1 Fee as follows: \$9,328.00 for a single-family unit, and \$680.00 for the Highway 1 Fee. (Public Works)
3. Prior to issuance of any grading and/or building permits, the applicant shall provide proof to the Water Resources Agency that the proposed structure will be located outside of the FEMA designated floodway. (Water Resources)
4. The proposed development shall be setback at least 200 feet from the top of bank as defined in County Floodplain Ordinance No. 3272. The top of bank shall be defined by a professional engineer and shown on the site plan prior to issuance of any grading and/or building permits. (Water Resources)
5. The owner shall record a notice stating that the property is located within or partially within a floodplain and may be subject to building and/or land use restrictions. A copy of the recorded notice shall be provided to the County Water Resources Agency. (Water Resources)
6. Lowest floor and attendant utilities shall be constructed at least 59 feet above mean sea level (NGVD 1929). To provide for the floodproofing and certification of the lowest floor elevation, a reference marker set to the elevation of the lowest floor shall be established at the building site by a licensed land surveyor prior to start of construction. An elevation certificate for the finished floor shall be completed by a registered civil engineer or licensed surveyor and provided to the County Water Resources Agency prior to the inspection and approval of the building foundation by the building inspector. (Water Resources)

7. 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)
8. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. (Water Resources)
9. The Applicant shall record a notice with the Monterey County Recorder stating that: "A Geotechnical Engineering Report, dated February 27, 2002, was prepared for the property by Buena Geotechnical Services, Paso Robles, California; and a Biological Survey, dated April 29, 2002, was prepared for the property by Thomas K. Moss, Pacific Grove, California. These two reports are on file in the Monterey County Planning and Building Inspection Department in project File No. 990586. The recommendations contained in said reports shall be followed in all further development of this property." (Planning and Building Inspection)
10. Applicant shall record a notice which states: "A Permit (Resolution # _____) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Number 015-251-043 on July 25, 2002. The permit was granted subject to 27 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:

11. 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)
12. 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 (60,000 pounds). (Cypress Fire District)
13. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. (Cypress Fire District)

14. 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. (Cypress Fire District)
15. Roadway turnarounds 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 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. (Cypress Fire District)
16. 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. (Cypress 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. (Cypress Fire District)
18. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. (Cypress Fire District)
19. Size of letters, numbers and symbols for addresses shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with the background color of the sign. (Cypress Fire District)
20. 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. (Cypress Fire District)
21. The applicant and/or owner shall remove flammable vegetation from within 30 feet of structures; limb trees 6 feet up from ground; remove limbs within 10 feet of chimneys. (Cypress Fire 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.

Water for the sprinkler system shall be obtained from Cal-Am, not from a well. (Cypress Fire District)

23. In high and very high fire hazard areas, as defined by the California Department of Forestry and Fire Protection (CDF), roof construction shall be a Class A for the Cypress Fire District. (Cypress Fire District)

- 24. 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. An \$84 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 Department)

Continuous Permit Conditions:

- 25. If, during the course of construction, cultural, archaeological, historical or palentological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 150 feet of the find until it can be evaluated by a qualified professional archaeologist. (Planning and Building Inspection)
- 26. 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)
- 27. 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 25th day of July, 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.