

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 010451

A. P. # 197-171-001-000

In the matter of the application of
Brooke Warrick & Alison Stevens (PLN010451)

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 construct a two-story 2,348 sq. ft. single family dwelling, an 843 sq. ft. attached two-story accessory structure to be used as a shop and office, and a 710 sq. ft. Caretaker's Unit; a Use Permit request for driveway construction on slopes in excess of 30%; Grading of 4,100 cu. yds. (2,500 cu. yds. cut/1,600 cu. yds. fill {900 cu. yds. export}); and Design Approval located at 31450 Via Las Rosas, Carmel Valley, Carmel Valley Master Plan area, came on regularly for meeting before the Zoning Administrator on March 27, 2003.

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

1. FINDING: The project proposed in this application consists of a Combined Development Permit (PLN010451), as described in Condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, Greater Monterey Peninsula Area Plan, Carmel Valley Master Plan and the Monterey County Zoning Ordinance (Title 21). The property is located at 31450 Via Las Rosas, Carmel Valley. The parcel is zoned "LDR/B-6/D/S" (Low Density Residential, Building Site, Design Control and Site Plan Review Zoning District) The subject property is in compliance with all the rules and regulations pertaining to zoning: uses, and any other applicable provisions of this Title 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) The Greater Monterey peninsula Area Plan
- b) Carmel Valley Master Plan
- c) Chapters 21.14 Low Density Residential Zoning District; 21.42 Building Site; 21.44, Design Control; 21.45 Site Plan Review; 21.64.230 Development on Slopes in Excess of 30%; 21.70 Administrative Permits; 21.74 Use Permits; and 21.76 Combined Development Permits of the Monterey County Zoning Ordinance regulations for development.

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and the Carmel Valley Fire Protection District, Public Works and Planning Departments. There has been no indication from these agencies that the site is not suitable for the proposed development.

EVIDENCE: Written and verbal public testimony submitted at public hearings before the decision-making body.

EVIDENCE: The on-site inspection of the subject parcel by the project planner.

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, found in the project file.

EVIDENCE: There are no zoning violations recorded or pending to be resolved.

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 Monterey County Planning and Building Inspection Department, Water Resources Agency, applicable Fire Department, Public Works Department and Environmental Health Division. 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, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

3. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: The Monterey County CEQA Guidelines, Section 15303 categorically exempts this project from environmental review. No adverse environmental impacts were identified during review of the proposed project.

4. **FINDING:** No written request, based on a substantive issue, for public hearing or other evidence of public controversy or public opposition as described in Section 21.70.060A, Title 21, Monterey County Code (Zoning) was found to exist.

EVIDENCE: Materials in project file.

5. **FINDING:** Public notice of the pending Administrative Permit was provided pursuant to Section 21.70.040, Title 21, Monterey County Code (Zoning).

EVIDENCE: Materials in project file.

6. **FINDING:** The request for the proposed (driveway segment) development to be located on portions of 30 percent slope is consistent with Section 21.64.230 of the Zoning Code.

EVIDENCE: There is no feasible alternative which would allow development to occur on slopes of less than 30%.

EVIDENCE: Slope analysis map prepared by Terry Latasa, Architect, which shows all slopes over 30% percent.

EVIDENCE: Site visit by project planner May 5, 2002

EVIDENCE: Conditions of approval have been added to the project to assure that proper erosion control measures are put in place during construction and that ongoing erosion control measures are made a part of project approval. (Conditions #10 and 18).

7. **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:** The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, appropriate Fire Department, Public Works Department, and Water Resources Agency. 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.
8. **FINDING:** The establishment of the caretaker unit will not, under the circumstances of the particular application, 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 materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, the applicable Fire Department, Public Works Department, and Water Resources Agency. 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

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 allows for a Combined Development Permit consisting of an Administrative Permit to construct a two-story 2,348 sq. ft. single family dwelling, an 843 sq. ft. attached two-story accessory structure to be used as a shop and office, and a 710 sq. ft. Caretaker's Unit; a Use Permit request for driveway construction on slopes in excess of 30%; grading of 4,100 cu. yds. (2,500 cu. yds. cut/1,600 cu. yds. fill {900 cu. yds. export}); and Design Approval. The project is located at 31450 Via Las Rosas, Carmel Valley (Assessor's Parcel Number 197-171-001-000), Carmel Valley Master Plan area. 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 record a notice which states: "A permit (Resolution 010451) was approved by the Zoning Administrator for Assessor's Parcel Number 197-171-001-000 on March 27, 2003. The permit was granted subject to **18** 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, 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 Department)**
4. 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)**
5. This application is subject to the Carmel Valley Traffic Impact Fees **(Public Works)**.
6. 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)**
7. 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 Agency)**
8. Prior to 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 retention/percolation facilities to mitigate the impact of impervious surface storm water runoff. Necessary Improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
9. A scenic easement shall be conveyed to the County over those portions of the property where the slope exceeds 30% percent. Scenic easement deed to be submitted to and approved by Director of Planning and Building Inspection prior to issuance of building permits. **(Planning and Building Inspection Department)**

10. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**
11. Prior to issuance of building permits for the Caretaker unit, the applicant shall record a deed restriction stating that the caretaker unit shall not be rented to any person other than the caretaker. **(Planning and Building Inspection Department)**

Prior to Final Building Inspection/Occupancy:

12. 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 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 & Planning and Building Inspection)**
13. 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. 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)**
14. Fire Department Conditions of Approval
 - a. 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 minimum of 60 feet in length. **(Fire District)**
 - b. Roadway turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25 foot taper on each end. **(Fire District)**

- c. 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. **(Fire District)**
- d. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. **(Fire District)**
- e. Where gates are to be locked, the Reviewing Authority having jurisdiction may require installation of a key box or other acceptable means to immediate access for emergency equipment. **(Fire District)**
- f. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Fire District)**
- g. 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. **(Fire District)**
- h. 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. **(Fire District)**
- i. 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. **(Fire District)**
- j. Where multiple address are required at a single driveway, they shall be mounted on a single post, or in any fashion approved by the Reviewing Authority that provides for the same practical effect. **(Fire District)**
- k. 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. **(Fire District)**

Continuous Permit Conditions:

- 15. 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)**
- 16. 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)**

17. Maintenance of the erosion control measures identified in the erosion control plan submitted for review with this proposal shall be required in an ongoing and continuous manner. **(Planning and Building Inspection)**

18. Conditions for Caretakers Unit:
 - a. Only one caretaker unit per lot shall be allowed.
 - b. The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under the same ownership.
 - c. The maximum floor area for a caretaker unit is 1,000 square feet on lots of ten acres or less and 1,200 square feet on lots greater than ten acres.
 - d. A minimum of one covered off-street parking space shall be provided for the caretaker unit.
 - e. The caretaker unit shall not be separately rented, let, or leased to other than the caretaker whether compensation be direct or indirect.
 - f. Subsequent subdivisions which divide a main residence from a caretaker unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning.
 - g. Caretaker units are not permitted on any lot less than ten acres where a senior citizen unit exists. **(Planning and Building Inspection Department)**

PASSED AND ADOPTED this 27th day of March, 2003.

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.