

LYNNE MOUNDAY  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 010578

A.P. # 416-571-019-000

In the matter of the application of  
**DECISION**

**FINDINGS &**

**William & Rita Patterson (PLN010578)**

for an Administrative Permit in accordance with Title 21 (Zoning) Chapter 21.70 (Administrative Permits) of the Monterey County Code, to allow construction of a 4,953 sq. ft. one-story single family dwelling with Loggia, a 600 sq. ft. detached guesthouse, a 1,352 sq. ft. detached garage with an office and exercise room, a 96 sq. ft. detached wine cellar, septic system, retaining walls and grading (approximately 800 cu. yds. cut and 800 cu. yds. fill), and Design Approval, located at 27760 Schulte Road, Carmel Valley, south of Carmel Valley Road, Carmel Valley area, came on regularly for meeting before the Zoning Administrator on January 30, 2003.

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

#### **FINDINGS OF FACT**

- FINDING:** The Project, as conditioned is consistent with applicable plans and policies, the Monterey County General Plan, the Carmel Valley Master Plan and the Monterey County Zoning Ordinance (Title 21) which designates this area as appropriate for residential development. Specifically, the proposed guesthouse complies with all applicable requirements of Section 21.64.030(C) of Title 21.

**EVIDENCE:** PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the Monterey County General Plan and the Carmel Valley Master Plan. PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 21) and have determined that the project is consistent with the Monterey County General Plan and the Carmel Valley Master Plan which designates this area as appropriate for residential development. Staff notes are provided in Project File PLN010578.

**EVIDENCE:** Project planner conducted an on-site inspection on March 1, 2002 and May 31, 2002 to verify that the project on the subject parcel conforms to the plans listed above. Staff notes regarding the site visit are in Project File PLN010578.

**EVIDENCE:** The project for a single family home and accessory structures is an allowed use in accordance with Section 21.32.030. In addition, a condition has been added that a guesthouse deed restriction be recorded.

**EVIDENCE:** The parcel is zoned Rural Grazing, Building Site, Design Control, Site Plan Review District ("RG/B-6-D-S"). The project is in compliance with Site Development Standards for a Rural Grazing Zoning District in accordance with Section 21.32.060.

**EVIDENCE:** Land Use Advisory Committee (LUAC): The Carmel Valley Land Use Advisory Committee recommended approval of the project by a vote of 7 for and 0 against. The LUAC

recommended conditions that the roofing and sides of the residence be changed to a darker color, that large trees are planted in the front to protect the viewshed and that only down lighting be used. LUAC meeting minutes dated February 25, 2002 (Exhibit "E"). Conditions have been incorporated to minimize the visibility of the project and ensure compatibility with the natural surroundings. In response, the applicant has proposed revised colors.

**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 Project File PLN010578.

2. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property, and all zoning violation abatement cost, if any, have been paid.

**EVIDENCE:** Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

3. **FINDING:** The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the 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 improvements in the neighborhood or to the general welfare of the County.

**EVIDENCE:** The project was reviewed by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks and Carmel Valley 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.

**EVIDENCE:** A letter was received from a neighboring property owner east of the subject property concerning the potential for a landslide as a result of development on the property. Information provided by the neighbor's geologic consultant indicated that the project is located "within a large landslide" and identified potential problems. The primary issue concerned the infiltration of water from irrigation of ornamental plants and discharge from the septic system flowing to the slope and resulting in a landslide. Geological and geotechnical reports submitted by the applicant addressed the recent landslide as well as the proposed project. According to technical reports, the landslide feature that the subject project is located on was created between 5,000 and 15,000 years ago and no evidence of recent slides was noted. No unusual geologic or geotechnical hazards were identified. A report analyzing a recent 1998 debris flow that occurred just to the east of the subject property determined that it was not caused by any underlying failure or features of the bedrock. In addition, the report stated that it "found no evidence that supports the contention that the minor grading at the ridge crest, combined with the placement of the telephone pole and the clearing of brush was either a primary or secondary causation of the debris flow landslides of February 1998."

**EVIDENCE:** The applicant addressed concerns of the Environmental Health Division regarding proximity of the leach field to slope by relocating the leach field to an area near a recently installed septic system. The new location, which is near the existing agricultural accessory building, is large enough to accommodate a secondary system and a sufficient distance from the edge of the slope so that it poses no health issues. The Water Resources Agency added a condition for the applicant to submit a slope stability analysis to ensure public safety. Furthermore, a condition has been added requiring the applicant to direct all runoff, drainage and effluent from the

proposed development away from the slope in order to minimize the landslide potential and prevent erosion.

**EVIDENCE:** Letter from Jeffrey A. Johnson, Inc, Geology Consultant in San Diego, CA, to Gill Properties, Inc., dated June 13, 2002. Letter is in Project File PLN010578.

**EVIDENCE:** Technical reports have been provided by consulting geologists and geotechnical engineers with recommended conditions and modifications that provide additional assurances regarding project safety. "Geological Hazards Investigation," prepared by Gasch & Associates, Rancho Cordova, CA, October 2002. "Preliminary Geologic Report," prepared by Gerald Weber, Santa Cruz, CA, March 14, 2002. "Geotechnical Investigation" prepared by Pacific Crest Engineering, Inc., Watsonville, CA, October 2, 2001. Reports are in Project File PLN010578.

4. **FINDING:** The site is suitable for the use proposed.

**EVIDENCE:** The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks and Carmel Valley Fire District. Conditions recommended have been incorporated.

**EVIDENCE:** Technical reports by outside biology, geology and geotechnical consultants indicate that 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. Agency staff concurs. "Geological Hazards Investigation," prepared by Gasch & Associates, Rancho Cordova, CA, October 2002. "Preliminary Geologic Report," prepared by Gerald Weber, Santa Cruz, CA, March 14, 2002. "Geotechnical Investigation" prepared by Pacific Crest Engineering, Inc., Watsonville, CA, October 2, 2001. "Biological Assessment," prepared by Rana Creek Habitat Restoration, Carmel Valley, CA, May 15, 2002. Reports are in Project File PLN010578.

**EVIDENCE:** Staff conducted an on-site visit on March 1, 2002 and May 31, 2002 to verify that the site is suitable for this use.

**EVIDENCE:** Necessary public facilities are available and will be provided.

5. **FINDING:** That adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.

**EVIDENCE:** The applicant relocated the leach field for the proposed development to an area near a recently installed septic system on the property after consultation with the Environmental Health Division. The new location, which is near the existing agricultural accessory building, is large enough to accommodate a secondary system and a sufficient distance from the edge of the slope so that it poses no health issues.

**EVIDENCE:** Materials in Project File PLN010578.

6. **FINDING:** The project is exempt from environmental review.

**EVIDENCE:** CEQA Guidelines Section 15303 categorically exempts single family dwellings and accessory structures.

**EVIDENCE:** No adverse environmental effects were identified during staff review of the development application during site visits on March 1, 2002 and May 31, 2002.

**EVIDENCE:** The biological report prepared for the project identified the presence of Dune buckwheat, which is a host plant for the Federally Endangered Smith's Blue Butterfly. The Dune buckwheat was located on the property in only two locations and outside of the project area. Recommendations from the biological report to avoid construction during the Smith's Blue Butterfly flight season and to delineate a protection area around the buckwheat plants have been incorporated. Although potential habitat exists on the property for the Carmel Valley bush

mallow (*Malacothamnus palmeri* var. *involucratus*) and the Carmel Valley malacothrix (*Malacothrix saxatilis* var. *arachnoidea*), both of which are on the California Native Plant Society's List 1B and the latter is known to occur within one mile of the property, neither was observed during surveys. Evidence of the Monterey Dusky-footed Woodrat, a California Species of Special Concern, was found on the property, but sufficiently far from development activities to avoid any potential impact. Potential habitat for native nesting birds also exists on the property and a condition has been added to delay construction until the official end of the nesting bird season. Conditions have been added to direct runoff away from the steep slopes in order to avoid impacts to surrounding vegetation as well as measures for tree protection and use of native species in landscaping. "Biological Assessment," prepared by Rana Creek Habitat Restoration, Carmel Valley, CA, May 15, 2002.

**EVIDENCE:** For Hazards, see Findings 3 and 4.

**EVIDENCE:** No unusual circumstances or substantial impacts related to the proposed project were identified.

7. **FINDING:** The property contains areas suitable for placement in scenic and conservation easement.  
**EVIDENCE:** Policy 26.1.10.1 of the Carmel Valley Master Plan states that in order to prevent development on slopes greater than 30%, "it is the general policy of the County to require dedication of scenic easement on slope greater than 30%." A condition has been added requiring a scenic and conservation easement deed over portions of the property in excess of 30% slope.  
**EVIDENCE:** The project site is located on a ridge overlooking Carmel Valley and visible from Carmel Valley Road, but is screened from the valley floor by vegetation at the top of the slope. Without this vegetation, the project would constitute ridgeline development, which is only allowed when it will not create a substantially adverse visual impact from a public viewing area. In order to prevent ridgeline views of the development and to maintain the visual and scenic quality of Carmel Valley, a condition has been added that a 20-foot buffer from the edge of the slope to the proposed structures containing the screening vegetation be included in the scenic and conservation easement deed.
8. **FINDING:** The project, as approved by the Zoning Administrator, is appealable to the Planning Commission.  
**EVIDENCE:** Section 21.80.040 of the Monterey County Zoning Ordinance (Title 21).
9. **FINDING:** The Project, as conditioned is consistent with applicable plans and policies, the Monterey County General Plan, the Carmel Valley Master Plan and the Monterey County Zoning Ordinance (Title 21) which designates this area as appropriate for residential development. Specifically, the proposed guesthouse complies with all applicable requirements of Section 21.64.030(C) of Title 21.  
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**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 Project File PLN010578.

10. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property, and all zoning violation abatement cost, if any, have been paid.

**EVIDENCE:** Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

11. **FINDING:** The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the 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 improvements in the neighborhood or to the general welfare of the County.

**EVIDENCE:** The project was reviewed by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks and Carmel Valley 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.

**EVIDENCE:** A letter was received from a neighboring property owner east of the subject property concerning the potential for a landslide as a result of development on the property. Information provided by the neighbor’s geologic consultant indicated that the project is located “within a large landslide” and identified potential problems. The primary issue concerned the infiltration of water from irrigation of ornamental plants and discharge from the septic system flowing to the slope and resulting in a landslide. Geological and geotechnical reports submitted by the applicant addressed the recent landslide as well as the proposed project. According to technical reports, the landslide feature that the subject project is located on was created between 5,000 and 15,000 years ago and no evidence of recent slides was noted. No unusual geologic or geotechnical hazards were identified. A report analyzing a recent 1998 debris flow that occurred just to the east of the subject property determined that it was not caused by any underlying failure or features of the bedrock. In addition, the report stated that it “found no evidence that supports the contention that the minor grading at the ridge crest, combined with

the placement of the telephone pole and the clearing of brush was either a primary or secondary causation of the debris flow landslides of February 1998.”

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12. **FINDING:** The site is suitable for the use proposed.

**EVIDENCE:** The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks and Carmel Valley Fire District. Conditions recommended have been incorporated.

**EVIDENCE:** Technical reports by outside biology, geology and geotechnical consultants indicate that 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. Agency staff concurs. “Geological Hazards Investigation,” prepared by Gasch & Associates, Rancho Cordova, CA, October 2002. “Preliminary Geologic Report,” prepared by Gerald Weber, Santa Cruz, CA, March 14, 2002. “Geotechnical Investigation” prepared by Pacific Crest Engineering, Inc., Watsonville, CA, October 2, 2001. “Biological Assessment,” prepared by Rana Creek Habitat Restoration, Carmel Valley, CA, May 15, 2002. Reports are in Project File PLN010578.

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13. **FINDING:** That adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.

**EVIDENCE:** The applicant relocated the leach field for the proposed development to an area near a recently installed septic system on the property after consultation with the Environmental Health Division. The new location, which is near the existing agricultural accessory building, is large enough to accommodate a secondary system and a sufficient distance from the edge of the slope so that it poses no health issues.

**EVIDENCE:** Materials in Project File PLN010578.

14. **FINDING:** The project is exempt from environmental review.

**EVIDENCE:** CEQA Guidelines Section 15303 categorically exempts single family dwellings and accessory

structures.

**EVIDENCE:** No adverse environmental effects were identified during staff review of the development application during site visits on March 1, 2002 and May 31, 2002.

**EVIDENCE:** The biological report prepared for the project identified the presence of Dune buckwheat, which is a host plant for the Federally Endangered Smith's Blue Butterfly. The Dune buckwheat was located on the property in only two locations and outside of the project area. Recommendations from the biological report to avoid construction during the Smith's Blue Butterfly flight season and to delineate a protection area around the buckwheat plants have been incorporated (Exhibit "D"). Although potential habitat exists on the property for the Carmel Valley bush mallow (*Malacothamnus palmeri* var. *involucratus*) and the Carmel Valley malacothrix (*Malacothrix saxatilis* var. *arachnoidea*), both of which are on the California Native Plant Society's List 1B and the latter is known to occur within one mile of the property, neither was observed during surveys. Evidence of the Monterey Dusky-footed Woodrat, a California Species of Special Concern, was found on the property, but sufficiently far from development activities to avoid any potential impact. Potential habitat for native nesting birds also exists on the property and a condition has been added to delay construction until the official end of the nesting bird season. Conditions have been added to direct runoff away from the steep slopes in order to avoid impacts to surrounding vegetation as well as measures for tree protection and use of native species in landscaping. "Biological Assessment," prepared by Rana Creek Habitat Restoration, Carmel Valley, CA, May 15, 2002.

**EVIDENCE:** For Hazards, see Findings 3 and 4.

**EVIDENCE:** No unusual circumstances or substantial impacts related to the proposed project were identified.

15. **FINDING:** The property contains areas suitable for placement in scenic and conservation easement.
- EVIDENCE:** Policy 26.1.10.1 of the Carmel Valley Master Plan states that in order to prevent development on slopes greater than 30%, "it is the general policy of the County to require dedication of scenic easement on slope greater than 30%." A condition has been added requiring a scenic and conservation easement deed over portions of the property in excess of 30% slope.
- EVIDENCE:** The project site is located on a ridge overlooking Carmel Valley and visible from Carmel Valley Road, but is screened from the valley floor by vegetation at the top of the slope. Without this vegetation, the project would constitute ridgeline development, which is only allowed when it will not create a substantially adverse visual impact from a public viewing area. In order to prevent ridgeline views of the development and to maintain the visual and scenic quality of Carmel Valley, a condition has been added that a 20-foot buffer from the edge of the slope to the proposed structures containing the screening vegetation be included in the scenic and conservation easement deed.
16. **FINDING:** The project, as approved by the Zoning Administrator, is appealable to the Planning Commission.
- EVIDENCE:** Section 21.80.040 of the Monterey County Zoning Ordinance (Title 21).

### DECISION

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

1. The subject Administrative Permit and Design Approval allows construction of a 4,953 sq. ft. one-story single family dwelling with loggia, a 600 sq. ft. detached guesthouse, a 1,352 sq. ft. detached garage with an office and exercise room, a 96 sq. ft. detached wine cellar, septic system, retaining walls and grading (approximately 800 cu. yds. cut and 800 cu. yds. fill). The property is located at 27760 Schulte Road, Carmel Valley (Assessor's Parcel Number 416-571-019-000), south of Carmel Valley Road, Carmel Valley area, Inland Zone. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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 010578) was approved by the Zoning Administrator for Assessor's Parcel Number 416-571-019-000 on January 30, 2002. The permit was granted subject to 41 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. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. **(Planning and Building Inspection Department)**
4. 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. 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)**



5. Construction shall begin no earlier than August 15<sup>th</sup> unless a qualified biologist confirms that the flight season for the Smith's Blue Butterfly has ended prior to that date. **(Planning and Building Inspection)**
6. 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)**
7. In order to prevent possible disturbance to nesting birds, the applicant shall either 1) start grading and construction activities after August 1<sup>st</sup> or 2<sup>nd</sup>) have a qualified biologist survey the site for nesting birds prior to site disturbance. Construction may begin if the biologist determines that significant impact to the nesting birds is unlikely. **(Planning and Building Inspection)**
8. The applicant shall obtain a grading permit from the Building Inspection Division. **(Planning and Building Inspection)**
9. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion in coordination with the consulting biologist, subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
10. Dune buckwheat plants near the project area shall be protected during construction. A ten-foot buffer shall be set around the plants and marked with barrier fencing to be delineated by a qualified biologist and subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
11. All coast live oaks (*Quercus agrifolia*) within 10 feet of the driveway to be paved and of 6 inches or greater in diameter at 2 feet above ground shall be conspicuously marked and protected during paving operations subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
12. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
13. Prior to issuance of a building permit, or use of an existing structure as a guesthouse, the applicant shall submit for review and approval of the Director of Planning and Building Inspection, and subsequently record, a deed restriction stating the regulations for guesthouses, as follows:
  - a. Only one guesthouse shall be allowed per lot.
  - b. Detached guesthouses shall be located in close proximity to the principal residence.
  - c. Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.
  - d. The guesthouse shall contain no kitchen or cooking facilities, including but not limited to microwave ovens, hot plates, and toaster ovens.
  - e. There shall be a maximum of six linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of eight square feet of cabinet space, excluding clothes closets.
  - f. Guesthouses shall not exceed 600 square feet of livable floor area.
  - g. Guesthouses shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.
  - h. Subsequent subdivisions which divide a main residence from a guesthouse shall not

- be permitted.
- i. The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.
  - j. The guesthouse height shall not exceed 15 feet nor be more than 1 story. Additions to height and placement of guesthouses over a one-story structure, such as a garage, may be considered by Use Permit (ZA) when intended to provide for architectural consistency and compatibility with the main residence. **(Planning and Building Inspection)**
14. A scenic and conservation easement shall be conveyed to the County over those portions of the property where the slope exceeds 30 percent and to include a 20-foot buffer area from the edge of the slope to the proposed structures containing the existing screening vegetation. The scenic and conservation easement deed shall be submitted to and approved by the Director of Planning and Building Inspection prior to issuance of building permits. **(Planning and Building Inspection Department)**
  15. Prior to the issuance of a building or grading permits for the single-family dwelling, a drainage plan shall be prepared 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)**
  16. 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)**
  17. 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)**
  18. A slope stability analysis shall be performed by a registered geotechnical engineer. **(Water Resources Agency)**
  19. Prior to issuance of building permits, obtain a new water system permit from the Division of Environmental Health. **(Environmental Health)**
  20. The applicant shall pay the Carmel Valley Road Traffic Impact Fees pursuant to Board of Supervisors Resolution No. 95-140, adopted September 12, 1995. **(Public Works)**
  21. 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. **(Fire District)**
  22. 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. **(Fire District)**
  23. 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)**
24. 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)**
  25. 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)**
  26. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. **(Fire District)**
  27. 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)**
  28. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Fire District)**
  29. 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)**
  30. 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)**
  31. Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction. **(Fire District)**
  32. 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." **(Fire District)**
  33. 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. **(Fire District)**

**Prior to Final Building Inspection/Occupancy:**

34. The applicant shall comply with Ordinance No. 3932, 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)**
35. 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, 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)**
36. The exterior colors and roofing shall be modified to darker hues in order to blend into the background and to better match the existing vegetation. Colors and materials shall be subject to the approval of the Director of Planning and Building Inspection prior to final building permit sign off. **(Planning and Building Inspection Department)**
37. Appropriate vegetation and trees shall be planted and maintained in the buffer area near the edge of the canyon where necessary and in the vicinity of the residence and accessory structures in order to screen the structures from Carmel Valley Road and to be reflected in the landscaping plan. **(Planning and Building Inspection)**
38. Landscaping shall only use plants native to the Carmel Valley area and non-native invasive plants such as any French Broom (*Genista monspessulana*) already existing in the project area shall be eradicated. **(Planning and Building Inspection)**
39. The applicant shall submit a drainage report prepared by a licensed engineer confirming that the recommendations of the geotechnical report prepared by Pacific Crest Engineering, dated October 2001, have been followed and that all drainage, runoff and effluent related to the project has been directed away from the slope so as to minimize the landslide potential. **(Planning and Building Inspection)**

**Continuous Permit Conditions:**

40. If during the course of construction activity on the subject property, cultural, archaeological, historical, 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)**

41. All landscaped areas and replanted trees 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)**

**PASSED AND ADOPTED** this 30th day of January, 2003.

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

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.