

LYNNE MOUNDAY
MONTEREY
ZONING ADMINISTRATOR

COUNTY OF
STATE OF CALIFORNIA

RESOLUTION NO. 020103

A. P. # 189-181-015-000

In the matter of the application of
Thomas & Margaret Oliver (PLN020103)

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 the construction of a single family dwelling (2,510 sq. ft) with an attached garage (471 sq. ft.) and a detached guest unit (504 sq. ft) in "S" and "D" Districts; Use Permit for development within 200 feet of the Carmel River; and Grading of 471 cu. yds., cut and fill, located at 10 Meadow Place, Carmel Valley, west of the intersection of Panetta Road and Meadow Place, came on regularly for meeting before the Zoning Administrator on May 8, 2003.

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

1. **FINDING:** The Oliver application (PLN020103), as described in condition #1 and as conditioned, conforms to the plans, policies, requirements and standards of the General Plan, Carmel Valley Master Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 10 Meadow Pl, Carmel Valley (Assessor's Parcel Number 189-181-015-000), and is zoned "LDR/1-D-S" or Low Density Residential, 1 acre per unit, with Design and Site Plan review requirements.
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 Carmel Valley Master Plan.
EVIDENCE: The project planner conducted a site visit on December 9, 2002, to verify that the proposed project complies with the Monterey County Zoning Ordinance.
EVIDENCE: On October 21, 2002, the Carmel Valley Land Use Advisory Committee voted 6 to 0 to recommend approval. Conditions recommended by the LUAC are included.
EVIDENCE: A Biological Report was prepared by Rana Creek Habitat Restoration(August 26,2002) which concludes that the proposed development would not result in a net decrease in habitat quality. However, the Red-legged Frog has been sited within 1-mile of the parcel. As a result, the report recommends that a biologist be present during the initial vegetation removal and grading activity. This recommendation is included as a permit condition.
EVIDENCE: A Geological Report has been prepared for the proposed development by CapRock Geology, Inc. (September 6, 2002). The report concludes that the site is suitable for the proposed development.
2. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: Section #15301(a) of the CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

EVIDENCE: Staff site visit and permit findings.

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

EVIDENCE: Materials in project file.

4. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Sections 21.14.030 and 21.64.020 of the Monterey County Code (Zoning). Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

5. **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, Carmel Valley Fire Protection District, Public Works and Parks Departments, Environmental Health Division, and the Water Resources Agency. These 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.

6. **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 Oliver Combined Development Permit consists of an Administrative Permit for the construction of a one-story single family dwelling (2,510 square feet) with an attached garage (471 square feet) and a detached guesthouse (504 square feet) and 471 cubic yards of cut and fill; a Use Permit for development within 200-feet of the Carmel River and within the floodplain; 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 No. 020103) was approved by the Zoning Administrator for Assessor's Parcel Number 189-181-015-000 on May 8, 2003. The permit was granted subject to 33 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. 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 Agency)**
4. Prior to the issuance of the building permit, applicant shall revise the plans to delete the kitchen from the guest house. Building permits may not be issued for a guesthouse with a kitchen. **(Planning and Building Inspection)**
5. The elevation for the lowest floor and attendant utilities for the single family dwelling shall be denoted on the plans to be at least 235 feet above mean sea level (NGVD 1929). The elevation for the lowest floor and attendant utilities for the guesthouse shall be denoted on the plans to be at least 235.5 feet above mean sea level (NGVD 1929). **(Water Resources Agency)**
6. All exterior lighting shall be down-lit, 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. In addition, skylights shall be shaded to minimize off-site glare. 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)**
7. Prior to issuance of a building permit the applicant shall submit color samples for the roof tiles which are darker in color compared to the current proposal. The color is subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
8. Prior to issuance of a building permit the applicant shall include a note on building plans incorporating recommendations of the Geological Report prepared by CapRock Geology, Inc (September 6, 2002). **(Planning and Building Inspection)**

9. Prior to issuance of a building permit, applicant shall contract with a biologist to be on site during initial vegetation removal and grading activity to preclude impacts to the Red-legged frog, in accordance with recommendations of the Biological Report prepared by Rana Creek Habitat Restoration (August 26, 2002). The contract shall be reviewed and approved by the Director of Planning and Building Inspection. A copy of the contract shall be provided to the Director of Planning and Building Inspection prior to issuance of building or grading permits. The biologist's report shall be provided to the Director of Planning and Building Inspection within 3 weeks of completion of the on-site monitoring. **(Planning and Building Inspection)**
10. Applicant shall ensure that Fire Department notes are posted on building plans. **(Carmel Valley Fire District)**
11. Prior to issuance of a building permit, the applicant shall pay the Carmel Valley Traffic Impact Fee. **(Public Works)**
12. Proposed development shall be setback at least **200** feet from top of bank, as defined in County Floodplain Ordinance #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 Agency)**
13. Prior to the issuance of a building permit, the applicant shall obtain from the Monterey County Water Resource Agency (MCWRA), proof of water availability on the property in the form of an approved Water Release Form. **(Water Resource Agency)**
14. 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)**
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." **(Carmel Valley Fire District)**

Prior to Final Inspection:

16. 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. **(Carmel Valley Fire District)**
17. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. **(Carmel Valley Fire**

District)

18. 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. **(Carmel Valley Fire District)**
19. Roadway turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25 foot taper on each end. **(Carmel Valley Fire 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. **(Carmel Valley Fire District)**
21. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. **(Carmel Valley Fire District)**
22. All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. **(Carmel Valley Fire District)**
23. 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. **(Carmel Valley Fire District)**
24. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Carmel Valley Fire District)**
25. 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. **(Carmel Valley Fire District)**
26. 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. **(Carmel Valley Fire District)**
27. 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. **(Carmel Valley Fire District)**
28. Where road grades exceed 8 percent, a minimum structural roadway surface thickness of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. **(Carmel Valley Fire District)**
29. Applicant shall cause an elevation certificate for the finished floor 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. Lowest floor and attendant utilities for the single family dwelling shall be constructed at least 235 feet above mean sea level (NGVD 1929). Lowest floor and attendant utilities for the guesthouse shall be constructed at least 235.5 feet above mean sea level (NGVD 1929). To provide for the flood proofing 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.

(Water Resources Agency)

30. 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)**
31. 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 landscape plan shall include provisions for removal of exotic and invasive species from the parcel and shall incorporate any other applicable recommendations from the biological report. 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)**
32. Certification that storm water retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**

Continuous Conditions:

33. 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 8th day of May, 2003.

Original Signed By: _____

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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.