

LYNNE MOUNDAY
MONTEREY
ZONING ADMINISTRATOR

COUNTY OF
STATE OF CALIFORNIA
RESOLUTION NO.

020164

A. P. # 187-111-026-
000

In the matter of the application of
DECISION

FINDINGS AND

Randall Ricketts (PLN020164)

to allow a **Combined Development Permit** in accordance with Title 21 (Zoning) Chapter 21.76 (Combined Development Permits) of the Monterey County Code, consisting of an Administrative Permit for a 2,761 sq. ft. single family dwelling and 392 sq. ft. two-car garage, grading (800 cu. yds. cut/800 cu. yds. fill), and tree removal (two protected oaks) in an LDR/1-D-S District; a Use Permit for development on slopes in excess of 30%; a Variance for a 20 foot front yard setback where a minimum setback is required; and Design Approval, located at 4 Vista Ladera, Carmel Valley, off of La Rancheria, Mid Carmel Valley area (Lower Lot), 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,

- FINDING:** The Ricketts Combined Development Permit (PLN020164), as described in Condition #1, and as conditioned, conforms to the plans, policies, requirements and standards of the Monterey County General Plan, the Carmel Valley Master Plan and the Monterey County Zoning Ordinance (Title 21). The property is located at 14 Vista Ladera, Carmel Valley area. The parcel is zoned "LDR/1-D-S" (Low Density Residential, Design and Site Review). The site is physically suitable for the use proposed.

EVIDENCE: The application and plans submitted for the Combined Development Permit in project file PLN020164 at the Monterey County Planning and Building Inspection Department.

EVIDENCE: The applicant provided the Monterey County Planning and Building Inspection Department with a Combined Development Approval Request and drawings and a statement of materials and colors to be used.

EVIDENCE: The Geotechnical Soils-Foundation & Geological Hazards Report prepared by Grice Engineering, Inc. dated January 2002, concludes that the site is suitable for the proposed development, provided the recommendations of the report are followed.

EVIDENCE: The project has been reviewed by the Monterey County Planning and Building Inspection Department, Carmel Valley Fire Protection District, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department and Monterey County Health Department. There has been no indication from these agencies

that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.

EVIDENCE: Findings and 7 and 8 below.

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

EVIDENCE: The California Environmental Quality Act (CEQA) categorically exempts this project from environmental review pursuant to CEQA Guideline Section 15303 (a), Class 3 (exemption of one single-family residence). No adverse environmental impacts were identified during review of the proposed project. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas which would indicate that the proposed project may have a significant impact on the environment.
- 3. FINDING:** Public Notice of the pending Combined Development Permit was provided pursuant to Section 21.70.040, Title 21, Monterey County Code (Zoning).

EVIDENCE: Public Notice and support materials found in the project file.
- 4. FINDING:** The subject property upon which the project is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of Title 21 and all zoning violation abatement costs, if any, have been paid or are required as a condition of approval.

EVIDENCE: Sections 21.14.020, 21.44.020 and 21.45.020 of the Monterey County Code (Zoning). Staff verification of the Monterey County Planning and Building Inspection Department records indicates that the only violation that exists on subject property is related to a tree removal that is part of the subject application.
- 5. FINDING:** Adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.

EVIDENCE: The project has been reviewed by the Monterey County Health Department. There has been no indication from the Health Department that the site is not suitable for development.
- 6. FINDING:** The proposed residence will not have a significant adverse visual impact when viewed from a common public viewing area.

EVIDENCE: The proposed residence is located on the north side of Vista Ladera, approximately 1/3 mile east of the intersection of La Rancheria Drive and Los Laureles Grade in the Carmel Valley area. The property is surrounded by trees and the house will not be visible from any public viewing area. Site visit by project planner, application and materials in File PLN020164.
- 7. FINDING:** Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of Title 21 of the Monterey County Code would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.

EVIDENCE: The residence and related improvements would be constructed are proposed at the front portion of the site in order to avoid development on steeper slopes at the rear of the property. Shifting the house 10 feet toward the rear of the lot would place the rear of the house on a slope greater than 30%. Furthermore, shifting the house 10 feet toward the rear of the site would require that an additional protected tree be removed.

8. FINDING: The Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the zone in which such property is located.

EVIDENCE: See Finding No. 7 above. Since the house will be set back 50 feet from the front of the property, it will have a front setback similar to other homes in the neighborhood.

9. FINDING: The establishment, maintenance, or operation of the use 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.

10. FINDING: The tree removal is the minimum required under the circumstances of the case.

EVIDENCE: Project plans and letters from urban forest consultant.

11. FINDING: The removal will not involve a risk of adverse environmental impacts.

EVIDENCE: Project plans and letters from urban forest consultant.

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

EVIDENCE: Sections 21.80.040A and 21.80.050 of the Monterey County Zoning Ordinance.

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 subject Combined Development Permit allows for the construction of a 3,109 sq. ft. single family dwelling and an attached 408 sq. ft. garage, grading (approximately 50 cubic yards of cut and 50 cubic yards of fill) and tree removals (two protected oak trees) in an LDR/1-D-S District at 4 Vista Ladera (Assessor's Parcel Number 187-111-026-000), off of La Rancheria, Carmel Valley area. 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 the appropriate authorities approve additional permits. **(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 No. 020164) was approved by the Zoning Administrator for Assessor’s Parcel Number 187-111-026-000 on January 30, 2003. The permit was granted subject to 22 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department.” Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
3. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection)**
4. Prior to construction in an area where existing trees are to be retained and protected, exclusion fencing shall be installed. Fencing shall be installed around the perimeter of the tree’s drip-line. Fencing material shall be highly visible and sturdy. Construction equipment and activities shall not encroach into the exclusion zone without written authorization from the designated forester. **(Planning and Building Inspection)**
5. The applicant shall pay the Carmel Valley Traffic Mitigation Fee. This fee is adjusted annually. **(Public Works)**
6. A drainage plan shall be prepared by a registered civil engineer or architect, addressing on-site and off-site impacts, to include storm water dispersion facilities to mitigate the impact of impervious surface storm water runoff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
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 Agency)**
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 Agency)**
9. The well to be abandoned shall be destroyed under permit of the Division of Environmental Health **(Environmental Health Division)**
10. The following notation is required on the plans when a building or grading permit is applied for:

“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 a qualified professional archaeologist can evaluate it. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (e.g., 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)**

11. Within 30 days of approval of the Combined Development Permit (PLN020164), and prior to issuance of building or grading permits, the applicant shall restore the grade around the existing 14” oak tree near the new well to its natural condition. **(Planning and Building Inspection)**
12. The applicant shall pay a fine, equivalent to the retail value of the wood removed, for the 17-inch oak tree that was removed without a permit, in accordance with Policy 7.2.2.5 of the Carmel Valley Master Plan. **(Planning and Building Inspection)**
13. Tree removal shall be in accordance with the project plans. No existing tree may be removed prior to the issuance of a building permit. **(Planning and Building Inspection)**

Prior to Final Building Inspection/Occupancy:

14. Certification that storm water dispersion 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)**
15. 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 re-circulating 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)**
16. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is

required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall 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, either landscaping shall be installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection)**

17. The applicant shall plant a total of four one gallon oak trees i.e., replacement trees). Prior to the planting of the replacement trees, the applicant shall submit a landscape plan for review and approval by the Director of Planning and Building Inspection showing the location, species and size of the replacement trees. The property owner shall provide the Director of Planning and Building Inspection with written certification by a qualified arborist that replacement planting has been performed in accordance with the requirements contained in this condition. **(Planning and Building Inspection)**
18. The applicant shall comply with the recommendations contained in the Geological Soils-Foundation & Geological Hazards Report for Lot Numbers 26 & 28 by Grice Engineering dated January 2002 and the letter from Grice Engineering dated December 30, 2002. **(Planning and Building Inspection)**

Continuous Permit Conditions:

19. 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)**
20. An approved septic system design is on file at the Division of Environmental Health, File Number PLN020164. Any future development or expansions on this property shall be in compliance with the design and Chapter 15.20 of the Monterey County Code unless otherwise approved by the Director of Environmental Health. **(Environmental Health Division)**
21. If any required replacement tree fails to establish within the five year period following the final inspection, the property owner shall immediately replace that tree in accordance with the tree replacement requirements contained in these conditions of approval. If any newly planted tree fails to establish within a five year period following planting, the property owner shall immediately replace the tree and provide annual written certification by a qualified arborist of its survival for a continuous five year period after planting. **(Planning and Building Inspection)**
22. All landscaped areas and replacement trees shall be continuously maintained by the property owner 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 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.