

LYNNE MOUNDAY  
ZONING ADMINISTRATOR

COUNTY OF MONTEREY  
STATE OF CALIFORNIA

RESOLUTION NO. 020179

A. P. # 87-252-006-000

In the matter of the application of

**Mark & Eileen Lewis (PLN020179)**

**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 a Variance for the reduction in the 100 foot front setback from Carmel Valley Road to 80 feet; an Administrative Permit for construction of a 486 sq. ft. single story addition, and a 564 sq. ft. garage; and Design Approval, located at 3 Country Club Way, Carmel Valley, south of the intersection of Country Club Way and Country Club Drive, came on regularly for meeting before the Zoning Administrator on May 29, 2003.

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

- 1. FINDING:** The Lewis application (PLN020179), as described in Condition #1 is for a Combined Development Permit. The property is located at 3 Country Club Way (Assessor's Parcel Number 187-252-006-000), at the intersection of La Mital and El Portero in Carmel Valley. The property is zoned "LDR/1-D-S" or Low Density Residential, 1 acre per unit, with Design Control and Site Plan Review requirements. The project, as conditioned, is consistent with the plans, policies, requirements and standards of the Monterey County General Plan, Carmel Valley Master Plan, and the Monterey County Zoning Ordinance (Title 21). The subject property is physically suitable for the use proposed.

**EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for consistency 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 and to determine potential visual impacts to Carmel Valley Rd. No impacts were noted.

**EVIDENCE:** On January 27, 2003, the Carmel Valley LUAC voted 5 to 1 to recommend approval.

**EVIDENCE:** A Geotechnical report was prepared for the project by Grice Engineering on October 14, 2002 which concludes that the site is suitable provided recommendations are followed.

**EVIDENCE:** A "Preliminary Archaeological Reconnaissance" of the subject parcel was conducted on August 19, 2002, by Archaeological Consulting. The report concludes that there is no evidence of any significant archeological resources on the parcel. A condition has been added to stop work in the event any archaeological resources are found on site.
- 2. FINDING:** The proposed project will not have a significant environmental impact.

**EVIDENCE:** Section #15301(e) (1) 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.

3. **FINDING:** The Variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

**EVIDENCE:** Approval of the Variance would not be a special privilege since other developed properties nearby have front setbacks equal to or less than the proposed setback for this project based on staff survey of the surrounding properties.

**EVIDENCE:** Applicant's justification for a Variance and materials in file.

4. **FINDING:** The Variance does not grant a use or activity that is not otherwise expressly authorized by the zone regulation governing the parcel of property.

**EVIDENCE:** The structural addition is allowed per Section #21.14.030(f), of the Low Density Residential (LDR) zoning district regulations.

5. **FINDING:** Granting of a Variance is appropriate since special circumstances exist.

**EVIDENCE:** Special circumstances are as follows:

- a. The property currently has two front setbacks which restricts development.
- b. The site for the proposed garage is reasonable given the location of the existing residence.

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

**EVIDENCE:** Sections 21.14.020 21.72.020 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

**EVIDENCE:** Preceding findings and supporting evidence.

7. **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 FPD, Public Works and Parks Departments, Environmental Health Division, and the Water Resources Agency. The preceding 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.

**EVIDENCE:** Preceding findings and supporting evidence.

8. **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 Lewis Combined Development Permit and Design Approval (PLN020179) consists of a Variance for a reduction of the setback from Carmel Valley Rd from 100 feet to 80 feet and an Administrative Permit for the 1,050 square foot one-story addition (564 square foot garage and 468 square foot living room) to an existing 2,094 square foot single family residence located at 3 Country Club Way, Carmel Valley (APN 187-252-006-000). 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 PLN020179) was approved by the Zoning Administrator for Assessor's Parcel Number 187-252-006-000 on May 29, 2003. The permit was granted subject to 13 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 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. 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. A geotechnical report dated October 14, 2002, has been prepared for this project by Grice Engineering, and is on file in the Monterey County Planning and Building Inspection Department. Applicant shall follow the recommendations contained in this report. **(Planning and Building Inspection)**
5. Native trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by fencing to the drip line of the trees, avoiding fill of any type around the base of the

trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

6. Prior to issuance of building permits, a licensed septic tank contractor shall pump the septic tank and locate the drain field in order to determine the adequacy of the existing septic system to serve the proposed project. After determining the size and location of the existing system a determination will be made as to any required upgrades to the system. **(Environmental Health)**
7. 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)**
8. 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)**
9. 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)**
10. 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)**

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

11. 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, 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)**
12. 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)**

**Continuous Condition:**

13. 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 29th day of May, 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 90<sup>th</sup> 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.