

LYNNE MOUNDAY  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 020310

A.P.# 157-071-005-000

In the matter of the application of  
**Jeremy & Diane Masson TRS (PLN020310)**

**FINDINGS & DECISION**

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for additions to an existing single family dwelling and construction of flood walls and an elevated rear patio within the Carmel River Floodplain. The interior/exterior alterations and additions include a first floor addition of approximately 24 sq. ft. and a second floor addition of approximately 446 sq. ft.; a 6' stucco wall extending 18 feet into the front yard setback and a 6' screen wall encroaching into the side yard; and Design Approval, located at 7008 Valley Greens Circle, Carmel, just south of the Carmel River and east of Rancho San Carlos Road, Carmel Valley, came on regularly for hearing before the Zoning Administrator on March 27, 2003.

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

**FINDINGS OF FACT**

- FINDING:** The subject Use Permit and Design Approval (**Masson; PLN020310**), as described in condition #1, and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, the Carmel Valley Master Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 7008 Valley Greens Circle, Carmel (Assessor's Parcel Number 157-071-005-000), just south of Carmel River and east of Rancho San Carlos Road, Carmel Valley Road. The parcel is zoned "LDR/B-6-D-S" or Low Density Residential, in a district not to be further subdivided and requiring site plan review and design approval. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.

**EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with the General Plan and the Carmel Valley Master Plan.

**EVIDENCE:** The project site is physically suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, and the Carmel Valley Fire 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:** The proposed use is consistent with the development standards for Low Density Residential Districts (Chapter 21.14) and land use in the Carmel Valley floodplain, pursuant to Title 21, Monterey County Zoning Ordinance.

**EVIDENCE:** Design Approval request form, with recommendation for approval of the project by the Carmel Valley Land Use Advisory Committee on December 16, 2002, by a vote of 3 to 2. The Committee's comments related to concern about the 6 foot high stucco wall being too tall and

the setback of the wall from the front property line. The applicant has since increased the front yard wall setback from 12 feet to 19 feet. The recommendation by the Committee to “break-up/hide” the wall by landscaping is placed on the project in the form of a condition of approval.

Approved exterior materials and colors include weathered cedar shake roof, buff painted stucco, taupe wood trim, and Tibet gold limestone pavers.

**EVIDENCE:** Written and verbal public testimony submitted at public hearings before the Carmel Valley Land Use Advisory Committee and the Zoning Administrator.

**EVIDENCE:** The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file, PLN020310.

**EVIDENCE:** Sections 21.14.050. J. and 21.64.130 of the Monterey County Zoning Ordinance (Title 21). Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

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 establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood, or to the general welfare of the County.

**EVIDENCE:** The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, Carmel Valley Fire Department, and Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.

**EVIDENCE:** File and application materials contained in the project file no PLN020310.

4. **FINDING:** Recent growth in population, housing units, commerce and industry, in the County within the Carmel Valley Master Plan area and surrounding environs, including the Greater Carmel Valley Area has led to significant reductions in existing traffic levels of service, traffic congestion, and other attendant land use and environmental problems for the area. Recent traffic studies conducted by the Monterey County Department of Public Works in connection with its review of applications for discretionary permits reveal that the level of service on Carmel Valley Road has deteriorated to an unacceptable level as defined in Policy 39.3.2.1. of the Carmel Valley Master Plan.

As of August 25, 1992, Carmel Valley Road traffic mitigation fees have been imposed on building permits issued for development within the Carmel Valley Master Plan Area pursuant to Chapter 18.60 (Ordinance #3649) of the Monterey County Code. The proposed development is considered exempt from the provisions of this Chapter because the alteration to an existing residential development does not result in an increase in the number of dwelling units within the building or structure or diminish the parking required under the current provisions of the Monterey County Code.

**EVIDENCE:** Section 18.60.040 4 of the Monterey County Code exempts the proposed remodeling and alteration of the existing single family dwelling.

**EVIDENCE:** File and application materials contained in the project file no PLN020310.

5. **FINDING:** Development of properties located in the Monterey Peninsula Water Management District ("District") depends in large part, on the availability of water pursuant to an allotment system established by the District based on a pro-rationing of the known water supply for each of the jurisdictions served by the California-American Water Service Company.

**EVIDENCE:** Staff report, oral testimony at the hearing; administrative record.

6. **FINDING:** Based upon the District's water allotment system, the County of Monterey ("County") has established a system of priority distribution of water allocation for properties within its own jurisdiction. Current information available to the County indicates that the County's share of water under the District's allotment system, over which the County has no control, has been exhausted to the point that the County is unable to assure that property owners who do or have obtained development permits for their properties will be able to proceed with their development projects.

**EVIDENCE:** Staff report, oral testimony at the hearing; administrative record.

7. **FINDING:** In view of the preceding finding, and the fact that the present application for a use permit otherwise meets all County requirements, the County approves the application subject to determination by the Monterey County Water Resources Agency, in the form of a water availability certification, that water is available for the project and the applicant's being able to obtain a water use permit from the District.

**EVIDENCE:** Staff report, oral testimony at the hearing; administrative record.

**EVIDENCE:** Condition no. 3.

8. **FINDING:** The project, as described in the application and accompanying materials, conforms with the applicable provisions of the Monterey County Code relative to Sewage Disposal, Chapter 15.20 of the Monterey County Code. The County's Environmental Health Department has approved a detailed septic system design for the future replacement leach field which meets the standards of the zoning ordinance, Chapter 15.20, and "Prohibitions" of the Regional Water Quality Control Board's Central Coast Basin Plan.

**EVIDENCE:** The project was reviewed by the Monterey County Department of Health conformity with the applicable provisions of the County Code. Appropriate recommendations for the project have been satisfied by placing a reserve drain field within the front setback, between the front property line and proposed front yard enclosure wall as show on the site plans found in Planning and Building Inspection File No. PLN020310.

**EVIDENCE:** Environmental Health Department memos of December 20, 2002 and February 13, 2003, requiring and approving the detailed septic system design for a future replacement leach field without conditions, found in Planning and Building Inspection file no. PLN020310.

9. **FINDING:** The proposed project is in site plan review and design approval zoning districts. The applicant was required to provide plot plans and photographs in reasonable detail to show all proposed structure locations, topography, existing vegetation, proposed landscaping, and any identified hazards.

The proposed additions to the existing residence have been reviewed by the Carmel Valley Land Use Advisory Committee and the local neighborhood association. Except for concern with the appearance of the proposed front yard wall enclosure and that any additional lighting be “down lighting,” the review committees find that the proposed additions will not present an unsightly appearance, impair the desirability of residences in the same area, limit the opportunity to obtain the optimum use and value of land improvements or impair the desirability of living conditions of the same or adjacent area.

**EVIDENCE:** Landscaping and exterior lighting conditions of approval have been placed on the project to address the concerns of the Carmel Valley Land Use Advisory Committee, conditions 13 and 18.

**EVIDENCE:** Water Resources Agency Inspection Report for a change in property title, dated June 7, 2002, stating that at the time of the inspection, the property was found to be in compliance with Monterey Peninsula Water Management District conservation standards.

**EVIDENCE:** The County’s Water Resources Agency identified the parcel as being located within Zone A7, a 100-year floodplain of the Carmel River, as shown on FEMA Flood Insurance Rate Map 060195 D, map date January 30, 1984, (BFE 60 MSL), but finds the parcel not to be located within the floodway.

**EVIDENCE:** Water Resources Agency condition no. 4.

**EVIDENCE:** Carmel Valley Master Plan Policy, “Environmental Constraints:” 16.2.3.1 (CV).

**EVIDENCE:** After review of the plans and application materials submitted for the project, staff concurs with the Carmel Valley Land Use Advisory Committee regarding project design compatibility with the surrounding area.

10. **FINDING:** The project is appealable to the Board of Supervisors.

**EVIDENCE:** Section 21.45.060 and 21.80.040. D of the Monterey County Zoning Ordinance (Title 21).

### DECISION

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

1. The subject Use Permit consists of additions to an existing single family dwelling and construction of flood walls and an elevated rear patio within the Carmel River Floodplain. The interior/exterior alterations and additions include a first floor addition of approximately 107 square feet and a second floor addition of approximately 446 square feet; a 6 foot stucco wall extending 26 feet into the front yard and a 19 foot setback from the front property line; and a 6 foot screen wall encroaching into the side yard; and design approval.

The project is located at 7008 Valley Greens Circle, Carmel Valley (Assessor's Parcel Number 157-071-005-000), southerly of Carmel Valley Road and just south of Carmel River, and east of Rancho San Carlos Road in the Carmel Valley Master Plan area.. 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 020310) was approved by the Zoning Administrator for Assessor's Parcel Number 157-071-005-000 on March 27, 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. 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)**
4. 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)**
5. The applicant shall comply with Ordinance No. 3932 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
  - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
  - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency & Planning and Building Inspection)**
6. 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)**
7. 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)

8. All exterior lighting shall be unobtrusive, directed downward, and 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)**
9. Place all Carmel Valley Fire District requirements on building construction plans. **(Carmel Valley Fire District)**

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

10. The site shall be landscaped. The landscaping shall include a selection of plants that will serve to at least partially screen the front yard stucco wall in order to "soften" or "break-up" the solid face of the wall as seen from the street. 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)**
11. 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)**
12. 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. **(Carmel Valley Fire District)**

**Continuous Permit Conditions:**

13. 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 27th day of March, 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

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 Salinas.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.