

LYNNE MOUNDAY
MONTEREY
ZONING ADMINISTRATOR

COUNTY OF
STATE OF CALIFORNIA

RESOLUTION NO. 020331

A. P. # 161-552-028-000

In the matter of the application of
Stephen P & Elaine M. Weeks (PLN020331)

FINDINGS & 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 property located in a "VS" (Visually Sensitive) Zoning District for the construction of a 3,000 sq. ft. single family dwelling with an 845 sq. ft. attached garage and pool; 150 cu. yds. of grading; a Variance to exceed the 20' height restriction by 2.5 feet; a Use Permit for the removal of seven (7) oak trees ranging from 12" to 12" in size; and Design Approval, located at Lot 28, Falcon Ridge Road, Salinas, west of the intersection of Corral De Tierra Road and Castle Rock Road, Markham Ranch, Toro area, 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 Weeks Combined Development Permit and Design Approval (PLN020331), with the exception of the Variance for a 2.5-foot height increase for an architectural feature, as described in condition #1 and as conditioned conform to the plans, policies, requirements and standards of the Toro Area Plan and Monterey County's Zoning Ordinance (Title 21). The property is located in the Markham Ranch Subdivision on Lot 28 Falcon Ridge Road in the Toro area. The parcel is zoned "RC/40 and RDR/B-8-VS (20)" or Resource Conservation, 40 acres/unit and Rural Density Residential within an area of Visually Sensitivity with a 20-foot height limit. The site is physically suitable for the use proposed.

EVIDENCE: The Planning and Building Inspection staff reviewed the project for conformity with

- a) Monterey County General Plan policies;
- b) Toro Area Plan policies;
- c) Chapter 21.46, Regulations for Visually Sensitive areas or the "VS" Zoning District of the certified Monterey County Zoning Ordinance (Title 21).
- d) Regulations for the Rural Density Residential Zoning District of the certified Monterey County Zoning Ordinance (Title 21).
- e) Regulations for the Resource Conservation Zoning District of the certified Monterey County Zoning Ordinance (Title 21).
- f) Chapter 21.42, Building Site Regulations contained in the certified Monterey County Zoning Ordinance (Title 21).

EVIDENCE: The application and plans submitted for the Combined Development Permit and Design Approval in project file PLN020331 in the Monterey County Planning and Building Inspection Department.

EVIDENCE: The Toro Land Use Advisory Committee (LUAC) reviewed the proposal on January 13, 2003, and voted 5 to 0 to recommend approval.

EVIDENCE: Reconnaissance file prepared for the Markham Ranch Subdivision was prepared for the parcel by an Archeological Consultant on October 9, 2002. The addendum concludes that there is no indication of cultural resources within the area currently proposed for development. Grading activities are approximately 150 cubic yards. A condition is included to stop work in the event cultural resources are discovered during grading and/or construction activity.

EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The Monterey County Planning and Building Inspection Department, Water Resources Agency, the Salinas Rural Fire Protection District, Public Works Department and Environmental Health Division have reviewed the project. There has been no indication from those agencies that the site is not suitable. 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.

EVIDENCE: A Geotechnical Investigation was prepared for this site by Haro, Kasunich and Associates, Inc (December 2002). The report concluded that the site is suitable for the proposed development.

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 Guideline Section 15303 (a), Class 3 (*exemption of one single family residence*) and 15061 (b)(2) and (3). No potentially adverse environmental impacts were identified during review of the proposed project.

3. **FINDING:** The proposed project is consistent with policies of the Toro Area Plan and regulations in Title 21 (Monterey County Zoning Ordinance) dealing with forest resources.

EVIDENCE: The proposed residence is sited so that impacts to existing trees minimized. The applicant proposes to remove 7 trees within a grove of approximately 25 coast live oaks located within and in proximity to the development site. A "Construction Impact Assessment" (November 21, 2002) for the tree removal has been prepared by James P. Allen & Associates, Consulting Arborists and is on file (PLN020331) in the Monterey County Planning & Building Inspection Department. The report indicates that 5 of the trees to be removed are in fair to poor health. As a result, removal of these trees may be beneficial to the remaining grove of trees. Impacts to the remaining 18 trees would be minimized by following the recommendations of the report. These recommendations are included as permit conditions.

EVIDENCE: The arborist states that redesign or relocation of the proposed structure would not save additional trees.

- 4. FINDING:** Based on information provided in the “Construction Impact Assessment” (November 21, 2002) for the tree removal prepared by James P. Allen & Associates, Consulting Arborists and staff’s review of the project, the tree removal will not result in adverse environmental impacts to soil erosion, ground water quality, create noise pollution or adversely impact wildlife habitat.
- EVIDENCE:** The on-site investigation by the project planner, application review and conclusions in the “Construction Impact Assessment” in project file no. PLN020331.
- 5. FINDING:** The project as proposed is consistent with policies of the Toro Area Plan dealing with visual resources. The development will not have a significant impact on the public viewshed and will not result in ridgeline development. The project is not visible from an established scenic corridor (i.e., Corral De Tierra Road).
- EVIDENCE:** The on-site investigation by the project planner, pursuant to Chapter 21.46.030.B. and the Area Plan policies for development located in a visually sensitive area.
- 6. FINDING:** Approval of the Variance would be a special privilege. Special circumstances do not exist to justify approval of the Variance. Denial of the Variance would not result in financial hardship to the applicant.
- EVIDENCE:** The applicant has applied for a Variance to allow for a 2.5-foot increase in height for an architectural feature located by the front entry. The zoning designation for this parcel allows for a maximum height of 20-feet due to the parcel’s visual sensitivity. The architectural feature is similar to a tower with a cone-shaped roof. The ground floor of the tower would be used as an office. The tower itself is 22.5 feet in height all of which is an open area above the office. The remainder of the proposed residence complies with the 20-foot height limit.
- Staff is recommending denial of the Variance for the 2.5-foot increase in height for the tower since there are no special circumstances that justify approval and denial would not create a hardship to the applicant. In addition, granting the Variance would be a special privilege. Variances for height increases have been granted for other properties in the area, but these were granted based on special circumstances due to topographic constraints and restricted building areas. Existing topography and developable area on this parcel are not restricted; therefore, findings for special circumstances cannot be made. In addition, staff is unable to find other Variances approved in the area for a height increase for an architectural feature; therefore, approval would be a special privilege for this property owner. Finally, denial would not create a hardship since the height increase is for a non-habitable architectural feature, which would not affect the office use on the ground floor.
- 7. FINDING:** Public notice of the pending Combined Development Permit was provided pursuant to Section 21.70.040, Title 21, Monterey County Code (Zoning).
- EVIDENCE:** Materials in project file.

- 8. FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and other applicable provisions of Title 21. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.
- EVIDENCE:** Sections 21.14, 21.42, 21.44 and 21.45 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.
- 9. FINDING:** With the exception of the Variance, the establishment, maintenance, or operation of the use or building 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:** Preceding findings and supporting evidence.
- 10. FINDING:** The decision on this project is appealable to the Planning Commission.
- EVIDENCE:** Section 21.45.050. D of Title 21 (Zoning Ordinance).

DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit consisting of an Administrative Permit, a Use Permit and Design Approval be granted as shown on the attached sketch and subject to the following conditions and that the application for a Variance is denied:

1. Weeks Combined Development Permit consisting of an: 1) an Administrative Permit for construction of a 3,000 sq. ft. one-story single family dwelling with an 845 sq. ft. attached garage and pool and 150 cubic yards of grading located in a "VS" (Visually Sensitive) Zoning District; and 2) a Use Permit for removal of 7 Oak trees ranging from 12" to 24" in size; and Design Approval. The property is located on lot 28 Falcon Ridge Road, (Assessor's Parcel Number 161-552-028-000 west of the intersection of Corral De Tierra and Castle Rock Road, Markham Ranch Toro 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 revise the plans to comply with the 20' height limit on all portions of the structure including the tower **(Planning and Building Inspection)**
3. The applicant shall record a notice, which states: "A permit (Resolution 020331) was approved by the Zoning Administrator for Assessor's Parcel Number 161-552-028-000 on May 8, 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)**

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 three 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. Prior to issuance of a building permit, provide to the Director of Environmental Health written certification, and any necessary certification from State agencies that Toro Water Company can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. **(Environmental Health)**
6. Native trees, which are located close to the construction site, shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill of any type against 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 Department)**
7. Construction Impact Assessment has been prepared for this parcel by J.P. Allen and Associates dated November 21, 2002 and is on record in the Monterey County Planning and Building Inspection Department Library, No. 030070. Implementation of all tree removal and protection measures in the report must be completed in accordance with recommendations of the Arborist documentation and that development has occurred in accordance with these recommendations, which shall be complied with before and after construction activities. The 7 trees approved for removal shall be replaced at a ratio of (1:1) **(Planning and Building Inspection Department)**
8. A drainage plan shall be prepared by a registered civil engineer or architect to address on-site impacts. Storm water runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. **(Water Resources Agency)**
9. Prior to the issuance of the Building Permit, Fire Department Notes shall be printed on the approved plans. **(Salinas Rural Fire Protection District)**

Prior to Final Building Inspection/Occupancy:

10. Prior to final inspection, the geologic consultant shall provide certification that all development has been in accordance with the geotechnical investigation prepared by Haro Kasunich and Associates Inc, dated December 2002. **(Planning and Building Inspection)**

11. 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. . **(Salinas Rural Fire Protection District)**
12. Fire sprinklers shall be installed in attached garages. **(Salinas Rural Fire Protection District)**
13. When construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted prior to requesting final clearance. All address numbers (permanent and temporary) shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the address numbers shall be set adjacent to the driveway or access road to the property. Address numbers posted shall be Arabic, not Roman or written out in words. Address numbers posted shall be a minimum number height of 3 inches with a 3/8-inch stroke, and contrasting with the background colors of the sign. **(Salinas Rural Fire Protection District)**
14. In high and very high fire hazard areas, as defined by the California Department of Forestry and Fire Protection (CDF), roof construction shall be a Class A or Class B, with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired or modified so as to affect 50 percent or more of the roof. Vegetation removal will not be allowed as a means of removing high or very high fire hazard area designation from an entire parcel**(Salinas Rural Fire Protection District)**
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." **(Salinas Rural Fire Protection District)**
16. All parcels 1 acre and larger shall provide a minimum 30-foot setback for buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, or when a 30-foot minimum setback cannot be reached, alternate fuel modification standards may be imposed by the local fire jurisdiction to provide the same practical effect. **(Salinas Rural Fire Protection District)**
17. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. **(Salinas Rural Fire**

Protection District)

18. 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 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)**
19. 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. The Landscaping plan shall delineate the size and location of the 7 Coast Live Oaks, which are required to replace the 7 trees removed during construction. 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, 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)**

Continuous Permit Conditions:

20. 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)**

21. All landscaped areas and tree replacements and fences 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)**
22. Native trees, which are located close to the construction site, shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill of any type against 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)**

PASSED AND ADOPTED this 8th 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 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.