

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 020494

A. P. # 416-027-012-000

In the matter of the application of

Richard & Elizabeth Rammel (PLN020494)

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 a new 2,984 sq. ft. split level single family residence with attached 480 sq. ft. garage partially under ground and septic system; a Use Permit for development in a 30% slope; an Administrative Permit to convert existing 986 sq. ft. residence into a Caretaker's Unit; a Variance to allow a 30 foot reduction in the 50 foot front setback for the existing Caretaker's Unit; and Design Approval, located at 24 Rancho Fiesta Road, Carmel Valley, east of the intersection of Carmel Valley Road and Rancho Fiesta Road, Mid-Carmel Valley area, Carmel Valley Master Plan, came on regularly for meeting before the Zoning Administrator on July 31, 2003.

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

1. FINDING: CONSISTENCY - The Rammel Combined Development Permit (PLN020494), as described in Condition #1, and as conditioned, is consistent with to the plans, policies, requirements and standards of the Monterey County General Plan, the Greater Monterey Peninsula Area Plan, the Carmel Valley Master Plan and the Monterey County Zoning Ordinance (Title 21). The property is located at 24 Rancho Fiesta Road in Carmel Valley. The parcel is zoned "LDR/2.5-D-S" (Low Density Residential, 2.5 acres per unit, Design and Site Plan Review). The site is physically suitable for the use proposed.

EVIDENCE: (a) The application and plans submitted for the Combined Development Permit in project file PLN020494 at the Monterey County Planning and Building Inspection Department.

(b) Staff conducted site visits on May 8 and May 16, 2003 to verify that the proposed project complies with Title 21, as well as policies in the Greater Monterey Peninsula Area Plan and the Carmel Valley Master Plan. The proposed project will not have a significant adverse effect on the public viewshed as conditioned.

(c) The Carmel Valley Land Use Advisory Committee reviewed and recommended approval (3-0 vote, 2 absent) of the Combined Development Permit on May 19, 2003.

(d) A Geologic Report dated January 8, 2003, and a Preliminary Geotechnical Engineering and Percolation Report dated April 3, 2003, were prepared for this site/project by Sierra Delta Corporation and Buena Geotechnical Services. The Geological Report concludes that landslide and erosion potential are low due to vegetation cover across the subject property. In addition, the existing roads and building show no signs of stress or failure due to unfavorable soils. The preliminary geotechnical report also concludes that the site is suitable for the proposed

development provided recommendations in the report are successfully implemented. The recommendations are included as permit conditions.

(e) An Archeological Report prepared for this site by Archeological Consulting (December 11, 2002) concludes that there is no surface evidence of potentially significant archeological resources on the site.

(f) 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. 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.

2. FINDING: CEQA (Exempt) - The project is exempt from environmental review.

EVIDENCE: (a) CEQA Guidelines Section 15303 and 15301 categorically exempt single family dwellings and the conversion of an existing residence to a similar type of use. CEQA Guidelines Section 15061 applies to the proposed driveway, 55 feet of which would be located on slopes averaging 30 to 40 percent, since this portion of the development does not have the potential for causing a significant effect on the environment.

(b) No adverse environmental effects were identified during staff review of the development application and during the site visit. There are no unusual circumstances related to the project or property.

(c) The 55 foot long, 13 foot wide, section of the driveway located on slopes averaging 30 to 40 percent would not have a significant effect on the environment. Based on staff's site visit there are no environmentally sensitive habitats or trees that would be impacted by this development. Visual impacts would not be significant. The archaeological report concludes that there is no surface evidence of potentially significant archeological resources on the site. The applicant is required to comply with Title 16 (Environment) of the Monterey County Code in terms of grading and erosion control requirements. The geological report and geotechnical study conclude that the site is suitable for the driveway, as well as other aspects of the development, provided recommendations in both reports are followed. These recommendations are included as permit conditions.

(d) See the supporting evidence for finding number 1 above.

3. FINDING: CARETAKER UNIT - The proposed caretaker unit complies with all applicable requirements of Section 21.64.030 in Title 21 (Zoning Ordinance).

EVIDENCE: (a) Adequate sewage disposal and water supply facilities exist or are readily available to the site, as approved by the Director of Environmental Health. Conditions recommended by Environmental Health are incorporated in this permit.

(b) Materials in file.

- 4. FINDING: VARIANCE (Special Circumstances)** - Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of Section 21.14.060.C.2.a of the Monterey County Zoning Ordinance (Title 21) is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under an identical zoning classification.
- EVIDENCE:** (a) The structure currently exists on the property. It would not be reasonable to relocate the existing structure 30-feet to the north to meet the 50 foot setback due to the topography on the lot and the existing trees. Relocation of the structure 30 feet to the north would necessitate development on 30 percent slopes and removal of approximately 8 Coastal live oaks.
 (b) A Variance was previously approved (PLN970440) by the Zoning Administrator for construction of this residence to allow a 10-foot reduction in the 30-foot front setback
 (c) Materials in file.
 (d) See Evidence for Finding #5.
- 5. FINDING: VARIANCE (Special Privileges)** - Granting of a Variance would not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.
- EVIDENCE:** (a) Approval of this Variance would not be a special privilege since four of the eleven surrounding lots have received Variances for a reduction in front setbacks. Project files for these Variances are ZA05566; ZA92014; PC06610 and the subject parcel PLN970440.
 (b) Materials in file.
- 6. FINDING: VARIANCE (Authorized Use)** – 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 Caretaker Unit is allowed per Section 21.14.040 (c) of the “LDR” or Low Density Residential zoning district regulations.
- 7. FINDING: 30 PERCENT SLOPE WAIVER** - There is no feasible alternative location which would allow development on slopes of less than 30%. The proposed location is consistent with and furthers the goals and policies of the Carmel Valley Master Plan.
- EVIDENCE** (a) The proposed single family residence is located above the existing structure. To reach the site, the proposed driveway, which is approximately 112 feet in length, crosses a portion of a slope which averages approximately 30 to 40 percent. The area proposed for development on the steep slopes (i.e., the driveway) is 55 feet in length and averages 13 feet in width. The lot itself is 345 feet wide making the portion affected by the driveway less than ½ of 1 percent of the entire width of the lot.
 (b) The 30 to 40 percent slope extends across the entire width of the lot. As a result there are no alternative sites on the property for this portion of the driveway which would be located on slopes less than 30 percent. Three alternative sites were discussed with the applicant, all of which would either cross steeper slopes and/or require the removal of protected oak trees. Therefore the proposed location is consistent with and furthers the goals and policies of the Carmel Valley Master Plan.

(c) The project is consistent with policy 26.1.10.1 of the Carmel Valley Master Plan which states that “it is the general policy of the County to require dedication of a scenic easement on slopes greater than 30 percent.” Permit conditions require, among other things, dedication of a scenic easement over the steep slopes.

(d) See also supporting evidence “d” for finding number 1 above.

(e) Materials in file.

8. FINDING: NO VIOLATIONS - The subject property is in compliance with all 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: (a) Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

9. FINDING: HEALTH AND SAFETY - 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: Preceding findings and supporting evidence.

10. FINDING: APPEALABILITY - The decision on this project is appealable to the Planning Commission.

EVIDENCE: Section 21.80.040 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 Rammel Combined Development Permit (PLN020494) consists of: 1) an Administrative Permit for a new 2,984 square foot single-story single family residence with an attached 480 square foot garage partially located underground, a septic system and 750 cubic yards of cut and fill; 2) a Use Permit for a waiver of the policy prohibiting development on slopes greater than 30%; 3) an Administrative Permit to convert an existing 986 square foot residence into a Caretaker Unit; 4) a Variance to allow a 30 foot reduction in the 50 foot front setback for the Caretaker Unit; and Design Approval. The property is located at 24 Rancho Fiesta Road in Carmel Valley (Assessor's Parcel Number 416-027-012-000), Carmel Valley Master Plan 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 additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

Prior to Issuance of Building or Grading Permits:

2. The applicant shall record a notice which states: "A permit (Resolution No. 020494) was approved by the Zoning Administrator for Assessor's Parcel Number 416-027-012-000 on July 31, 2003. The permit was granted subject to 41 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 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 or commencement of the use. **(Planning and Building Inspection)**
4. The applicant shall record a deed restriction indicating that all exterior design changes, including color changes associated with repainting and reroofing and including exterior lighting changes, be approved by the Director of Planning and Building Inspection. The deed restriction shall be subject to the approval of the Director of Planning and Building Inspection prior to recordation. **(Planning and Building Inspection Department)**
5. The applicant shall record a deed restriction stating that the caretaker unit shall not be rented to any person other than the caretaker. **(Planning and Building Inspection)**
6. A scenic easement shall be granted to the County of Monterey over portions of the property with slopes over 30 percent. The scenic easement deed restriction and map shall be subject to the approval of the Planning and Building Inspection Department prior to issuance of a building permit. **(Planning and Building Inspection)**
7. Prior to issuance of a grading permit an erosion control plan shall be prepared by a qualified professional, subject to the approval of the Director of Planning and Building Inspection. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded, or otherwise treated to control erosion. The grading plans shall include an implementation schedule of measures for the prevention and control of erosion and dust during and immediately following construction until erosion control planting becomes established. **(Planning and Building Inspection)**
8. Prior to issuance of the grading and building permits the applicant shall include a note on both plans as well as incorporate all of the recommendations of the Geologic Report dated January 8, 2003, prepared for this site/project by Sierra Delta Corporation and the Preliminary Geotechnical Engineering and Percolation Report dated April 3, 2003, prepared by Buena Geotechnical Services. **(Planning and Building Inspection)**
9. Prior to the issuance of a building permit, applicant shall pay the Carmel Valley Traffic Mitigation Fee. **(Public Works)**

10. 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)**
11. 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)**
12. 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)**
13. Prior to issuance of building permit, applicant shall submit a revised domestic wastewater disposal system design, to the Director of Environmental Health for review and approval, meeting the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. **(Health Department)**
14. Before 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. **(Carmel Valley Fire District)**
15. Prior to issuance of building permit, applicant shall show on the building plans the following Monterey County Fire Prevention Officers Association Forms:
 - a. Form #2: "Fire Department Notes."
 - b. Form #6: "Water Supply Connection."
 - c. Form #16: "Address Posting Requirements." **(Carmel Valley Fire District)**

Prior to Final Building Inspection/Occupancy:

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 include additional plants and trees in the area generally in front of the proposed structure to soften the

appearance and minimize visual impacts when viewed from Carmel Valley Road. 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 Department)**

17. 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)**
18. Certification that grading and construction are in accordance with the recommendations of the Geologic Report dated January 8, 2003, prepared for this site/project by Sierra Delta Corporation and the Preliminary Geotechnical Engineering and Percolation Report dated April 3, 2003, prepared by Buena Geotechnical Services shall be provided to the Planning and Building Inspection Department by a qualified professional. **(Planning and Building Inspection)**
19. 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)**
20. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. **(Carmel Valley Fire District)**
21. For residential driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius of curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. **(Carmel Valley Fire District)**
22. 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)**
23. 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)**
24. 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)**
25. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Carmel Valley Fire District)**

District)

26. 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. **(Carmel Valley Fire District)**
27. 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)**
28. 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)**
29. 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)**
30. 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. **(Carmel Valley Fire District)**
31. Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of the building permit. **(Carmel Valley Fire District)**
32. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. **(Carmel Valley Fire District)**
33. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. **(Carmel Valley Fire District)**
34. 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)**

35. 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)**
36. 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)**
37. 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)**
38. Use of the existing residence as a Caretaker Unit shall not commence until construction of the proposed single family dwelling is complete. **(Planning and Building Inspection)**

Continuous Permit Conditions:

39. 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)**
40. The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under the same ownership. **(Planning and Building Inspection)**
41. If cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) at any time 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 31st day of July, 2003.

Original Signed By:

MIKE NOVO
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.

