

MIKE NOVO  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 020567

A.P. # 189-011-023-000

In the matter of the application of  
**Mary Morse Shaw TR et el. (PLN020567)**

**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 a Use Permit for development within the Carmel River Flood Plain consisting of the demolition of the existing 680 sq. ft. Caretaker's unit and 110 sq. ft. storage shed; Construction of 1,000 sq. ft. Caretaker's unit and 380 sq. ft. non-habitable artist studio; Use Permit for development within 200 feet of the Carmel River bank and Design Approval, located at 580 W. Carmel Valley Road, Carmel Valley, west of Los Laureles Grade Road, Carmel Valley Village area, came on regularly for meeting before the Zoning Administrator on June 12, 2003.

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

**FINDINGS OF FACT**

- 1. FINDING:** The Shaw application (PLN020567), as described in condition #1 is for a Use Permit and Design Approval. The property is located at 580 W Carmel Valley Road, Carmel Valley (Assessor's Parcel Number 189-011-023-000), and is zoned "LDR/2.5-D-S" or Low Density Residential, 2.5 acres per unit, with Design and Site Review requirements. The project, as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, Carmel Valley Master Plan Area, and the Monterey County Zoning Ordinance (Title 21). The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and other applicable provisions of Title 21. Zoning violation abatement costs, if any, 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 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.

**EVIDENCE:** On April 7, 2003, the Carmel Valley Land Use Advisory Committee voted 4 to 0 to recommend approval with a condition to require down-lighting and shading of any skylights that may be installed.

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

**EVIDENCE:** A "Preliminary Archeological Reconnaissance" of the subject parcel was conducted on January 14, 2003, by Archeological Consulting. The report concludes that there is no evidence of any significant archeological resources on the parcel.

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.  
**EVIDENCE:** Staff site visit and preceding finding.
3. **FINDING:** Adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.  
**EVIDENCE:** Materials in project file.
4. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of Title 21 and that all zoning violation abatement costs, if any, have been paid.  
**EVIDENCE:** Sections 21.14.030 and 21.64.020 of the Monterey County Code (Zoning). Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.
5. **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 Fire Protection District, 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.
6. **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 Shaw Use permit for development within the Carmel River Flood Plain consisting of: 1) the demolition of the existing 680 square foot Caretaker's Unit and 110 square foot storage shed; 2) the construction of 1,000 square foot Caretaker's Unit and 380 square foot non-habitable artist studio; 3) a use permit for development within 200 feet of the Carmel River bank; and 4) an Administrative Permit for the Caretaker's unit, and 5) a Design Approval. 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 PLN020567) was approved by the Zoning Administrator for Assessor's Parcel Number 189-011-023-000 on June 12, 2003. The permit was granted subject to 20 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. If applicable, 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 the issuance of building or grading permits, the property owner shall record a deed restriction reflecting the regulations doe caretaker units as described in 21.64.030.C for Title 21. Proof of recordation of this deed restriction shall be furnished to the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
5. Prior to the issuance of building permit the applicant shall include a note on building plans incorporating recommendations of the Geotechnical Engineering Report for the proposed development prepared by Buena Geotechnical Services (February 12, 2003). **(Planning and Building Inspection)**
6. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Carmel Valley Fire District)**
7. 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)**
8. 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)**
9. 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)**
10. 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)**

11. 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)**
12. 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. **(Carmel Valley Fire District)**
13. 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)**
14. 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)**
15. Prior to the issuance of a building permit, the applicant shall obtain designation of the top of bank from a professional engineer and present it to the Monterey County Water Resource Agency (MCWRA). The proposed development shall be set back at least **200** feet from the top of bank, as defined in Monterey County Code, Chapter 16.16 Regulations for Floodplains in Monterey County, unless it can be proven to the satisfaction of the Water Resource Agency that the proposed development will be safe from flow-related erosion hazards and will not significantly reduce the capacity of the existing water course. **(Water Resource Agency)**
16. Lowest floor and attendant utilities shall be constructed at least **193** feet above mean sea level (NGVD 1929), or as otherwise approved by Water Resources Agency. To provide for the flood proofing and certification of the lowest floor elevation, a reference marker set to the elevation of the lowest floor shall be established at the building site by a licensed land surveyor prior to start of construction. An elevation certificate for the finished floor shall be completed by a registered civil engineer or licensed surveyor and provided to the County Water Resources Agency prior to the inspection and approval of the building foundation by the building inspector. **(Water Resources Agency)**
17. 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)**
18. The applicant shall comply with Ordinance No. 3539, 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)**

- 19. The site shall be landscaped. At least, three weeks prior to occupancy, three copies of a landscaping plan of the area disturbed by construction 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 landscape plan shall include provisions for removal of invasive species from the parcel. The landscape 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)**

**Continuous 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)**

**PASSED AND ADOPTED** this 12th day of June, 2003.

Original Signed By:  
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 MIKE NOVO  
 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.