

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 030132

A.P. # 125-421-032-000

In the matter of the application of
Corazon Earnest (PLN030132)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow for a waiver of the policy prohibiting development on slopes greater than 30% for a driveway and a detached 1,079 square foot garage with retaining wall. The project is located at 9660 Martin Lane, Salinas, north of Pesante Road and Martin Lane intersection, North County Non-Coastal area, came on regularly for hearing before the Zoning Administrator on November 13, 2003.

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

FINDINGS OF FACT

1. FINDING: CONSISTENCY & SITE SUITABILITY –

- The Earnest Use Permit (PLN030132), as described in Condition #1 and as conditioned, is consistent with the plans, policies, requirements and standards of the Monterey County General Plan, the North County Area Plan, and the Monterey County Zoning Ordinance (Title 21).
- The property is located at 9660 Martin Lane, north of Pesante Road in North Monterey County (Inland Area) and is zoned “LDR/1” or Low Density Residential, 1 acre per unit.
- The site is physically suitable for the use proposed.

- EVIDENCE:**
- (a) The application and plans submitted for the Use Permit in project file PLN030132 at the Monterey County Planning and Building Inspection Department.
 - (b) Staff conducted a site visit on May 23, 2003 to verify that the proposed project complies with regulations in Title 21, as well as policies in the North County Area Plan. The proposed project will not have a significant adverse effect on the public viewshed as conditioned.
 - (c) The North County Non-Coastal Land Use Advisory Committee reviewed the Use Permit and recommended approval by a vote of 5-0 on September 17, 2003. The LUAC recommended that the proposed garage, which would be constructed of metal material, be non-reflective and painted in muted earth tones. Recommendations by the LUAC are incorporated as permit conditions.
 - (d) The project has been reviewed by the Monterey County Planning and Building Inspection Department, North County 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 (e) categorically exempts accessory structures, such as the proposed garage, from environmental review. The primary environmental issue affecting this project is the development proposed on slopes averaging 30 to 32 percent. This development is described in finding no. 3 below. CEQA Guidelines Section 15061(b) (3) exempts the development on the 30 to 32 percent slopes from environmental review. Based on staff's analysis, it was determined that development on the steeper slopes does not have a potential for causing a significant effect on the environment for the following reasons:
- 1) No adverse environmental effects were identified during staff review of the development application and during the site visit. There are no environmentally sensitive habitats or trees that would be impacted. There are no unusual circumstances related to the project or property. Visual impacts would not be significant.
 - 2) The applicant is required to comply with Title 16 (Environment) of the Monterey County Code in terms of grading and erosion control requirements. These recommendations are included as permit conditions.
 - 3) See findings number 1 above and number 3 below and the supporting evidence.
- 3. FINDING: 30 PERCENT SLOPE WAIVER -** There is no feasible alternative which would allow development to occur on slopes of less than 30%. The proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and the North County Area Plan than other development alternatives.
- EVIDENCE:** (a) Project Description. The proposed driveway, retaining wall and garage are located northwest of the existing single family residence. A driveway, which would remain, presently leads to the home. The development proposed on slopes exceeding 30 percent is described below:
- 1) Driveway & Retaining Walls. To reach the new garage, the proposed driveway, which is approximately 150 feet in length, crosses a portion of a slope averaging approximately 30 to 32 percent. The steep portion of the driveway is approximately 80 feet in length and averages 12 feet in width. Portions of the retaining walls adjacent to the driveway also cross part of the steep slope.
 - 2) Garage. Presently, there is not a garage on the parcel. The applicant is proposing to construct a 1,079 square foot garage, approximately one-third of which would be located on slopes that also average 30 to 32 percent.
 - 3) Summary. The lot itself is 309 feet by 166 feet, making the portion of the proposed driveway and garage on slopes exceeding 30 percent slope than 0.27 percent of the entire 1.17 acre parcel. A total of 772 cubic yards of grading (cut & fill) are proposed. No earth will be imported or exported from the site. The area with the steep slopes is delineated on the plot plan which is located in file PLN030132.
- (b) Alternative Locations for the Development on Slopes Exceeding 30 Percent & Achieving the Intent of Plan Policies. 30 to 35 percent slopes actually extend diagonally across the entire width of the lot. As a result, alternative sites on the property for the driveway and garage on slopes less than 30 percent are very limited.
- 1) Garage. Relocation of the garage to the east, between the existing residence and Martin Lane, to one of the few areas on the site with slopes less than 30 percent, initially appeared to be a reasonable alternative site. However, after evaluation it was determined that this alternative would encroach into the alternative leach field for the septic system and was deemed infeasible. The area immediately adjacent to the proposed garage was also evaluated by staff. Based on this analysis, staff determined

that the area between the home and the garage, as well as that portion of the property to the north and/or west of the garage footprint, also consists of slopes over 30 percent as delineated on the plot plan located in file PLN030132.

2) Driveway & Retaining Walls. Because of the proposed location of the garage and that there is no feasible way to avoid slopes that exceed 30 percent for segments of the proposed driveway, staff has determined that there are no reasonable alternative alignments that would avoid the steep slopes or have less of an impact.

3) Summary. Therefore, staff concludes that there are no feasible alternative sites on the property for the garage and that relocation may have more of an impact to the existing septic system and slopes on the lot. This determination is consistent with the goals and policies of the North County Area Plan.

(c) See also findings 1 and 2 above and supporting evidence.

(d) Materials in file and applicant's letter of justification for a waiver of the policy prohibiting development on slopes exceeding 30 percent.

4. 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.

5. FINDING: HEALTH AND SAFETY - 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: (a) Preceding findings and supporting evidence.

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

EVIDENCE: (a) Section 21.80.040 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 Earnest Corazon Use Permit (PLN030132) allows for a waiver of the policy prohibiting development on slopes greater than 30 percent for a driveway, retaining wall and garage. The proposed development on the steep slopes is described in detail in the evidence for finding number 3. The project is located at 9660 Martin Lane, north of Pesante Road in North Monterey County, Inland area (Assessor's Parcel Number 125-421-032-000). 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 Issuance of Building or Grading Permits:

2. The applicant shall record a notice which states: "A permit (Resolution No. 030132) was approved by the Zoning Administrator for Assessor's Parcel Number 125-421-032-000 on November 13, 2003. The permit was granted subject to 9 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. Prior to issuance of any grading or building permits, applicant shall submit color chips for the exterior garage, subject to the review and approval of the Director of Planning and Building Inspection, which are a muted (non-reflective) earth tone color. **(Planning and Building Inspection)**
5. 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)**
6. Prior to issuance of any grading or building permits, the applicant shall provide the Water Resources Agency a drainage plan addressing on-site and off-site impacts. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. **(Water Resources Agency)**

Prior to Final Building Inspection/Occupancy:

7. The site shall be landscaped. At least 60 days prior to occupancy, three (3) 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 use of native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval. A list of appropriate native plant species identified in Attachment #2 and #3 in the North County Implementation Plan Development Regulations is available in brochure form (*Suggested Native Species Landscaping List - North County Coastal Zone*) from the Planning and Building Inspection Department.

- 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.
 - All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**
8. Prior to final inspection, the applicant shall submit documentation, subject to the review and approval of the Director of Planning and Building Inspection, which demonstrates that the garage has been painted the muted (non-reflective) earth tone colors previously approved. **(Planning and Building Inspection)**

Continuous Permit Conditions:

9. 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 13th day of November 2003.

Original Signed By:

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 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 Salinas.

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