

MIKE NOVO
CALIFORNIA
ZONING ADMINISTRATOR

STATE OF
COUNTY OF MONTEREY

RESOLUTION NO. 030272

A.P.# 157-051-001-000

In the matter of the application of
John Mahoney (PLN030272)

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 323 square foot addition to a single story 2,515 square foot single family residence, the removal of a swimming pool, located in the Carmel Valley floodplain; and Design Approval. The property is located at 7079 Valley Greens Circle, Carmel Valley, west of the intersection of Valley Greens Drive and Valley Greens Circle, Carmel Valley Master Plan area., came on regularly for hearing before the zoning administrator on December 11, 2003.

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

FINDINGS OF FACT

1. FINDING: CONSISTENCY AND SITE SUITABILITY

- The Mahoney Use Permit and Design Approval (PLN030272), as described in Condition #1, and as conditioned, are consistent with 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 7079 Valley Green Circle in Carmel Valley. The parcel is zoned "LDR/B-6-D-S" (Low Density Residential, no further subdivision, with Design and Site Plan review required).
- The site is physically suitable for the use proposed.

EVIDENCE: (a) The application and plans submitted for the Use Permit and Design Approval in project file PLN030272 at the Monterey County Planning and Building Inspection Department.

(b) The applicant provided the Monterey County Planning and Building Inspection Department with a Design Approval Request, drawings, and a statement of materials and colors to be used.

(c) The staff archeologist conducted a field check on July 11, 2003, and determined that there is no surface evidence of potentially significant archeological resources on the site.

(d) The project planner conducted a site visit on September 18, 2003, to verify that the project complies with policies in the Greater Monterey Peninsula Area Plan and the Carmel Valley Master Plan. The project will not have a significant adverse effect on the public viewshed and will not be visible from Carmel Valley Road.

(e) The Carmel Valley Land Use Advisory Committee (LUAC) reviewed the project on August 4, 2003, and recommended approval (vote 3 to 0) subject to one recommendation that only down lighting shall be allowed, with no lighting of trees at night. This recommendation is incorporated in the permit conditions.

(f) The project and site have 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. The property is located within the Carmel River floodplain. However, 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 or similar areas that would indicate the site is not suitable for the use proposed. The property is located in a fully built residential development and is surrounded by an existing golf course. No native riparian vegetation or environmentally sensitive habitats are located in proximity to the lot.

2. **FINDING: CEQA** – The proposed project will not have a significant environmental impact.
EVIDENCE: (a) The project is categorically exempt per §15301(l) (demolition of swimming pool) and §15301(e) (1) (addition to an existing residence) of the CEQA Guidelines. No adverse environmental impacts were identified during staff review of the development application.
3. **FINDING: NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.
EVIDENCE: (a) Sections 21.14.020, 21.44.020, 21.45.020, 21.64.130 and 21.74 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.
4. **FINDING: HEALTH AND SAFETY** – The establishment, maintenance, or operation of the use or structure applied for, will not, under any circumstances of the particular use, 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 the property and improvement in the neighborhood; or to the general welfare of the County.
EVIDENCE: (a) Preceding findings and supporting evidence.
5. **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 Mahoney Use Permit and Design Approval (PLN030272) allow for the demolition of a swimming pool and construction of a 323 square foot addition to a 2,515 square foot one-story single-family residence located within the Carmel River floodplain. The parcel is located at 7079 Valley Green Circle in Carmel Valley (Assessor's Parcel Number 157-051-001-000), west of the intersection of Valley Green Circle and Valley Green Drive, Carmel Valley Master Plan. 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 that states: "A permit (Resolution No. 030272) was approved by the Zoning Administrator for Assessor's Parcel Number 157-051-001-000 on December 11, 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 and shaded, 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. Lighting of trees at night is not allowed. The applicant shall submit 3 copies of an exterior lighting plan that 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 any building permits, the applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. **(Water Resources Agency)**
5. Prior to issuance of any grading or building permits, the owner shall provide the Water Resources Agency a recorded Floodplain Notice stating: "The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions." **(Water Resources Agency)**

Prior to Final Building Inspection/Occupancy:

6. The site shall be landscaped. At least 60 days 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, 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. 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)**
7. 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)**

Continuous Permit Conditions:

8. If cultural, archeological, 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 archeologist. The Monterey County Planning and Building Inspection Department and a qualified archeologist (i.e., an archeologist registered with the Society of Professional Archeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archeologist 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)**
9. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 11th day of December, 2003.

Original Signed By:

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF 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.