

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 030396

A. P. # 173-074-060-000

In the matter of the application of
Theodore & Judith Wallace (PLN030396)

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: 1) an Administrative Permit for construction of a two-story 3,957 sq. ft. single family dwelling, attached 285 sq. ft. non-habitable office, attached 1,188 sq. ft. garage; and grading (3,185 cu. yds. of cut and 1,322 cu. yds. of fill); 2) a Use Permit for the waiver of the policy prohibiting development on slopes greater than 30%; and Design Approval. The property is located at 304 Pasadera Court, Monterey [Lot 134], Pasadera Subdivision, Greater Monterey Peninsula 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,

1. FINDING: CONSISTENCY & SITE SUITABILITY – The Wallace Combined Development Permit (PLN030396), as described in Condition #1 and as conditioned, is consistent with the plans, policies, requirements and standards of the Monterey County General Plan, the Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 304 Pasadera Court (Lot 134), in the Pasadera Subdivision (Inland Area) and is zoned “LDR/B-6 (VS)” or Low Density Residential, subdivisions not allowed, and located within a Visually Sensitive area. The site is physically suitable for the use proposed.

EVIDENCE: (a) The application and plans submitted for the Combined Development Permit in project file PLN030396 at the Monterey County Planning and Building Inspection Department.
(b) Staff conducted a site visit to verify that the proposed project complies with regulations in Title 21, as well as policies in the Greater Monterey Peninsula Area Plan.
(c) Project planner conducted an on-site inspection to verify that the project is consistent with the plans listed above. The development will not have a significant adverse visual impact when viewed from a public viewing area.
(d) The Greater Monterey Peninsula Land Use Advisory Committee reviewed the Combined Development Permit and recommended approval by a vote of 5-0 on September 17, 2003. The LUAC recommended that the applicant “work with the planner to mitigate building on 30% slopes.” Recommendations by the LUAC are incorporated into the project design and as permit conditions.
(e) The parcel is zoned “LDR/B-6-VS” or Low Density Residential, in a Visually Sensitive area. The project is in compliance with Site Development Standards for these districts in accordance with Section 21.14.060, 21.42.030, and 21.46.030.

(f) An EIR was certified for the subdivision in which this project is located (95-415). Impacts to the biology and slopes were found to be acceptable. It found that the benefits of the project outweigh its significant environmental effects.

(g) The project has been reviewed by the Monterey County Planning and Building Inspection Department, Salinas Rural Fire Protection District, Monterey County Water Resources Agency, Monterey County Public Works Department, and Monterey County Division of Environmental Health. There has been no indication from these agencies that the site is not suitable.

(h) There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that were not assessed in the EIR (95-415) for the subdivision or would indicate the site is not suitable for the use proposed.

(i) Following findings and supporting evidence.

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

EVIDENCE: (a) CEQA Guidelines Section 15303 (a) categorically exempts single-family dwellings from environmental review. The primary environmental issue affecting this project is the development proposed on slopes over 30%. This project 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 that were not addressed in the Pasadera Subdivision EIR. There are no unusual circumstances related to the project or property. Visual impacts would not be significant.

2) An EIR was certified for the subdivision in which this project is located (95-415). Impacts to the biology and slopes were found to be acceptable. It found that the benefits of the project outweigh its significant environmental effects.

3) 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.

4) Preceding and following findings and supporting evidence.

3. **FINDING: 30 PERCENT SLOPE WAIVER** - There is no feasible alternative that 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, Greater Monterey Peninsula Area Plan than other development alternatives.

EVIDENCE: (a) Project Description. The proposed single-family residence, retaining walls, and driveway are proposed on a small lot (23,533 sq. ft.) in the Pasadera Subdivision. The development proposed on slopes exceeding 30 percent is described below:

1) The lot itself is approximately 180 feet by 132 feet (23,522 sq. ft.). The entire parcel (23,533 sq. ft.) is located on slopes of greater than 20%. 16,707 sq. ft. of the parcel is located on areas of between 20% and 30% slopes. 6,815 sq. ft. (29%) of the parcel is located on areas of greater than 30%. The eastern edge of the parcel is located on greater than 30%

slopes due to the grading associated with the construction of Pasadera Court. The remainder of the 30% slopes are naturally occurring.

2) The site characteristics make it prohibitive and infeasible to develop the lot without impacting areas exceeding 30%. Due to the small nature of the lot, nearly the entire area within the setbacks will need to be graded to accommodate the proposed development. A total of 4,507 cubic yards of grading (3,185 cu. yds. of cut & 1,322 cu. yds. of fill) are proposed. The planner worked with the architect to minimize the impact to 30% slopes. Changes to the project and incorporated conditions of approval reflect the agreed-upon changes. The area with the steep slopes is delineated on the plot plan.

(b) Alternative Locations for the Development on Slopes Exceeding 30 Percent & Achieving the Intent of Plan Policies. Slopes greater than 30% extend across the entire width of the lot and encompass 29% of the entire lot. As a result, alternative sites on the property for the proposed development on slopes less than 30% slopes are prohibitive and infeasible due to setback considerations. Staff concludes that there are no feasible alternative sites on the property for the proposed development and that relocation may have more of an impact to areas of greater than 30% slopes and setbacks. This determination is consistent with the goals and policies of the Greater Monterey Peninsula Area Plan.

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

(d) Preceding and following findings and supporting evidence.

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's verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

(b) Preceding findings and supporting evidence.

5. 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: (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

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 Wallace Combined Development Permit (PLN030396) allows for 1) an Administrative Permit for construction of a two-story 3,957 sq. ft. single family dwelling, attached 285 sq. ft. non-habitable office, attached 1,188 sq. ft. garage, retaining walls; and grading (2,300 cu. yds. of cut and 1,150 cu. yds. of fill); 2) a Use Permit for the waiver of the policy prohibiting development on slopes greater than 30%; and Design Approval.. The project is located at 304 Pasadera Court [Lot 134], Pasadera Subdivision, Inland area (Assessor's Parcel Number 173-074-060-000). 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 that states: "A permit (Resolution No. 030396) was approved by the Zoning Administrator for Assessor's Parcel Number 173-074-060-000 on December 11, 2003. The permit was granted subject to 27 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 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)**
5. Prior to issuance of a building permit, provide certification to the Division of Environmental Health from the appropriate community services district that it can and will provide sewer service for the proposed property/project. **(Environmental Health)**

6. Prior to issuance of any grading and/or building permits, a drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Impervious surface stormwater runoff shall be directed to the existing stormwater drainage system for the Pasadera Subdivision. **(Water Resources Agency)**
7. Prior to 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)**
8. This application is subject to a traffic impact fee of \$4,875.00. **(Public Works)**
9. Prior to issuance of the Building Permit, Fire Department Notes shall be printed on the approved plans. **(Fire District)**
10. 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. **(Fire District)**
11. The Grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. **(Fire District)**
12. 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. **(Fire District)**
13. Unobstructed vertical clearance shall be not less than 15 feet for all access roads. **(Fire District)**
14. 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. **(Fire District)**
15. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. **(Fire District)**
16. All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. **(Fire District)**
17. Where gates are to be locked, the Reviewing Authority having jurisdiction may require installation of a key box or other acceptable means to immediate access for emergency equipment. **(Fire District)**
18. 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. **(Fire District)**

19. 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. **(Fire District)**
20. 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. **(Fire District)**
21. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. **(Fire District)**
22. 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.” **(Fire District)**
23. Fire sprinklers shall be installed in attached garages. **(Fire District)**
24. In high and very high fire hazard areas, as defined by the California Department of Forestry and Fire Protection (CDF), roof construction shall be Class A, 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 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. **(Fire District)**

Prior to Final Building Inspection/Occupancy:

25. The site shall be landscaped. At least sixty 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, 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)**

- 26. 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:

- 27. 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 11th day of December, 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.