

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 030346

A. P. # 239-111-015-000

In the matter of the application of
Gregory & Teresa Kraft (PLN030346)

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 a 5,138 sq. ft. two-story single family dwelling with a 901 sq. ft. attached garage and detached 853 sq. ft. stable; and 2) a Use Permit for a waiver of the policy prohibiting development on slopes greater than 30% for driveway access; 3) Grading (4,264 cu. yds. of cut and 1,925 cu. yds. of fill); and Design Approval. The property is located at Lot 223, 16 Mesa Trail, Santa Lucia Preserve, Greater Monterey Peninsula area, came on regularly for meeting before the Zoning Administrator on January 8, 2004.

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

1. FINDING: CONSISTENCY & SITE SUITABILITY – The Kraft Combined Development Permit (PLN030346), as described in Condition No. 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, the Santa Lucia Preserve Comprehensive Development Plan (and Resource Management Plan), and the Monterey County Zoning Ordinance (Title 21). The property is located at 16 Mesa Trail, Santa Lucia Preserve (Lot 223), Greater Monterey Peninsula area. The property is zoned “RC/40-D-S,” or Resource Conservation, one unit per 40 acres, with Design Control 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 PLN030346 at the Monterey County Planning and Building Inspection Department.
(b) Staff conducted a site visit on August 27, 2003, to verify that the proposed project complies with regulations in Title 21. The proposed driveway would not have a significant adverse impact on the public viewshed.
(c) The proposed single family dwelling would require 3,983 cubic yards of cut and 333 cubic yards of fill (in addition to the 281 cubic yards of cut and 1592 cubic yards of fill for the driveway), with the balance (2,339 cubic yards of soil) being distributed evenly on site. The coverage (0.6 %), height (15’4”), and setbacks all comply with Monterey County Zoning Ordinance requirements. The colors of the residence (bacon blend roof tile, camel tan stucco plaster, ‘pecan’ wood windows and doors, weathered grey window and door trim, and terra cotta floor tile) blend in with the natural surroundings. The property is not within a Land Use Advisory Committee boundary.

(d) 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 the 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. No development is proposed within the scenic easement.

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

EVIDENCE: (a) The proposed single family dwelling is categorically exempt pursuant to Section 15303(a) of the CEQA Guidelines, although this exemption does not include the area(s) of 30 percent slope for driveway access which are the subject of this permit. CEQA Guidelines Section 15061(b)(3) exempts the development of the areas described (equivalent to 3600 square feet in area, divided into sectors of 40 and 100 feet in length and 12 feet in width on average for the area to be developed) for a proposed driveway on natural slopes that average 30 to 35 percent from environmental review. This is the primary environmental issue affecting this project and is described in finding no. 3 below. Based on staff's analysis, it was determined that development on these slopes would not have the potential for causing a significant adverse 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 30 to 35 percent natural slopes that the applicant proposes to alter constitute 2.2 percent of the building envelope. The majority of the natural slopes on the lot are protected by an existing scenic easement.

(3) Three alternatives have been presented for assessment, and staff analyzed these in order to recommend a preferred alternative. The preferred alternative would include grading for the home totaling 3,983 cubic yards of cut and 333 cubic yards of fill, and grading for the access road and driveway totaling 281 cubic yards of cut and 1,592 cubic yards of fill, with balance to be distributed evenly on site. The alternatives analyzed are described in section (c) of evidence for Finding No. 3 in terms of the grading amounts that would be required for road construction. 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. See 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 less than 30 percent. The proposed development better achieves the goals, policies, and objectives of the Monterey County General Plan and the Central Salinas Valley Area Plan than other development alternatives.

- EVIDENCE:** (a) Project Description. The applicant has applied for a Use Permit for a waiver of the policy prohibiting development on slopes greater than 30 percent. The development for which this waiver would apply includes a driveway of approximately 480 feet in length, which crosses a portion of two areas of a natural slope averaging approximately 30 to 35 percent. These areas are approximately 40 and 100 feet in length, respectively, and average 12 feet in width across the area to be developed. The total area of development on slopes of 30 percent or above is approximately 3600 square feet, which is equivalent to 0.35 percent (approximately one third of one percent) of the lot, or approximately 2.2 percent of the designated building envelope for the lot. A total of 281 cubic yards of cut and 1,592 cubic yards of fill are proposed for the driveway. The soil residual will be dispersed across the building site. No earth will be imported or exported from the site.
- (b) Residence. Presently, there is not a residence on the parcel. The slope waiver would enable the property owner to access the building site for the proposed single-family residence. The applicant is proposing to construct a new single-family dwelling that would be located on the higher portion of the building envelope.
- (c) Alternative Locations for the Driveway. The Grading alternatives for the driveway to the proposed Kraft residence are shown below. The "Preferred Alternative" has been selected by staff as the best possible alternative of the three shown, due to that it is the alternative that presents a lesser impact to the site as a whole.

Road Construction for Kraft Project – Grading Alternatives

Preferred Alternative	Variation "A"	Variation "B"
281 cu. yds. (cut)	288 cu. yds. (cut)	201 cu. yds. (cut)
1,592 cu. yds. (fill)	3,050 cu. yds. (fill)	3,604 cu. yds. (fill)

- (d) See also supporting evidence for Findings 1 and 2 above.
- (e) Materials in File No. PLN030346.

- 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) Conclusions and recommendations of report prepared by Soil Surveys, Inc., on August 17, 2002, for the Kraft project.

(b) 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 Kraft Combined Development Permit (PLN030346) consists of the following: 1) An Administrative Permit for a 5,138 sq. ft. two-story single family dwelling with a 901 sq. ft. attached garage and detached 853 sq. ft. stable; and 2) a Use Permit for a waiver of the policy prohibiting development on slopes greater than 30% for driveway access; 3) grading (4,264 cu. yds. of cut and 1,925 cu. yds. of fill); and Design Approval. The property is located at Lot 223, 16 Mesa Trail, Santa Lucia Preserve (Assessor's Parcel Number 239-111-015-000), Greater Monterey Peninsula 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 Grading Permits:

2. The applicant shall record a notice that states: "A permit (Resolution No. 030346) was approved by the Zoning Administrator for Assessor's Parcel Number 239-111-015-000 on January 8, 2004. The permit was granted subject to 31 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 a grading permit or commencement of the use. **(Planning and Building Inspection)**
3. Prior to issuance of a grading permit an erosion control plan shall be prepared by a qualified soils or geotechnical 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 for the driveway 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 is established. **(Planning and Building Inspection)**
4. 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. The plan shall include roofwater dispersion facilities to mitigate the impact of impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. **(Water Resources Agency)**
5. Prior to issuance of building permit, submit plans for review and approval showing the location and design of the

proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and “Prohibitions,” Central Coast Basin Plan, RWQCB. **(Environmental Health)**

6. The applicant shall pay the Carmel Valley (Expanded Area) Traffic Mitigation Fee. **(Public Works)**
7. Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction. **(Carmel Valley Fire Protection District)**
8. Prior to issuance of a grading permit, a grading plan shall be submitted to include entire excess fill area as depicted, including tree protection and erosion control measures, inside the fenced corral area.

Prior to Final Grading Inspection:

9. Those areas disturbed by construction activity shall be landscaped. At least 60 days prior to occupancy, three copies of a landscaping plan shall be required with review fees. 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 final grading inspection, either the 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 applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**
10. The conclusions and recommendations of the report prepared by Soil Surveys, Inc., on August 17, 2002, for the Kraft project shall be followed in all respects, and a memorandum shall be submitted to the Director of Planning and Building Inspection by the geotechnical professional for the project, confirming that the conclusions and recommendations of the report have been followed. **(Planning and Building Inspection)**
11. Prior to final inspection, the applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention / retention facilities have been constructed in accordance with approved plans. **(Water Resources Agency)**
12. 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)**

13. Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. **(Carmel Valley Fire Protection District)**
14. 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 Protection District)**
15. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. **(Carmel Valley Fire Protection District)**
16. 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 Protection District)**
17. The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall not be less than 100 feet. **(Carmel Valley Fire Protection District)**
18. 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 centerline 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 Protection District)**
19. 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 Protection District)**
20. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. **(Carmel Valley Fire Protection District)**
21. 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. **(Carmel Valley Fire Protection District)**
22. 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. **(Carmel Valley Fire Protection District)**
23. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Carmel Valley Fire Protection District)**

24. 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 Protection District)**
25. 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 Protection District)**
26. 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 Protection District)**
27. 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 Protection District)**
28. 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 Protection District)**
29. The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by National Fire Protection Association Standard 72 - 1993 Edition. Plans and specifications for the fire alarm system must be submitted and approved by the enforcing jurisdiction prior to requesting a framing inspection. All fire alarm system inspections and acceptance testing shall be in accordance with Chapter 7 of NFPA 72 - 1993. **(Carmel Valley Fire Protection District)**
30. 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 Protection District)**

Continuous Permit Conditions:

31. 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 8th day of January, 2004.

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.