

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 030603

A. P. # 173-111-025-000

In the matter of the application of
Debra & Paul Petro (PLN030603)

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) a Use Permit for the construction of a 5,322 square foot two story single family residence with an attached two car garage; 2) an Administrative Permit for the construction of a 998 square foot caretakers unit with a 695 square foot attached garage; 3) a Use Permit for a waiver of the policy prohibiting development on 30% slope to allow the construction of two retaining walls; 4) a Lot Line Adjustment to merge a .5 acre abandoned tank lot (Assessor's Parcel Number 173-111-040-000) with the surrounding 7 acre lot (Assessor's Parcel Number 173-111-025-000) resulting in a single 7.5 acre parcel; 2,080 cubic yards of grading (1,040 cubic yards of cut and 1,040 cubic yards of fill) and Design Approval. The property is located at 12328 Maravilla Drive, west of Laureles Grade road, Greater Monterey Peninsula area, came on regularly before the Zoning Administrator on July 29, 2004.

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

1. FINDING: CONSISTENCY AND SITE SUITABILITY –

- The Petro Combined Development Permit and Design Approval (PLN030603), as described in Condition 1. The project 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 12328 Maravilla Drive, Toro area.
- The property is zoned “RDR/B-6-VS-20 and O-D-S” (Rural Density Residential, Building site and Visual Sensitivity Zoning District; Open Space, Design Control and Site Plan Review Zoning District.)
- The site is physically suitable for the proposed use.

- EVIDENCE:**
- (a) The application and plans submitted for the Combined Development Permit and Design Approval in project file PLN030603 located at the Monterey County Planning and Building Inspection Department.
 - (b) Staff conducted a site visit in April, 2004 to verify that the proposed project complies with regulations in Title 21.
 - (c) The Greater Monterey Peninsula Land Use Advisory Committee (LUAC) reviewed the project on September 22, 2003, and recommended approval on a vote of (3 to 0) The Advisory Committee’s comments were considered by staff and incorporated into the conditions of approval.
 - (d) The “Geologic and Soil Engineering Report” prepared for this site by Grice Engineering, and Geology Inc (November 2003) concludes that the site is suitable for the

proposed development provided recommendations in the report are incorporated in the project design and are implemented during construction.

(e) The Biological Report prepared by Craig Hohenberger dated March, 2004 concludes that the project parcel (Assessor's Parcel Number: 173-111-025/040-000) is suitable for the proposed development, provided recommendations in the report are implemented. The recommendations stated in the report shall be implemented during construction.

(f) 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, 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 categorically exempt from environmental review.
EVIDENCE: CEQA Guidelines Section 15303 (a) and 15061 (3). The project as described in condition 1 would not have the potential for causing a significant adverse effect on the environment for the following reasons:
- (a) 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.
The project as proposed and conditioned will not create any significant adverse visual impacts as viewed from a scenic road i.e. Laureles Grade Road
 - (b) The slopes in excess of 30% are located on the lot identified at the tank lot. Primarily the existing cuts were made to provide a building envelope for the approved water tank site. Both the tank lot and the private driveway easement were developed through areas of 30% slopes as approved on the Final Map for the Laureles Estates Subdivision. The project as proposed will utilize the previously developed area to minimize further impacts to site resources but will require additional work to the existing cuts and fill with a 12' retaining wall to stabilize the existing areas previously cut.
 - (c) The project as proposed complies with Title 16 Erosion Control and Grading Ordinance Section 16.08 and 16.12. Recommendations made by the Geotechnical report shall be complied with as a condition of approval.
 - (d) See preceding and following findings and supporting evidence.
3. **FINDING: 30 PERCENT SLOPE WAIVER** - The proposed development better achieves the goals, policies, and objectives of the Monterey County General Plan and the Greater Monterey Peninsula Area Plan.
EVIDENCE:
- (a) The proposed retaining walls will graduate between 12 and 2 feet for a length of approximately 40 feet in order to stabilize an existing cut across a 30% slope.
 - (b) The proposed development is sited to utilize those areas already impacted by development i.e. existing driveway and building pad. On a parcel, which would require a substantial impact to existing natural resources, including the violation of new areas on 30% slopes and potentially creates a significant visual impact to a scenic corridor.

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

EVIDENCE: Application and plans and project materials found in the Project File

4. FINDING: VISUAL SENSITIVITY – The development, as approved and conditioned, will not create a substantially adverse impact when viewed from a common public viewing area.

EVIDENCE: (a) Based on staff's site visit and the flagging and staking it was determined that this project as proposed and conditioned would not have a significant adverse visual impact; therefore an administrative Permit is appropriate.

(b) Preceding and following Findings and supporting Evidence.

5. FINDING: LOT LINE (ADJACENT PARCELS) - The lot line adjustment is between two existing adjacent parcels.

EVIDENCE: Application and plans for a lot line adjustment found in the Project File PLN030603.

6. FINDING: LOT LINE (PARCEL CREATION) - A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.

EVIDENCE: Two contiguous separate legal parcels of record will be adjusted resulting in one legal parcel.

7. FINDING: LOT LINE (ZONING CONFORMITY) - The parcels resulting from the lot line adjustment conform to the County Zoning and Building Ordinances.

EVIDENCE: The proposed lot line adjustment is consistent with the site development standards for parcels within the RDR/B-6-VS (20') and O-D-S Zoning District, pursuant to the Monterey County Zoning Ordinance Title 21. The application and plans for a lot line adjustment found in Project File PLN030603.

8. 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 (Section 21.84). Zoning violation abatement costs, if any, have been paid.

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

9. 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: Preceding findings and supporting evidence.

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

EVIDENCE: 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 attached conditions.

PASSED AND ADOPTED this 29th day of July, 2004.

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.