

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 030611

A. P. # 189-051-002-000

In the matter of the application of
Robert & Katherine Manson (PLN030611)

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 4,608 square foot, one-story single family dwelling; (2) an Administrative Permit for 560 square foot caretaker's unit; (3) a Use Permit for the removal of 9 coast live oaks ranging in size from 6 inches to 18 inches in diameter; with Design Approval for all structures including a 2,279 square foot barn. The project is located on Carmel Valley Road, westerly of the intersection of Boronda Road and Carmel Valley Road, Carmel Valley area, came on regularly for meeting before the Zoning Administrator on August 26, 2004.

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

1. FINDING: CONSISTENCY & SITE SUITABILITY - The subject Use Permit (File PLN030166), as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, Carmel Valley Master Plan, and Monterey County Zoning Ordinance (Title 21). The property is located at 338 West Carmel Valley Rd, Carmel Valley (Assessor's Parcel Number 189-051-002-000) The parcel is zoned "LDR/1-D-S-RAZ," or Low Density Residential (1 acre per unit), with Design Control, Site Plan Review and Residential Allocation Zoning District overlays. The site is physically suited for the use proposed.

EVIDENCE: (a) The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- Monterey County General Plan
- Carmel Valley Master Plan
- Chapter 21.14, Regulations for Low Density Residential Zoning Districts (Title 21)
- Chapter 21.64.030, Regulations for Caretakers Units (Title 21)
- Chapter 21.64.260, Regulations for Preservation of Oaks and Other Protected Trees (Title 21)

(b) The proposed development has been reviewed by Planning and Building Inspection, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and Carmel Valley Fire Protection District. There has been no indication from these agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

(c) Technical reports by outside archaeology, forestry, geologic and geotechnical consultants indicate that there are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, cultural resources or similar constraints that would indicate the site is not suitable for the use proposed. Agency staff concurs. Reports are in Project File PLN030611.

- “Geotechnical Soils-Foundation and Geo-Sesimic Report” by Grice Engineering and Geology, Inc.; March 2004.
 - “Percolation and Groundwater Study with Septic Recommendations” by Grice Engineering and Geology, Inc.; March, 2004
 - “Forest Management Plan” by Forest City Consulting; March 24, 2004.
 - “Preliminary Cultural Resources Reconnaissance” by Susan Morley, M.A.; February 2004.
- (d) On-site inspections by the project planner on December 9, 2003 and May 25, 2004 to verify conformance with plans and ordinances listed above.
- (e) The Carmel Valley Land Use Advisory Committee (LUAC) reviewed the project on May 17, June 7, and June 21, 2004. The LUAC recommended denial of the project with 3 ayes, none against, and 2 members absent. The members disagreed with the Forester’s conclusions and recommended moving the house closer to Carmel Valley Road to reduce tree removal. Planning and Building Inspection Staff concurs with the Forester’s Report and finds the proposed location suitable as the project complies with Regulations for the Preservation of Oaks, is constrained by a 100 foot setback from Carmel Valley Road, and the design ensure sufficient space for a horse corral which is an allowed use in this zoning district.
- (f) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in project file PLN030611.

2. FINDING: HEALTH & SAFETY – The establishment, maintenance, or operation of the use or structures 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) The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, Parks and Recreation Department, Carmel Valley Fire Protection District, and Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.

(b) Technical reports by outside archaeology, forestry, geologic and geotechnical consultants indicate that there are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, cultural resources or other similar constraints that would indicate the site is not suitable for the use proposed. Agency staff concurs. Reports are in Project File PLN030611.

- “Geotechnical Soils-Foundation and Geo-Sesimic Report” by Grice Engineering and Geology, Inc.; March 2004.
- “Percolation and Groundwater Study with Septic Recommendations” by Grice Engineering and Geology, Inc.; March, 2004
- “Forest Management Plan” by Forest City Consulting; March 24, 2004.
- “Preliminary Cultural Resources Reconnaissance” by Susan Morley, M.A.; February 2004.

(c) Preceding Findings and Evidence.

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 the County's zoning ordinance. No violations exist on the property. Zoning violation abatement cost, if any, have been paid.

EVIDENCE: (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.

(b) Section 21.14 and 21.44 of the Monterey County Code (Title 21).

4. FINDING: TREE REMOVAL - The tree removal is the minimum required under the circumstances of the case; and the removal will not involve a risk of adverse environmental impacts such as: soil erosion; water quality; ecological impacts; noise pollution; air movement; and wildlife habitat; or the tree is diseased, injured, in danger of falling too close to existing or proposed structures, creates unsafe vision clearance, or is likely to promote the spread of insects or disease..

EVIDENCE: (a) A Forest Management Plan (FMP) was prepared by Forest City Consulting in order to assess the health of the existing trees and the effect of their tree removal on soil erosion, water quality, ecological impacts, noise pollution, air movement and wildlife habitat (Forest City Consulting; March 24, 2004). The FMP concluded (1) that the tree removal was the minimum required; (2) that the proposed tree removal would not adversely impact the environmental resources noted above; and (3) that each of the trees proposed for removal are damaged, diseased, infested and/or structurally unsound. Tree replacement has been mandated as a condition of approval and will occur at a 1:1 ratio, consistent with Section 21.64.260.D of Monterey County Code. Construction related protection measures for the preservation of the remaining trees have been recommended by the consulting forester and incorporated into Conditions of Approval.

(b) On-site inspections by the project planner on December 9, 2003 and May 25, 2004.

(c) Preceding Findings and Evidence.

5. FINDING: CARETAKERS REGULATIONS – The proposed Caretakers Unit complies with all of the applicable requirements of Section 21.64.030.C and will be served by adequate sewage disposal and water supply facilities.

EVIDENCE: (a) Statement of Justification for a Caretaker's Unit.

(b) Preceding Findings and Evidence

6. FINDING: CEQA - The proposed project will not have a significant environmental impact.

EVIDENCE: (a) Sections 15303 (Small Structures) and 15304 (Minor Alterations to Land) of the Monterey County CEQA Guidelines categorically exempt the proposed project from environmental review. No adverse environmental impacts were identified during staff review of the proposed project.

(b) A Forest Management Plan (Forest City Consulting, March 24, 2004) was prepared by a qualified forester pursuant to Section 21.64.260.D of the Monterey County Code, to assess the effect of the tree removal on soil erosion, water quality, ecological impacts, noise pollution, air movement, and wildlife habitat. The report concluded that

the proposed tree removal would not adversely impact the environmental resources noted above. Furthermore each of the trees proposed for removal are damaged, diseased, infested and/or structurally unsound and would pose a hazard to persons and property due to the risk of structural failure.

(c) Preceding Findings and Evidence.

7. **FINDING: APPEALABILITY** - The project is appealable to the Monterey County Board of Supervisors.

EVIDENCE: Section 21.80.040.D of the Monterey

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 26th day of August 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.