

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 990492

A. P. # 189-532-006-000

In the matter of the application of
Jonathan & Rose Ford (PLN990492)

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 and Design Approval for a new 1,506 sq. ft. three-story single family dwelling with two-car understory garage, balcony, cantilevered deck, a 1,500 gallon underground water tank, septic installation, and 465 cu. yds. of grading (390 cu. yds. cut/75 cu. yds. fill); 2) a Use Permit for waiver of the policy prohibiting development on 30 percent slopes. The property is located at 245 Calle De Agrimensors, Carmel Valley, fronting on and northeasterly of Calle De Agrimensors, Carmel Valley area, came on regularly for meeting before the Zoning Administrator on June 24, 2004.

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

1. FINDING: CONSISTENCY AND SITE SUITABILITY – The Anderson Combined Development Permit (PLN990492), 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 Carmel Valley Master Plan, the Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 245 Calle de los Agrimensors, Carmel Valley. The parcel is zoned LDR/2.5-D-S-RAZ, (Low Density Residential, 2.5 acres per unit, with Design Control, Site Plan Review, and Residential Allocation Zoning overlays). The site is physically suitable for the use proposed. There is no feasible alternative which would allow development to occur on slopes of less than 30%, and the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan(s) than other development alternatives.

EVIDENCE: (a) The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with the General Plan, the Carmel Valley Master Plan, and the Greater Monterey Peninsula Area Plan.

(b) The project site is physically suitable for the proposed use as described in the revised application contained in the project file. The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, and the Carmel Valley Fire Protection District. There has been no indication from these agencies that the site is not suitable for the proposed development. Each of these agencies has recommended conditions which collectively support project approval.

(c) The revised application has addressed the Zoning Administrator's request for a grading analysis and reduction by providing the comparative information on Sheet PC-1 of the project plans prepared by Joseph Hertlein.

(d) The request for the proposed development to be located on 30 percent slopes is consistent with Section 26.1.10.1 of the Carmel Valley Master Plan, since the proposed development better achieves the resource protection goals and policies of the Carmel Master Plan. A letter from Soil Surveys, Inc., dated October 27, 2003, states that the “proposed new residential building and driveway are located at the best place on (the) subject sloping property, considering the terrain and natural cross slope.” The letter also states that “the septic system drain field (...) is located at the only feasible place on (the) property.” A letter dated July 23, 2002, from the Branch Chief of Consumer Health Protection, of the Monterey County Health Department, confirms that the septic system plans submitted by Soil Surveys, Inc. (with a revised date of 7/08/02) are approved as submitted.

(e) A Geological and Geotechnical Report, dated July 18, 2000, was prepared for the project by Grice Engineering, Inc. The report concluded that the site is “free of geologic hazards and the soils have good foundation characteristics provided the recommendations given in this report are followed.” A Preliminary Archaeological Reconnaissance, dated December 29, 1999, was prepared for the project by Archaeological Consulting. The archaeological report concluded that “the proposed project should not be delayed for archaeological reasons.” Recommendations of these reports are incorporated as conditions of approval for this project.

(f) The project received a unanimous recommendation for approval by the Carmel Valley Land Use Advisory Committee (4 – 0, with 1 absent) on May 17, 2004.

(g) The project planner conducted a site visit to verify that the proposed project complies with applicable policies and regulations, and determined that the project complies with all applicable policies and regulations, including those Carmel Valley Master Plan policies relating to views (Policies 26.1.9.1 (CV), 26.1.29 (CV), 26.1.32 (CV), 31.1.4 (CV), 39.2.7 (CV), and 40.2.1.3 (CV)).

2. FINDING: CEQA (Exempt) – The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15303 of the CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

EVIDENCE: Evidence for Finding (1).

3. FINDING: NO VIOLATIONS – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Sections 21.14, 21.44, 21.45, and 21.52 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 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.

5. **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 following conditions:

1. The Anderson Combined Development Permit (PLN990492) consists of the following: 1) an Administrative Permit and Design Approval for a new 1,506 sq. ft. three-story single family dwelling with two-car understory garage, balcony, cantilevered deck, a 1500 gallon underground water tank, septic installation, and 465 cu. yds. of grading (390 cu. yds. cut / 75 cu. yds. fill); 2) a Use Permit for a waiver of the policy prohibiting development on 30 percent slopes. 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 which states: "A permit (Resolution No. 990492) was approved by the Zoning Administrator for Assessor's Parcel Number 189-532-006-000 on June 24, 2004. The permit was granted subject to 22 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. The applicant shall submit 3 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. **(Planning and Building Inspection)**
4. Native trees located close to the construction site shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated in the form of photos prior to the issuance of building permits subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

5. All cut and / or fill slopes exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion in the areas indicated as cut and fill slopes on the project plans. **(Planning and Building Inspection)**
6. A scenic easement shall be conveyed to the County over those portions of the property where the slope exceeds 30 percent (excluding areas indicated as cut and fill locations and building site / access locations on the approved project plans in file PLN990492) and over forested (“oak grove”) portions of the property. The scenic easement deed is to be submitted and approved by the Director of Planning and Building Inspection prior to issuance of building permits. **(Planning and Building Inspection)**
7. 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)**
8. Prior to issuance of any grading or building permits, the applicant shall provide the Water Resources Agency information on the well to serve the project including a map showing the well location and any available well logs / e-logs. **(Water Resources Agency)**
9. Prior to issuance of grading or building permits, the applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. The plan shall include retention / percolation facilities to mitigate the impact of impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with the plans approved by the Water Resources Agency. **(Water Resources Agency)**
10. The septic system shall be installed with dual leach fields at the time of initial construction and shall be consistent with the design recommendations for this site that are detailed in the June 19, 2002 letter of Soil Surveys, Inc., which includes specific requirements to ensure setbacks can be maintained from rainwater drainage paths and slopes that equal or exceed 30%. **(Environmental Health)**
11. Obtain an encroachment permit from the Department of Public Works and construct a standard driveway connection to Calle de los Agrimensors. **(Public Works)**
12. Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. **(Carmel Valley Fire Protection District)**
13. The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. **(Carmel Valley Fire Protection District)**

14. All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. **(Carmel Valley Fire Protection District)**

Prior to Final Building Inspection/Occupancy:

15. The site shall be landscaped. At least sixty days prior to occupancy, three (3) 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, species, 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. 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)**
16. The project shall follow the recommendations of the Geological / Geotechnical Report prepared for the site by Harold E. Grice, P.E., with a cover sheet dated July 18, 2000. A letter from a qualified soil or civil engineer shall be submitted to the Director of Planning and Building Inspection stating that the construction conforms to recommendations in the report. **(Planning and Building Inspection)**
17. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be 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. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. **(Carmel Valley Fire Protection District)**
18. 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)**
19. 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:

- 20. 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)**
- 21. An approved septic system design is on file at the Division of Environmental Health, File Number PLN990492, and any development or future expansions of development on this property shall be in compliance with the design and Chapter 15.20 of the Monterey County Code unless otherwise approved by the Director of Environmental Health. **(Environmental Health)**
- 22. 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. No fill shall be placed on existing fill or disturbed ground without prior approval of a qualified soils engineer. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 24th day of June, 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 PLANING 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.