

MONTEREY COUNTY PLANNING COMMISSION

Meeting:	May 28, 2003 at 10:40 A.M.	Agenda Item: 8
Project:	Randell Ricketts (PLN010356) Combined Development Permit consisting of: 1) an Administrative Permit for a 4,514 sq. ft. two-story single family dwelling with an attached 1,106 sq. ft. garage; 2) a Use Permit for construction of a structure which penetrates the Federal Aviation Regulation (FAR) Part 77 (Objects Affecting Navigable Airspace) imaginary surface of the Carmel Valley Village Vintage Airport; and Design Approval.	
Location:	175 Chaparral Road, Carmel Valley (Assessor's Parcel Number 187-611-028-000)	
Plan Area:	Carmel Valley Master Plan	
Zoning:	LDR/1-D-S	Flagged and Staked: Yes
CEQA Action :	Categorically Exempt per Section 15303(a)	
Department:	Planning and Building Inspection	

RECOMMENDATION:

Approve the Ricketts Combined Development Permit and Design Approval based on the recommended findings and evidence (Exhibit "B") and subject to the recommended conditions (Exhibit "C").

OVERVIEW OF PROPOSED ACTION:

The public hearing for this project was continued by the Planning Commission from May 14th to May 28th to allow additional time to revise and distribute the public notice for this project due to a discrepancy in the site address. There have been no other changes to the staff report other than changing dates associated with rescheduling the public hearing.

The applicant proposes to construct a two-story single-family dwelling with an attached garage on a 5.37-acre vacant lot. The proposed development is located on a lot which currently penetrates the Federal Aviation Regulation (FAR) Part 77 (Objects Affecting Navigable Airspace) imaginary surface of the Carmel Valley Village Vintage Airport. As a result, Use Permit approval by the Planning Commission is required and the project was referred to the Monterey County Airport Land Use Commission (ALUC). On April 30, 2003, the ALUC reviewed this proposal and voted to recommend approval (see Exhibit "E") with no changes to the project, stating that the project would not have a significant adverse affect on the Carmel Valley Village Vintage Airport nor would the proposed development create a hazard.

See Exhibit "A" for calculations and an expanded discussion of this project.

OTHER AGENCY INVOLVEMENT:

- ✓ Water Resources Agency
- ✓ Environmental Health Division
- ✓ Public Works Department
- ✓ Parks Department
- ✓ Carmel Valley Fire Protection District

✓ Monterey County Airport Land Use Commission (ALUC)

All of the above have reviewed this project. Conditions are recommended by the Planning and Building Inspection Department, Public Works Department, Carmel Valley Fire Protection District, Water Resources Agency and the Environmental Health Division (see Exhibit “C”).

The Carmel Valley Land Use Advisory Committee (LUAC) reviewed this project on 3 different occasions. Some members also attended two community meetings which were scheduled by planning staff with neighboring property owners to resolve concerns pertaining to the design of the structure and landscape screening. Comments by the LUAC (Exhibit “D”) and neighboring property owners are included as recommended conditions or are incorporated in the revised project design. The LUAC did not make a recommendation to approve or deny the project.

Correspondence received to date by planning staff is attached as Exhibit “F.”

Note: The decision on this project is appealable to the Board of Supervisors.

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May 15, 2003

cc: Planning Commission (10); County Counsel; Dale Ellis; Health Department; Public Works; Carmel Valley Fire Protection District; Parks Department; Monterey County Water Resources Agency; Ann Towner; Michael McCormick; Kay Barrett; Randell Ricketts; Applicant; Todd Muck, AMBAG; File

Attachments: Exhibit “A” Staff Analysis
Exhibit “B” Recommended Findings and Evidence
Exhibit “C” Recommended Conditions of Approval
Exhibit “D” LUAC Minutes
Exhibit “E” ALUC Minutes
Exhibit “F” Correspondence
Exhibit “G” Project Plans*
Exhibit “H” Vicinity Map

* A full-size set of plans was distributed to the Planning Commission for this project as a separate attachment for the public hearing on May 8, 2003.

Ann Towner, Planning and Building Services Manager, reviewed this report.

EXHIBIT “A”
Staff Analysis

The primary issue affecting this project is that the existing lot currently penetrates the Federal Aviation Regulation (FAR) Part 77 (Objects Affecting Navigable Airspace) imaginary surface of the Carmel Valley Village Vintage Airport. Development of the proposed residence will protrude further into this aviation zone.

Staff Analysis

Staff has determined that the proposed project is located within the Conical Surface of the Carmel Valley Vintage Airport. The highest point of the proposed structure is 628 ft above sea level. The southeast end of runway 29 is 463 ft above sea level.

- General Information:*

 - MSL = Mean Sea Level
 - 628 ft MSL: Maximum height of proposed development.
 - 463 ft MSL: Height of the Carmel Valley Airport at the southeast end of runway 29 (from the Administrative Draft for the Comprehensive Land Use Plan for the Carmel Valley Airport and verified through Digital Elevation Model contours at AMBAG).

- Conclusion:
Because of the potential conflict with Carmel Valley Village Airport aviation zones and protrusion into the airport’s Conical Surface, the project was referred to the Monterey County Airport Land Use Commission (ALUC). On April 30, 2003, the ALUC reviewed this proposal and voted to recommend approval with no changes to the project, stating that the project would not have a significant adverse affect on safety standards for the Carmel Valley Vintage Airport nor would the proposed development create a hazard.

* All numbers have been rounded to the nearest whole number for clarity.

EXHIBIT “B”
RECOMMENDED FINDINGS AND EVIDENCE

1. FINDING: **CONSISTENCY** - The Ricketts project (PLN010356), as conditioned is consistent with applicable plans and policies including the Monterey County General Plan, the Carmel Valley Master Plan and the Monterey County Zoning Ordinance (Title 21) which designates this area for residential development. The height of the proposed structure penetrates the Federal Aviation Regulation (FAR) Part 77 (Objects Affecting Navigable Airspace) imaginary surface of the Carmel Valley Village Vintage Airport, described in Section 21.86.060(D) of the Monterey County Zoning Ordinance, Airport Approaches Zoning. However, based on review by the Airport Land Use Commission (ALUC) it has been determined that the project would not have a significant adverse affect on safety standards for the Carmel Valley Vintage Airport nor would the proposed development create a hazard.

EVIDENCE: (a) Planning and Building Inspection staff reviewed the project as contained in the application and accompanying materials for consistency with the Monterey County General Plan, the Carmel Valley Master Plan, and Monterey County Zoning Ordinance (Title 21).

(b) Project planner conducted an on-site inspection on December 12, 2002, February 5, 2003, and February 20, 2003 to verify that the project conforms to the plans listed above. The project is not significantly visible from any major public viewing area.

(c) The single family residence and garage are an allowed use in accordance with Section 21.14.030.

(d) The parcel is zoned Low Density Residential with Design and Site Plan Review requirements (LDR/1-D-S). The project is in compliance with Site Development Standards for a Low Density Residential District pursuant to Section 21.14.060.

(e) The Carmel Valley Land Use Advisory Committee (LUAC) reviewed this project on 3 different occasions. Some members also attended two community meetings which were scheduled by planning staff with neighboring property owners to resolve concerns pertaining to the design of the structure and landscape screening. Comments by the LUAC and neighboring property owners are included as recommended conditions or are incorporated in the revised project design. The LUAC did not make a recommendation to approve or deny the project.

(f) Because of the potential conflict with Carmel Valley Village Airport aviation zones and protrusion into the airport’s Conical Surface, the project was referred to the Monterey Country Airport Land Use Commission (ALUC). On April 30, 2003, the ALUC reviewed this proposal and voted to recommend

approval with no changes to the project, stating that the project would not have a significant adverse affect on safety standards for the Carmel Valley Vintage Airport nor would the proposed development create a hazard.

(g) The application, plans, and support materials submitted by the project applicant and ALUC staff to the Monterey County Planning and Building Inspection Department for the proposed development, located in project file PLN010356.

2. **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. All zoning violation abatement costs, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and has determined that no violations exist on subject property.

3. **FINDING: SITE SUITABILITY** - The site is suitable for the use proposed.

EVIDENCE: (a) The site has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, and the Carmel Valley Fire Protection District. Conditions recommended are incorporated.

(b) Technical reports by archaeological and geotechnical consultants indicate there are no geologic constraints or archeological resources on the property. These reports include "Geotechnical Investigation" prepared by Tharp and Associates, Inc., (Spreckels, CA, June 26, 2002) and the "Preliminary Archeological Reconnaissance," prepared by Archaeological Consulting, Salinas, CA, October 22, 2003. Reports are in Project File PLN010356.

(c) Staff conducted on-site visits on December 12, 2002, February 5, 2003, and February 20, 2003 to verify that the site is suitable for this use and that there are no environmentally sensitive habitats present on the subject parcel.

(d) Adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.

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

EVIDENCE: (a) CEQA Guidelines Section 15303(a) categorically exempts single family dwellings. No adverse environmental effects were identified during staff review of the development application during site visits on December 12, 2002, February 5, 2003, and February 20, 2003. No unusual circumstances or substantial impacts related to the proposed project were identified. Standard design and construction measures ensure avoidance of all potential impacts.

(b) Preceding findings and supporting evidence.

5. **FINDING:** The Monterey County Airport Land Use Commission (ALUC) reviewed the project on April 30, 2003, and voted to recommend approval of the project.

EVIDENCE: (a) The ALUC reviewed the policies proposed in the Administrative Draft Land Use Plan for the Carmel Valley Vintage Airport and the guidelines for FAA Part

77 Imaginary Surfaces and found that the proposed development would not result in an obstruction to air navigation due, in part, to existing mitigating factors such as the height of the trees and other residences in the area.

(b) Materials in project file PLN010356

8. FINDING: HEALTH AND SAFETY - The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the 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 improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) The project was reviewed by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Carmel Valley Fire District, Carmel Valley Land Use Advisory Committee and the Airport Land Use Commission (ALUC). The respective departments and agencies 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. The applicant has agreed to these conditions as evidenced by the administrative record.

(b) The ALUC has determined that the proposed project does not cause an obstruction to air navigation.

(c) Preceding findings and supporting evidence.

9. FINDING: The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: Section 21.80.040(D) of the Monterey County Zoning Ordinance (Title 21).

EXHIBIT "C"
RECOMMENDED CONDITIONS OF PROJECT APPROVAL

1. The Ricketts (PLN010356) Combined Development Permit consists of: 1) an Administrative Permit for a 4,514 sq. ft. two-story single family dwelling with an attached 1,106 sq. ft. garage; 2) a Use Permit for construction of a structure which penetrates the Federal Aviation Regulation (FAR) Part 77 (Objects Affecting Navigable Airspace) imaginary surface of the Carmel Valley Village Vintage Airport; and Design Approval. The property is located at 175 Chaparral, Carmel Valley, in the Carmel Valley Master Plan 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 the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A permit (Resolution 010356) was approved by the Planning Commission for Assessor's Parcel Number 187-611-028-000 on May 28, 2003. The permit was granted subject to 33 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 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. 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. **(Planning and Building Inspection)**
5. The building and/or grading permit plans shall include erosion control notes for implementation during construction activity. 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, subject to the approval of the Director of Planning and Building Inspection. All areas disturbed during construction shall be restored. **(Planning and Building Inspection)**
6. The applicant shall pay the Carmel Valley Road Traffic Impact Fees pursuant to Board of Supervisors Resolution No. 95-140, adopted September 12, 1995. **(Public Works)**

7. Prior to issuance of building permits, submit cross sectional diagrams of the leach lines demonstrating satisfaction of the 50' (fifty feet) setback to daylight to the downhill embankment. **(Environmental Health)**
8. 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, to include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
9. Prior to the issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property in the form of an approved Water Release Form. **(Water Resources Agency)**
10. Before 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. **(Carmel Valley Fire Protection District)**

Prior to Final Building Inspection/Occupancy:

11. 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)**
12. Certification that stormwater retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**
13. The site shall be landscaped. At least three weeks 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. Landscape plans shall include provisions for restoration of the well site and screening as shown on the plans approved by the Planning Commission. 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)**

14. All construction shall conform to the recommendations in the "Geotechnical Investigation" prepared by Tharp and Associates, Inc., (Spreckels, CA, June 26, 2002). **(Planning and Building Inspection)**
15. Any damage caused by construction vehicles to the unnamed road, which provides access to Chaparral Road from the project site, shall be repaired to the condition of the road prior to construction activity. Photos of the road shall be submitted to Planning and Building Inspection staff before construction starts and after construction is completed in order to verify that the condition of the road is similar once construction activity has ceased. Compliance with this requirement is subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**
16. 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)**
17. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. **(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. Roadway turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25-foot taper on each end. **(Carmel Valley Fire Protection District)**
20. 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)**
21. 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)**

22. 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. **(Carmel Valley Fire Protection District)**
23. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. **(Carmel Valley Fire Protection District)**
24. 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)**
25. 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. **(Carmel Valley Fire Protection District)**
26. In high and very high fire hazard areas, as defined by the California Department of Forestry and Fire Protection (CDF), roof construction shall be a Class A or Class B, 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 or modified 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. **(Carmel Valley Fire Protection District)**

Continuous Permit Conditions:

27. If during the course of construction activity on the subject property, cultural, archaeological, historical, 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 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)**

28. All landscaped areas and planted trees 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)**
29. 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)**
30. 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)**
31. 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)**
32. Where multiple addresses are required at a single driveway, they shall be mounted on a single post, or in any fashion approved by the Reviewing Authority that provides for the same practical effect. **(Carmel Valley Fire Protection District)**
33. 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)**