

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 01025

A. P. # 169-211-034-000

FINDINGS AND DECISION

In the matter of the application of
Stuart and Lene Clark (PLN000664)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located at 27225 Prado Del Sol, Carmel Valley, came on regularly for hearing before the Planning Commission on May 30, 2001.

WHEREAS: Said proposal includes:

- 1) Use Permit to allow the construction of a 580 square foot garage and the conversion of an existing 642 square foot garage into bedrooms and bath of an existing 3,414 square foot two-story single family dwelling located within the 100 year floodplain, and
- 2) Variance to allow for the reduction in setback requirements between the proposed new two-car garage and existing residence from 10 feet to 6 feet; and
- 3) Design Approval

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. FINDING: The Combined Development Permit (PLN000664) consists of: 1) a Use Permit and Design Review for construction of a 580 square foot detached garage located within the 100-year floodplain; and 2) a Variance for a 4 foot reduction in the setback between the proposed garage and existing residence. The project site is located at 27225 Prado Del Sol, (APN: 169-211-034) south of Carmel Valley Road in the Lower Carmel Valley area. The proposed development site for the garage is paved and the parcel is developed with a single-family residence and a guesthouse. The project, as described in condition #1 and as conditioned, conforms to the plans, policies, requirements and standards of the General Plan, Carmel Valley Master Plan Plan, and the Monterey County Zoning Ordinance (Title 21). The subject parcel is located in a Low Density Residential (LDR/B-6/D-S) zoning district. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and other applicable provisions of Title 21.

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

- a) The Carmel Valley Master Plan
- b) Chapters 21.14, 21.64, and 21.72 of the Monterey County Zoning Ordinance.
- c) The Greater Monterey Peninsula Area Plan.

EVIDENCE: The application, plans and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development located in the project file.

EVIDENCE: The on-site inspection by the project planner on April 9, 2001, to verify that the proposed project complies with the Zoning District, the General Plan, and the Greater Monterey Peninsula Area Plan.

2. FINDING: The proposed project will not have a significant environmental impact.
EVIDENCE: Section 15303 (e) of the CEQA Guidelines Categorically exempts the project from environmental review. No adverse environmental impacts were identified during review of the proposed project.
3. FINDING: The subject property is in compliance with all rules and regulations pertaining to the use of the property. No violations exist on the property and all zoning 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 the subject property.
4. FINDING: The site is suitable for the proposed use.
EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the proposed use. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Health Department, Parks Department and the Mid-Carmel Valley Fire Department. There has been no indication from those 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 proposed use.
5. FINDING: The project, as proposed, is consistent with the policies of the Carmel Valley Master Plan dealing with development in archaeologically sensitive areas. An archaeological survey has been conducted on the project site by Archaeological Consulting. The report states that there are no identifiable archaeological resources located on the site. A condition has been added to stop work in the event any archaeological resources or human remains are found on the site.
EVIDENCE: Archaeological report prepared by Archaeological Consulting, dated February 2000 contained in the project file. A permit condition has been adopted to require work on site to stop in the event that any archaeological resources are found.
6. FINDING: Because of special circumstances applicable to the subject property, including the size, shape, topography, location or surroundings of the parcel, the strict application of this Title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification.
EVIDENCE: An existing well easement encumbers approximately one fourth of the property and precludes a significant portion of otherwise developable land from development. There is no evidence that similar easements exist on any of the other lots in the vicinity of the site. There are additional special circumstances including the inaccessibility of a portion of the parcel located behind the existing residence due to the existing trees and riparian vegetation, the alteration of which would be prohibited by the Zoning Ordinance (Section 21.64.130D1b).

7. FINDING: Approval of the Variance would not constitute a grant of special privileges inconsistent with limitations on other properties in the vicinity and zone in which the subject property is located.
EVIDENCE: Other properties in the vicinity are subject to the same zoning standards and restrictions as the subject parcel, and are subject to the same requirements.
8. FINDING: A Variance shall not be granted for a use which is not otherwise expressly authorized by the zoning regulations governing the parcel.
EVIDENCE: Accessory structures are a permitted use in Section 21.14.030 of the Monterey County Zoning Ordinance (LDR District).
9. FINDING: The proposed project will not create a substantially adverse visual impact when viewed from a common public viewing area.
EVIDENCE: The location of the accessory structure is screened from public viewing areas by a dense stand of mature trees.
10. FINDING: The establishment, maintenance, or operation of the use and building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood, or to the general welfare of the County.
EVIDENCE: The preceding findings and supporting evidence.
11. FINDING: The decision on this project is appealable to the Board of Supervisors.
EVIDENCE: Section 21.80 of the Monterey County Zoning Ordinance.

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

1. The subject Combined Development Permit is for the construction of a 580-square foot detached garage and conversion of the existing attached garage to habitable living space. The project is located at 27225 Prado Del Sol, (Assessor's Parcel Number 169-211-034) in Carmel Valley. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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 or Building Permits:

2. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval,

which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. **(Planning and Building Inspection)**

3. The applicant shall record a notice which states: "A permit (Resolution 01025) was approved by the Planning Commission for Assessor's Parcel Number 169-211-034-000 (File No. PLN000664) on May 30, 2001. The permit was granted subject to 13 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)**
4. All exterior lighting shall be 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)**
5. Applicant shall perform the following measures to reduce construction related erosion and dust impacts. These measures shall be included as notes on the building permit.
 - Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil and wind exposure.
 - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
 - Minimize the length of time of excavation, grading, and construction.
 - Post the project at two locations with a publicly visible sign during construction operations that specify the telephone number and person to contact for complaints and/or injuries on dust generation and other air quality problems resulting from project construction. **(Planning and Building Inspection)**
6. The owner shall record a notice stating that the property is located within or partially within a floodplain and may be subject to building and/or land use restrictions. A copy of the recorded notice shall be provided to the Water Resources Agency. **(Water Resources Agency)**
7. The proposed new garage shall be floodproofed in accordance with County Ordinance #3272, to be certified by a registered civil engineer. **(Water Resources Agency)**

8. The converted garage shall have lowest floor and attendant utilities constructed at least 85 feet above the mean sea level (NGVD 1929). To provide for the floodproofing and certification of the lowest floor elevation, a reference marker set to the elevation of the lowest floor shall be established at the building site by a licensed land surveyor prior to start of construction. An elevation certificate of the finished floor shall be completed by a registered civil engineer or licensed surveyor and provided to the County Water Resources Agency prior to the inspection and approval of the building foundation by the building inspector. **(Water Resources Agency)**
9. 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. Proposed development shall be setback at least 200 feet from top of bank, as defined in County Floodplain Ordinance #3272. The top of bank shall be defined by a professional engineer and shown on the site plan prior to issuance of any grading and/or building permits. If the new construction is less than 200 feet from the top of bank, then a registered professional engineer shall determine if the new construction is safe from erosion hazards. If not safe, erosion control measures shall be designed by a registered civil engineer to protect the structures. **(Water Resources Agency)**
11. Applicant shall submit plans for review and approval showing the location and design of the septic system upgrade meeting the standards found in Chapter 15.20 MCC (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. **(Health Department)**

Prior to Final Building Inspection/ Occupancy

12. The project 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 showers 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 serve 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. **(Monterey County Water Resources Agency)**

Ongoing

13. If archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 30th day of May, 2001 by the following vote:

AYES: Errea, Sanchez, Hawkins, Parsons, Brennan, Pitt-Derdivanis, Diehl, Hernandez, Lacy, Wilmot
NOES: None
ABSENT: None



DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on **JUN 18 2001**

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **JUN 28 2001**

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.

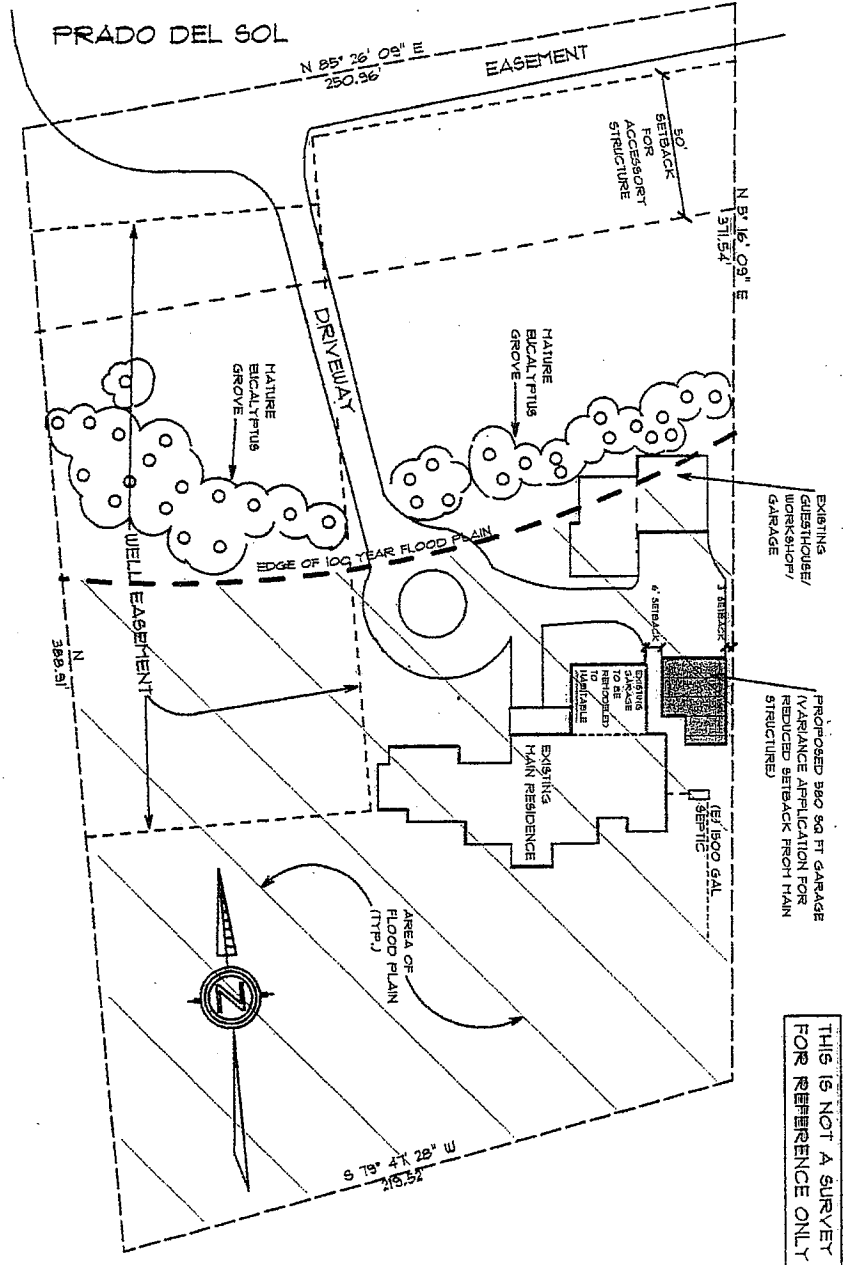
NOTES

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 Monterey.

2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.



PLOT PLAN
SCALE: 1" = 20'

LOT COVERAGE:

(E) DWELLING	3184
(E) GARAGE	168
(E) GUESTHOUSE / WORKSHOP / GARAGE	1418
TOTAL (E) COVERAGE	3650
PROPOSED (N) GARAGE	580
TOTAL PROPOSED COVERAGE	5230 OR 6.43%

THIS IS NOT A SURVEY FOR REFERENCE ONLY