

**MONTEREY COUNTY PLANNING COMMISSION
STATE OF CALIFORNIA**

RESOLUTION NO. 01037

A.P.# 416-445-046-000

FINDINGS AND DECISION

In the matter of the application for
Duran and Rivera (DA000499)

WHEREAS: The Planning Commission pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Design Approval to allow the construction of a new 2,582 sq. ft. two-story single family residence with an attached 616 sq. ft. garage and a 696 sq. ft. wrap around porch; materials and colors of horizontal siding (light brown), wood shutters and decorative attic window (army green), doors and trim (medium brown), porch (off-white), roofing materials of natural shake, located at 18355 Corral del Cielo Rd (Assessor's Parcel Number 416-445-046-000), east of Corral De Tierra Rd, Toro area, came on regularly for hearing before the Planning Commission on June 27, 2001.

1. **FINDING:** The proposed project, a new 2,582 sq. ft. two-story single family residence with an attached 616 sq. ft. garage and a 696 sq. ft. wrap around porch, is consistent with the policies of the Monterey County General Plan, the Toro Area Plan and the requirements and standards of the Monterey County Zoning Ordinance (Title 21). The property is zoned RC/40-D or Resource Conservation, 40 acres per unit, Design Review District.

EVIDENCE: The text and policies of these documents have been evaluated during the course of the review of this application. Issues raised by residents of the neighborhood include concern with the bulk and height of the residence, the appropriateness of the architectural design and the site location of the dwelling on the lot. In response to these concerns, the applicant reduced the height of the residence and the pitch of the roof, relocated the garage to eliminate the need for tree removal and one retaining wall and changed the color palette to darker colors.

2. **FINDING:** The proposed development, as approved and conditioned, will not create a substantially adverse visual impact when viewed from a common public viewing area or adversely affect the natural scenic beauty of the area.

EVIDENCE: Staff conducted site visits on three occasions during the development of the project. The project site is visible from Corral del Cielo for approximately 10 seconds when traveling east. Because of the topography of the lot along with an existing fence along the road, the project will not be visible from the westbound lane of Corral del Cielo.

3. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: The Monterey County CEQA Guidelines categorically exempts this project from environmental review. No adverse environmental impacts were identified during review of the proposed project.

5. **FINDING:** Public notice of the pending Design Approval was provided pursuant to Section 21.44.050, Title 21, Monterey County Code (Zoning).

EVIDENCE: Materials in project file.

- 6. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of Title 21 and that all zoning violation abatement costs have been paid.
EVIDENCE: Sections 21.36 (Regulations for Resource Conservation "RC" Zoning Districts), and 21.44 (Regulations for Design Control "D" Zoning Districts) of the Monterey County Code (Zoning). Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

- 7. **FINDING:** The site is physically suitable for the use proposed.
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 use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, and the Toro Land Use Advisory Committee. 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 use proposed.

- 8. **FINDING:** The establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection. Due to the fact that this is a Design Approval Application, other County Departments have not reviewed the project. Upon submittal of a building permit application, the project will be reviewed by the Health Department, Public Works Department, Water Resources Department and the Salinas Rural Fire District. At that time, the respective departments will require and apply 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.

DECISION

THEREFORE, it is the decision of said Planning Commission that said design be granted as shown on the attached sketch.

- 1. This permit allows a new 2,582 sq. ft. two-story single family residence with a 616 sq. ft. attached garage and a 696 sq. ft. wrap around porch. The property is located at 18355 Corral Del Cielo Rd (Assessor's Parcel Number 416-445-046-000), east of Corral De Tierra Rd, Toro Area Plan. The project is in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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 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 Department)**
3. The applicant shall record a notice which states: "A permit (Resolution DA000499) was approved by the Planning Commission for Assessor's Parcel Number 416-445-046-000 on June 27, 2001. The permit was granted subject to 11 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, compatible 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 Department)**
5. 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)**
6. Approved colors and materials shall consist of horizontal wood siding and stucco (light brown), wood shutters and decorative attic window (brownish green), doors and trim (brown), vinyl clad windows with wood trim (brown), wood porch (off-white), and roofing materials of composition shingles (brown shake). **(Planning and Building Inspection Department)**
7. A drainage plan shall be prepared by a registered civil engineer or architect to address on-site impacts. Storm water runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. **(Planning and Building Inspection Department and Water Resources Agency)**

- 8. Prior to issuance of grading or building permits, 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 prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. Tree protection shall be performed and supervised by a registered Forester or Arborist. **(Planning and Building Inspection Department)**

Prior to Final Building Inspection/Occupancy:

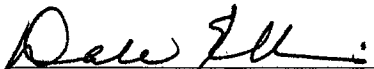
- 9. The applicant shall comply with Ordinance No. 3932 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a. All toilets shall be ultra-low flush toilets with a maximum tank size 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 & Planning and Building Inspection)**
- 10. 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. The project will be subject to a landscape plan review fee which shall be paid at the time of landscape plan submittal. The landscape plan shall include screening vegetation on the south and southwest portion of the property. 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. **(Planning and Building Inspection Department)**

Continuous Permit Conditions:

- 11. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 27th day of June, 2001, by the following vote:

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


 DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on **JUL 30 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 **JUL 18 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 Salinas.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.

