

**SUBDIVISION COMMITTEE  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION # 03010

SUBDIVISION NO. 020115

A.P. # 239-011-024-000

In the matter of the application of  
**Richard & Patricia D. Stoltz (PLN020115)**

**FINDINGS & DECISION**

in accordance with Title 21 (Zoning) Chapter 21.76 of the Monterey County Code, consisting of an Amendment to the Final Map (PC94067) of the Santa Lucia Preserve Phase B (Portion of Tract No. 1333) to modify the designated building envelope for Lot No. 186; an Administrative Permit for the construction of a 13,016 sq. ft. two-level single family residence, an attached 5-car garage, and removal of three protected Oak trees (11", 12", 13" dbh respectively); an Administrative Permit for a detached 1,198 sq. ft. Caretaker's Unit with an attached two-car garage; an Administrative Permit for a detached 850 sq. ft. Senior Citizen Unit; Grading of 1,603 cu. yds. (1,318 cu. yds. cut/285 cu. yds. fill); and Design Approval, located at Lot 186 of the Santa Lucia Preserve, Carmel, Greater Monterey Peninsula area, came on regularly for meeting before the Subdivision Committee on May 8, 2003.

Said Subdivision Committee, having considered the application and the evidence presented relating thereto,

**1. FINDING:** The project proposed in this application consists of a Combined Development Permit (PLN020115), as described in Condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County Subdivision Ordinance (Title 19), the General Plan, Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at Lot 186 of the Santa Lucia Preserve, Carmel. The parcel is zoned "RC/40 D-S" Resource Conservation 40 acre minimum, Design Control and Site Plan Review Zoning Districts.

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

- (a) The Monterey County General Plan
- (b) The Greater Monterey Peninsula Area Plan
- (c) Chapters 21.44, 21.45, 21.64.260 and 21.76 of the Monterey County Zoning Ordinance regulations for development.
- (d) Monterey County Code Title 19 Subdivision Ordinance.

**EVIDENCE:** The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and the Carmel Valley Fire Department. There has been no indication from these agencies that the site is not suitable for the proposed development. The Initial Study demonstrates that no physical or environmental constraints exist that would indicate the site is not suitable for the proposed development. Each agency has recommended conditions.

**EVIDENCE:** Written and verbal public testimony submitted at public hearings before the decision-making body.

**EVIDENCE:** The on-site inspection of the subject parcel by the project planner.

**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, found in the project file.

**2. FINDING:** After a Final or Parcel Map is filed in the Office of the County Recorder, it may be amended by a certificate of correction or an amending map.

**EVIDENCE:** The applicant and other parties in interest in the map have requested to amend Final Map (PC94067) of the Santa Lucia Preserve Phase B (Portion of Tract No. 1333) to adjust the building envelope for Lot No.186.

**EVIDENCE:** The adjustment of the building envelope will avoid protected trees and move development potential away from 30% slopes, and will include already impacted relatively flat and clear areas more suitable to development. In this sense the applicant contends that existing conditions of the map relating to the adopted building envelope for Lot 186 are not appropriate.

**EVIDENCE:** The former building envelope areas covered by oak trees and 30% slopes will be protected as they will be placed under the stewardship of the Santa Lucia Preserve Conservancy.

**EVIDENCE:** The resulting building envelope boundary would be reduced from 3.32 acres to 2.99 acres; or approximately 15,000 square feet smaller than the original building envelope.

**EVIDENCE:** By evidence of the applicant's request for the map amendment, the property owner consents that "no additional burden on the present fee owner" will result from approval of the map amendment (adjusted building envelope).

**EVIDENCE:** Approval of the proposed amendment (adjusted building envelope) will not, "alter any right, title or interest in the real property reflected on the recorded map," as the property owner will have the right to build and maintains title and interest in the property.

**EVIDENCE:** Approval of the proposed amendment (adjusted building envelope for Lot 186) will not, "alter any right, title or interest in the real property reflected on the recorded map," of neighboring property owners as no changes or adjustments to other parcels are being considered or made. All rights and interests in adjacent single family properties will be unaffected by the proposed amendment.

**3. FINDING:** On February 6, 1996, the Board of Supervisors certified a final environmental impact report (EIR No. 94-005) for the Santa Lucia Preserve. The proposed project, as analyzed in the environmental document, is consistent with the EIR's conclusions and mitigations.

**EVIDENCE:** Materials in file; Board Resolution No. 96-059 certifying the EIR for the Santa Lucia Preserve project; Board Resolution No. 96-060 approving the original Certified Development Plan for the Santa Lucia Preserve; EIR No. 94-005.

**4. FINDING:** The proposed project, including all permits and approvals, will not have significant adverse impacts on the environment. A Negative Declaration has been prepared and is on file (File # PLN020115) in the Department of Planning and Building Inspection. All mitigation measures identified in the Initial Study and Negative Declaration and all project changes required to avoid significant effects on the environment have been incorporated into the approved project or are made conditions of approval. Potential environmental effects have

been studied, and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, may have a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and the testimony and information received, and scientific and factual data presented as evidence during the public review process. The Monterey County Planning and Building Inspection Department Coastal Offices, located at 2620 1<sup>st</sup> Avenue, Marina, California is the custodian of the documents and the materials that constitute the record of proceedings upon which the adoption of the Negative Declaration is based.

**EVIDENCE:** County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA), its Guidelines, and the Monterey County CEQA Guidelines. The Initial Study provided substantial evidence that the project would not have significant environmental impacts. A proposed Negative Declaration was filed with the County Clerk on April 3, 2003, and noticed for public review. All comments received on the Initial Study have been considered as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

1. Project application, submitted September 16, 2002.
2. Project plans, prepared by Eric Miller, Architect, 157 Grand, Suite 106, Pacific Grove, CA, dated September 16, 2002.
3. Project site visit conducted by Therese M. Schmidt (Senior Planner with Monterey County), Richard Stoltz (owner), and Eric Miller (project architect) on March 3, 2003.
4. Santa Lucia Final Environmental Impact Report (EIR) prepared by Jones and Stokes Associates, Inc., Sacramento, CA, contact David Buehler and approved by Monterey County Board of Supervisors, 1998.
5. Geotechnical Investigation for Stoltz residence, Lot 186, Santa Lucia Preserve, Cantera Run, Carmel Valley, Monterey County, CA. Prepared by Haro, Kasunich and Associates, Inc., June 2002.
6. Tree Inventory and Assessment for Santa Lucia Lot Number 186. Prepared by James P. Allen and Associates, January 5, 2001.
7. Monterey County General Plan and Greater Monterey Peninsula Area Plan.
8. Monterey County Zoning Ordinance (Title 21).
9. Monterey County Water Resources Agency, Ordinance No. 3932.
10. Santa Lucia Combined Resources Maps, prepared by Robert Lamb Hart and Bestor Engineers, Inc., Dated April 22, 1994, sheet 7.

11. CEQA Air Quality Guidelines, prepared by Monterey Bay Unified Air Pollution Control District. Adopted 1995 and last revised September 2002.
  12. Staff review of the Clean Water Act.
  13. Monterey County Code Title 19 Subdivision Ordinance.
5. **FINDING:** For purposes of the Fish and Game Code, the project will have a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.
- EVIDENCE:** Staff analysis contained in the Initial Study and the record as a whole indicate the project may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations.
- EVIDENCE:** Based on the record as a whole as embodied in the Planning and Building Inspection files pertaining to PLN020115 and the attached Initial Study / proposed Negative Declaration, implementation of the project will potentially affect changes to soils and native and non-native plant species.
6. **FINDING:** The 11", 12" and 14.5" dbh oak tree removal is the minimum required under the circumstances and will not involve risk of adverse environmental impacts.
- EVIDENCE:** Construction of the proposed senior unit will necessitate the removal of three protected oak trees. Altered configurations and placements of the proposed senior unit in the general vicinity would have a greater impact to protected trees.
- EVIDENCE:** The Santa Lucia Preserve Final Environmental Impact Report provides mitigation measures for replacement of removed protected oak trees at a ratio of 3:1.
7. **FINDING:** That the subject property is in compliance with all rules and regulations pertaining to the use of the property, that no violations exist on the property and that all zoning abatement costs, if any have been paid.
- EVIDENCE:** Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.
8. **FINDING:** The site is 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, Water Resources Agency, Public Works Department and Health 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 use proposed.
9. **FINDING:** No written request, based on a substantive issue, for public hearing or other evidence of public controversy or public opposition as described in Section 21.70.060A, Title 21, Monterey County Code (Zoning) was found to exist.
- EVIDENCE:** Materials in project file.
10. **FINDING:** Public notice of the pending Combined Development Permit was provided pursuant to Section 21.78.040, Title 21, Monterey County Zoning Code.

**EVIDENCE:** Materials in project file.

11. **FINDING:** That adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.  
**EVIDENCE:** Materials in project file.
12. **FINDING:** That the proposed senior citizen unit will not adversely impact traffic conditions in the area.  
**EVIDENCE:** The proposed project has been reviewed by the Monterey County Department of Public Works and there is no indication from that Department that the project will adversely impact traffic conditions. A senior citizen unit generates an average of three to four vehicle trips per day.
13. **FINDING:** The establishment, maintenance, or operation of the single family residential structure, caretaker unit and senior unit 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:** 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, Carmel Valley Fire Department, 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.  
**EVIDENCE:** File and application materials, Initial Study and Negative Declaration contained in the project file.

### **DECISION**

THEREFORE, the Subdivision Committee recommends to the Planning Commission that said Combined Development Permit be granted and adopt the Negative Declaration subject to the following conditions:

1. This permit is a Combined Development Permit request for 1) an Amendment to the Final Map (PC94067) of the Santa Lucia Preserve Phase B (Portion of Tract No. 1333) to adjust the designated building envelope for Lot No.186; and 2) an Administrative Permit for the construction of an 13,016 sq. ft. two-level single family residence, an attached 5-car garage, and removal of three protected Oak trees (11," 12," 14.5" dbh respectively); 3) an Administrative Permit for a detached 1,198 sq. ft. Caretaker's Unit with an attached two-car garage; 4) an Administrative Permit for a detached 850 sq. ft. Senior Citizen Unit; grading of 1,603 cu. yds. (1,318 cu. yds. cut/285 cu. yds. fill); and 5) Design Approval. The property is located at Lot 186 of the Santa Lucia Preserve, Carmel (Assessor's Parcel Number 239-011-024-000) Greater Monterey Peninsula Area.

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)**

2. The subject property is located within the Santa Lucia Preserve, Monterey California and is subject to the appropriate conditions, mitigation measures and applicable requirements of the Santa Lucia Preserve Comprehensive Development Plan, Combined Development Permit, Resource Management Plan, Mitigation Monitoring Reporting Program, Environmental Impact Report, Addendum to the Environmental Impact Report, and Supplement to the Environmental Impact Report. **(Planning and Building Inspection)**

### **Prior to Recordation of an Amended Map**

3. The applicant shall file with the County Surveyor, an amended map to the Final Map of the Santa Lucia Preserve Phase B (Portion of Tract No. 1333) to adjust the building envelope for Lot No.186 according to exhibits and approvals granted with PLN020115. Upon review and approval by the County Surveyor, the applicant shall record the amended map with the Office of the County Recorder. **(Public Works: Bryce Hori via e-mail April 24, 2003 )**
4. Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of **\$1,275**. This fee shall be paid on or before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid. **(Planning and Building Inspection Department)**

### **Prior to the Issuance of Grading and Building Permits:**

5. Prior to issuance of building permits (for the respective structures), the applicant shall pay the following traffic mitigation fees:
  - Single family residence-\$9,328 for Carmel Valley (expanded area) traffic mitigation and \$680 for Highway One deficiency plan improvements.
  - Caretaker's unit-\$9,328 for Carmel Valley (expanded area) traffic mitigation and \$680 for Highway One deficiency plan improvements.
  - Senior citizen unit-\$4,664 for Carmel Valley (expanded area) traffic mitigation and \$680 for Highway One deficiency plan improvements.

The amount of the above fees are adjusted annually on July 1. If the building permits are obtained and mitigation fees paid after June 30, 2003, the amount of the fees may be changed. **(Public Works: Bryce Hori via e-mail April 23, 2003)**

6. The applicant shall record a notice which states: "A permit (Resolution 03010) was approved by the Board of Supervisors for Assessor's Parcel Number 239-011-024-000 on May 8, 2003. The permit was granted subject to **27** 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)**

7. A note shall be placed on plans submitted for Grading and Building Permits that: "A Preliminary Erosion Report, A Geotechnical Investigation, and Tree Inventory dated, June 2002 and January 5, 2001 have been prepared for this property and are on file in the Monterey County Planning and Building Inspection Department:
  - a. Geotechnical Investigation for Stoltz residence, Lot 186, Santa Lucia Preserve, Cantera Run, Carmel Valley, Monterey County, CA. Prepared by Haro, Kasunich and Associates, Inc., June 2002.
  - b. Tree Inventory and Assessment for Santa Lucia Lot Number 186. Prepared by James P. Allen and Associates, January 5, 2001

The recommendations contained in these reports shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the Planning and Building Inspection Department. **(Planning and Building Inspection)**

8. Prior to issuance of building and/or grading permits, the applicant shall record a notice stating, "The caretaker's unit must comply with all the applicable requirements of section 21.64.030 of Title 21 (Zoning Ordinance), as follows:
  - a. Only one caretaker unit per lot shall be allowed.
  - b. The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under the same ownership.
  - c. The minimum lot size for establishment of a caretaker unit in areas not served by public sewers shall be two acres.
  - d. Caretaker units shall not be subject to density requirements of the zoning district in which the lot is located.
  - e. The maximum floor area for a caretaker unit is 1,000 square feet on lots of ten acres or less and 1,200 square feet on lots greater than ten acres.
  - f. A minimum of one covered off-street parking space shall be provided for the caretaker unit.
  - g. The caretaker unit shall not be separately rented, let, or leased to other than the caretaker whether compensation be direct or indirect.
  - h. Subsequent subdivisions which would divide a main residence from a caretaker unit shall not be permitted except where lots created meet the minimum lot size and density requirements of the existing zoning."
  - i. Caretaker units are not permitted on any lots less than ten acres where a senior citizen unit exists. Senior citizen units may be converted to a caretaker unit, subject to an Administrative Permit."**(Planning and Building Inspection)**
9. Prior to issuance of a building permit for the caretaker unit, the applicant shall submit for review and approval of the Director of Planning and Building Inspection, and subsequently record, a deed restriction stating, "The caretaker's unit shall not be rented to other than the caretaker." **(Planning and Building Inspection)**

10. Prior to issuance of a building permit, the applicant shall submit for review and approval of the Director of Planning and Building Inspection, and subsequently record, a deed restriction stating the regulations for senior citizen units, as follows:
  - a. A detached senior citizen unit shall not exceed 850 square feet.
  - b. The senior citizen unit shall not be occupied by more than two persons, one of whom shall be 60 years of age or handicapped.
  - c. Not more than one senior citizen unit shall be permitted on any lot or parcel.
  - d. The senior citizen unit shall conform with all of the zoning and development standards (lot coverage, height, setbacks, design, etc.) of the zoning district which governs the lot. A senior citizen unit attached to the principal residence shall be subject to the height, setback and coverage regulations of the principal residence. A senior citizen unit detached from the principal dwelling shall be treated as a habitable accessory structure in regard to height and setbacks.
  - e. The senior citizen unit shall be designed in such a manner as to be visually consistent and compatible with the principal residence on-site and other residences in the area.
  - f. One usable and accessible parking space shall be provided in addition to the parking required for the other uses on-site. Any garage or carport constructed in connection with the senior citizen unit is not considered part of the area of the unit, but is considered in the overall lot coverage.
  - g. In areas not served by public sewer systems, senior citizen units shall not be permitted on lots of less than two acres.
  - h. Senior citizen units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
  - i. Senior citizen units are not permitted on any lot less than ten acres where a guesthouse or a caretaker unit already exists. Such existing units may be converted to a senior citizen unit, subject to an Administrative Permit.
  - j. Subsequent subdivisions which divide the main residence from a senior citizen unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning. **(Planning and Building Inspection)**
11. Prior to issuance of a building permit for the senior citizen unit, the applicant shall submit for review and approval of the Director of Planning and Building Inspection, and subsequently record, a deed restriction stating the regulations applicable to the senior citizen unit. (Section 21.64.010C. of the Title 21 Zoning Code) **(Planning and Building Inspection)**
12. 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 storm water dispersion facilities to mitigate the impact of impervious surface storm water runoff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
13. Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction. **(Fire District)**
14. 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."*  
**(Fire District)**

15. 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. **(Fire District)**
16. 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)**
17. 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)**
18. Prior to issuance of a building permit, submit a detailed disposal system design to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. The designs shall include expansion areas, and shall demonstrate that there will be three independent septic systems on the property. **(Environmental Health)**
19. The revised building envelope should ensure gravity flow to all septic systems. Any grading to the septic envelope must be reviewed and approved by the Division of Environmental Health prior to issuance of a permit. **(Environmental Health)**
20. Three protected oak trees: 11", 12" and 14.5" diameter have been approved for removal. Prior to issuance of Building Permits, the applicant shall submit for review and approval to the Director of Planning and Building Inspection, an Oak Tree Replanting Plan consistent with the provisions and replacement ratios of the Santa Lucia Preserve. The Replanting Plan will be reviewed for consistency with the mitigation measures specified in the Board of Supervisor's Resolution 96-060 approving the Findings, Evidence and Conditions of Approval for the various entitlement applications and requests comprising the Santa Lucia Preserve Project (PC94067). Such Replanting Plan will acknowledge and abide by Condition #24 of that approval: That all non-landmark oak trees removed as a result of the project be replaced at a 3:1 ratio and landmark trees replaced at a 5:1 ratio. trees removed shall be replaced in on-site areas suitable for

supporting oak species as determined by a qualified resource ecologist. A minimum of nine replacement oak trees shall be planted. **(Planning and Building Inspection)**

**Prior to Final Building Inspection/Occupancy:**

21. 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)**
  
22. Prior to Occupancy of the single family residence, caretaker unit or senior citizen unit, the applicant shall demonstrate to the satisfaction of the Carmel Valley Fire Protection District that the following conditions of approval have been satisfied:
  - a. Access roads shall be required for every building, including the senior citizen unit, when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. **(Fire District)**
  - b. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes providing two-way traffic flow, unless other standards or additional requirements are mandated by local jurisdictions or local subdivision requirements. **(Fire District)**
  - c. 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. **(Fire District)**
  - d. The grade for all roads, streets, private lanes and driveways shall not exceed 15%, except as otherwise approved by the Fire Chief. **(Fire District)**
  - e. For residential driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius of curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. **(Fire District)**
  - f. 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. **(Fire District)**
  - g. Roadway turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25-foot taper on each end. **(Fire District)**

- h. 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. **(Fire District)**
  - i. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. **(Fire District)**
  - j. All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. **(Fire District)**
  - k. 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. **(Fire District)**
  - l. 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. **(Fire District)**
  - m. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. **(Fire District)**
  - n. 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. **(Fire District)**
  - o. All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface, shall require Class A roof construction. **(Fire District)**
23. 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. 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:**

24. If, during the course of construction, cultural, archaeological, 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 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)**

25. 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)**
26. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. **(Fire District)**
27. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Fire District)**

**PASSED AND ADOPTED** this 8th day of May, 2003.

Original Signed By: \_\_\_\_\_

ANN TOWNER, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE 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 90<sup>th</sup> 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 two years after the above date of granting thereof unless construction or use is started within this period.