

NO. 000493

A. P. # 416-192-010-000

In the matter of the application of  
**Arthur and Mary Casper, Jr. (PLN000493)**

**FINDINGS AND DECISION**

to allow a **Combined Development Permit** in accordance with Title 21 (Zoning) Chapter 21.76 (Combined Development Permits) of the Monterey County Code, consisting of a Use Permit for development on slopes of 30% or greater,; Administrative Permit for a 271 sq. ft., single-story addition to an existing single family residence and a 474 sq. ft. single story guesthouse addition to an existing garage, tree removal (one – 20 inch diameter Oak); and Design Approval; located at 25120 Genuine Risk Road in the Hidden Mesa Subdivision, came on regularly for meeting before the Zoning Administrator on April 26, 2001.

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

1. **FINDING:** The subject Combined Development Permit and Design Approval (PLN 000493), as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 25120 Genuine Risk Road. The parcel is zoned "RDR/5.1-VS" or Rural Density Residential/5.1 acres with a Visual Sensitivity overlay zone. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.  
**EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with the General Plan and the Greater Monterey Peninsula Area Plan and conducted a site field inspection on October 4, 2000.  
**EVIDENCE:** The project site is physically suitable for the proposed use as described in the project file. The Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, and Salinas Rural Fire District have reviewed the proposed development. There has been no indication from these agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.  
**EVIDENCE:** The proposed use is consistent with the development standards for "RDR" pursuant to Title 21, Monterey County Zoning Ordinance.  
**EVIDENCE:** Design Approval request form, with recommendation for approval of the project by the Greater Monterey Peninsula Land Use Advisory Committee on March 21, 2001, by a vote of 2-0-0.  
**EVIDENCE:** Written and verbal public testimony, if any, submitted at public hearing before the Zoning Administrator.  
**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.  
**EVIDENCE:** Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

2. **FINDING:** The proposed project is exempt from CEQA.  
**EVIDENCE:** Section (Section 15301 (e) (1) which exempts from environmental review small additions to existing residences. No adverse environmental impacts were identified during staff review of the development application.
3. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.  
**EVIDENCE:** 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, Salinas Rural Fire District, 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 contained in the project file.
4. **FINDING:** The request for the proposed development to be located on a slope greater than 30% is consistent with Section 21.64.230 of Title 21 (Zoning Ordinance) since no other alternative exists which would allow development to occur on slopes of less than 30 percent and the location of the proposed additions better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan.  
**EVIDENCE:** Slope analysis map prepared by Paul Davis Partnership, which shows the entire parcel, is located on a hillside with 30%, or greater, slopes.  
**EVIDENCE:** On-site inspection by the project planner on October 4, 2000.
5. **FINDING:** The development, as proposed and conditioned, will not create a substantially adverse visual impact when viewed from a common public viewing area.  
**EVIDENCE:** The project, as proposed, is consistent with policies of the Monterey County General Plan dealing with visual resources and will have no significant impact on the public viewshed. The proposed project has been evaluated in terms of the impact upon the public viewshed from the surrounding area.  
**EVIDENCE:** The on-site investigation by the project planner.  
a) The project will not result in ridgeline development.  
b) The project is not located in the public viewshed.  
**EVIDENCE:** Applicant's plans indicate that the additions blend with the existing residential design and would not be aesthetically obtrusive to the surrounding neighborhood.
6. **FINDING:** The removal of one, 20" oak tree is the minimum required under the circumstances of the case; and the removal will not involve a risk of adverse environmental impacts related to soil erosion, water quality, impact on biological, ambient noise level, air movement, or significantly reduce habitat for wildlife.

**EVIDENCE:** The site is heavily forested with oak trees and the location of the 20" tree is close to the foundation of the existing garage. Removal is necessary to construct the proposed guesthouse. All other trees in the immediate vicinity will remain. The removal of one tree will not adversely impact any of the above thresholds. Erosion will be controlled with plans to be reviewed and approved prior to issuance of grading permits.

7. **FINDING:** The project is appealable to the Planning Commission.

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

### DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. The subject Combined Development Permit consists of a Use Permit for development on slopes of 30% or greater, and Administrative Permits for a 271 sq. ft. single-story addition to an existing single-family residence and a 474 sq. ft. single-story guesthouse addition to an existing detached garage, tree removal (one – 20 inch diameter Oak); and Design Approval. The property is located at 25120 Genuine Risk Rd. (Assessor's Parcel Number 416-192-010-000), in the Hidden Mesa Subdivision, Greater Monterey Peninsula Area Plan. 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 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)**

3. The applicant shall record a notice which states: "A permit (Resolution 000493) was approved by the Zoning Administrator for Assessor's Parcel Number 416-192-010-000 on April 26, 2001. The permit was granted subject to 29 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. 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. The applicant shall obtain a grading permit from the Building Inspection Division. **(Planning and Building Inspection)**
7. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion in coordination subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
8. Prior to the issuance of a building or grading permit, the applicant shall obtain from the Monterey County Water Resources Agency proof of water availability on the property, in the form of an approved Water Release Form. **(Water Resources Agency)**
9. Prior to the issuance of a grading or building permit the applicant shall record a deed restriction stating the regulations applicable to the Guesthouse, as follows:
  - (a) Only one guesthouse shall be allowed per lot.
  - (b) Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.
  - (c) The guesthouse shall contain no kitchen or cooking facilities, including but not limited to microwave ovens, hot plates, and toaster ovens.
  - (d) There shall be a maximum of six linear feet of counter space, excluding counter space in a bathroom.
  - (e) There shall be a maximum of eight square feet of cabinet space, excluding clothes closets.
  - (f) Guesthouses shall not exceed 600 square feet of livable floor area.
  - (g) Guesthouses shall not be separately rented, let or leased from the main residence whether compensation is direct or indirect.
  - (h) Subsequent subdivision, which divide a main residence from a guesthouse, shall not be permitted. **(Planning and Building Inspection)**

10. Native trees that are 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. **(Planning and Building Inspection Department)**
11. One 15 gallon oak shall be planted on the property, as a replacement for the removed oak. The oak shall be of native stock with protective fencing installed to prevent damage to the tree for a period of 3 years. **(Planning and Building Inspection)**
12. The following notation is required on *both* the grading and the building permit applications at time of application: *"All grading, erosion control, foundation plans, and drainage shall incorporate the recommendations of the Geotechnical Investigation prepared by Kleinfelder, Inc., dated February 9, 2001. A registered civil engineer shall be present during site earthwork, foundation and pavement construction."* **(Planning and Building Inspection Department)**
13. Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. **(Salinas Rural Fire District)**
14. 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. **(Salinas Rural Fire District)**
15. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. **(Salinas Rural Fire District)**
16. 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. **(Salinas Rural Fire District)**
17. Roadway turnarounds shall be required on driveways and dean-end roads in excess of 150 feet of surface length. Required turnarounds on access roads 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 a minimum of 60 feet in length. **(Salinas Rural Fire District)**
18. 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. **(Salinas Rural Fire District)**
19. Unobstructed vertical clearance shall be not less than 15 feet for all access roads. **(Salinas Rural Fire District)**
20. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. **(Salinas Rural Fire District)**

21. The existing single-family dwelling and the proposed addition to the single-family dwelling are **not** required to be protected with an automatic fire sprinkler system. **(Salinas Rural Fire District)**
22. The existing detached garage and proposed guesthouse 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 existing detached garage and proposed guesthouse 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."* **(Salinas Rural Fire District)**
23. 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. **(Salinas Rural Fire District)**
24. 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. **(Salinas Rural Fire District)**
25. When 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. **(Salinas Rural Fire District)**

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

26. The exterior colors and roofing material shall match the existing development, subject to the approval of the Director of Planning and Building Inspection prior to final building permit sign off. **(Planning and Building Inspection Department)**
27. 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)**

28. Prior to final inspection, the geologic consultant shall provide certification that all development has been in accordance with the Geologic Investigation prepared by Kleinfelder, Inc, dated February 9, 2001. **(Planning and Building Inspection)**
29. Upon completion of the development, any disturbed hillside area shall be restored to a condition corresponding with the adjoining area, subject to the approval of the Director of Planning and Building Inspection. Plans for such restoration shall be submitted to and approved by the Director of Planning and Building Inspection prior to commencement of use. **(Planning and Building Inspection)**

**PASSED AND ADOPTED** this **26thth** day of April, 2001.

  
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LYNNE MOUNDAY  
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON **APR 27 2001**

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 **MAY - 7 2001**

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

Project / Owner  
**ADDITION  
 CASPER  
 RESIDEN  
 21120 GEMINI  
 MONTEREY, CA**

PROJECT DESCRIPTION:  
 Addition to existing residence  
 21120 Gemini, Monterey, CA 93940  
 OWNER: Arvin A. Casper  
 25130 Oceanview Plaza, Piedmont  
 Monterey, CA 93940  
 (415) 382-9174

APR 1988-019  
 AREA: SITE 45,800 SF  
 COVERAGE: 3%  
 BUILDING: (1) House  
 (2) Garage  
 (3) Deck  
 (4) Pool  
 (5) Other



**THE  
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Drawn By: [Name]  
 Drawing Date: 1/24/88  
 Date Issued for Construction: [Date]

Notes:

Do not alter this drawing without the written consent of the architect.

**GENERAL NOTES**

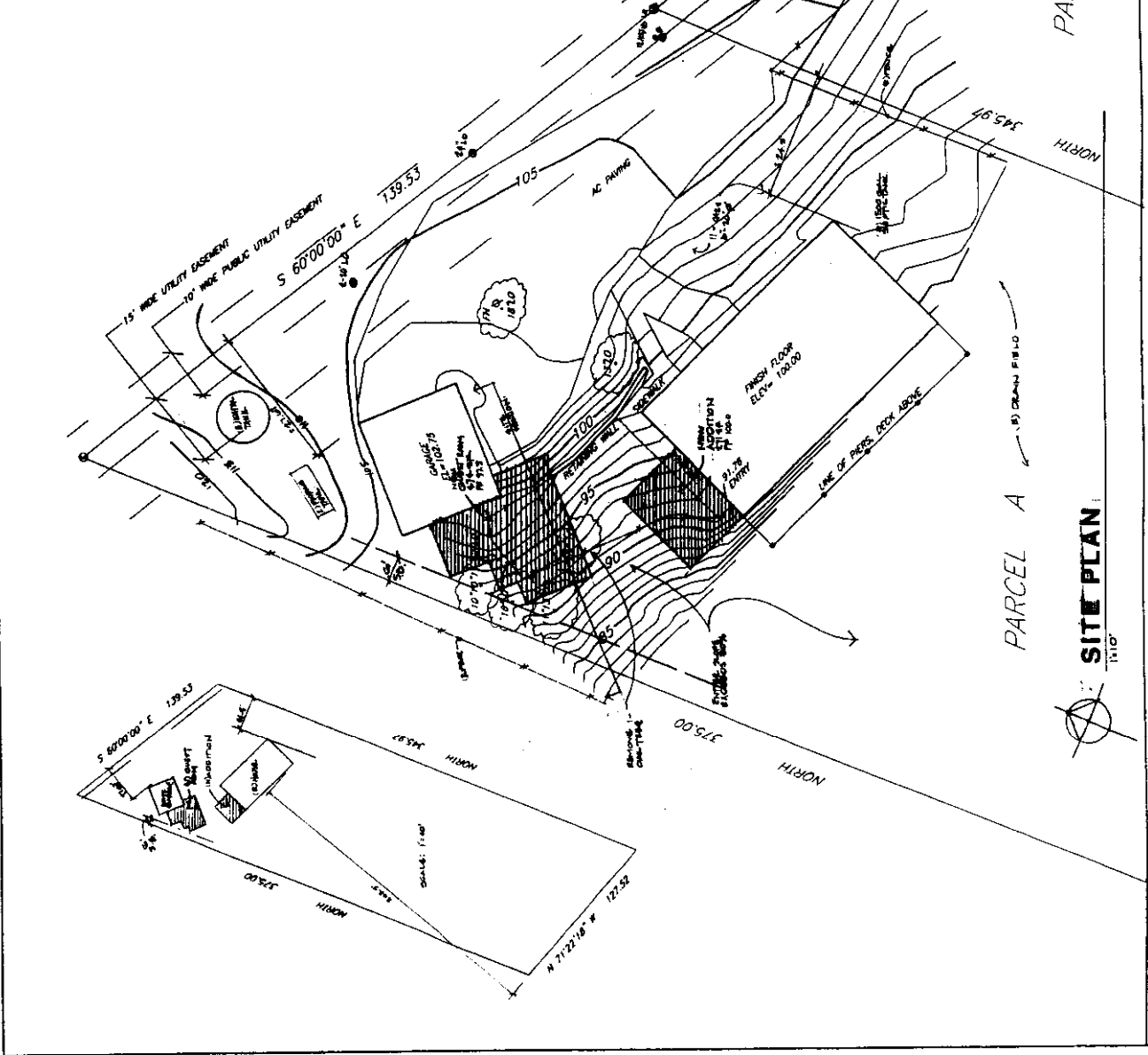
1. All grading and construction shall be in accordance with the requirements of the Uniform Building Code and the California Building Code.
2. Temporary construction shall be in accordance with the requirements of the California Building Code.
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**GENERAL NOTES (continued)**

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**GENERAL NOTES (continued)**

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**SITE SECTION**  
 1/8" = 1'-0"

**PARCEL B**

**SITE PLAN**  
 1/10" = 1'-0"



Sheet Number

Project / Owner  
**ADDITIONS TO  
 CASPER  
 RESIDENCE**  
 26120 GENUINE RISK ROAD  
 MONTEREY, CA 93940

**THE  
 PAUL DAVIS  
 PARTNERSHIP**  
 ARCHITECTS & PLANNERS  
 200 Elwood Street • Monterey, CA 93940  
 Telephone: (408) 728-7400 • FAX: (408) 728-7400

Drawn By: [Signature]  
 Drawing Date: 1/04/01  
 Check Date: [Signature]

Excludes:

Do not use for construction without the  
 approval of the local building department.

ALL GRASS TO  
 MATCH EXISTING.  
 ALL TRIM,  
 SINKS &  
 SWITCHES  
 TO MATCH  
 EXISTING.

Sheet Number

A3

