

NO. 980275

A.P.# 009-294-008-000

In the matter of the application of
John Mandurrago (PLN980275)

FINDINGS & DECISION

for a Coastal Administrative Permit in accordance with Title 20 (Zoning) Chapter 20.76 (Coastal Administrative Permits) of the Monterey County Code, and Design Approval to allow for the construction of a two-story single family dwelling and detached garage; located north of Rio Road and west of Oliver Road at 3481 Oliver Road, Carmel area, Coastal Zone, 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,

FINDINGS OF FACT

1. **FINDING:** The subject Coastal Administrative Permit and Design Approval (PLN980275), as described in Condition #1 of the attached Exhibit "C", and as conditioned, conforms with the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the Carmel Area Land Use Plan, Carmel Area Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). The property is located at 3481 Oliver Road in the Carmel area in the Coastal Zone. The parcel is zoned "MDR/2 (CZ)" or Medium Density Residential, 2 units per acre. The site is physically suitable for the use proposed. The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE: The application and plans submitted for the Coastal Administrative Permit in project file PLN980275 at the Monterey County Planning and Building Inspection Department.

EVIDENCE: An Archaeological Report prepared by Archaeological Consultants dated September 17, 1998, concludes that the parcel does not contain any significant cultural resources. In the unlikely event that any cultural resources are unearthed during development of the project, the project has been conditioned to protect any resources.

EVIDENCE: The Geotechnical Report prepared by Grice Engineering and Geology, Inc. dated October 27, 1998, with recommendations.

EVIDENCE: Design Approval Request form with plans recommended for approval by a 4-1 vote by the Carmel Highlands/Unincorporated Land Use Advisory Committee.

EVIDENCE: The project has been reviewed by the Monterey County Planning and Building Inspection Department, Cypress Fire Protection District, Water Resources Agency, Public Works Department and Health Department. There has been no indication from these 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.

EVIDENCE: The subject property is not described as an area where the Local Coastal Program requires public access.

2. **FINDING:** The proposed project will not have a significant environmental impact.
EVIDENCE: Section 15303a of the Monterey County CEQA Guidelines categorically exempts single-family residences not in conjunction with the building of more than two or more such units from environmental review. No adverse environmental impacts were identified during staff review of the project application.
3. **FINDING:** Based upon the District's water allotment system, the County of Monterey has established a system of priority distribution of water allocation for properties within its own jurisdiction. Current information available to the County indicates that the County's share of water under the District's allotment system, over which the County has no control, has been exhausted to the point that the County is unable to assure that property owners who do or have obtained development permits for their properties will be able to proceed with their development projects.
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.
4. **FINDING:** In view of the preceding finding, and the fact that the present application for a coastal development permit otherwise meets all County requirements, the County approves the application subject to the determination by the Monterey County Water Resources Agency, in the form of a water availability certification, that water is available for the project and the applicant being able to obtain a water use permit.
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.
5. **FINDING:** The establishment, maintenance, and operation of the proposed development 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 material, was reviewed by the Department of Planning and Building Inspection, Cypress Fire Protection District, Public Works, Parks Department, Environmental Health Division, and the Water Resources Agency. The preceding 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.
6. **FINDING:** The project is appealable to the Board of Supervisors, but not the California Coastal Commission.
EVIDENCE: Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, it is the decision of said Zoning Administrator, that said application for a Coastal Administrative Permit be granted as shown on the attached sketch, subject to the following conditions:

1. The subject Coastal Administrative Permit and Design Approval (PLN980275) allows for a new two-story single-family dwelling and detached garage. The property is located at 3481 Oliver Road, Carmel

area, Coastal Zone. 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. The 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 No. 980275) was approved by the Zoning Administrator for Assessor's Parcel Number 009-294-008-000 on April 26, 2001. The permit was granted subject to 19 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. If applicable, 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. Prior to the issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property in the form of an approved water release form. **(Water Resources Agency)**
6. A drainage plan shall be prepared incorporating the recommendations in the Erosion Control Report prepared by Niell Engineers Corp. dated December 1, 1998. The plan shall include methods to prevent runoff over the slope adjacent to the new single-family dwelling. **(Water Resources Agency)**

Prior to Final Building Inspection/Occupancy:

7. All construction shall conform to the recommendations in the Geotechnical Report prepared for this project. **(Planning and Building Inspection)**
8. The root system of the oak trees near the dwelling and garage shall be protected by bridging during grading and construction. All oak trees shall be preserved to provide stability for the slope areas. **(Planning and Building Inspection)**
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)**
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. 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, specie, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection)**
11. 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 (150 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)**
12. The approved materials and colors to be used for the residence shall consist of the following: heavy wood-shake roof, white trim and tope board and bat siding. **(Planning and Building Inspection)**
13. 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. **(Cypress Fire Protection District)**
14. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and

visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located. **(Cypress Fire Protection District)**

15. Size of letters, numbers and symbols for addresses shall be a minimum of 3-inch letter height, 3/8-inch stroke, contrasting with the background color of the sign. **(Cypress Fire Protection District)**

16. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Cypress Fire Protection District)**

17. 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:

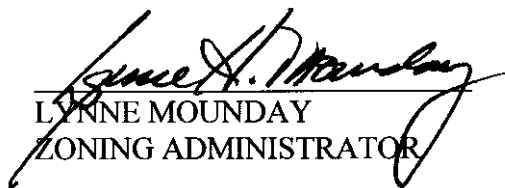
“The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. 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; garage included.” **(Cypress Fire Protection District)**

Continuous Permit Conditions:

18. 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)**

19. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 26th day of April, 2001.


LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON APR 27 2001

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS. IT IS NOT APPEALABLE TO THE COASTAL COMMISSION.

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 MAY - 7 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 two years after the above date of granting thereof unless construction or use is started within this period.

MANDURRAGO RESIDENCE

PROJECT INFORMATION

A.P.N. 004-244-008
 LOT 22, 23, 31, 32, 33, 34
 3481 OLIVER ROAD N.W., CARMEL, CA

FLOOR AREA RATIO

F.A.R. ALLOWED 495 72834 S.F.
 F.A.R. REALIZED 443.5 S.F.
 MAX. LEVEL 2127 S.F.
 ACCIDENT STRUCTURE 2000 S.F.

7.4% PROPOSED 138 12613 S.F.
 SITE COVERAGE

NET COVERAGE ALLOWED 282 3296 S.F.
 NET BUILDING FOOTPRINT 443.5 S.F.
 ACCIDENT STRUCTURE 2000 S.F.

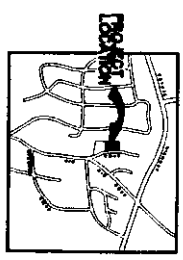
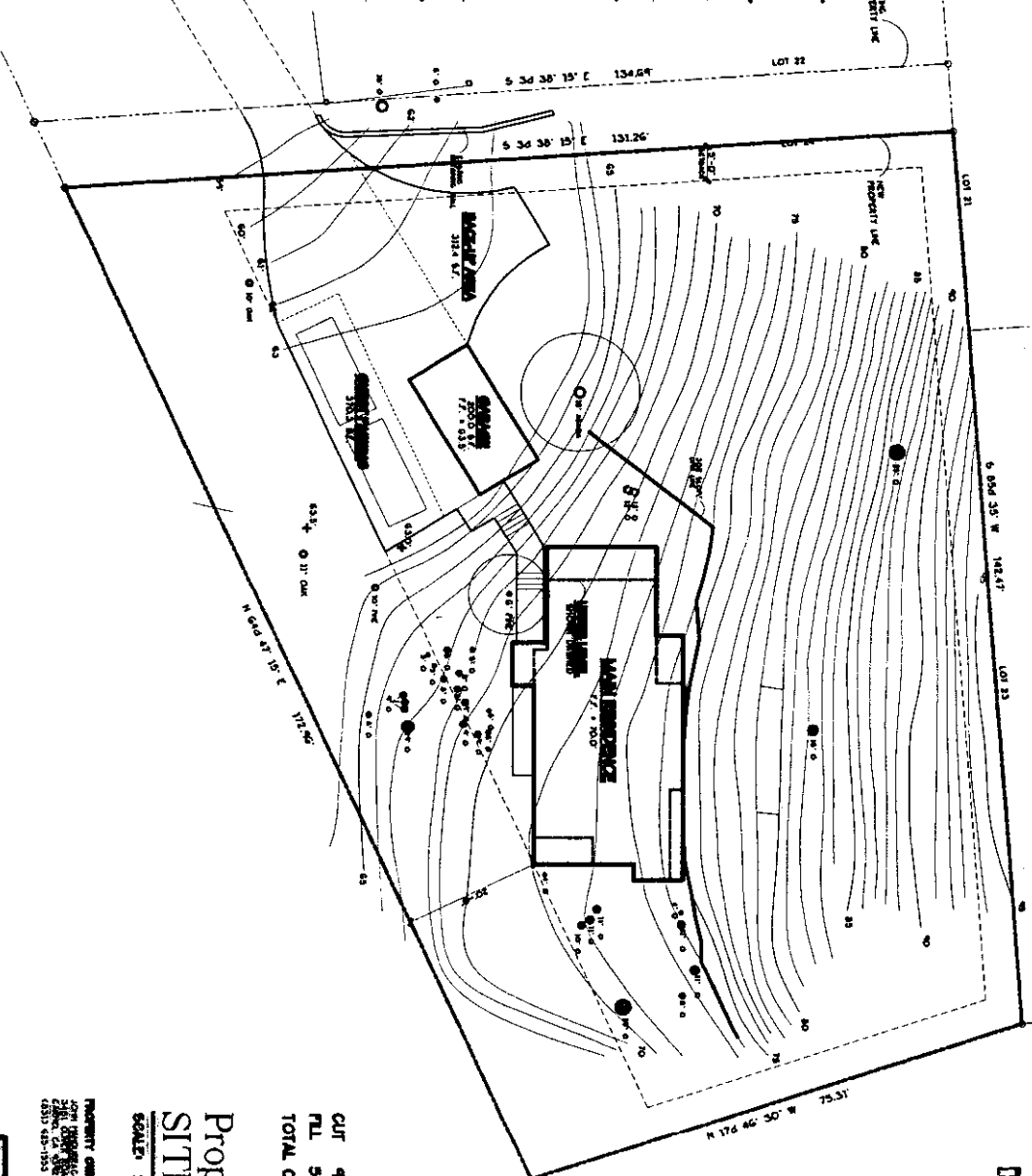
PROPOSED NET COVERAGE 8.0% 11836 S.F.
 LOT SUBDIVISION

FRONT YARD 1183 S.F.
 REAR YARD 4432 S.F.
 GUEST PARKING 3703 S.F.
 BACKUP AREA 3124 S.F.

TOTAL S.F. 14466 S.F.
 HEIGHT LIMIT

AVERAGE GRADE 48.3'
 LOWEST POINT 39.0'
 HIGHEST POINT 113.2'

113.2' / 2.4' AVERAGE GRADE * 71.6'
 HIGHEST POINT ALLOWED (CITY) 98.6'
 PROPOSED HEIGHT 91.3'



Vicinity Map

SHEET INDEX

1. SITE PLAN
2. MAIN/UPPER FLOOR PLAN
3. NW ELEVATIONS
4. S/E ELEVATIONS
5. ROOF/GARAGE PLAN
6. DRAINAGE PLAN
7. LOT LINE ADJUSTMENT

CUT 46.7 CY.
 FILL 5 CY.
 TOTAL CUT = 43.7 CY.

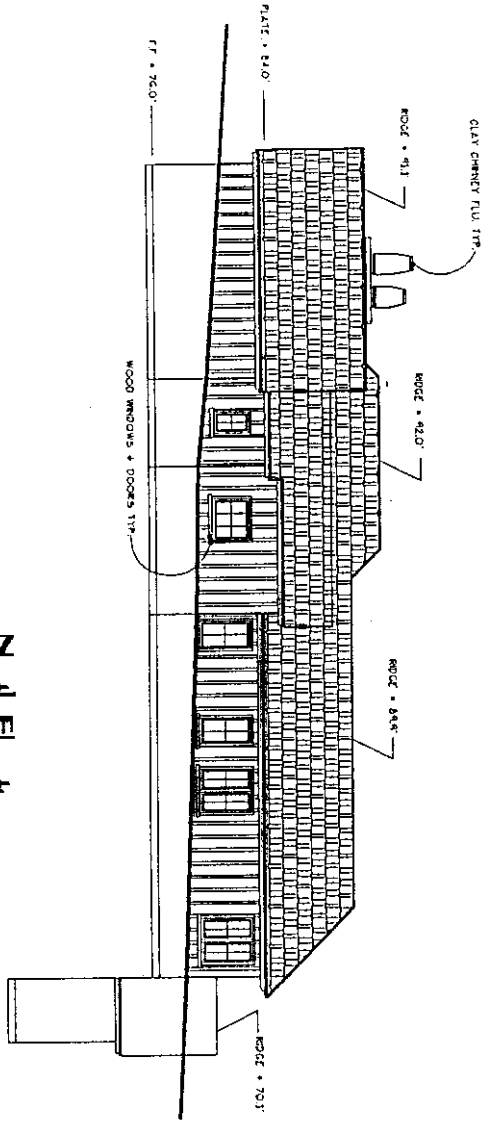
Proposed
 SITE PLAN
 SCALE: 1/8" = 1'-0"



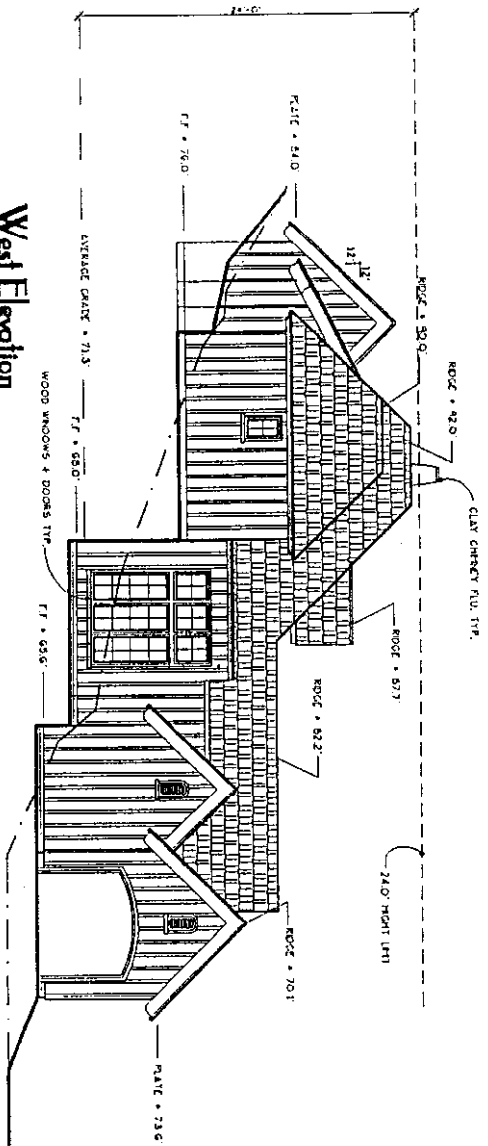
PROJECT OWNER
 STEVE MANDURRAGO
 2500 N. GARDEN
 CARMEL, CA 95008
 (408) 925-1555

8-10-88
 9819

MANDURRAGO RESIDENCE
 3481 OLIVER ROAD
 CARMEL, CALIFORNIA



North Elevation



West Elevation

Proposed
ELEVATIONS

SCALE: 1/4" = 1'-0"

MANDURRAGO RESIDENCE
HATTON FIELDS
CARMEL, CALIFORNIA

9818

5

12-7-98

MANDURRAGO ARCHITECTURE & DESIGN
11111 STREET
CARMEL, CALIFORNIA 95006