

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 040602

A. P. # 416-193-002-000

In the matter of the application of
David Lee Reins (Ryce) (PLN040602)

FINDINGS & DECISION

to allow an Administrative Permit in accordance with Title 21 (Zoning) Chapter 21.70 (Administrative Permits) of the Monterey County Code, and a variance for a reduction of the front yard set back from 30 feet to 20 feet-5 inches to accommodate the construction of a single family residence off of slopes greater than 30% and requiring 148.15 cubic yards of grading (71.56 cubic yards of cut and 76.59 cubic yards of fill). The property is located at 25565 Hidden Mesa Road, Monterey, less than a quarter mile south of Genuine Risk Road in the Hidden Hills area, Greater Monterey Peninsula area, came on regularly for meeting before the Zoning Administrator on February 10, 2005.

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

- FINDING:** The subject Administrative Permit, Variance, and Design Approval (**Reins; PLN040602**), as described in condition #1 is a request for encroachment into the required 30 foot front yard setback in a Rural Density Residential zoned district as described §21.16.060 C. 1. of the Monterey County Zoning Ordinance (Title 21). The property is located at 25565 Hidden Mesa Road, Monterey (Assessor Parcel Number 416-193-002-000), less than a quarter mile south of Genuine Risk Road in the Hidden Hills Area

The parcel is zoned "Rural Density Residential" or RDR, 1 unit/5.1 acres requiring Design Approval with Site Review. Except for the Variance request, the project, as conditioned, conforms to the plans, policies, requirements and standards of the General Plan, Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). 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.

EVIDENCE: The application and plans in the project file (PLN040602) at the Monterey County Planning and Building Inspection Department.

EVIDENCE: The project planner conducted a site visit on February 1, 2005, to verify that the proposed project complies with the Monterey County Zoning Ordinance.

EVIDENCE: Design Approval Request form with plans recommended for approval by the Greater Monterey Peninsula Land Use Advisory Committee found in the project file (PLN040602).

EVIDENCE: Chapter 21.16 and §21.16.020 of the Monterey County Zoning Ordinance, Title 21. 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 will not have a significant environmental impact.

EVIDENCE: Section 15303 (a) of the Monterey County CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

EVIDENCE: A Soil Engineering Investigation report has been prepared for the subject parcel by Soil Surveys, Inc., dated December 1, 1998, because of its location in a very high seismic zone. The investigation finds the project feasible without potential significant impacts provided that the recommendations included in the report are updated after 3 years and implemented during construction. Condition no.3 found in the attached Conditions of Approval require an updated report prior to issuance of any grading and building permits, and then a Notice recorded on the property requiring that all development be in accordance with the recommendations found in this updated report.

3. **FINDING:** Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of Title 21 is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

EVIDENCE: The buildable area on the subject parcel is limited to a location atop a mountain ridge running through the center of the subject parcel and must share the ridge with the only access to the building site, a 10-foot wide driveway shared by other residences along the ridge. The linear building site limits the design of the proposed residence to a linear structure between two easements: (1) the 10 foot wide, shared-driveway easement paralleling the eastern edge of the ridgeline; and (2) the 60-foot wide utility easement overlaying the steep western ravine. The 20 foot-5-inch setback from the 10-foot wide driveway easement can still accommodate widening of the driveway easement to 12 feet as required by the Salinas Rural Fire District.

EVIDENCE: The proposed single-family residence will be the next-to-last residence sharing the driveway access, thereby having a minimal impact on driveway setbacks given the limited driveway easement use.

EVIDENCE: A 20 foot-5-inch setback accommodates a 20 foot-5 inch by 35 foot concrete driveway entrance to the 3-car garage that provides sufficient turn-out space from the driveway easement to allow garage ingress and egress without blocking said easement. Further, said driveway entrance shall be approached by over 25 foot tapers at both sides of the immediate driveway entrance in order to meet Fire District requirements for turnouts: *a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends* as found in Condition no. 11 of this Resolution.

EVIDENCE: At the end of the driveway easement is sufficient turnaround area to meet Fire District requirements for either a 40-foot radius or a hammerhead/T of 60 feet as found in Condition no. 11 of this Resolution.

EVIDENCE: The application and plans are found in the project file PLN040602 at the Monterey County Planning and Building Inspection Department.

EVIDENCE: The project planner conducted a site visit on February 1, 2005, to verify that the proposed project complies with the Monterey County Zoning Ordinance and Fire District regulations.

4. FINDING: The Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

EVIDENCE: The subject lot has very unique topography that affords limited building site options as compared to other residences on the ridge along Hidden Mesa Road:

(a) the building site is at the narrowest area of the Hidden Mesa ridge where a driveway easement must curve inward toward a parallel utility easement in order to avoid up to 90% slopes on both sides of the ridge, thereby being more restricted between the easements on the ridge than neighboring residences;

(b) the applicant is avoiding development on slopes 30% or greater as found on neighboring parcels by designing a proportionately linear structure on the saddle of the ridge; and

(c) the applicant has a smaller lot than the average size of neighboring parcels and is not designing a larger residence than can be found in the neighborhood.

Therefore, the applicant is not enjoying “special privileges” that are not enjoyed by other property owners in the immediate neighborhood, for each property owner has had to construct custom-built dwellings to fit their respective unique building site on the ridge, particularly by building on 30% or greater slopes. Except for the Variance request for the front yard setback, the project, 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).

5. FINDING: The Variance does not grant a use or activity that is not otherwise expressly authorized by the zone regulation governing the parcel of property.

EVIDENCE: The use is an allowed use within the Rural Density Residential District per §21.16.030 A. of the Zoning Ordinance (Title 21), “Uses Allowed.”

EVIDENCE: Apart from the requested Variance, the proposed single-family dwelling meets the development standards and regulations of § 21.16.060 (Rural Density Residential Development Standards), §21.45.030 (Site Plan Review regulations), §21.44.030 (Design Approval applications—all found in the County’s Zoning Ordinance (Title 21).

6. FINDING: The qualifications of Findings 3 and 4 apply to the land, structure, or use of which the Variance is sought.

EVIDENCE: The Variance is a request to encroach on the front yard setback established as a development standard for single-family residences in a Rural Density Residential zoned district. As described in Findings 3 and 4, a Variance can only be approved where the limitation causing the Variance request meets all of the following criteria: 1) a physical constraint related to the subject property, 2) deprives the property of privileges enjoyed by other similarly situated properties, and 3) the Variance would not be a grant of special privileges inconsistent with other similarly situated properties. See evidence for Findings 3 and 4.

7. **FINDING:** The project does not create a silhouette against the skyline as viewed with the naked eye from a public viewing area and is not considered “ridgeline development.”
EVIDENCE: The project planner conducted a site visit on February 1, 2005, to verify that the proposed project does not constitute ridgeline development. The backdrop of mountains at higher elevations plus the highly vegetated mountains in the foreground prevents the proposed structure to be viewed as silhouetted against the skyline.
8. **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 Protection 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: In particular, the project site is found to be in a very high fire hazard area that shall require recorded noticing and compliance with the Salinas Rural Fire Protection District conditions of approval for driveway emergency access, defensible space requirements, roof construction, and fire protection equipment and systems, including a fire sprinkler system.
EVIDENCE: The application, plans, and support materials found in project file no. PLN040602.
9. **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 an Administrative Permit and Variance be granted as shown on the attached sketch and subject to the attached conditions.

PASSED AND ADOPTED this 10th day of February, 2005.

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO 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 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 Marina.

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

Planning and Building Inspection Department <i>Condition Compliance & Mitigation Monitoring and/or Reporting Plan</i>	Project Name: <u>REINS [RYCE]</u> File No: <u>PLN040602</u> Approval by: <u>ZONING ADMINISTRATOR</u>	APN: <u>416-193-002-000</u> Date: <u>2/10/2005</u>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
1.		<p>SPECIFIC USES ONLY</p> <p>The subject Variance including a Design Approval (Reins [Ryce]; PLN040602), allows for a reduction of the front yard set back from 30 feet to 20 feet-5 inches to accommodate the construction of a Single Family Dwelling between slopes greater than 30% and an existing private road/utility easement shared by a neighboring parcel. Grading at the site requires 148.15 cubic yards of grading (71.56 cubic yards of cut and 76.59 cubic yards of fill).</p> <p>This permit was approved 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)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

PLANNING & BUILDING INSPECTION DEPARTMENT CONDITIONS OF APPROVAL
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2.		<p>NOTICE-PERMIT APPROVAL The applicant shall record a notice, which states: "A permit (Resolution 040602) was approved by the Zoning Administrator for Assessor's Parcel Number 416-193-002-000 on February 10, 2005. The permit was granted subject to 18 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)</p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of building permits.	
3.		<p>NOTICE OF REPORT: Prior to issuance of building or grading permits, the geotechnical report prepared for the site by Soil Surveys, Inc. on December 1998 shall be reviewed and updated if necessary before a notice is recorded with the Monterey County Recorder which states: A geotechnical report has been prepared for this parcel by Soil Surveys, Inc., dated _____, and is on record in the Monterey County Planning and Building Inspection Department Library No. _____. All development shall be in accordance with this report." (Planning and Building Inspection)</p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits	
4.		<p>LIGHTING – EXTERIOR LIGHTING PLAN 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)</p>	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	
5.		<p>UTILITIES - UNDERGROUND All new utility and distribution lines shall be placed underground. (Planning and Building Inspection; Public Works)</p>	None	Applicant/ Owner	Ongoing	

6.		<p>PBD005 - DEED RESTRICTION - FIRE HAZARD Prior to the issuance of a building permit the applicant shall record a deed restriction, which states: "The parcel is located in a high fire hazard area and development may be subject to certain restrictions required as per Section _____ of the _____ and per the standards for development of residential property." (Planning and Building Inspection)</p>	Submittal of approved and Recorded Deed Restriction to PBI.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	
WATER RESOURCES AGENCY CONDITIONS OF APPROVAL						
7.		<p>STORMWATER CONTROL The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Stormwater 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. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)</p>	<i>Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.</i>	Owner/ Applicant/ Engineer		
8.		<p>WATER CONSERVATION MEASURES: The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <ul style="list-style-type: none"> 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) 	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant		

9.		WATER AVAILABILITY CERTIFICATION: The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	
ENVIRONMENTAL HEALTH DIVISION CONDITIONS OF APPROVAL						
10.		The septic system must be installed per design on file with the Division of Environmental Health and the primary <u>and</u> secondary drain fields must be installed at the time of the initial construction.	Compliance shall be verified by building inspector	Owner/ Applicant	Continu- ous condition	
SALINAS RURAL FIRE DISTRICT CONDITIONS OF APPROVAL						
11.		DRIVEWAYS: Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance building permit.	

		greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. 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. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and 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 driveway. If a hammerhead/T is used, the top of the “T” shall be a minimum of 60 feet in length. (Salinas Rural Fire District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	
12.		<u>GATES:</u> 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 the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (Salinas Rural Fire District)	Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	
13.		<u>ADDRESSES FOR BUILDINGS:</u> All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building,	Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to final building inspection.	

		each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be 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. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Salinas Rural Fire District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
14.		<u>ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE)</u> : All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Salinas Rural Fire District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
15.		<u>SETBACKS</u> : All parcels 1 acre and larger shall provide a minimum 30-foot setback for new buildings and accessory buildings from all property lines and/or the center of the road. For parcels, less than 1 acre, alternate fuel modification standards or other requirements may be imposed by the local fire jurisdiction to provide the same practical effect. (Salinas Rural Fire District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	

		Rural Fire District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
16.		<u>FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD):</u> The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Salinas Rural Fire District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
17.		EXCESSIVE SLOPE: Due to the excessive slope on the southwest portion of the project, the following conditions shall apply – <ul style="list-style-type: none"> • Vegetation clearance to the property line; • All exterior decks shall be constructed with non-combustible materials; this includes the deck cantilevers, decking material, and rails. 	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
18.		<u>DEFENSIBLE SPACE REQUIREMENTS</u> - Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

		sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Salinas Rural Fire District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
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