

MIKE NOVO  
ZONING ADMINISTRATOR

COUNTY OF MONTEREY  
STATE OF CALIFORNIA

RESOLUTION NO. 050071

A. P. # 103-091-014-000

In the matter of the application of  
**Mark Feldberg TR (PLN050071)**

**FINDINGS & DECISION**

to allow an Extension to a previously approved Combined Development Permit (PLN020264) in accordance with Title 21 (Zoning) Chapter 21.76 (Combined Development Permits) of the Monterey County Code, consisting of an Administrative Permit for the conversion of an existing 3,111 sq. ft. single family residence building containing a 2,319 sq. ft. office and recreation room and a 792 sq. ft. caretaker's unit; an Administrative Permit for a new 6,536 sq. ft. single family residence and new driveway in an "S" District (approximately 5,000 cu. yds. each of cut and fill); and Design Approval. The project is located at 546 Aguajito Road, Carmel, east of the intersection of Aguajito Road and La Pradera, Greater Monterey Peninsula area, came on regularly for meeting before the Zoning Administrator on May 12, 2005.

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

- FINDING:** Applicant /owner Feldberg has requested an extension of a previously approved Combined Development Permit [PLN020264] pursuant to Title 21.70.060A5 and 21.70.120A, B, for the conversion of an existing, 3,111 square foot single family residence into a multi-purpose accessory building containing a 2,319 square foot office and recreation room and a 792 square foot caretaker's unit; and a new 6,536 square foot single family residence (approximately 5,000 cubic yards each of cut and fill); and Design Approval (**PLN020264, Feldberg**), as described in Condition #1, and as conditioned, conforms to the plans, policies, requirements and standards of the Monterey County General Plan, the Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The project is located at 546 Aguajito Road, Greater Monterey Peninsula Area. The parcel is zoned "RDR/5.1-UR-D-S" (Rural Density Residential, 5.1 Acres Per Unit, Urban Reserve, Design Control, Site Plan Review). The site is physically suitable for the use proposed. There have been no substantial changes proposed since the project was approved on February 12, 2003 for a two year period.

**EVIDENCE:** The application and plans submitted in project file PLN020264 at the Monterey County Planning and Building Inspection Department.

**EVIDENCE:** The Greater Monterey Peninsula Land Use Advisory Committee reviewed and recommended approval (4-0 vote, 1 absent) of the caretaker unit, pool house, and dwelling unit on December 4, 2002.

**EVIDENCE:** The project planner conducted a site visit on November 15, 2002 to verify that the proposed project complies with Title 21, The General Plan, and Greater Monterey Peninsula Area Plan.

**EVIDENCE:** The project has been reviewed by the Monterey County Planning and Building Inspection Department, Cypress Fire Protection District, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department and Monterey County 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.

2. **FINDING:** The proposed project will not have a significant environmental impact.  
**EVIDENCE:** Sections 15301(e) and 15303(a) of the CEQA Guidelines categorically exempt this project from environmental review. No adverse environmental impacts were identified during staff review of the project application.
3. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.  
**EVIDENCE:** Sections 21.16.020, 21.44.020 21.45.040 and 21.50.020 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject properties.
4. **FINDING:** Public notice of the proposed caretaker unit, pool house and dwelling unit was provided pursuant to Sections 21.70.040, Title 21, Monterey County Code (Inland Zoning).  
**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:** Preceding findings and supporting evidence.
6. **FINDING:** The decision on this project is appealable to the Planning Commission.  
**EVIDENCE:** Chapter 21.80 of Title 21, Monterey County Code (Inland Zoning).
7. **FINDING:** That adequate sewage disposal and water supply facilities exist or are readily available to the site, as approved by the Director of Environmental Health.  
**EVIDENCE:** Materials in file PLN020264.

## **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 attached conditions.

**PASSED AND ADOPTED** this 12th day of May 2005.

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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 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 Marina.

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

<u>Monterey County Planning and Building Inspection</u> <u>Condition Compliance and/or Mitigation Monitoring Reporting Plan</u>	Project Name: <u>Feldberg Mark</u> File No: <u>PLN050071</u> APNs: <u>103-091-014-000</u> Approval by: <u>Zoning Administrator May 12, 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.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		The proposed project includes a Combined Development Permit consisting of an Administrative Permit for the conversion of an existing, 3,111 square foot single family residence into a multi-purpose accessory building containing a 2,319 square foot office and recreation room and a 792 square foot caretaker's unit; and an Administrative Permit for a new 6,536 square foot single family residence (approximately 5,000 cubic yards each of cut and fill); and Design Approval (PLN020264). The project is located at 546 Aguajito Road, (Assessor's Parcel Number 103-091-014-000), east of the intersection of Aguajito Road and La Pradera, Greater Monterey Peninsula area. 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		Owner/ Applicant		
		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. <b>(Planning and Building Inspection)</b>				

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2.		The applicant shall record a notice which states: "A permit (Resolution 050071) was approved by the Zoning Administrator for Assessor's Parcel Number 103-091-014-000 on May 12, 2005. The permit was granted subject to 17 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. <b>(Planning and Building Inspection)</b>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3.		Prior to issuance of building permits the applicant shall record a deed restriction stating that the caretaker unit shall not be rented to any person other than the caretaker, and 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. <b>(Planning and Building Inspection Department)</b>			Prior to Issuance of grading and building permits.	

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4.		<p>The applicant shall comply with Ordinance No. 3539, 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> <p>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.</p> <p>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. <b>(Water Resources Agency)</b></p>			Prior to Issuance of grading and building permits.	
5.		<p>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. <b>(Water Resources Agency)</b></p>			Prior to Issuance of grading and building permits.	
6.		<p>The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. <b>(Water Resources Agency)</b></p>			Prior to Issuance of grading and building permits.	
7.		<p>A drainage plan shall be prepared by a registered civil engineer or architect to address on-site impacts. Storm water runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. <b>(Water Resources Agency)</b></p>			Prior to Issuance of grading and building permits.	

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8.		Prior to issuance of building permit, submit a detailed wastewater 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 <u>Prohibitions</u> of the Basin Plan, RWQCB. <b>(Environmental Health)</b>			Prior to Issuance of grading and building permits.	
9.		Prior to issuance of a building permit, submit two copies of a soils and percolation testing report for review and approval by the Division of Environmental Health to prove that the site is suitable for the use and that it meets the standards found in Chapter 15.20 MCC (Septic Ordinance), and "Prohibitions", Central Coast Basin Plan, RWQCB. Contact the Division prior to proceeding to determine the scope of work and to oversee soil testing. The testing and report format shall be completed as per the adopted soil report and policies of the Department. <b>(Environmental Health)</b>			Prior to Issuance of grading and building permits.	
10.		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: <i>"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."</i> <b>(Fire District)</b>			Prior to Issuance of grading and building permits.	
11.		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. <b>(Fire District)</b>			Prior to Release of Final Occupancy.	

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12.		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. <b>(Fire District)</b>			Prior to Release of Final Occupancy.	
13.		Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. <b>(Fire District)</b>			Prior to Release of Final Occupancy.	
14.		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. <b>(Planning and Building Inspection Department)</b>			Prior to Release of Final Occupancy.	

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15.		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. That 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. <b>(Planning and Building Inspection Department)</b>			Prior to Release of Final Occupancy.	
16.		<b>PBD040 – HEIGHT VERIFICATION</b> The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of Planning and Building Inspection for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. <b>(Planning and Building Inspection)</b>	1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection . 2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of Planning and Building Inspection for review and approval that the height of the structure from the benchmark is consistent with what was approved on the building permit.	Owner/ Applicant  Engineer/ Owner/ Applicant	Prior to Issuance of Grading or Building Permits  Prior to Final Inspection	
17		The new driveway shall be located entirely within existing easements and on the Feldberg property.	Show entire driveway within these limits on building permit and encroachment permit plans.	Owner/ Applicant	Prior to issuance of building or encroachment permits, as applicable	