

**Before the Housing and Community Development Chief of Planning
in and for the County of Monterey, State of California**

In the matter of the application of:

MILLER (PLN220364)

RESOLUTION NO. 23-012

Resolution by the Monterey County HCD Chief of Planning:

- 1) Finding that the project qualifies for a Class 1 Categorical Exemption pursuant to Section 15303 of the CEQA Guidelines Section and there are no exceptions pursuant to Section 15300.2; and
- 2) Miller (PLN220364) Administrative Permit and Design Approval to allow construction of a 5,169 square foot two-story single family dwelling with a 350 square foot attached garage (the main residence includes 3,268 square feet main level, 1,901 square feet upper level), 322 square feet of covered porch, 455 square foot covered entry; a 1,000 square foot detached master suite, a 1,213 square foot detached gym, new swimming pool, spa, courtyard, new motor court, new landscape areas, 119 square feet of retaining walls; grading of approximately 940 cubic yards of cut & 420 cubic yards of fill. Color and materials consist of corrugate roofing (brown), reclaimed cedar siding, stone siding with wood accents, steel window brown), Jada /worn steel doors, patina metal trim to match windows and trim board; brown basal retaining walls are proposed, along with a reclaimed wood entry gate and black metal picket fence.

38 Tehama, lot 25 Tehama Subdivision
Phase 1 Track 1298, Carmel Valley Master Plan.

The Miller application (PLN220364) came on for an administrative decision hearing before the Monterey County HCD Chief of Planning on March 1, 2023. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, including the conditions of approval (Attachment 1) and project plans (Attachment 2), the Monterey County HCD Chief of Planning finds and decides as follows:

FINDINGS

- 1. FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
- EVIDENCE:**
- a) During the course of the review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - Carmel Valley Master Plan; and
 - Monterey County Zoning Ordinance (Title 21).No conflicts were found to exist. No communications were received during the course of the review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - b) Project. The project proposes the construction of a 5,169 square foot two-story single family dwelling with a 350 square foot attached garage (the main residence includes 3,268 square feet main level, 1,901 square feet upper level), 322 square feet of covered porch, 455 square foot covered entry; a 1,000 square foot detached master suite, a 1,213 square foot detached gym, new swimming pool, spa, courtyard, new motor court, new landscape areas, 119 square feet of retaining walls; grading of approximately 940 cubic yards of cut & 420 cubic yards of fill..
 - c) Allowed Use. The property is located at 38 Tehama, Carmel, Carmel Valley Master Plan, 169-421-006-000. The parcel is zoned Rural-Density Residential, 10 Acres per Unit; Design Control District Overlay, Site Plan Review, and Residential Allocation Zoning [RDR/10-D-S-RAZ]. Site Plan Review zoning allows residential development as a principal use, subject to granting an Administrative Permit. A site plan was included in the application showing the location and design of the proposed development and demonstrating that it is appropriate for the site. The project is consistent with the requirements for the Residential Allocation Zoning District. The proposed project is the only dwelling unit proposed on this parcel. No subdivision is proposed, and the new dwelling will be located on an existing legal lot of record in the Tehama Subdivision Phase 1. Therefore, the project is an allowed land use for this site.
 - d) Lot Legality. The subject 10.05-acre parcel (437,778 square feet), Assessor's Parcel Number 169-421-006-000, is identified in its current configuration in (Volume 22 C&T page 35 lot 25). Additionally, within the Tehama Subdivision – Phase 1 Tract 1268. Therefore, the County recognizes the subject property as a legal lot of record.
 - e) Design/Neighborhood and Community Character. The zoning of the subject property includes a Design Control overlay ("D") which is intended to regulate the location, size, configuration, materials, and colors of structures to ensure the protection of public viewshed, neighborhood character, and the visual integrity of certain developments without imposing undue restrictions on private property. The proposed Color and materials consist of corrugate roofing (brown), reclaimed cedar siding, stone siding with wood accents, steel window brown), Jada /worn steel doors, patina metal trim to match windows and trim board;

brown basal retaining walls are proposed, along with a reclaimed wood entry gate and black metal picket fence.. The project, as designed, assures the protection of the public viewshed, is consistent with the neighborhood character, and blends in with the surrounding areas. The project design, colors, and materials are consistent with those of other residences and structures in the Tehama Subdivision Phase 1.

- f) Development Standards. As proposed, the project meets all required development standards. The development standards for the Rural-Density Residential Zoning District are identified in MCC Section 21.16.020. The minimum setbacks for main structures in the RDR district are 30 feet (front), to a maximum required of 20 feet side and 20 feet rear setback. The maximum allowed height is 30 feet. The proposed project has a maximum height of 30 feet and is within the building envelope established for the proposed site. Therefore, setbacks are consistent with the minimum required and meet the height requirement for the zoning district in which it is located. The allowable maximum site coverage is 25% percent. The subject property is 437,778 square feet, with a building envelope of 1.64 acres, allowing site coverage of 71,438 square feet at the assigned building envelope. The proposed project would result in structural site coverage of 5,831 square feet (1.3% percent), therefore meeting the coverage standard.
- g) The project is consistent with Carmel Valley Master Plan policy CV-3.11, which discourages the removal of healthy native oak trees. The proposed project has no tree removal.
- h) The project planner conducted a site inspection on December 12, 2022, to verify that the project on the subject parcel conforms to the plans listed above.
- i) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning are found in Project File PLN220364.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the proposed development and use.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and Monterey County Regional Fire Protection District. County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations. There has been no indication from these departments/agencies that the site is not suitable for the development.
 - b) The project planner conducted a site inspection on December 12, 2022 to verify that the site is suitable for this use.
 - c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN220364.

3. FINDING: HEALTH AND SAFETY – The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the 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 improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by HCD-Planning, HCD- Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and Monterey County Regional Fire Protection District. There are no project conditions as the staff has ensured that the proposed project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities will be provided. Cañada Woods Water/Sewer District will serve the proposed project as the water connection and have a new 2,000-gallon on-site wastewater treatment system.
 - c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN220364.

- 4. FINDING:** **NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on December 12, 2022 and researched County records to assess if any violation exists on the subject property.
 - c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN220364.

- 5. FINDING:** **CEQA (Exempt)** – The project is categorically exempt from environmental review, and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15303 categorically exempts the development of the new single-family dwelling and accessory structures within residentially zoned areas.
 - b) The project consists of a new single-family dwelling. Therefore, the proposed development qualifies as a Class 1 Categorical Exemption pursuant to Section 15303 of the CEQA Guidelines.
 - c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, unusual circumstances that would result in a significant effect, or development that would result in a cumulatively significant impact.
 - d) No adverse environmental effects were identified during the staff review of the development application during a site visit on December 12, 2022.

- e) See supporting Findings Nos. 1 and 2. The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN220364.

6. FINDING: **APPEALABILITY** – The decision on this project may be appealed to the Planning Commission.

EVIDENCE: a) Pursuant to Section 21.80.040 of the Monterey County Zoning Ordinance (Title 21).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the HCD Chief of Planning does hereby:

1. Find the project qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15303; and
2. Approve the Administrative Permit and Design Approval for construction of a 5,169 square foot two-story single family dwelling with a 350 square foot attached garage (the main residence includes 3,268 square feet main level, 1,901 square feet upper level), 322 square feet of covered porch, 455 square foot covered entry; a 1,000 square foot detached master suite, a 1,213 square foot detached gym, new swimming pool, spa, courtyard, new motor court, new landscape areas, 119 square feet of retaining walls; grading of approximately 940 cubic yards of cut & 420 cubic yards of fill. Color and materials consist of corrugate roofing (brown), reclaimed cedar siding, stone siding with wood accents, steel window brown), Jada /worn steel doors, patina metal trim to match windows and trim board; brown basal retaining walls are proposed, along with a reclaimed wood entry gate and black metal picket fence.
3. All of these are in general conformance with the attached sketch (Attachment 2) and subject to the attached conditions (Attachment 1), all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 1st day of March, 2023.

DocuSigned by:

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Craig Spencer
HCD Chief of Planning

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE March 01, 2023.

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE March 13, 2023.

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 Monterey County HCD-Planning and HCD-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 1-27-2021

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County of Monterey HCD Planning

Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN220364

1. PD001 - SPECIFIC USES ONLY

Responsible Department: HCD-Planning

Condition/Mitigation Monitoring Measure: The Administrative Permit and Design Approval permit (PLN220364) allows the construction of a 5,169 square foot two-story single family dwelling with a 350 square foot attached garage (the main residence includes 3,268 square feet main level, 1,901 square feet upper level), 322 square feet of covered porch, 455 square foot covered entry; a 1,000 square foot detached master suite, a 1,213 square foot detached gym, new swimming pool, spa, courtyard, new motor court, new landscape areas, 119 square feet of retaining walls; grading of approximately 940 cubic yards of cut & 420 cubic yards of fill. Color and materials consist of corrugate roofing (brown), reclaimed cedar siding, stone siding with wood accents, steel window brown), Jada /worn steel doors, patina metal trim to match windows and trim board; brown basal retaining walls are proposed, along with a reclaimed wood entry gate and black metal picket fence. The property is located at 38 Tehama lot 25 Tehama subdivision Carmel Valley (Assessor's Parcel Number 169-421-006-000), Carmel Valley Master Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 HCD - Planning. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an on-going basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: HCD-Planning

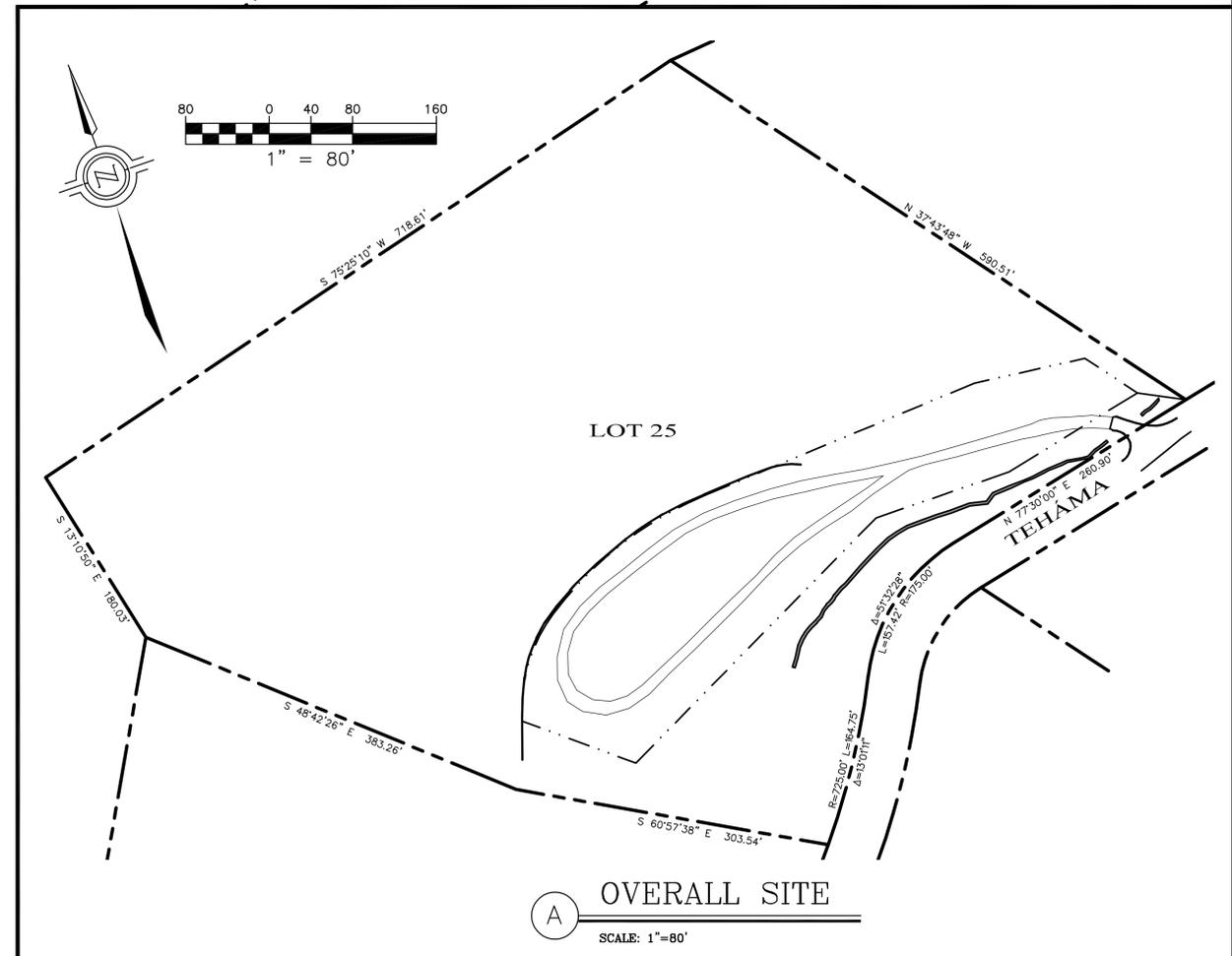
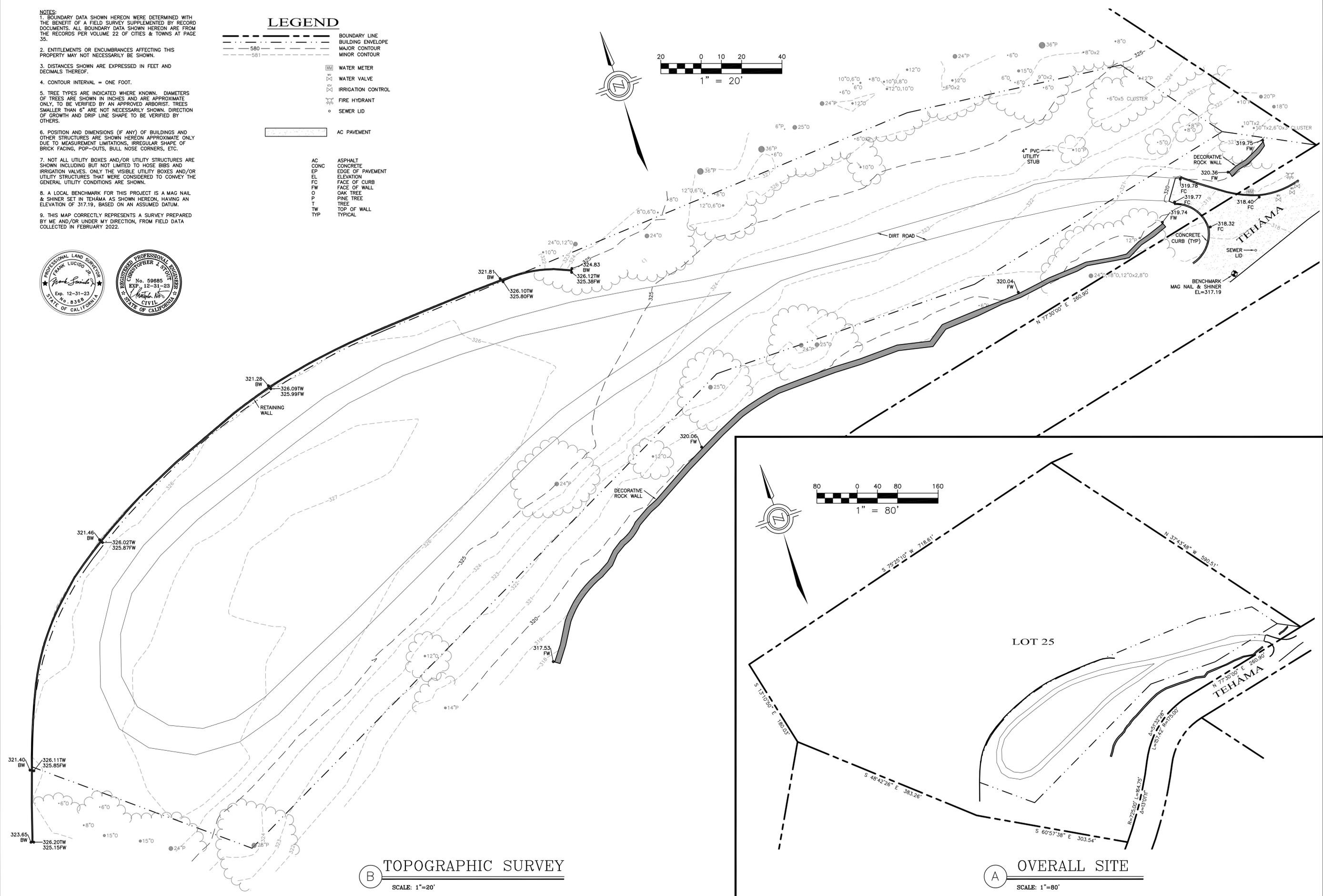
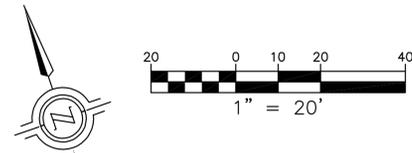
Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"Administrative Permit and Design Approval (Resolution Number 23-012) was approved by Chief of Planning] for Assessor's Parcel Number 169-421-006-000 on March 1, 2023. The permit was granted subject to 2 conditions of approval which run with the land. A permit copy is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the HCD - Planning.

- NOTES:**
- BOUNDARY DATA SHOWN HEREON WERE DETERMINED WITH THE BENEFIT OF A FIELD SURVEY, SUPPLEMENTED BY RECORD DOCUMENTS. ALL BOUNDARY DATA SHOWN HEREON ARE FROM THE RECORDS PER VOLUME 22 OF CITIES & TOWNS AT PAGE 35.
 - ENTITLEMENTS OR ENCUMBRANCES AFFECTING THIS PROPERTY MAY NOT NECESSARILY BE SHOWN.
 - DISTANCES SHOWN ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
 - CONTOUR INTERVAL = ONE FOOT.
 - TREE TYPES ARE INDICATED WHERE KNOWN. DIAMETERS OF TREES ARE SHOWN IN INCHES AND ARE APPROXIMATE ONLY, TO BE VERIFIED BY AN APPROVED ARBORIST. TREES SMALLER THAN 6" ARE NOT NECESSARILY SHOWN. DIRECTION OF GROWTH AND DRIP LINE SHAPE TO BE VERIFIED BY OTHERS.
 - POSITION AND DIMENSIONS (IF ANY) OF BUILDINGS AND OTHER STRUCTURES ARE SHOWN HEREON APPROXIMATE ONLY DUE TO MEASUREMENT LIMITATIONS, IRREGULAR SHAPE OF BRICK FACING, POP-OUTS, BULL NOSE CORNERS, ETC.
 - NOT ALL UTILITY BOXES AND/OR UTILITY STRUCTURES ARE SHOWN INCLUDING BUT NOT LIMITED TO HOSE BIBS AND IRRIGATION VALVES. ONLY THE VISIBLE UTILITY BOXES AND/OR UTILITY STRUCTURES THAT WERE CONSIDERED TO CONVEY THE GENERAL UTILITY CONDITIONS ARE SHOWN.
 - A LOCAL BENCHMARK FOR THIS PROJECT IS A MAG NAIL & SHINER SET IN TEHAMA AS SHOWN HEREON, HAVING AN ELEVATION OF 317.19, BASED ON AN ASSUMED DATUM.
 - THIS MAP CORRECTLY REPRESENTS A SURVEY PREPARED BY ME, AND/OR UNDER MY DIRECTION, FROM FIELD DATA COLLECTED IN FEBRUARY 2022.

LEGEND	
	BOUNDARY LINE
	BUILDING ENVELOPE
	MAJOR CONTOUR
	MINOR CONTOUR
	WATER METER
	WATER VALVE
	IRRIGATION CONTROL
	FIRE HYDRANT
	SEWER LID
	AC PAVEMENT
	ASPHALT
	CONCRETE
	EDGE OF PAVEMENT
	ELEVATION
	FACE OF CURB
	FACE OF WALL
	OAK TREE
	PINE TREE
	TREE
	TOP OF WALL
	TYPICAL



(B) TOPOGRAPHIC SURVEY
SCALE: 1"=20'

(A) OVERALL SITE
SCALE: 1"=80'

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