

NO. 000581

A. P. # 412-161-006-000

In the matter of the application of  
**Don Chapin (PLN000581)**

**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 an Administrative Permit for the construction of a 3,498 sq. ft. single family dwelling with a 940 sq. ft. attached three-car garage and Use Permit for the removal of four Oak trees, located at 1276 Pajaro Hills Ct., Lot 6 of Tract Pajaro Hills Subdivision, west of the intersection of Pajaro Hills Ct. and Pajaro Hills Drive, North County Area Plan , came on regularly for meeting before the Zoning Administrator on March 29, 2001.

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

1. **FINDING:** The subject project is a Combined Development Permit consisting of an Administrative Permit for the construction of a 3,498 sq. ft. single family dwelling with a 940 sq. ft. attached three-car garage and Use Permit for the removal of four Oak trees as described in condition #1, and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, and the Monterey County Zoning Ordinance (Title 21). The project is located at 1276 Pajaro Hills Ct, Lot 6 of Tract Pajaro Hills Subdivision, west of the intersection of Pajaro Hills Ct and Pajaro Hills Dr, North County Area Plan. The parcel is zoned "Low Density Residential" (LDR/5-VS). 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:

- a) The North County Area Plan and General Plan
- b) Chapters 21.14 and 21.46 of the Monterey County Zoning Ordinance regulations for development.

**EVIDENCE:** The project site is physically suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and applicable Fire Department. There has been no indication from these agencies that the site is not suitable for the proposed development. The Initial Study demonstrates that no physical or environmental constraints exist that would indicate 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 in section 21.14, 21.46 of Title 21, Monterey County Zoning Ordinance that address Low Density Residential zoning requirements and Visual Sensitive requirements. The project as proposed will not cause a significant visual impact.

**EVIDENCE:** Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on the subject property.

**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.

2. **FINDING:** The proposed project is consistent with policies of the North County Area Plan dealing with Forest Resource Development Standards and Section 21.64.260 addressing the preservation of oak trees. A forest management report was prepared by Hugh E. Smith, dated January 17, 2001 and is on file in the Monterey County Planning and Building Inspection Department. The report states that four Oak trees are proposed for removal. The forester states that relocation of the proposed structure would not save additional trees and is the minimum required and may cause additional environmental impacts involving development on slopes in excess of 25 percent. The forester's recommendations have been incorporated into conditions of approval.

**EVIDENCE:** Forest Management Report prepared by Hugh E. Smith contained in planning file PLN000581.

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, applicable Fire Department, 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 proposed project will not have a significant environmental impact.

**EVIDENCE:** Section 15301(e2) of the Monterey County CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during review of the proposed development application.

**EVIDENCE:** File and application materials contained in the project file.

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

**EVIDENCE:** Section 21.80.040.B of the Monterey County Zoning Ordinance

### 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 Combined Development Permit consisting of an Administrative Permit for the construction of a 3,498 sq. ft. single family dwelling with a 940 sq. ft. attached three-car garage and Use Permit for the

removal of four Oak trees. The project is located at 1276 Pajaro Hills Ct, (Assessor's Parcel Number 412-161-006-000), Lot 6 of Tract Pajaro Hills Subdivision, west of the intersection of Pajaro Hills Ct and Pajaro Hills Dr, North County 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 the appropriate authorities approve additional permits. (Planning and Building Inspection)

### **PRIOR TO ISSUANCE OF BUILDING OR GRADING 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 000581) was approved by the Planning Commission for Assessor's Parcel Number 412-161-006-000 on March 29, 2001. The permit was granted subject to 24 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. 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)
5. The applicant shall obtain a grading and building permit from the Building Inspection Division. (Planning and Building Inspection)
6. Prior to issuance of grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect to address on-site and off-site impacts. If runoff can't be directed to the existing drainage improvements, the drainage plan shall include retention/percolation facilities to mitigate the

- impact of impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with approved plans. (Water Resources Agency)
7. 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:
    - 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)
  8. Prior to issuance of a building permit, provide to the Director of Environmental Health written certification, and any necessary certification from State agencies that Vega Road Water Service can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. (Environmental Health)
  9. Trees 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)
  10. Prior to issuance of a building permit, submit plans for the existing surface and sub-surface drainage improvements for review and approval to the Director of Environmental Health to determine any potential septic system impacts. (Environmental Health)
  11. All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface, shall require a minimum of Class B roof construction. (North County Fire Protection District)
  12. 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.”*** (North County Fire Protection District)

#### **PRIOR TO FINAL ON BUILDING AND GRADING PERMIT**

13. 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 time of Landscape Plan submittal. The landscape plan shall be in sufficient detail to identify the location, species, and size of the proposed

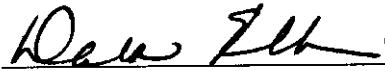
- landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. (Planning and Building Inspection)
14. Tree replacement for four Coast Live Oak trees shall be shown on the required landscape plan on a one to one ratio. (Planning and Building Inspection)
  15. The required landscape plan shall include adequate landscaping (trees and shrubs) to screen the visibility of the residence. Once installed, the landscape screening will be reviewed and approved by the Director of the Planning and Building Inspection Department. (Planning and Building Inspection)
  16. Tree wells shall be designed in a way to minimize tree damage and root disturbance. Edges of the wells must be at or outside the drip line of the enclosed trees. (Planning and Building Inspection)
  17. The area not proposed for structure or road shall be protected and kept free from disruption during construction. No construction materials or equipment shall be stored in the forested area. Before construction begins, orange fencing or hay bails shall be erected around the undisturbed forest area near the proposed development. The protected area shall not be used for any reason. Preservation of the forest soils shall be the main focus to minimize development impacts. (Planning and Building Inspection)
  18. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. (North County Fire Protection District)
  19. 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. (North County Fire Protection District)
  20. Driveways shall not be less than 12 feet wide unobstructed. All driveways exceeding 150 feet in length, but less than 800 feet in length, turnouts shall be provided at not greater than 400 foot intervals. (North County Fire Protection District)
  21. All parcels 1 acre and larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, or when a 30 foot minimum setback cannot be reached, alternate fuel modification standards may be imposed by the local fire jurisdiction to provide the same practical effect. (North County Fire Protection District)
  22. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. (North County Fire Protection District)
  23. Before 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.

**CONTINUOUS PERMIT CONDITIONS**

24. All landscaped areas and replanted trees shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.  
(Planning and Building Inspection)

**PASSED AND ADOPTED** this **29th** day of **March, 2001**.



DALE ELLIS, AICP  
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON **APR 10 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 **APR 20 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.

