

NO. 000642

A. P. # 129-071-015-000

In the matter of the application of
Stephen & Debby Bradshaw (PLN000642)

FINDINGS AND DECISION

to allow a **Combined Development Permit** in accordance with Title 20 (Zoning) Chapter 21.210 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Development Permit for tree removal (9 oaks) and a Master Administrative Permit to allow the construction of five single family residences and septic systems, one each on five parcels in an approved subdivision (Bradshaw, PLN980152); the proposed residences consist of the following: Parcel 1, two-story single family residence and septic system; Parcel 2, one-story single family residence and septic system; Parcel 3, two-story single family residence and septic system; Parcel 4, single family residence and septic system; Parcel 5, single family residence and septic system; fronting on and westerly of Desmond Road at 25 Desmond Road, North County Land Use Plan, Coastal Zone, 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 Combined Development Permit consisting of a Coastal Development Permit for tree removal (9 oaks) and a Master Administrative Permit to allow the construction of 5 single family residences and septic systems on five separate parcels (PLN000642) as described in condition #1 as conditioned, conforms with the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the North County Land Use Plan, North County Implementation Plan (Part 2), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). The property is located at 25 Desmond Road in the North County Area of the Coastal Zone. The parcel is zoned "LDR/2.5 (CZ)" (Low Density Residential, 2.5 Acres per Unit). The site is physically suitable for the use proposed.
EVIDENCE: The application and plans submitted for the Combined Development Permit in the project file at the Monterey County Planning and Building Inspection Department.
EVIDENCE: The site is located within an archaeologically sensitive area. Archeological Consulting prepared an Archeological Report for the site, and no Archeological resources were found.
EVIDENCE: A forest management plan was prepared that evaluated the removed trees and recommended a restoration plan for the trees removed on parcel 2. The forester's recommendations for restoration include allowing the stumps to regrow, and replacement planting of twelve oak trees. A condition has been recommended that requires restoration to a previolation state.
EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the applicable Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those 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: Section 15303 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.
3. **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, North County Fire Department, Public Works and Parks Departments, Environmental Health Division, and Water Resources Agency. The respective departments and Agency 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.
4. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 20, and all zoning violation abatement costs, if any, have been paid.
EVIDENCE: A portion of this application includes the abatement of an existing violation. A forest management plan and restoration plan have been prepared by John D. Otter, Professional forester. Restoration of the removed oak trees will be required as a condition of approval, prior to issuance of any permits.
5. **FINDING:** The project is appealable to the Board of Supervisors and the California Coastal Commission.
EVIDENCE: Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.
6. **FINDING:** The project complies with Title 20.90.120 in that the Coastal Development Permit portion of the Combined Development Permit, and required restoration, will restore the project to its previolation state to the extent feasible and possible.
EVIDENCE: Restoration of the site, and monitoring of the restoration, will insure the long term survival and health of the oak forest. No landmark trees were removed; subsequent replanting according to a restoration plan is possible.

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 subject Combined Development Permit allow for a Coastal Development Permit for Tree Removal (9 oaks) and a Master Administrative Permit allowing the construction of 5 single family residences and septic systems, one each on five parcels in an approved subdivision (Bradshaw, PLN980152). The proposed residences consist of the following: Parcel 1, two-story single family residence and septic system; Parcel 2, one-story single family residence and septic system; Parcel 3, two-story single family residence and septic system; Parcel 4, one-story single family residence and septic system; Parcel 5, one-story single family residence and septic system. 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. 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 for each parcel which states: "A permit (Resolution _____) was approved by the Zoning Administrator for Assessor's Parcel Number 129-071-015-000 on March 29, 2001. The permit was granted subject to 23 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. 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. 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)**
6. Replacement of the removed oaks shall be with a mixture of six mature, full size oaks similar to those removed, as well as seedlings. Restoration of the trees requires replacement of the trees with mature Coast Live Oaks, similar in size to those removed. A Restoration plan, including a 10 year monitoring of the oaks, shall be prepared for the approval of the Director of Planning and Building Inspection. Restoration shall be completed and approved as adequate prior to issuance of building permits for Parcel 2. **(Planning and Building Inspection)**
7. That a deed restriction be recorded for Parcel 2 stating that the parcel was subject to a restoration plan and required restoration, and that monitoring will be required for a 10 (ten) year period. Monitoring will be at the property owner's expense and require submittal of a report from a forester by the following dates; 1 year, 3 years, 5 years, 7 years and 10 years. If any of the replacement trees are not successfully established, they shall be replaced with a similar size tree. No portion of the restored area, including all replanted trees may be removed without approval and necessary permits from Monterey County Planning and Building Inspection. **(Planning and Building Inspection Department)**
8. A drainage plan shall be prepared by a registered civil engineer or architect incorporating the erosion control planting recommendations in the Geotechnical Soils-Foundation & Geological Hazards Report for the Desmond Road Subdivision prepared by Grice Engineering & Geology Inc. dated September 1998. **(Water Resources Agency)**
9. 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."
(Fire District)
10. The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by National Fire Protection Association Standard 72 - 1993 Edition. Plans and specifications for the fire alarm system must be submitted and approved by the enforcing jurisdiction prior to requesting a framing inspection. All fire alarm system inspections and acceptance testing shall be in accordance with Chapter 7 of NFPA 72 - 1993. **(Fire District)**
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. **(Fire District)**

Prior to Final Building Inspection/Occupancy:

12. 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 & Planning and Building Inspection)**
13. 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, and well logs available, and the number of current hookups. **(Water Resources Agency)**
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, 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)**
15. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. **(Fire District)**
16. Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be minimum of 60 feet in length. **(Fire District)**
17. Driveways shall not be less than 12 feet wide unobstructed. 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. **(Fire District)**
18. 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. **(Fire District)**
19. Where road grades exceed 8 percent, a minimum structural roadway surface thickness of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. **(Fire District)**

Continuous Permit Conditions:

20. 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 (165 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)**

21. 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)**
22. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. **(Fire District)**
23. 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. **(Fire District)**

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 CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **APR 20 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.

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.

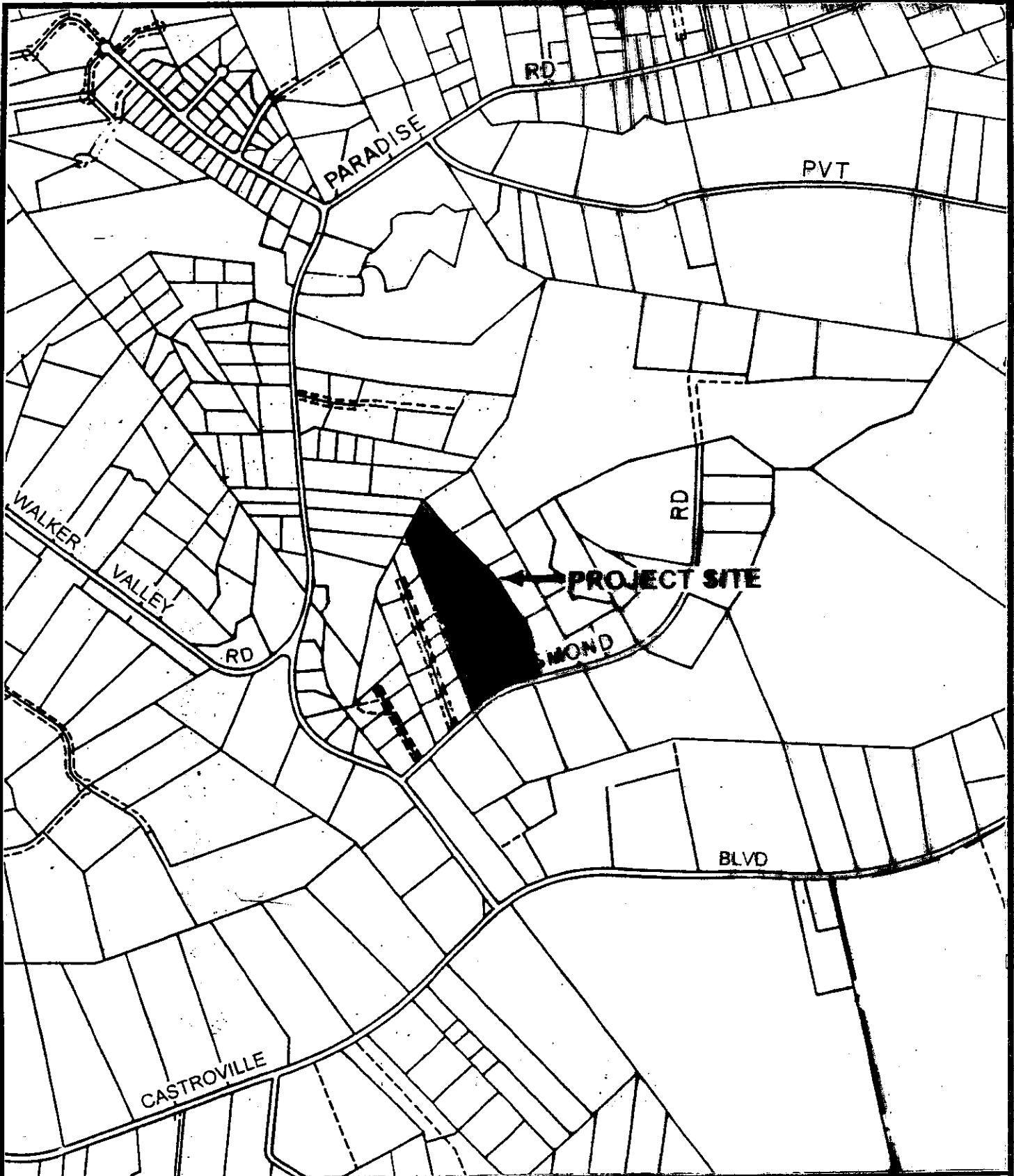
NOTES

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 Monterey.



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

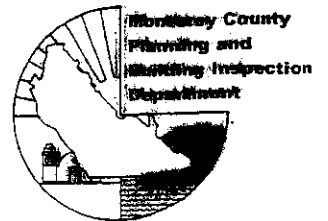
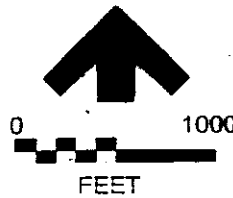


APPLICANT: BRADSHAW

APN: 129-071-015-000

FILE# 000642

300' LIMIT: 
 2,500' LIMIT: 



DATE: 0/00/00