

LYNNE MOUNDAY
ZONING ADMINISTRATOR
MONTEREY

STATE OF CALIFORNIA
COUNTY OF

RESOLUTION NO. 010397

A.P.# 416-141-026-000

In the matter of the application of
Sigurd and Judith Ann Von Christerson (PLN010397)

FINDINGS & DECISION

for an Administrative Permit in accordance with Title 21 (Zoning) Chapter 21.70 (Administrative Permits) of the Monterey County Code, to allow the construction of a new single family dwelling and septic system; and Design Approval (grading will be equal cut and fill of 300 cubic yards), located at 11471 Spur Road, Monterey east of Whip Road, Greater Monterey Peninsula area, came on regularly for meeting before the Zoning Administrator on May 9, 2002.

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

FINDINGS OF FACT

1. **FINDING:** The subject Administrative Permit and Design Approval (PLN010379), as described in Condition #1 and as conditioned, conforms to the plans, policies, requirements and standards of the General Plan, the Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 11471 Spur in the Halcyon Estates area of the Highway 68 corridor. The parcel is zoned "RDR/B-6(20)(VS)" Rural Density Residential, with Visual Sensitivity and 20' Height Limitation. The site is physically suitable for the use proposed.

EVIDENCE: The application and plans submitted for the Administrative Permit in project file PLN010379 at the Monterey County Planning and Building Inspection Department.

EVIDENCE: The Geotechnical Report prepared by Haro, Kasunich and Associates Consulting Geotechnical and Coastal Engineers. Dated April 6, 1987, with recommendations.

EVIDENCE: Design Approval Request form with plans recommended for approval by a 2-0 vote by the Greater Monterey Peninsula Land Use Advisory Committee.

EVIDENCE: The project has been reviewed by the Monterey County Planning and Building Inspection Department, Salinas Rural 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: Section 15301(e) of the Monterey County CEQA Guidelines categorically exempts additions to single-family residences of less than 2,000 square feet from environmental review. No adverse environmental impacts were identified during staff review of the project application.

3. **FINDING:** Based upon the District's water allotment system, the County of Monterey has established a system of priority distribution of water allocation for properties within its own jurisdiction. Current information available to the County indicates that the County's share of water under the District's allotment system, over which the County has no control, has been exhausted to the point that the County is unable to assure that property owners who do or have obtained

development permits for their properties will be able to proceed with their development projects.

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.

4. FINDING: A small portion of the roof would be visible from Highway 68.

EVIDENCE: Approximately three feet of the roof would be visible from Highway 68 for a brief moment, but will not be an impact to the public from the Highway.

5. FINDING: In view of the preceding finding, and the fact that the present application for a administrative permit otherwise meets all County requirements, the County approves the application subject to the determination by the Monterey County Water Resources Agency, in the form of a water availability certification, that water is available for the project and the applicant being able to obtain a water use permit.

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.

6. 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, Public Works, Parks, Salinas Rural FPD, Environmental Health Division, and the Water Resources Agency. The preceding 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.

7. FINDING: The project is appealable to the Planning Commission.

EVIDENCE: Sections 21.80.040A and 21.80.050 of the Monterey County Zoning Ordinance.

DECISION

THEREFORE, it is the decision of said Zoning Administrator, that said application for an Administrative Permit be granted as shown on the attached sketch, and subject to the following conditions:

1. The subject Administrative Permit and Design Approval (PLN010397) allows for a new single-family dwelling and attached garage. The property is located at 11471 Spur Road, Monterey 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 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 applicant shall record a notice which states: "A permit (Resolution No. 010397) was approved by the Zoning Administrator for Assessor's Parcel Number 416-141-026-000 on May 9, 2002. The permit was

granted subject to 29 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)**

3. 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. **(Salinas Rural Fire District)**
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. If applicable, 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. 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. **(Water Resources Agency)**

Prior to Final Building Inspection/Occupancy:

6. All construction shall conform to the recommendations in the Geotechnical Report prepared for this project. **(Planning and Building Inspection)**
7. The root system of the oak trees near the dwelling and garage shall be protected by bridging during grading and construction. All oak trees shall be preserved to provide stability for the slope areas. **(Planning and Building Inspection)**
8. At the time of initial construction the primary and secondary septic drainfields shall be installed with a diversion valve to permit periodic use and resting of each half of the system. **(Environmental Health)**
9. Prior to issuance of a building permit, provide to the Director of Environmental Health written certification, and any necessary certification from State agencies that California American Water Service Company can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. **(Environmental Health)**
10. 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. **(Water Resources Agency)**
11. 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. **(Water Resources Agency)**
12. The applicant shall comply with Ordinance No. 3932 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)**
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 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)**
 14. The approved materials and colors to be used for the residence shall consist of the following: Carlsbad blend roof tiles, medium beige stucco walls, light beige trim, sand vinyl windows and European Castle Stone stonework. **(Planning and Building Inspection)**
 15. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus. **(Salinas Rural Fire Protection District)**
 16. Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. **(Salinas Rural Fire District)**
 17. In very high fire hazard areas, as defined by the California Department of forestry and Fire Protection (CDF), roof construction shall be Class A, with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired so as to affect 50% or more of the roof. Vegetation removal will not be allowed as a means of removing very high fire hazard area designation for an entire parcel. **(Salinas Rural Fire District)**
 18. Fire sprinklers shall be installed in attached garages. **(Salinas Rural Fire District)**
 19. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. **(Salinas Rural Fire Protection District)**
 20. 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. **(Salinas Rural Fire Protection District)**
 21. 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. **(Salinas Rural Fire Protection District)**
 22. 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. **(Salinas Rural Fire Protection District)**

23. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. **(Salinas Rural Fire Protection District)**
24. When 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 can not be provided, a post or sign bearing the address shall be set adjacent to the driveway or access road to the property. Address numbers shall be Arabic, not Roman numerals or written out in words. 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. **(Salinas Rural Fire Protection District)**
25. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Salinas Rural Fire Protection District)**
26. Due to the inability to achieve a setback of 30 feet from all property lines, all small bathrooms shall be protected with fire sprinklers. **(Salinas Rural Fire Protection District)**
27. 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; garage included.” **(Salinas Rural Fire Protection District)**

Continuous Permit Conditions:

28. 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)**
29. 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 (150 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)**

PASSED AND ADOPTED this 9th day of **May, 2002.**

Original Signed By:

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE 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

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 two years after the above date of granting thereof unless construction or use is started within this period.