

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 040735

REVISED

APN# 416-193-009-000

FINDINGS & DECISION

In the matter of the application of

LUCIDO JOSEPH P & BARBARA M LUCIDO TRS (PLN040735)

Combined Development Permit consisting of a Use Permit for development on slopes in excess of 30%; and an Administrative Permit and Design Approval to construct a 4,852 Sq. Ft. multi-level single family dwelling. The project includes approximately 1,675 cubic yards. of grading (1,590 Cut and 85 cubic yards fill). Most of the dwelling is proposed on slopes greater than 30 percent. The property is located at 25417 Boots Road, Monterey, in the Greater Monterey Peninsula Area. The project came on regularly for hearing before the Zoning Administrator on May 26, 2005.

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

FINDINGS OF FACT

- 1. FINDING:** The Combined Development Permit (Lucido PLN0 040735) consists of a Use Permit for development on slopes in excess of 30 percent; and an Administrative Permit and Design Approval to construct a 4,852 Sq. Ft. multi-level single family dwelling. Most of the dwelling is proposed on slopes greater than 30 percent. The property is located at 25417 Boots Road, Monterey, in the Greater Monterey Peninsula Area (APN: 416-193-009-000). The project, as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County Zoning Ordinance (Title 21), the General Plan, and the Greater Monterey Peninsula Area Plan. The subject site is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.

EVIDENCE: The application and plans submitted for the Use Permit and Design Approval in project file PLN040735 at the Monterey County Planning and Building Inspection Department.

EVIDENCE: Design Approval Request form with plans with project plans, and color samples.

EVIDENCE: General Biological Resource Assessment; Sierra Delta Corporation; SDC Project Number KNOL.03 dated September 14, 2004.

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, except for the LUAC recommendations. 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 Salinas Rural Fire District, 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:** There is no feasible alternative which would allow development to occur on slopes of less than 30 percent.

EVIDENCE: Sheet A-2; Existing Site Plan, dated November 28, 2004.

- EVIDENCE:** The application and plans submitted for the Use Permit and Design Approval in project file PLN040735 at the Monterey County Planning and Building Inspection Department.
3. **FINDING:** Pursuant to § 21.04.030.F MCC, the proposed project does not involve 1) significant public policy issues 2) unmitigable significant adverse environmental impacts, 3) significant changes in the nature of a community or 4) establishment of precedents or standards by which other projects will be measured. Therefore, in accordance with § 21.64.230.D MCC, the Zoning Administrator is the appropriate decision-making authority. In accordance with § 21.80.040, the Planning Commission is the Appeal Authority of discretionary decisions of the Zoning Administrator.
- EVIDENCE:** The application and plans submitted for the Combined Development Permit and Design Approval in project file PLN040735 at the Monterey County Planning and Building Inspection Department.
- EVIDENCE:** § 21.04.030.F MCC; § 21.64.230.D MCC; § 21.80.040
4. **FINDING:** The approved project will not have a significant adverse impact on the environment.
- EVIDENCE:** Section 15303(a) of the California Environmental Quality Act Guidelines (New Construction or Conversion of Small Structures) categorically exempts this project from environmental review.
- EVIDENCE:** The application and plans submitted for the Combined Development Permit and Design Approval in project file PLN040735 at the Monterey County Planning and Building Inspection Department.
- EVIDENCE** General Biological Resource Assessment; Sierra Delta Corporation; SDC Project Number KNOL.03 dated September 14, 2004.
5. **FINDING:** The establishment, maintenance, or operation of the use or building 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 materials was reviewed by the Planning and Building Inspection Department, Environmental Health Department, the Public Works Department, Salinas Rural Fire District and the 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:** The application and plans submitted for the Combined Development Permit and Design Approval in project file PLN040735 at the Monterey County Planning and Building Inspection Department.
- EVIDENCE** General Biological Resource Assessment; Sierra Delta Corporation; SDC Project Number KNOL.03 dated September 14, 2004.
6. **FINDING:** **APPEALABILITY** - The project is appealable to the Planning Commission.
- EVIDENCE:** Section 21.80.040.B of the Monterey County Zoning Ordinance (Title 21).

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 26th day of May, 2005.

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

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

**Monterey County Planning and Building Inspection
Condition Compliance and/or Mitigation Monitoring
Reporting Plan**

Project Name: *Lucido*

File No: PLN040735 **APNs:** 416-193-009-000

Approval by: Zoning Administrator **Date:** May 26, 2005

**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		<p>PBD029 - SPECIFIC USES ONLY</p> <p>This Combined Development permit allows development on slopes in excess of 30 percent; and construction of a 4,852 sq. ft. multi-level single family dwelling. The property is located at 25417 Boots Road, Monterey, in the Greater Monterey Peninsula Area (APN: 416-193-009-000). This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other-wise stated	

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2		<p>PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 040735) was approved by the Zoning Administrator for Assessor's Parcel Number 416-193-009-000 on May 26, 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. (Planning and Building Inspection)</p>	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		<p>PBD030 - STOP WORK - RESOURCES FOUND 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 a qualified professional archaeologist can evaluate it. 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)</p>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. 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.	Owner/ Applicant/ Archaeologist	Ongoing	

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4		PBD040 – HEIGHT VERIFICATION 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. (Planning and Building Inspection)	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	Owner/ Applicant	Prior to Issuance of Grading or Building Permits	
			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(s) from the benchmark is consistent with what was approved on the building permit.	Engineer/ Owner/ Applicant	Prior to Final Inspection	
5		WR2 - STORMWATER CONTROL The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Stormwater 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. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits	
6		WR43 - WATER AVAILABILITY CERTIFICATION The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	

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7		<p>WR40 - WATER CONSERVATION MEASURES 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:</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. (Water Resources Agency)</p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	

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8		<p>FIRE007 - DRIVEWAYS</p> <p>Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For 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 curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. 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. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and 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 driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.</p> <p>Salinas Rural Fire District.</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p><i>Applicant or owner</i></p>	<p>Prior to issuance of grading and/or building permit.</p>	

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			<i>Applicant shall schedule fire dept. clearance inspection</i>	<i>Applicant or owner</i>	Prior to final building inspection .	
9		FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. Salinas Rural Fire District.	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	<i>Applicant or owner</i>	Prior to issuance of grading and/or building permit.	
			<i>Applicant shall schedule fire dept. clearance inspection</i>	<i>Applicant or owner</i>	Prior to final building inspection .	

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10		<p>FIRE011 - ADDRESSES FOR BUILDINGS</p> <p>All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be 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. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. Salinas Rural Fire District.</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	<i>Applicant or owner</i>	Prior to issuance of building permit.	
			<i>Applicant shall schedule fire dept. clearance inspection</i>	<i>Applicant or owner</i>	Prior to final building inspection	

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11		FIRE016 - SETBACKS All parcels 1 acre and larger shall provide a minimum 30-foot setback for new buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, alternate fuel modification standards or other requirements may be imposed by the local fire jurisdiction to provide the same practical effect. Salinas Rural Fire District.	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	<i>Applicant or owner</i>	Prior to issuance of grading and/or building permit.	
			<i>Applicant shall schedule fire dept. clearance inspection</i>	<i>Applicant or owner</i>	Prior to final building inspection	
12		FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS) Remove combustible vegetation from within a minimum of 30-100 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. Salinas Rural Fire District.	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	<i>Applicant or owner</i>	Prior to issuance of grading and/or building permit.	
			<i>Applicant shall schedule fire dept. clearance inspection</i>	<i>Applicant or owner</i>	Prior to final building inspection	

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13		<p>FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</p> <p>The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. Salinas Rural Fire District.</p>	Applicant shall enumerate as “Fire Dept. Notes” on plans.	<i>Applicant or owner</i>	Prior to issuance of building permit.	
			<i>Applicant shall schedule fire dept. rough sprinkler inspection</i>	<i>Applicant or owner</i>	Prior to framing inspection	
			<i>Applicant shall schedule fire dept. final sprinkler inspection</i>	<i>Applicant or owner</i>	Prior to final building inspection	
14		<p>FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE)</p> <p>All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. Salinas Rural Fire District.</p>	Applicant shall enumerate as “Fire Dept. Notes” on plans.	<i>Applicant or owner</i>	Prior to issuance of building permit.	

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15		<p>ADDITIONAL FIRE REQUIREMENTS :</p> <p>A) At the northwest elevation, vegetation shall be cleared to the property line.</p> <p>B) The windows in the area that encroaches on the 30 foot setback shall be constructed of double pane tempered glass.</p> <p>C) The doors in the area that encroaches on the 30 foot setback shall be fire rated 45 minute self closing and self sealing.</p> <p>D) All eves shall be constructed with non-combustible materials with no greater than 1/ 4 inch mesh for ventilation</p> <p>E) Install exterior fire sprinklers in the eves, canopies and overhangs of the east elevations. Exterior sprinklers shall comply with NFPA 13. Installation of exterior sprinklers shall be approved by the Fire District.</p>				
16		<p>EH11 - SEPTIC SYSTEM DESIGN</p> <p>Submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. (Environmental Health)</p>	Division of Environmental Health must approve plans. Applicant shall obtain a permit to install the septic system.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final parcel map or issuance of building permit.	

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17		<p>PD0013 - DEED RESTRICTION DESIGNS/COLORS</p> <p>The applicant shall record a deed restriction indicating that all exterior design changes, including color changes associated with repainting and reroofing and including exterior lighting changes, be approved by the County, subject to Design Approval regulations. The deed restriction shall be subject to the approval of the Director of Planning and Building Inspection prior to recordation. (Planning and Building Inspection Department)</p>		Applicant or owner.	Prior to issuance of building permit.	