

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

REVISED

RESOLUTION NO. 02012

A. P. # 117-341-002-000

FINDINGS AND DECISION

In the matter of the application of
Granite Construction Company (PLN010466)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, an extension of a Combined Development Permit, located at 24 San Juan Road, Pajaro, at the west end of San Juan Street and the north end of Florence Avenue, came on regularly for hearing before the Planning Commission on February 27, 2002.

WHEREAS: Said proposal includes:

- 1) an extension of a Standard Subdivision Vesting Tentative Map to allow the division of a 4.94 acre parcel into a 53-lot planned unit development for inclusionary housing, and
- 2) an extension of a Use Permit to allow residential uses exceeding 10 dwelling units per acre in the "HDR" Zoning District

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. FINDING: The applicant, Woodman Development Company, timely applied for an extension of a Vesting Tentative Map and Use Permit, File No. PC96018.
EVIDENCE: Application materials located in Project Files PC96018, PLN980561 and PLN010466, and the administrative record.
2. FINDING: Consideration of the subject application for an extension has been carried out pursuant to Section 19.05.065 of Title 19 (Subdivisions) and Section 21.74.114 of Title 21 (Zoning) of the Monterey County Code.
EVIDENCE: Application materials located in Project Files PC96018, PLN980561 and PLN010466, and the administrative record. The purpose of the extension is to allow additional time for condition compliance, or to consider a possible redesign of the project.
3. FINDING: The extension of the Vesting Tentative Map and Use Permit conforms to the Monterey County General Plan and the County Subdivision and Zoning Ordinances, and there is no new information or substantial changes in circumstances which would alter the original approval.
EVIDENCE: Any redesign of the project would require a new application. Application materials located in Project Files PC96018, PLN980561 and PLN010466, Board of Supervisors Resolution No. 96462, and the administrative record.
4. FINDING: The new and amended conditions added to the project are of a non-substantive, housekeeping nature, and do not change the original project approval.
EVIDENCE: The new conditions (designated as Nos. 2 and 3) should have been added during the original approval, but were inadvertently left out. One of these new conditions requires installation of sewer system improvements, and the other requires a deed restriction for each lot requiring the use of low water use plumbing fixtures and drought tolerant landscaping. One amended

condition (designated as No. 4) reflects the current rate for Health Department review fees, and the other amended condition (designated as No. 5) makes provision for the use of a non-public entity, such as a homeowners association, for the maintenance of drainage facilities.

DECISION

It is the decision of the Planning Commission of the County of Monterey that the said application for an extension of a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. This permit is an extension of a Vesting Tentative Map and Use Permit in accordance with County ordinances and land use regulations, subject to the terms and conditions set forth in Board of Supervisors Resolution No. 96-462 and subject to the following terms and conditions, to expire on November 12, 2003. 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)

Recommended Additional Conditions:

2. Subdivider shall submit plans for sewer improvements to the Pajaro County Sanitation District for review and approval prior to installing, or bonding, sewer system improvements. The sewer system improvements, and any appurtenances, shall be installed, or bonded, to and within the subdivision prior to filing the Final Map. Evidence shall be provided to the Director of Environmental Health that the proposed sewer system improvements have been approved by the Pajaro County Sanitation District prior to filing the Final Map. (Environmental Health)
3. A notice shall be recorded on the deed for each lot that all new construction shall incorporate the use of low water use plumbing fixtures and drought tolerant landscaping in accordance with County Water Resources Agency Ordinance No. 3932, or as subsequently amended. (Water Resources)

Recommended Amendments to Existing Conditions :

4. Condition No. 22 of Board of Supervisors Resolution No. 96462 is amended to read as follows: "The subdivider shall provide payment of Health Department review fees pursuant to Chapter 1.40 of the Monterey County Fee Resolution for any additional project review fees at the current hourly rate (currently \$85.00 per hour)." (Environmental Health)

- 5. Condition No. 34 of Board of Supervisors Resolution No. 96462 is amended to read as follows: “The property shall be annexed to the local County Service Area for maintenance of drainage facilities, or to some other entity, such as a homeowners association, with CCRs delineating drainage facility maintenance responsibility.” (Water Resources)

PASSED AND ADOPTED this 27th day of February, 2002 by the following vote:

AYES: Errea, Sanchez, Hawkins, Parsons, Brennan, Pitt-Derdivanis, Diehl, Hernandez, Wilmot
 NOES: None
 ABSENT: Lacy

Original Signed By:
 DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on

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 MARCH 22, 2002.

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. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.