

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

RESOLUTION NO. 03011

A.P. # 173-074-069-000

FINDINGS AND

DECISION

In the matter of the application of
Daniel A. Capen (PLN020513)

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for removal of four protected Oak trees and Design Approval for the construction of a two-story 2,942 square foot single family residence, 1,116 square foot garage, 80 square foot trash enclosure and 120 square foot barbecue enclosure, located at 311 Pasadera Court (Lot 144), Monterey, north of Estrella Avenue, Pasadera Subdivision, greater Monterey Peninsula area, came on regularly for hearing before the Planning Commission on February 26, 2003.

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

FINDINGS OF FACT

- 1. FINDING:** The proposed project (PLN020513) consists of a Use Permit for removal of four protected oak trees and Design Approval for the construction of a two-story, 4,942 sq. ft. single family residence, 1,116 sq. ft. attached garage, 80 sq. ft. trash enclosure and 120 sq. ft. barbecue enclosure. The project, as conditioned, conforms to the plans, policies, requirements and standards of the Monterey County General Plan, Zoning Ordinance, and the Greater Monterey Peninsula Area Plan.

EVIDENCE: The application and plans submitted for the Use Permit and Design Approval in project file PLN020513 at the Monterey County Planning and Building Inspection Department.

EVIDENCE: Design Approval Request form with plans and a recommendation for approval (4-1) from the Greater Monterey Peninsula Land Use Advisory Committee.

EVIDENCE: Site visit by staff, project architect and advisory committee on January 29, 2003.

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 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:** The tree removal is the minimum required under the circumstances of the case.

EVIDENCE: Site visit by staff, project architect and advisory committee on January 29, 2003.

EVIDENCE: Based on the Forest Management Plan (Webster & Associates Professional Foresters, December 17, 2002) the tree removal associated with the proposed project is consistent with policies of the Monterey County Zoning Ordinance dealing with tree removal (Section 21.64.260). The report recommends measures to avoid adverse impacts to trees not identified for removal. The recommendations of the Forest Management Plan will be implemented as a condition of project approval. (See Condition Nos. 7 and 8).
- 3. FINDING:** The removal will not involve a risk of adverse environmental impacts such as soil erosion, water quality, ecological impacts, noise pollution, air movement or wildlife habitat.

EVIDENCE: The Forest Management Plan (Webster & Associates Professional Foresters, December 17, 2002) documents measures to avoid adverse environmental impacts to the soil, water, ecology, air and wildlife habitat on site. The report recommends measures to avoid adverse impacts to natural resources. These recommendations shall be implemented as a condition of project approval. (See Condition Nos. 7 and 8).

EVIDENCE: Materials in project file PLN020513 indicate that the applicant has agreed as a condition of the Use Permit to comply with and implement each of the Forest Management Plan's recommendations to avoid adverse impacts to the natural environment.

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: Application materials in project file PLN020513.
EVIDENCE: Tree removal would not result in significant environmental impacts on issues identified in Section 21.64.260.5(b) of the zoning ordinance. (See Findings and Evidence No. 3)
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, Parks and Recreation, 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: Application materials in project file PLN020513.

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

1. The subject Use Permit and Design Approval (PLN020513/CAPEN) allows removal of four protected oak trees; and construction of a two-story, 4,942 sq. ft. single family residence, 1,116 sq. ft. attached garage, 80 sq. ft. trash enclosure and 120 sq. ft. barbecue enclosure. The property is located at 311 Pasadera Court (Lot 144 Pasadera Subdivision), Monterey (Assessor's Parcel Number 173-074-069-000), north of Estrella Avenue, Pasadera subdivision, Greater Monterey Peninsula Area. **(Planning and Building Inspection)**

Prior to the Issuance of Grading and Building Permits:

2. A Grading Permit shall be required pursuant to the Monterey County Code relative to Grading, Chapter 16.08. **(Planning and Building Inspection)**
3. This project is subject to a traffic impact fee of \$4,875.00. **(Public Works Department)**
4. The applicant shall record a notice which states: "A permit (Resolution #03011) was approved by the Planning Commission for Assessor's Parcel Number 173-074-069-000 on February 26, 2003. The permit was granted subject to 19 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)**

5. The applicant shall record a notice which states: *“A Forest Management Plan has been prepared for this parcel by Webster & Associates Professional Foresters on December 17, 2002 and is on record in the Monterey County Planning Department Library as PLN020513. All landscaping and tree removal on this parcel must be in accordance with the Forest Management Plan, as approved by the Director of Planning and Building Inspection”*. 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)**
6. The four oak trees to be removed shall be replaced on a 1:1 ratio either on site or at an alternative location within the Pasadera subdivision. If possible, replacement trees shall be located along the south property boundary. Trees may be planted in common areas of the Pasadera Subdivision. The minimum size of replacement trees shall be 5 gallon. Replacement trees shall be positioned no closer than 10 feet to each other. Prior to issuance of grading and building permits, the applicant shall submit a plan to the Planning and Building Inspection Director that identifies the location of the replacement trees. The applicant shall also submit a short and long term maintenance plan to ensure survivability of the replacement trees (See condition No. 10). If replacement trees will be planted in a common area, the applicant shall include evidence that authorizes the planting of replacement trees at locations indicated in the plan. **(Planning and Building Inspection)**
7. 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)**
8. Prior to issuance of the Building Permit, Fire Department Notes shall be printed on the approved plans. **(Salinas Rural Fire District)**
9. Trees that are not identified for removal shall be protected by the placement of construction barrier fencing. Fill soil shall not be placed against the base of the trunks and soil depth shall not be increased at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated photographically by the applicant and/or by the project planner's on-site inspection prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**
10. Prior to issuance of any grading and/or building permits, a drainage plan shall be prepared bny a registered civil engineer or architect addressing on-site and off-site impacts. Impervious surface stormwater runoff shall be directed to the existing stormwater drainage system for the pasadera Subdivision. **(Water Resources Agency)**

Prior to Final Building Inspection/Occupancy:

11. 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. A tree replacement plan shall be submitted with the landscape plan. (See conditions No. 6) The landscaping 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 Department)**
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 & Planning and Building Inspection)**
13. 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)**
14. 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 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 numbers height of 3 inches with a 3/89 inch stroke, and contrasting with the background colors of the sign. , **(Salinas Rural Fire District)**
15. All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface, shall require a minimum of Class A roof construction. **(Salinas Rural Fire District)**
16. Fire sprinklers shall be installed in attached garages. **(Salinas Rural 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. **(Salinas Rural Fire District)**
18. The buildings shall be fully protected with automatic fire sprinkler systems. 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 District)**

Continuous Permit Conditions:

19. 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)**

PASSED AND ADOPTED this 26th day of February, 2003, by the following vote:

AYES: Errea, Sanchez, Hawkins, Padilla, Brennan, Parsons, Diehl, Gonzalves, Rochester, Wilmot
 NOES: None
 ABSENT: None

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

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 Salinas.

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