

LYNNE MOUNDAY  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 020565

A.P. # 416-194-008-000

In the matter of the application of  
**Jeff Evers (PLN020565)**

**FINDINGS & DECISION**

for an Administrative Permit in accordance with Title 21 (Zoning) Chapter 21.70 (Administrative Permits) of the Monterey County Code, consisting of an Administrative Permit for the construction of a new two-story 5,016 sq. ft. single family dwelling with a 968 sq. ft. attached garage; Grading (187 cu. yds. of cut and 354 cu. yds. of fill); a Use Permit for the removal of 19 Coast live oaks; and Design Approval, located at 15510 Boots Road, Monterey, Mesa Hills West, Greater Monterey Peninsula area, came on regularly for meeting before the Zoning Administrator on May 29, 2003 .

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

**FINDINGS OF FACT**

- 1. FINDING:** The Evers Combined Development Permit (PLN020565), as described in Condition #1, and as conditioned, is consistent with the plans, policies, requirements and standards of the Greater Monterey Peninsula Area Plan. The parcel is zoned “RDR/B-6 D S,” or Rural Density Residential, with design and site plan review requirements. The site is physically suitable for the use proposed.

**EVIDENCE:** The application and plans submitted for the Combined Development Permit and Design Approval in project file PLN020565 at the Monterey County Planning and Building Inspection Department.

**EVIDENCE:** The applicant provided the Monterey County Planning and Building Inspection Department with a Design Approval Request, drawings, and a statement of materials and colors to be used.

**EVIDENCE:** The Supplemental EIR prepared by Environmental Management Consultants for the Mesa Hills West Subdivision, concludes that Geologic concerns are minimized as long as the conditions in the EIR are followed. The building envelopes were sited based on the EIR’s recommendation.

**EVIDENCE:** The project planner conducted a site visit to verify that the proposed project complies with Monterey County Code. The proposed development will not have a significant adverse visual impact.

**EVIDENCE:** The Greater Monterey Peninsula Land Use Advisory Committee reviewed and recommended approval (3-1 vote) of the Combined Development Permit and Design Approval on March 5, 2003.

**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, 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 is consistent with policies of the Greater Monterey Peninsula Area Plan and regulations in Title 21 dealing with Forest Resource Development Standards. The tree removal is the minimum required under the circumstances of this case and the removal will not involve a risk of adverse environmental impacts.
- EVIDENCE:** A Forest Management Plan was prepared for the site by Paul A. Dubsky, Consulting Forester, Peninsula Ecological Services on January 6, 2003. The report is on file at the Monterey County Planning and Building Inspection Department. The Forester states that there are “hundreds” of healthy trees on the property. Nineteen Coast Live Oaks are proposed for removal. The Forester’s recommendations are incorporated as conditions of approval.
- EVIDENCE:** The site visit by the project planner verified that the nineteen coast live oaks proposed for removal is the minimum required.
- EVIDENCE:** The certified EIR for this subdivision states that the building envelopes on each lot were established as a mitigation to ensure that tree removal is minimized.
- EVIDENCE:** The application and plans submitted as well as correspondence, in project file PLN020565 at the Monterey County Planning and Building Inspection Department.
3. **FINDING:** The proposed project will not have a significant environmental impact.
- EVIDENCE:** Section 15303(a) of the CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.
- EVIDENCE:** Preceding findings and supporting evidence.
4. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.
- EVIDENCE:** Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.
5. **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:** Preceding findings and supporting evidence.
6. **FINDING:** The decision on this project is appealable to the Planning Commission.
- EVIDENCE:** Sections 21.80 of the Monterey County Zoning Ordinance (Title 21).

## 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 Evers (PLN020565) Combined Development Permit consists of an Administrative Permit for the construction of a new two-story 5,016 sq. ft. single family dwelling with a 968 sq. ft. attached garage; grading

(187 cubic yards of cut and 354 cubic yards of fill); a Use Permit for the removal of 19 coast live oaks; and Design Approval. The property is located at 25510 Boots Road, Monterey (Assessor's Parcel Number 416-194-008-000). Mesa Hills West, Greater Monterey Peninsula 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. 020565) was approved by the Zoning Administrator for Assessor's Parcel Number 416-194-008-000 on May 29, 2003. The permit was granted subject to 28 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. The applicant shall record a notice which states: "A Forest Management Plan has been prepared for this parcel by Paul A. Dubsky, Consulting Forester, Peninsula Ecological Services on January 6, 2003, and is on record in the Monterey County Planning and Building Inspection Department Library. All tree removal and replacements on the parcel must be in accordance with this Forest Management Plan, as approved by the Director of Planning and Building Inspection." The notice must be recorded prior to issuance of building or grading permits. **(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. Native trees located close to the construction site shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
6. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion subject to the approval of the Director of Planning and Building Inspection. Erosion control notes shall be included on the building and grading plans to ensure compliance with the requirements. **(Planning and Building Inspection)**
7. All construction shall conform to the recommendations in the Geotechnical Report prepared by Haro, Kasunich & Associates, Consulting Soil and Foundation Engineers for the Mesa Hills West Subdivision in September, 1985. An updated Geotechnical Report shall be submitted with the building permit to ensure compliance with current Building Code standards. **(Planning and Building Inspection)**

8. 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)**
9. 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)**
10. Prior to the issuance of a building permit, provide septic design demonstrating compliance of setbacks to slopes of or greater than 30% to the Division of Environmental Health. Installation of the secondary leach field is required at the time of construction. **(Environmental Health)**
11. Prior to the issuance of building permit, provide to the Director of Environmental Health written certification, and any necessary certification from State agencies that California American Water Company can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. **(Environmental Health)**
12. Fire Department notes shall be printed on the approved plans. **(Salinas Rural Fire)**
13. 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)**
14. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Salinas Rural Fire)**
15. 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)**
16. The windows in the garage on the South East side of the structure must be removed from the plan. This wall cannot have any windows or doors. **(Salinas Rural Fire)**
17. In the current setback of 30 feet and the two sides that are 20 feet all trees with less than 6" diameter trunk when measured 2 feet above the ground must be removed. Any tree in the aforementioned setbacks with a trunk of over 6" must have tree limbs removed to a height of 8 feet above grade. Tree trimming must not exceed removal of more than 1/3 of the branches and foliage. All brush and native grasses in the aforementioned setbacks shall be removed. Vegetation removal will not be allowed as a means of removing very high fire hazard area designation from an entire parcel. **(Salinas Rural Fire)**
18. A plan for the landscaping of the site shall be submitted and approved by the fire district prior to final inspection. **(Salinas Rural Fire)**
19. If a deck is constructed it shall use steel beams for deck cantilever, use metal or equal fire resistant decking- (equivalent in fire performance to HardiPlank). **(Salinas Rural Fire)**

20. 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. (Salinas Rural Fire)”*

21. Small bathrooms and attached garages shall be covered by the residential sprinkler system. **(Salinas Rural Fire)**
22. 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 percent or more of the roof. Construct structure with a stucco exterior and tile roof. **(Salinas Rural Fire)**
23. 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 in Arabic, not Roman or written out in words. Address numbers posted shall be a minimum number height of 3 inches with a 3/8 inch stroke, and contrasting with the background colors of the sign. **(Salinas Rural Fire)**

**Prior to Final Building Inspection/Occupancy:**

24. 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 plan for the landscaping of the site shall also be submitted and approved by the fire district prior to final inspection. 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. Recommendations by the Forester, including replacement of the 19 Oaks removed at a ratio of 1:1, shall be incorporated in the landscape 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)**
25. 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)**

**Continuous Permit Conditions:**

26. 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)**
27. 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)**
28. 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)**

**PASSED AND ADOPTED** this 29th day of May, 2003.

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 Salinas.

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