

In the matter of the application of
John & Leigh Haller (PLN050494)

FINDINGS AND DECISION

to allow a **Combined Development Permit** in accordance with Title 21 (Zoning) Chapter 21.76 (Combined Development Permits) of the Monterey County Code, to allow a Use Permit for development on slope greater than 30%; and an Administrative Permit for a one-story 3,680 square foot single-family dwelling with 765 square foot attached garage. The project is located at 320 Pasadera Court, Monterey, and came on regularly for meeting before the Zoning Administrator on January 12, 2006.

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

- 1. FINDING:** The project, as conditioned is consistent with applicable plans and policies, the Monterey County General Plan, Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21) which designates this area as low-density residential use "LDR/B-6/VS". Specifically, the proposed project complies with all applicable requirements of Section 21.14 (Low-Density Residential), 21.42 (Building Site District); and 21.46 (Visual Sensitivity District). The site is located at 320 Pasadera Court, Salinas Valley (Assessor's Parcel Number).

EVIDENCE: Staff has reviewed the project as contained in the application and accompanying materials for consistency with Title 21 Section 21.14 (Low Density Residential). It is a single-family dwelling and meets the development standards of the district. Application, materials and plans are provided in Project File PLN050494.

EVIDENCE: Staff has reviewed the project as contained in the application and accompanying materials for consistency with Section 21.42 (Building Site District) in terms of the required setbacks and no further subdivision is proposed.

EVIDENCE: Staff has reviewed the project as contained in the application and accompanying materials for consistency with Section 21.46 (Visual Sensitivity District). The site was flagged and staked and staff determined that it will not create a substantially adverse visual impact as viewed from the nearest public road, nor is it a ridgeline development. When traveling along Highway 68, the site, over one mile to the north, can be seen for a few seconds. Several existing oak trees also screen the structure from the road The proposed home is one-story and is sited into a low area in the hilly topography with slopes on three sides. The materials and colors will blend in with the natural surroundings and include earth tone colors, roof tiles and natural stone. Staff notes and photos are provided in Project File PLN050494.

EVIDENCE: The planner conducted an on-site inspection on September 14, and October 18, 2005 to verify that the project on the subject parcel conforms to the required development standards for the Visual Sensitivity District.

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 Project File PLN050494.
- 2. FINDING:** The project is consistent with the findings required for Section 21.64.230 Development on Slopes in Excess of 30 percent, specifically Finding No. 21.64.230(E)(b). a) There is no

feasible alternative which would allow the development to occur on slopes of less than 30%. b) There is no alternative design that better achieves the goals, policies and objectives of the Monterey County General Plan, the Greater Monterey Peninsula Area Plan, and the Title 21 Zoning Code, than the design proposed.

EVIDENCE: The applicant has revised the plans to minimize disturbance on 30% slopes. The only alternative would be to site the home toward the front of the lot which will require the removal of three protected oaks, which also screen the structure from the road. The development on 30% slope is minimal. It consists of a narrow drainage gully from the north towards the center of the site approximately three feet deep and five feet wide. The revised site plan achieves a balance between the applicant's intent to preserve the trees and privacy and achieves the objectives of development on 30% slope ordinance. The only alternative would be to site the home toward the front of the lot which will require the removal of three oaks and reduced privacy from the road.

EVIDENCE: A "Geotechnical Investigation for a Single Family Residence" report was prepared for this parcel by Soils Surveys, dated July 13, 2005, and is on record in the Monterey County Planning and Building Inspection Department (Library No. LIB050830). The report concluded that the site is considered suitable for the project with recommendations for design and construction incorporated into the project See (Condition of Approval No. 9).

EVIDENCE: File and application materials in Project File PLN050494.

3. **FINDING:** The site is suitable for the use proposed.

EVIDENCE: The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks and the Fire District.

EVIDENCE: Staff conducted an on-site visit on September 14, and October 18, 2005 to verify that the site is suitable for this use.

EVIDENCE: Necessary public facilities are available and will be provided.

4. **FINDING:** The project is exempt from environmental review.

EVIDENCE: The project is exempt from CEQA pursuant to Section 15303, Class 3(a) and no potential significant environmental impacts will result from the project. Section 15303, Class 3(a) exempts one-single family residence in a residential zone.

5. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's Zoning Ordinance. No violations exist on the property. Zoning violation abatement cost, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.

6. **FINDING:** The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: Administrative record in the file and preceding findings and evidence.

7. **FINDING:** The development, as approved and conditions, will not create a substantially adverse visual impact when viewed from a common public viewing area.

EVIDENCE: Staff has reviewed the project as contained in the application and accompanying materials for consistency with Section 21.46 (Visual Sensitivity District). The site was flagged and staked and staff determined that it will not create a substantially adverse visual impact as viewed from the nearest public road, nor is it ridgeline development. When traveling along Highway 68, the site, over one mile to the north, can be seen for a few seconds. Several existing oak trees will also screen the structure from the road. The proposed home is one-story and is sited into a low area in the hilly topography with slopes on three sides. The materials and colors will blend in with the natural surroundings and include earth tone colors, roof tiles and natural stone. Staff notes and photos are provided in Project File PLN050494.

8. **FINDING:** The decision on this 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 12th day of January, 2006.



MIKE NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON JAN 25 2006

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 FEB 04 2006

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.

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

Project Name: Haller

File No: PLN050494

APN: 173-075-001-000

Approval by: Zoning Administrator

Date: January 12, 2006

**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 This Combined Development Permit (PLN050494) including a Use Permit for development on slope greater than 30%; Administrative Permit for a one-story 3,680 square foot single-family dwelling with a 765 square foot attached garage. The property is located at 320 Pasadera Court, Salinas (Assessor's Parcel Number 173-075-001-000) Greater Monterey Peninsula Area Plan. 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</p> <p>The applicant shall record a notice which states: "A Use permit (Resolution _____) was approved by the Zoning Administrator for Assessor's Parcel Number 173-075-001-000 on January 12, 2006. 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)</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</p> <p>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.		<p>PBI - LANDSCAPING - NONSTANDARD The project shall be in compliance with the lists of approved and prohibited plants (Addendum No. 1, Appendix C and E from the Pasadera Design Guidelines) for the Bishop Ranch/Pasadera subdivision provided by the Planning Department and shall be incorporated into the landscape plans. Non-native horticultural varieties shall not be used outside of the building envelope. (Planning and Building Inspection)</p>	<p>Include lists of approved and prohibited plants on the required landscape plans and submit PBI for review and approval.</p>	Owner/Applicant/ Contractor	At least 60 days prior to final inspection or occupancy	
5.		<p>PBI - REVEGETATION/RESTORATION - NONSTANDARD Restore the chaparral vegetation in areas cleared for construction activities. Propagate native plant materials collected from areas of the project site slated for development and revegetate disturbed areas adjacent to the roads, building sites, and construction staging areas. Provide irrigation for these plantings until they are established. <u>Chaparral areas outside of the building envelope shall be flagged and staked with orange fencing and shall remain undisturbed.</u> Include on a note on the building plans. Plans for restoration shall be submitted to and approved by the Director of Planning and Building Inspection prior to final inspection. (Planning and Building Inspection)</p>	<ol style="list-style-type: none"> 1. Include the restoration plan on the building plans and as part of the required landscape plans to be reviewed and approved by PBI. 2. Include on a note on the building plans. 3. Call the planner for a site inspection when the flagging and staking is installed. 	Owner/ Applicant/ Contractor	Prior to obtaining a grading, building or final permit and occupancy	
6.		<p>PBI - FENCES - NONSTANDARD Fences shall only be permitted around individual homes sites and shall not be used to define the property lines. (Planning and Building Inspection)</p>	<p>Include fence locations on site plan subject to approval.</p>	Owner/ Applicant/ Contractor	Prior to final inspection, occupancy, and ongoing	

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7.		<p>PBD018(A) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY)</p> <p>The site shall be landscaped. At least 60 days prior to occupancy, two (2) 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, 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. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)</p>	<p>Submit landscape plan application, required fee, plans, and contractor's estimate to PBI for review and approval.</p>	<p>Applicant/Owner Contractor</p>	<p>At least 60 days prior to final inspection or occupancy</p>	
			<p>All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p>	<p>Owner/ Applicant</p>	<p>Ongoing</p>	

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8.		<p>PBD021 – EXTERIOR LIGHTING PLAN 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)</p>	Submit two copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits	
9.		<p>PBD011 - EROSION CONTROL PLAN AND SCHEDULE The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Soils Conservation Service and the Director of Planning and Building Inspection. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of Planning and Building Inspection. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection)</p>	1. Evidence of compliance with the Erosion Control Plan shall be submitted to PBI prior to issuance of building and grading permits.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	
			2. Evidence of compliance with the Implementation Schedule shall be submitted to PBI during the course of construction until project completion as approved by the Director of PBI.	Owner/ Applicant	Prior to Final Inspection	

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10.		PBD026 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical Investigation for a Single Family Residence" report has been prepared for this parcel by Soils Surveys, dated July 13, 2005, and is on record in the Monterey County Planning and Building Inspection Department (Library No. LIB050830). All development shall be in accordance with this report." (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits	
11.		PBD014 - GRADING-WINTER RESTRICTION 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)	None	Owner/ Applicant	Ongoing	
12.		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 demolition grading and/or building permits	

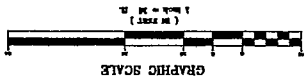
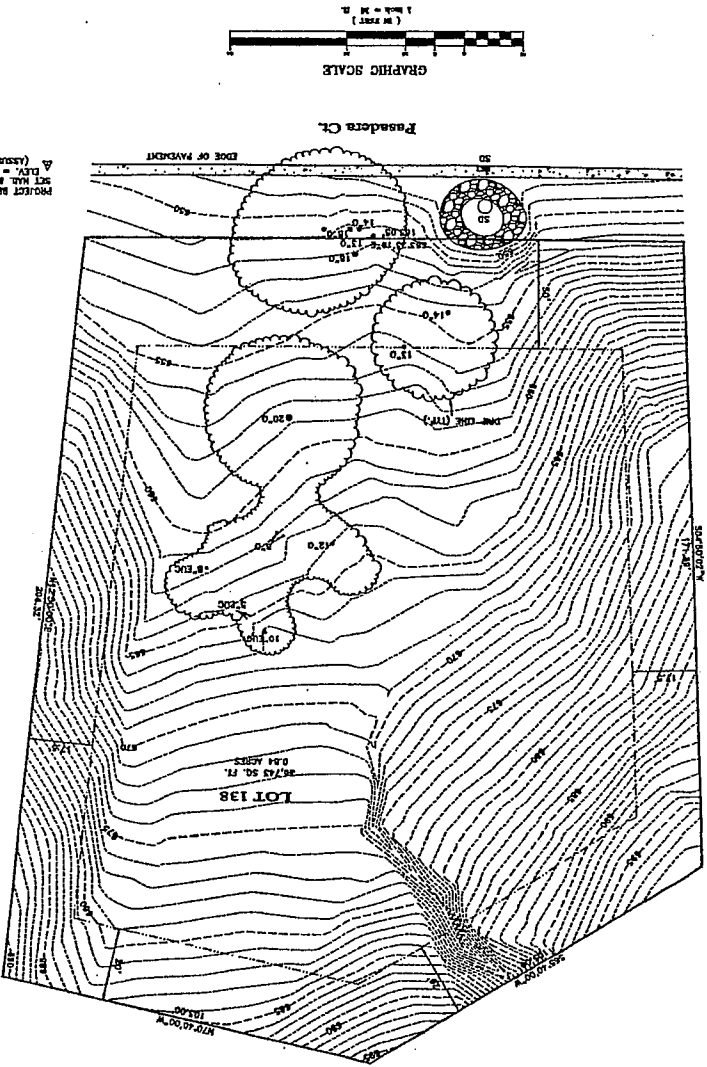
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13.		<p>WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new 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	
14.		<p>DRAINAGE PLAN (NON-STANDARD WORDING) A drainage plan shall be prepared by 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. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency and the Planning Director. (Water Resources Agency, Planning and Building)</p>	Submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading and/or building permits	

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15.		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 Department)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant/ Owner	Prior to issuance of grading and/or building permit	
			Applicant shall schedule fire dept. clearance inspection	Applicant/ owner	Prior to final building inspection	
16.		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 Department)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
17.		FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit	

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		approved by the fire 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 Department)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
18.		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) 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 Department)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
19.		FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE) 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 Department)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

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20		PW0037 – ROUTE 68 IMPROVEMENT FEE - Contribute \$4,875.00 to County of Monterey for future improvements to State Route 68. (Public Works)	Applicant shall pay to DPW required Traffic Mitigation Fee.	Owner/ Applicant	Prior to Issuance of building permit	

END OF CONDITIONS

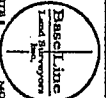


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OF
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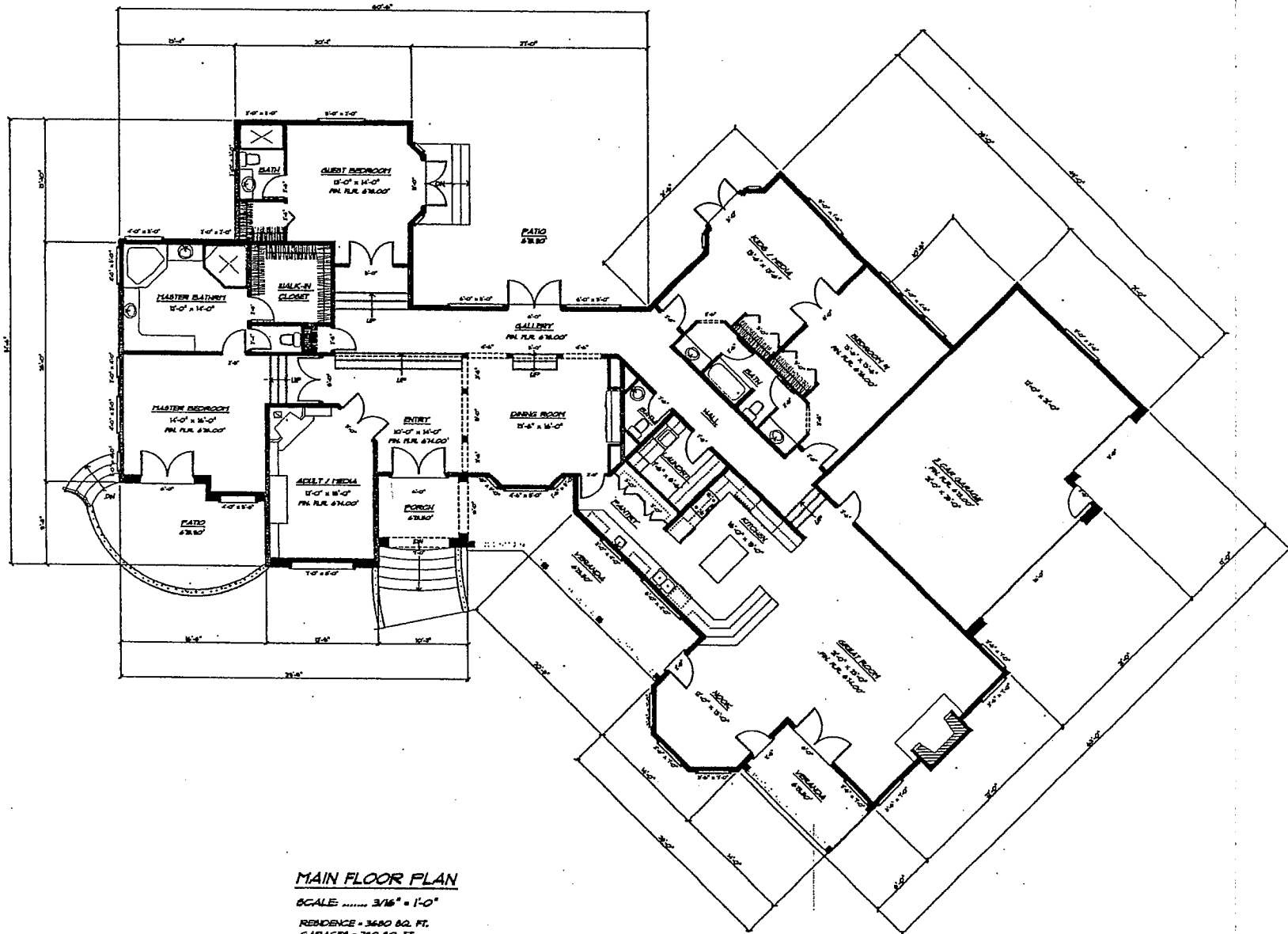
SITE PLAN
 APN 173-075-001
 320 Pasadena Ct., Monterey, Ca
 Prepared for:
 John Halter

DESIGNED BY: AMS
 APPROVED BY: J. ROQUETTE
 REVISION: L.A. 8332
 SCALE: 1/16" = 1'
 DATE: 04-04-05

TOPOGRAPHIC SURVEY BY:
 ALTA SURVEYS
 801-375-3293 PH.
 301 HOSPITAL AVENUE, SUITE 1




CONSTRUCTION STAKING
 LAND DEVELOPMENT
 10000
 MONTEREY, CALIFORNIA 93940
 FAX 831-375-3294






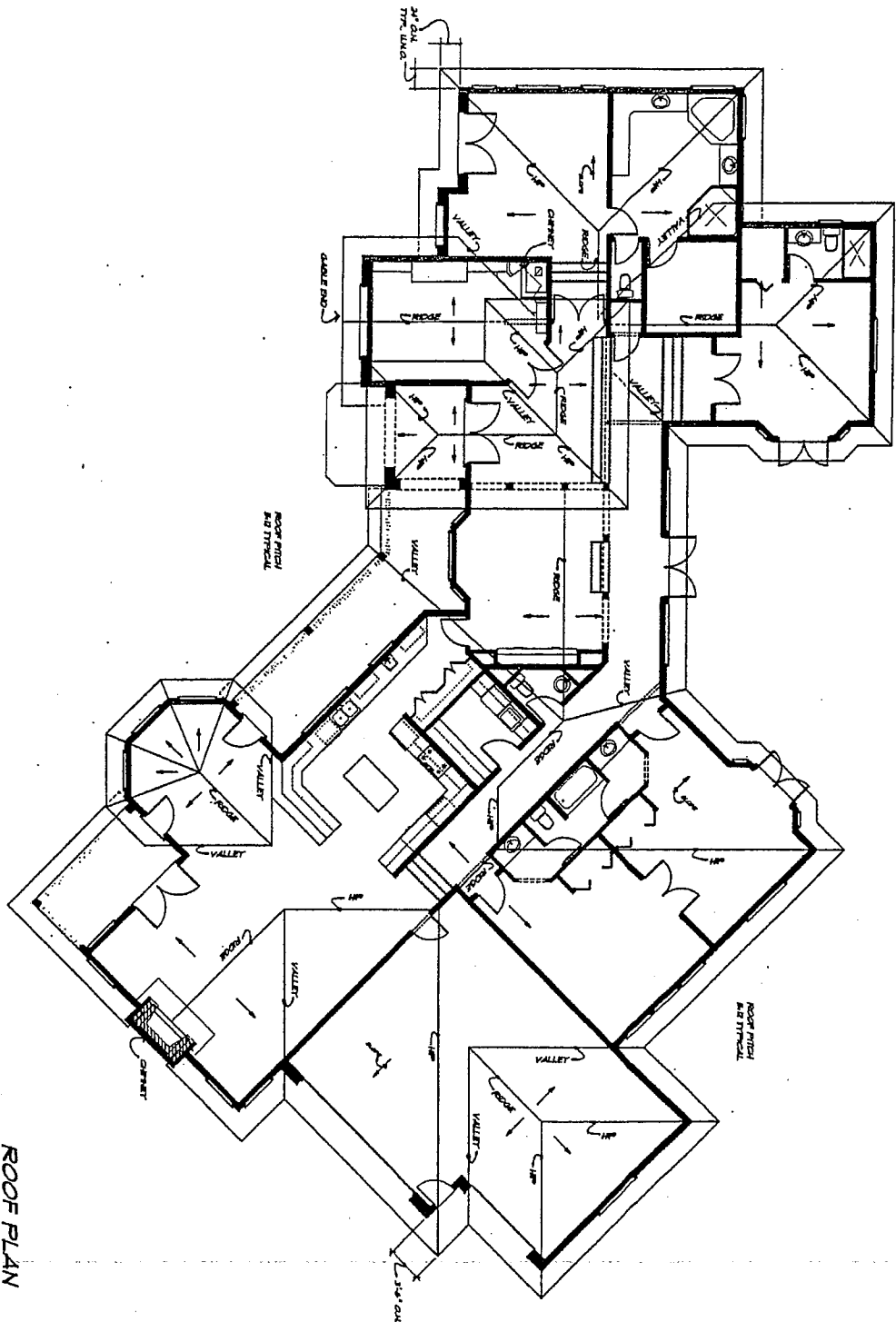
MAIN FLOOR PLAN
 SCALE: 3/16" = 1'-0"
 RESIDENCE = 3680 SQ. FT.
 GARAGES = 780 SQ. FT.

REVISIONS	BY


 MARK THOMPSON ARCHITECTS
 300 PASADENA COURT
 MONTEREY, CALIF. 94034
 TEL: 656-7400
 FAX: 656-7405

HALLER RESIDENCE LOT #188
 300 PASADENA COURT
 MONTEREY, CALIFORNIA




3
 08/87



ROOF PLAN
SCALE 3/8" = 1'-0"

6	DATE	10/1/82
	BY	J. HALLER
PROJECT HALLER RESIDENCE 320 PASADENA COURT MONTEREY, CALIFORNIA		

HALLER RESIDENCE LOT #138
 320 PASADENA COURT
 MONTEREY, CALIFORNIA

RANK TERRACON ROOFING
 P.O. BOX 201
 MONTEREY, CALIF. 93942
 408-946-7900
 FAX 408-946-7900
