JEFF MAIN ZONING ADMINISTRATOR COUNTY OF MONTEREY STATE OF CALIFORNIA

RESOLUTION NO. 060395

A. P. # 117-332-001-000 and 117-332-002-000

In the matter of the application of Severiano and Elisa Ortiz (PLN060395)

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, consisting of: 1) a Use Permit to allow residential uses in a Heavy Commercial zoning district and 2) a Use Permit to modify the parking standards for the proposed residential uses. This Combined Development Permit would delete Condition #7 of Administrative Permit PLN990431 and would allow seven single resident occupancy units for low income persons. The property is located at 3, 5 & 7 San Juan Road, Pajaro, North County Non-Coastal Zone, and came on regularly for meeting before the Zoning Administrator on March 29, 2007.

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

FINDINGS OF FACT

- 1. **FINDING:** CONSISTENCY The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, North County Non-Coastal Area Plan, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for development.
 - **EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - (b) The property is located at 3, 5 and 7 San Juan Road, Pajaro (Assessor's Parcel Numbers 117-332-001-000 and 117-332-002-000), North County Non-Coastal Area Plan. The parcel is zoned HC (Heavy Commercial). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.
 - (c) Subject to review and approval of a Use Permit to allow residential uses on the commercial property (Section 21.20.060.R), such residential uses would be consistent with the HC Heavy Commercial district.
 - (d) Subject to review and approval of a Use Permit (21.58.050.C), the regulations for parking may be modified by the appropriate authority where appropriate in cases that do not necessitate the number of parking spaces, types of design, or improvements required of the (Parking Standards) Chapter.
 - (e) The project planner conducted a site inspection on May 17, 2006 and on November 29, 2006 to verify that the project on the subject parcel conforms to the plans listed above.
 - (f) The project was referred to the Pajaro Redevelopment Citizen's Advisory Committee (CAC) for review. Conditions of approval were recommended and included in Exhibit D of the March 29, 2007 staff report.
 - (g) Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the

- North County Non-Coastal LUAC because there would be no physical changes to the structures on the property and that the project is exempt from CEQA per Public Resources Code Section 21159.23.
- (f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA Planning Department for the proposed development found in Project Files PLN990431 and PLN060395.
- 2. FINDING: SITE SUITABILITY The site is physically suitable for the use proposed.
 - EVIDENCE: (a) The project has been reviewed for site suitability by the following departments and agencies: RMA Planning, North County Fire Protection District, Parks, Public Works, Environmental Health Division, Water Resources Agency, Office of Housing and Redevelopment and the Monterey County Sheriff's Department. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - (b) Subject to review and approval of a Use Permit to allow residential uses on the commercial property (Section 21.20.060.R), such residential uses would be consistent with the HC Heavy Commercial district and appropriate for the site.
 - (c) Subject to review and approval of a Use Permit (21.58.050.C), the regulations for parking may be modified by the appropriate authority where appropriate in cases that do not necessitate the number of parking spaces, types of design, or improvements required of the (Parking Standards) Chapter. See Findings and Evidence for reduced parking standards to accommodate residential low-income units.
 - (d) Staff conducted a site inspection on May 17, 2006 and on November 29, 2006 to verify that the site is suitable for this use.
 - (e) Materials in Project Files PLN990431 and PLN060395.
- 3. **FINDING: CEQA (Exempt):** The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
 - **EVIDENCE:** (a) California Environmental Quality Act (CEQA) Section 21159.23 exempts the construction, conversion, or use of residential housing consisting of 100 or fewer that is affordable to low income households, and the additional criteria of that Section.
 - (b) While this area of Pajaro is adjacent to the Pajaro River and is within the 100 year flood plain, the Monterey County General Plan includes Goal 16 which addresses Flood Hazards.
 - (c) While this area of Pajaro is In Seismic Zone VI, the Monterey County General Plan includes Goal 15 which addresses Seismic and Other Geologic Hazards.
 - (d) No adverse environmental effects were identified during a site visit on May 17, 2006 and on November 29, 2006.
 - (e) See preceding and following findings and supporting evidence.
- 4. **FINDING:** NO VIOLATIONS 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 costs, if any, have been paid.
 - **EVIDENCE:** (a) Staff reviewed Monterey County RMA Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.

- (b) Staff conducted a site inspection on May 17, 2006 and November 29, 2006 to verify that the site is suitable for this use and is operating within the bounds of previous approval, PLN9990431. No violations were observed.
- 5. FINDING: REDUCED PARKING STANDARDS TO ACCOMMODATE SINGLE RESIDENT OCCUPANCY UNITS Reduced parking will be adequate to accommodate all parking needs generated by the use. Additional parking is not necessary because of specific features of the use, site, or site vicinity.
 - EVIDENCE: (a) Presently the property known as 3, 5, and 7 San Juan Road, Pajaro (APNs 117-332-001-000 and 117-332-002-000) accommodates eleven (11) onsite parking spaces, enough to serve the existing butcher shop/market and café/restaurant uses and the three existing ground floor studio units to the rear of the property, as allowed under PLN990431.
 - (b) The restaurant/café and butcher shop/market permitted under PLN990431 close in the evening, freeing up parking spaces associated with those daytime retail activities.
 - (c) The subject property will be deed restricted to allow and serve low income persons in upstairs single resident occupancy units and the property will be subject to an agreement entered into with the County of Monterey to assure continued compliance with the parameters of the Housing Agreement.
 - (d) Local and readily available transit, such as found at the Watsonville Transfer facility a short distance from the subject property is available to the intended residents. Local agricultural businesses provide bus pick up and transportation to work areas.
 - (e) On-street parking is available.
- 6. FINDING: HEALTH AND SAFETY 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: (a) Preceding findings and supporting evidence.

7. **FINDING:** APPEALABILITY - The decision on this project is appealable to the Planning Commission. **EVIDENCE:** Section 21.80.040 B 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 29th day of March, 2007.

JEFF MAIN, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON JUN - 7 2007

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE MONTEREY COUNTY PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JUN 1 7 2007

This decision, <u>if this is the final administrative decision</u>, 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 Resource Management Agency Planning Department Condition Compliance Reporting Plan

Project Name: Ortiz

File No: PLN060395

APNs: 111-332-001-000 and

117-332-002-000

Approved by: Zoning Administrator

Date: April 26,2007

*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

Permit Cond: Number	Mitig Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable; a certified professional is required for action to be accepted.	Responsible : Party for Compliance	Timing	Verification of Compliance (name/date)
1.		PBD029 - SPECIFIC USES ONLY This Combined Development Permit (PLN060395) consists of: 1) a Use Permit to allow residential uses in a Heavy Commercial zoning district, and 2) a Use Permit to modify the parking standards for the proposed residential uses. This Combined Development Permit would delete Condition #7 of Administrative Permit PLN990431 and would allow residential occupancy units for low income persons. The property is located at 3, 5, and 7 San Juan Road, Pajaro (Assessor's Parcel Numbers: 177-332-001-000 and 117-332-002-000) North County 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 RMA - Planning Department. 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		Owner/ Applicant	Ongoing unless otherwise stated	
		of this permit and subsequent legal action. No use or				

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		construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. [Resource Management Agency (RMA) - Planning Department]				
2.		PBSP001 - NOTICE-PERMIT APPROVAL (NON-STANDARD) The applicant shall record a notice which states: "A permit (Resolution No. 060395) was approved by the Zoning Administrator for Assessor's Parcel Numbers: 177-332-001-000 and 117-332-002-000 on April 26, 2007. This permit is subject to all conditions of PLN990431 (less Conditions #7 and 13) and subject to 9 conditions of approval (for this Permit), a total of 24 conditions which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to RMA — Planning Department.	Owner/ Applicant	Prior to use and occupancy of the Single Resident Occupancy units.	
3.		PBSP002 – FOLLOW-UP REPORT TO ZA (NON-STANDARD) For the single resident occupancy units, a limitation of eight (8) vehicles shall be imposed on the project. In order to assure that the waiver of required parking spaces to serve the single resident occupancy units	The applicant shall keep a log of problems or complaints received for 2 years following project approval. The log shall be made available to the RMA-Planning Department upon request.	Applicant	For the 2 years following project approval	

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		are not causing a negative impact in the neighborhood, the County shall review County files for complaints and or reports, visit the subject site and make a brief written report for presentation to the Zoning Administrator at a public hearing. The staff report shall be triggered by receipt of the applicant's second Housing Agreement Report due April 1, 2009. (See Condition #6). The Zoning Administrator shall consider amendments or limitations on conditions related to the residential units based on evidence presented at the hearing. (RMA-Planning Department)	Planning staff shall review and prepare a brief report for Zoning Administrator review and approval as described. New conditions or project adjustments may be suggested and applied to the project if deemed necessary to the County.	Planning Staff	On April 26, 2009 or soon following the April 1, 2009 second Housing Agreement Report.	
4.		PBSP003 DEED NOTIFICATION (NON-STANDARD) The applicant shall record a Notice which states, "This document provides notice pursuant to Combined Development Permit PLN060395 (Resolution #060395, dated April 26, 2007). The owner shall be allowed to use the second floor of the property for 15 Single Resident Occupancy (SRO) units. Such rental of those units shall abide by the Housing Agreement and standards set forth therein and required of Use Permit PLN060395 and the Conditions of Approval. Pursuant to the afore-referenced Combined Development Permit, the previous restriction described in the previously recorded Notice (Document 206060140) is no longer in force or effect." Proof of recordation of this notice shall be furnished to the Director of RMA - Planning Department prior to the commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to RMA – Planning Department.	Owner/ Applicant	Prior to use and occupancy of the Single Resident Occupancy units.	

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5.		PW0010 – SEWER CONNECTION Obtain a sewer connection permit from the Department of Public Works and pay all applicable fees. (Public Works)	Applicant shall apply for permit with Department of Public Works, obtain the permit, and pay applicable fees.	Owner/ Applicant	Prior to use and occupancy of the Single Resident Occupancy units	
6.		OHRSP0001-HOUSING AGREEMENT AND DEED RESTRICTION (NON-STANDARD) Prior to use and occupancy of any of the single resident occupancy units, the applicant shall enter into a Housing Agreement with the County of Monterey to deed restrict for affordability the Single Room Occupancy (SRO) units. The units shall be affordable to low income individuals in general conformance with the County's adopted Inclusionary Administrative Manual. (Office of Housing and Redevelopment)	The applicant shall enter into a Housing Agreement with the County of Monterey which will be on the subject property in order for the seven approved Single Resident Occupancy units to remain affordable to low income individuals in general conformance with the County's adopted Inclusionary Administrative Manual.	Owner/ Applicant	Enter Agreement and Record Deed Restriction Prior to use and occupancy of the residential units	
			On an annual basis, the applicant shall submit an annual report to the Office of Housing and Redevelopment by April 1 st of each year demonstrating compliance and conformity with the provisions of the Deed Restriction and Housing Agreement. Such report may require field verification and inspection.	Owner/ Applicant	Annual Report due to County by April 1st each year for the life of the Contract.	

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7.		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).	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
		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	Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
		inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (North County Fire District).	Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
8.		FIRE023 - FIRE ALARM SYSTEM - (COMMERCIAL) The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by NFPA	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
		Standard 72. Plans and specifications for the fire alarm system shall be submitted by a California licensed C-10 contractor and approved prior to requesting a rough sprinkler or framing inspection. (North County Fire District).	Applicant shall submit fire alarm plans and obtain approval.	Applicant or owner	Prior to rough sprinkler or framing inspection	
			Applicant shall schedule fire alarm system acceptance test.	Applicant or owner	Prior to final building inspection	

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9.		FIRE030 – OTHER (NON-STANDARD) Ensure that existing fire sprinklers, fire alarm and ADA horns and strobes are 100% tested and in service. It has been many years since these systems had been installed and approved. (North County Fire District).	Call and schedule appropriate inspections, and implement appropriate remedies if necessary to receive Fire Department approval for occupancy.	Applicant or owner	Prior to use and occupancy of the residential units	
			Maintain the entire building structure in compliance with all applicable Fire Codes.	Applicant or owner	Ongoing	
	•	CONDITIONS	FROM PLN990431			
1.		This Administrative Permit allows for a 640 sq. ft. bakery shop and 760 sq. ft. butcher shop in an existing building located at 5 San Juan Road, Pajaro. The project is 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)			Ongoing	

Permit Mitig. Cond. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department.	Compliance or Monitoring Actions to be performed. Where applicable; a certified professional is required for action to be accepted.	Responsible Party-for Compliance	Timing.	Verification of Gompliance (name/date)
2.	The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (Planning and Building Inspection Department)			Prior to issuance of building permits.	Document recorded on 08/31/2001 as document number 2001068010 Verified by Valerie Herrera on 04/18/2006

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3.		The applicant shall record a notice which states: "A permit (Resolution #990431) was approved by the Zoning Administrator for Assessor's Parcel Number 177-332-001-000 on June 14, 2001. 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)			Prior to issuance of building permits.	Document recorded on 06/20/2001 as document number 2001050208 Verified by Valerie Herrera on 04/18/2006
4.		All exterior lighting shall be unobtrusive, compatible 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 Department)			Prior to issuance of building permits.	Verify compliance
5.		A drainage plan shall be prepared by a registered civil engineer or architect to address on-site and off-site impacts, to include oil-grease water separators for the paved parking area. Necessary improvements shall be constructed in accordance with approved plans. (Water Resources Agency)			Prior to issuance of building permits.	Verify compliance

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6.		Owner shall record a notice stating that the property is located within or partially within a floodplain and may be subject to building and/or land use restrictions. A copy of the recorded notice shall be provided to the County Water Resources Agency. (Water Resources Agency)			Prior to issuance of building permits.	Cleared by Michael Trapani on 05/06/2006
8.		Exit lighting, stairways and exit corridors shall be brought up to current code. (North County Fire District)			Prior to final building inspection or occupancy	Cleared by Michael Roberson, NCFPD, 05/01/2006
9.		Building shall be fully protected throughout by a sprinkler system according to NFPA standards. (North County Fire District)			Prior to final building inspection or occupancy	Cleared by Michael Roberson, NCFPD, 05/01/2006
10.		Building shall be fully protected by an alarm system. (North County Fire District)			Prior to final building inspection or occupancy	Cleared by Michael Roberson, NCFPD, 05/01/2006
11.		Provide floor level exit signs in group "R" division "1" section. (North County Fire District)			Prior to final building inspection or occupancy	Cleared by Michael Roberson, NCFPD, 05/01/2006

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12.	EH35 - CURFFL All improvements shall comply with the California Uniform Food Facilities Law as approved by the Director of Environmental Health. If necessary, submit plans and necessary review fees for review and approval prior to obtaining a building permit/final inspection. (Environmental Health)	Submit plans and necessary review fees to the Division of Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	Cleared by Patrick Treffry on 05/22/2006
14.	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 & Planning and Building Inspection)			Prior to final building inspection or occupancy / ongoing	Verified at final plumbing inspection on 12/22/2003

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15.		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. The project will be subject to a landscape plan review fee which 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. (Planning and Building Inspection Department)			Prior to Occu- pancy	No landsca- ping on project site. Condition cleared by.
16.		Obtain a sewer connection permit from the Pajaro County Sanitation District and pay all fees. (Public Works)				Copy of sewer bill submitted on 05/12/2006
17.	CONDITIO	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)			Continu- ous	No landsca- ping on project site: Condition cleared by.::

END OF CONDITIONS







