

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: December 11, 2008	Time: P.M	Agenda Item No.:
Project Description: Coastal Administrative Permit to correct code violation CE080200 to allow a 108 square foot addition to an existing 1,020 square foot mobile home existing without any discretionary permits.		
Project Location: 178 Jensen Road, North County Coastal		APN: 117-031-006-000
Planning File Number: PLN080445		Name: Victor and Gerardo Ramirez, Property Owner
Plan Area: North County Coastal Land Use Plan		Flagged and staked: No
Zoning Designation: Coastal Agricultural Preserve (Coastal Zone) ["CAP(CZ)"]		
CEQA Action: Categorically Exempt, per Section 15301d,e.		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator approve the Coastal Administrative Permit as described above, based on the Findings and Evidence (**Exhibit B**) and subject to the recommended Conditions of Approval (**Exhibit C**).

PROJECT OVERVIEW:

The project is located at the intersection of Jensen Road and Bluff Road, in an area designated for Coastal Agricultural Preserve with a 40 acre minimum lot size. The property is 7.5 acres in area, with a total structural coverage of approximately 0.7 percent, including an existing single family residence, an existing mobile home and several accessory buildings.

The mobile home has been on the property since the late 1960’s. A utility room was added on shortly after the mobile home was placed on the site. The mobile home suffered water damage, and the applicant sought approval from the California Department of Housing and Community Development (HCD) to remodel the 1,020 square foot mobile home. The applicant received approval to remodel the mobile home and also remodeled the water damaged utility room addition. The construction activity was identified as a violation.

Section 20.64.060.C.3 allows the expansion of an existing mobile home subject to approval of a Coastal Administrative Permit. The utility room addition was never permitted by the County and does not fall under the jurisdiction of HCD because it is not on an axle. The applicant is applying for the proper permits to bring everything into compliance.

The project as proposed and conditioned has no significant issues.

No adverse environmental effects were identified during staff review of the project application and during site visit on November 14, 2008. The parcel is not located within a public viewshed, as defined in the Coastal Implementation Plan (Section 20.144.020.SSS). The project site is not within environmentally sensitive habitat (ESHA). The proposed project site is generally flat.

The project site is located in a high sensitivity archaeological area, but is not within a 750 foot archeological resources buffer zone. An Archaeological survey report was not required because the project does not involve any new ground disturbance. Lastly, the parcel is not described as an area where the Local Coastal Program requires access, and it is not indicated as part of any designated trails or shoreline access as shown in Figure 6 (Shoreline Access/Trails Map) of the North County Coastal Land Use Plan.

OTHER AGENCY INVOLVEMENT:

- ✓ North County Fire Protection District (FPD)
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by the North County FPD, and the Planning Department have been incorporated into the condition compliance reporting plan (**Exhibit C**).

The project was not referred to the North County Coastal Land Use Advisory Committee (LUAC) for review. 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 LUAC because the project does not include development on slopes greater than 25%, the project does not require the issuance of a Variance, and implementation of the project will not negatively impact a designated scenic area. Furthermore, the project is exempt from CEQA review per Section 15301 of the CEQA Guidelines.

Note: The decision on this project is appealable to the Board of Supervisors and not the Coastal Commission.

/s/ John H. Ford

John Ford, Senior Planner
(831) 796-6049, fordjh@co.monterey.ca.us
November 25, 2008

cc: Front Counter Copy; California Coastal Commission; Zoning Administrator; North County Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Planning Services Manager; John Ford, Planner; Carol Allen; Victor and Gerardo Ramirez, Property Owner; John Ramirez, Agent; Planning File PLN080445.

Attachments: Exhibit A Project Data Sheet
 Exhibit B Recommended Findings and Evidence
 Exhibit C Recommended Conditions of Approval
 Exhibit D Vicinity Map
 Exhibit E Site Plans, Floor Plans, and Elevations

This report was reviewed by Laura Lawrence, Planning Services Manager.

EXHIBIT B

RECOMMENDED FINDINGS AND EVIDENCE

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 Coastal Land Use Plan, Coastal Implementation Plan Part 2, Title 20 Coastal Implementation Plan Part 6, and Monterey County Zoning Ordinance (Title 20 Part 1), which allows single family residences as an accessory use to the agricultural uses on site.

- EVIDENCE:**
- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of the application. As proposed and conditioned, 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 178 Jensen Road, Salinas (Assessor’s Parcel Number 117-031-006-000), North County Coastal Land Use Plan. The parcel is zoned Coastal Agricultural Preserve, 40 acre minimum, in the Coastal Zone (“CAP (CZ)”) which allows single family residences as an accessory use to the agricultural use of the property subject to approval of a Coastal Administrative Permit (Section 20.30.040.B CIP). Section 20.64.060 of the CIP allows additions to mobile homes existing prior to discretionary permit requirements subject to approval of a Coastal Administrative Permit. The project, as applied for and conditioned will render the subject site consistent with the applicable zoning policies.
 - (c) Public Access. See Finding #6.
 - (d) The project planner conducted a site inspection on November 14, 2008 to verify that the project on the subject parcel conforms to the plans and requirements listed above.
 - (e) The project was not referred to the North County Coastal Land Use Advisory Committee for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did not warrant referral to the LUAC because the project "is a Coastal Administrative Permit for a minor addition to an existing mobile home, and the project presents no significant issues. The guidelines are designed for LUACs to address larger more complex projects and projects with significant impacts (Environmentally Sensitive Habitat, ridgeline development, steep slopes, variances etc). No concerns have been raised by the neighboring property owners."
 - (f) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN080445.

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 Department, North County Fire Protection District, Public Works, Environmental Health Division,

and the Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the development. Conditions recommended have been incorporated.

- (b) Staff conducted a site inspection on November 14, 2008, to verify that the site is suitable for the use proposed.
- (c) Materials in Project File PLN080445.

3. FINDING: **CEQA (Exempt)** – The project is categorically exempt from environmental review and no unusual circumstances were identified for the proposed project.

- EVIDENCE:**
- (a) California Environmental Quality Act (CEQA) Guidelines Section 15301(d) and (e), Class 1 categorically exempts minor additions and repairs to existing facilities.
 - (b) No adverse environmental effects were identified during staff review of the project application and during site visits on November 14, 2008.
 - (c) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN080445.
 - (d) See Finding #1.

4. FINDING: **NO VIOLATIONS** - The subject property is not in compliance with rules and regulations pertaining to zoning uses, subdivision, and particularly County's Zoning Ordinance section 20.64.060.C.3. Currently a violation (CE080200) exists which consists of an unauthorized addition to a mobile home that exists without discretionary permits. The mobile home was issued a permit by the California Department of Housing and Community Development to be remodeled. The permit did not include an approval to remodel the utility room. The utility room is an addition to the mobile home which requires approval of a Coastal Administrative Permit. The property can be brought into full compliance with all applicable General Plan, North County Land Use Plan and Zoning Ordinance requirements upon approval of a Coastal Administrative Permit under Zoning Ordinance section 20.64.060.C.3. Zoning Violation costs have been paid in full by the applicant. No other violations exist on the property.

- EVIDENCE:**
- (1) Monterey County Code (MCC) Section 20.64.060 specifies the regulations for mobile homes existing without Discretionary Permits. Section 20.64.060.C.3 requires that at a mobile home existing prior to Discretionary Permit requirements may be increased in size as for living area subject to a Coastal Administrative Permit. The laundry room addition has internal circulation to the mobile home and is counted toward the living area of the structure. Therefore, a Coastal Administrative Permit is required for the laundry room addition.
 - (2) The Code violation can be corrected by the approval of a Coastal Administrative Permit and the property owner complying with all conditions of the permit.
 - (3) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any other violations existing on subject property.

5. 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.
(b) The development consists of a structure that has existed at this location since the early 1970's.
(c) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN080445.

6. FINDING: **PUBLIC ACCESS** - The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights. No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan (Part 1), can be demonstrated.

EVIDENCE: (a) The subject property is not described as an area where the Local Coastal Program requires access.
(b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 6 (Shoreline Access/Trails Map) of the North County Coastal Land Use Plan, and complies with the North County Coastal Land Use Plan.
(c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
(d) Site visits by the project planner on November 14, 2008.

7. FINDING: **APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors. It is not appealable to the California Coastal Commission.

EVIDENCE: (a) Board of Supervisors: Section 20.86.010 of the Monterey County Zoning Ordinance.
(b) California Coastal Commission: Section 20.86.080 of the Monterey County Zoning Ordinance.

EXHIBIT C Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: Ramirez File No: PLN080445 Approved by: Zoning Administrator	APN: 117-031-006-000 Date: December 11, 2008
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**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.		PD001 - SPECIFIC USES ONLY This Coastal Administrative Permit (PLN080445) allows a 108 square foot addition to an existing 1,020 square foot mobile home existing without any discretionary permits. The property is located at 178 Jensen Road, Royal Oaks (Assessor's Parcel Number 117-031-006-000), North County Coastal Land Use 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 the 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 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated.	

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		mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution PLN080445) was approved by the Zoning Administrator for Assessor's Parcel Number 117-031-006-000 on December 11, 2008. The permit was granted subject to 12 conditions of approval 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 the 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 the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD004 - INDEMNIFICATION AGREEMENT 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	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.	Owner/ Applicant	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	

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		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. (RMA - Planning Department)				
4.		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, down-lit, 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 lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.	Owner/ Applicant	Prior to the issuance of building permits.	
			The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to occupancy / Ongoing	
5.		PD035 - UTILITIES - UNDERGROUND All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)	Install and maintain utility and distribution lines underground.	Owner / Applicant	Ongoing	

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6.		<p>LANDSCAPING PLAN - NORTH COUNTY COASTAL NATIVE</p> <p>If any landscaping is installed on site, the landscaping shall be limited to drought tolerant native species consistent native plant material found in the project area. A list of appropriate native plant species identified in Attachment #2 and #3 in the North County Implementation Plan Development Regulations is available in brochure form (<i>Suggested Native Species Landscaping List - North County Coastal Zone</i>) from the RMA - Planning Department. (RMA – Planning Department)</p>	Submit landscape plans and contractor’s estimate to RMA - Planning Department for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits	
7.		<p>FIRE007 - DRIVEWAYS</p> <p>Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. 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. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on</p>	Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.	Owner / Applicant	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection.	Owner / Applicant	Prior to final building inspection.	

<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>
		driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the “T” shall be a minimum of 60 feet in length. (North County Fire Protection District)				
8.		FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (North County Fire Protection District)	Applicant shall incorporate specification into design and 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.	
9.		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	Applicant shall enumerate as “Fire Dept. Notes” on plans.	<i>Applicant or owner</i>	Prior to issuance of building permit.	
			<i>Applicant shall schedule fire dept. rough sprinkler inspection</i>	<i>Applicant or owner</i>	Prior to framing inspection	

<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>
		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. Responsible Land Use Department: North County Fire District.	<i>Applicant shall schedule fire dept. final sprinkler inspection</i>	<i>Applicant or owner</i>	Prior to final building inspection	<i>Applicant shall schedule fire dept. final sprinkler inspection</i>
11.		FIRE025 - SMOKE ALARMS – (SINGLE FAMILY DWELLING) Where a household fire warning system or combination fire/burglar alarm system is installed in lieu of single-station smoke alarms required by the Uniform Building Code the alarm panel shall be required to be placarded as permanent building equipment. Responsible Land Use Department: North County Fire District.	Applicant shall enumerate as “Fire Dept. Notes” on plans.	<i>Applicant or owner</i>	Prior to issuance of building permit.	
			Applicant shall schedule fire alarm system acceptance test.	<i>Applicant or owner</i>	Prior to final building inspection	
12.		FIRE026 - ROOF CONSTRUCTION (STANDARD) 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 B roof construction. North County Fire Protection District)	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	