

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 000527

A.P. # 117-092-006-000

FINDINGS AND DECISION

In the matter of the application of
Carmen & Everado Sandoval (PLN000527)

for a Coastal Development Permit in accordance with Title 20 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, to allow the demolition of a 1,350 sq. ft. one-story single family dwelling, a 550 sq. ft. detached carport, and 300 sq. ft. guesthouse with a 256 sq. ft. basement; Construction of a 2,137 sq. ft. two-story single family dwelling with a 953 sq. ft. basement and 565 sq. ft. attached garage, located at 147 Bay Farms Road, Watsonville, Royal Oaks area, North County, Coastal Zone, came on regularly for hearing before the Zoning Administrator on June 26, 2003.

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

FINDINGS OF FACT

1. **FINDING:** Coastal Development Permit (PLN000527/Sandoval) to allow the demolition of a 1,350 sq. ft. one-story single-family dwelling, a 550 sq. ft. detached carport, and a 300 sq. ft. guesthouse with a basement (256 sq. ft.); and the construction of a two-story single-family dwelling (2,137 sq. ft.) with a basement (953 sq. ft.) and an attached garage (565 sq. ft.). The property is located at 147 Bay Farms Road (Assessor's Parcel Number 117-092-006-000) Royal Oaks area, North County Coastal Land Use Plan, Coastal Zone. The parcel is zoned RC (CZ); i.e., *Resource Conservation* zoning district in the Coastal Zone. The project described in the application and accompanying materials conforms to the plans, policies, requirements, and standards of the North County Coastal Land Use Plan, the Regulations for Development in the North County Coastal Land Use Plan (Coastal Implementation Plan, Part 2), Part 6 of the Coastal Implementation Plan (Appendices), and the Monterey County Zoning Ordinance (Title 20).

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The North County Coastal Land Use Plan;
- b) The Regulations for Development in the North County Land Use Plan; and
- c) The requirements of the Resource Conservation zoning district, pursuant to Title 20 of the Zoning Ordinance.

EVIDENCE: Pursuant to the requirements for Resource Conservation area in the Regulations for Development in the North County Land Use Plan, the development will not adversely impact environmentally sensitive wildlife habitats, and it will not threaten the long-term continuance of rare and endangered plant and animal species on or adjacent to the project site.

EVIDENCE: Pursuant to the requirements for legal non-conforming structure use (Sec. 20.68.030.C), the rebuilt residence will not be larger than 10% of the floor area of the existing structures.

EVIDENCE: The project planner conducted a site visit on August 30, 2002 to verify that the project

on the subject parcel conforms to the plans listed above.

EVIDENCE: On April 7, 2003, the North County Land Use Advisory Committee voted 4 to 0 (with 3 members absent) to recommend approval of the project.

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

EVIDENCE: The project has been reviewed for suitability by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department, and the North County Fire Protection District. Conditions recommended have been incorporated.

EVIDENCE: The existing residential use is a legal non-conforming use under the Resource Conservation zoning designation.

EVIDENCE: Staff conducted a site visit on August 30, 2002 to verify that the site is suitable for this use.

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

EVIDENCE: The property is located in an area of very high seismic sensitivity (zone VI). A geologic report, dated April 2002, was prepared by Pacific Rim Geologic for the project. A geotechnical report, dated March 8, 2001, was also prepared for the project by Sampson Engineering, Inc. The recommendations from these two reports are required as conditions of approval (#'s 8, 9, & 10).

EVIDENCE: The site is located within an area of high archaeological sensitivity. A preliminary archaeological survey was performed by Archaeological Consulting, with the report dated September 14, 2001, the results of which were negative. In addition, the proposed development does not involve extensive land disturbance and the site of the proposed development has been disturbed by the existing and prior residential use of the property.

3. **FINDING:** The establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Health Department, Public Works Department, and the Water Resources District. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the county in general.

4. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: Criteria contained in Article 19, Sections 15300.2 (Exceptions), 15302 (Replacement/Reconstruction), 15303 (Small Structures), and 15304 (Minor Alterations to the Land) of the California Environmental Quality Act Guidelines allow this project to be categorically exempted from environmental review. The project involves negligible changes in uses of an existing structure. No unusual circumstances were identified that would indicate a reasonable possibility for the changed uses to have significant impacts on the environment.

5. **FINDING:** That the subject property is in compliance with all rules and regulations pertaining to the use of the property, that no violations exist and the property and that all zoning abatement costs, if any have been paid.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

6. **FINDING:** The project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: Sections 20.78.050.E, 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said request for a Coastal Development Permit be approved as shown on the attached sketch, subject to the following conditions:

1. The subject Coastal Development Permit (PLN000527/Sandoval) allows the demolition of a 1,350 sq. ft. one-story single-family dwelling, a 550 sq. ft. detached carport, and a 300 sq. ft. guesthouse with a basement (256 sq. ft.); and the construction of a two-story single-family dwelling (2,137 sq. ft.) with a basement (953 sq. ft.) and an attached garage (565 sq. ft.). 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 deed notice which states: "*A permit (Resolution 000527) was approved by the Zoning Administrator for Assessor's Parcel Number 117-092-006-000 on June 26, 2003. The permit was granted subject to 13 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. 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)**
4. The reporting registered geologist shall review the building plans prior to their submittal to the Planning & Building Inspection Department to verify that the engineering structural design for the proposed residence is based on the site-specific seismic parameters presented in geologic report prepared for this project by Pacific Rim Geologic. A letter from the reporting registered geologist shall be submitted to the Planning & Building Inspection Department certifying that the engineering structural design meets the site-specific parameters of the report. **(Planning and Building Inspection)**

5. The reporting geotechnical engineer shall review the building & grading plans prior to their submittal to the Planning & Building Inspection Department to verify that the recommendations presented in the geotechnical report prepared for the project are adequately reflected in the building & grading plans. A letter from the reporting geotechnical engineer shall be submitted to the Planning & Building Inspection Department certifying that the recommendations presented in the geotechnical report prepared for the project are adequately reflected in the building & grading plans. **(Planning and Building Inspection)**
6. Prior to issuance of grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, to include retention/percolation facilities to mitigate the impact of impervious surface storm water runoff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
7. All parcels 1 acre and larger shall provide a minimum 30-foot setback for buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, or when a 30-foot minimum setback cannot be reached, alternate fuel modification standards may be imposed by the local fire jurisdiction to provide the same practical effect. **(North County Fire Protection District)**
8. Before construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted prior to requesting final clearance. All address numbers (permanent and temporary) shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the address numbers shall be set adjacent to the driveway or access road to the property. Address numbers posted shall be Arabic, not Roman or written out in words. Address numbers posted shall be a minimum number height of 3 inches with a 3/8-inch stroke, and contrasting with the background colors of the sign. **(North County Fire Protection District)**
9. 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.” **(North County Fire Protection District)**

Prior to Final Building Inspection/Occupancy:

10. The applicant shall comply with Ordinance No. 3932 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a) All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - b) Landscape plans shall apply xeriscape principles, including such techniques and materials

as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency & Planning and Building Inspection)**

11. Certification that storm water retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**
12. All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface, shall require a minimum of Class B roof construction. **(North County Fire Protection District)**

Continuous Permit Conditions:

13. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**

PASSED AND ADOPTED this 26th day of June, 2003.

Original Signed By: _____

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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 Monterey.

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