

MIKE NOVO  
ZONING ADMINISTRATOR

COUNTY OF MONTEREY  
STATE OF CALIFORNIA

RESOLUTION NO. 020488

A. P. # 119-022-006-000

In the matter of the application of  
**Juan & Teresa Alcantar (PLN020488)**

**FINDINGS & DECISION**

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Administrative Permit to replace an existing mobile home with a new 1,300 sq. ft. single story manufactured home, detached 440 sq. ft. garage and a septic system; a Variance to allow for a reduction in front and side setbacks and a Variance to exceed lot coverage requirements, located at 150 Garin Road, Watsonville, north of the intersection of Elkhorn Road, Los Lomas area, North County, Coastal Zone, came on regularly for meeting before the Zoning Administrator on September 25, 2003.

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

- 1. FINDING: CONSISTENCY, SITE SUITABILITY AND PUBLIC ACCESS** – The Alcantar Combined Development Permit (PLN020488), as described in Condition #1, and as conditioned, are consistent with the plans, policies, requirements and standards of the Monterey County Local Coastal Program (LCP). The LCP for this site consists of the North County Coastal Land Use Plan, Part 1 of the Coastal Implementation Plan (Title 20/Zoning); Part 2, “Regulations for Development in the North County Land Use plan Area,” and Part 6. The property is located at 150 Garin Road, Los Lomas area in the Coastal Zone. The parcel is zoned “AC (CZ)” (Agricultural Conservation - Coastal Zone). The site is physically suitable for the use proposed.

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

- EVIDENCE:** (a) The application and plans submitted for the Combined Development Permit in project file PLN020488 at the Monterey County Planning and Building Inspection Department.
- (b) The “Geotechnical Investigation” prepared by Amso Consulting Engineers, Inc. (December 20, 2002) concludes that the site is suitable for the project provided recommendations in the report are incorporated in the project design.
- (c) The project planner conducted a site visit on January 16, 2003, to verify that the proposed project complies with policies and regulations of the Monterey County Local Coastal Program or LCP. The project will not have a significant adverse effect on the public viewshed.

Based on the site visit and analysis of building records, the existing single family dwelling to be demolished is legally permitted and is not considered a historic structure.

(d) The North County Coastal Use Advisory Committee (LUAC) reviewed the project on February 18, 2003 and made a motion to recommend approval (vote 2 to 4) which did not pass. The LUAC had several comments all of which relate to the soil stability and recommendations in the “Geotechnical Investigation.” Recommendations in the geotechnical report as well as current building code requirements relative to seismic standards will be incorporated in the project design.

(e) The project and site have been reviewed by the Monterey County Planning and Building Inspection Department, North County Fire Protection District, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department, and Monterey County Health Department. There has been no indication from these agencies that the site is not suitable.

(f) The proposed manufactured home would be located within essentially the same, but slightly larger, footprint as the existing mobile-home. As a result the development site has been disturbed so there are no trees, environmentally sensitive habitats or similar areas, which would indicate the site is not suitable for the use proposed.

(g) The subject property is not described as an area where the Local Coastal Program requires access and is not indicated as part of any designated trails or shoreline access as shown in Figure 4, the Public Access Map and in Figure 6, the Shoreline Access Map, of the North County Land Use Plan – Local Coastal Plan. No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

2. **FINDING:** **CEQA** – The proposed project will not have a significant environmental impact.

**EVIDENCE:** (a) Sections 15301(l) and 15303(a) of the CEQA Guidelines categorically exempt the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

3. **FINDING:** **NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and other applicable provisions of Title 20. Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** (a) Sections 20.32 and 20.44.020 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

4. **FINDING:** **VARIANCE (Special Circumstances)** - Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of Section 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under an identical zoning classification.

**EVIDENCE:** (a) Setbacks for the Main Structure. The applicant has requested a Variance for a reduction in front and side setbacks for the single family residence from 30’ to 26’ for the front

and 20' to 11'6" for the side. The applicant has also requested a Variance for a reduction in the front setback for the detached garage from 50' to 18'6". Special circumstances apply to this property in this case particularly due to the size, shape and topography of the lot and the location of the existing residence. The mobile home (circa late 1970s) is currently located on the front of the lot with a 26 foot setback. The proposed manufactured home would be located within essentially the same, but slightly larger, footprint and, as a result, would hold setbacks similar to the existing mobile home. Eighty percent of the lot has slopes 25 percent or greater. The only relatively flat portion is within 30 to 40 feet of the east side of the lot, fronting on Garin Rd. Hence, the original mobile home was less placed less than 30 feet from the front property line in the late 1970s.

(b) Setbacks for the Detached Garage. Covered parking is currently required pursuant to Title 20 and necessitates a garage or carport (covered parking currently does not exist). However, observing the 50 foot front setback for the detached garage is not feasible since the structure would have to be located on a very steep slope exceeding 25 percent.

(c) Lot Coverage. Special circumstances exist since the coverage requirement for this parcel, which is zoned "AC" or Agricultural Conservation, is a maximum of 3%. The intent of this zoning designation is to limit development on parcels which should be preserved for agricultural purposes. However, the Alcantar lot, a legal non-conforming parcel, is only 24,394 square feet and is limited to a maximum of 732 square feet of structural development. Due to the steep slopes on the parcel, an agricultural use on this parcel is not feasible in the future and it does not appear that the parcel was farmed in the past. Therefore the applicant requests an increase in lot coverage to 7% to allow replacement of the mobile home, which is approximately 30 years old.

(d) Materials and documents in project file no. PLN020488.

**5. FINDING: VARIANCE (Special Privileges)** - The Variances to reduce the required front and side setbacks as well as increase lot coverage do not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.

**EVIDENCE:** (a) Setbacks for the Main Structure and Detached Garage. There are 3 other homes where similar conditions, particularly site topography, necessitated reduced front setbacks for the residential structures which are located within ½ mile of the subject parcel. In addition, approval of this Variance would not be a special privilege since other parcels in this area are developed with single family homes and are not subject to such significant and numerous site constraints.

(b) Lot Coverage. Approval of this Variance would not be a special privilege since most of the residentially developed parcels in this area are zoned for a residential use and would be allowed a maximum of 15 percent structural coverage in the coastal zone. The existing single family residence, shed and porch have a legal non-conforming combined coverage of 4.7 percent. The maximum allowed on this lot is 3 percent; the applicant proposes to increase coverage to 7 percent. Other property owners in the vicinity and under identical zoning

classification have been afforded the same privileges sought by the property owner of this application.

(c) Materials and documents in Project File No. PLN020488.

6. **FINDING: VARIANCE (Authorized Use)** – Both Variances are granted for a use or activity which is authorized by the zoning regulations governing the parcel of property.  
**EVIDENCE:** (a) The applicant proposes to construct a single family dwelling and detached garage which are allowed uses under the property's Agricultural Conservation designation.
7. **FINDING: HEALTH AND SAFETY** – The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.  
**EVIDENCE:** (a) Preceding findings and supporting evidence.
8. **FINDING: APPEALABILITY** – The decision on this project is appealable to the Board of Supervisors and the Coastal Commission.  
**EVIDENCE:** (a) Sections 20.86.030 and 20.86.080 of the Monterey County Zoning Ordinance (Title 20).

### **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 following conditions:

1. The Alcantar Combined Development Permit (PLN020488) consisting of: 1) a Coastal Administrative Permit to replace an existing 624 square foot mobile home with a new 1,300 square foot, single story manufactured home, a detached 440 square foot garage and a septic system; 2) a Variance to allow for a reduction in front (30' to 26') and side (20' to 11'6") setbacks for the single family residence and a reduction in front setbacks (50' to 18'6") for the detached garage; and 3) a Variance to exceed lot coverage requirements (3% to 7%). Current structural coverage is 4.7 percent. The property is located at 150 Garin Road, Las Lomas Area, North County, Coastal Zone (Assessor's Parcel Number 119-022-006-000). Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

### **Prior to the Issuance of Grading and Building Permits:**

2. The applicant shall record a notice which states: "A permit (Resolution No. 020488) was approved by the

Zoning Administrator for Assessor's Parcel Number 119-022-006-000 on September 25, 2003. 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)**

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 building plans shall incorporate the recommendations of the “Geotechnical Investigation” prepared for the site by Amsco Consulting Engineers, Inc., dated December 20, 2002.
5. 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 stormwater runoff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
6. Proposed development shall be setback at least **50** feet from top of bank, as defined in County Floodplain Ordinance #3272. The top of bank shall be defined by a professional engineer and shown on the site plan prior to issuance of any grading and/or building permits. **(Water Resources Agency)**
7. 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)**
8. Lowest floor and attendant utilities shall be constructed at least **24** feet above mean sea level (NGVD 1929). To provide for the flood proofing and certification of the lowest floor elevation, a reference marker set to the elevation of the lowest floor shall be established at the building site by a licensed land surveyor prior to start of construction. An elevation certificate for the finished floor shall be completed by a registered civil engineer or licensed surveyor and provided to the County Water Resources Agency prior to the inspection and approval of the building foundation by the building inspector. **(Water Resources Agency)**

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

9. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, specie, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. 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)**

10. A letter from a qualified soil or civil engineer shall be submitted to the Director of Planning and Building Inspection stating that the construction conforms to recommendations in the recommendations of the "Geotechnical Investigation" prepared for the site by Amsco Consulting Engineers, Inc., dated December 20, 2002. **(Planning and Building Inspection)**
11. Driveways shall not be less than 12 feet wide unobstructed. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400 foot intervals. **(North County Fire District)**
12. 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 District)**
13. 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 District)**
14. Certification that stormwater 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)**
15. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
  - a) All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
  - b) Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency)**

**Continuous Permit Conditions:**

16. If cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a

qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**

17. 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)**

**PASSED AND ADOPTED** this 25th day of September, 2003.

Original Signed By:
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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 90<sup>th</sup> 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 Marina.

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