

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 000305

A. P. # 129-152-008-000

In the matter of the application of
Francisco V. Tinajero (PLN000305)

FINDINGS AND 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 for a new 2,774 square foot single family residence including an individual well, septic system and grading (1,320 cubic yards) with retaining walls; a Coastal Development Permit for removal of two native oak trees (12" & 14"); and a Coastal Development Permit for development on slopes of 25% or greater. The property is located at 350 Hidden Valley Road, Watsonville, Royal Oaks, North County area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on April 8, 2004.

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

1. FINDINGS: **CONSISTENCY** - The subject Combined Development Permit (PLN000305), as described in condition #1 of the attached Exhibit "D," and as conditioned, conforms to the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the North County Land Use Plan, Part 6 of the Coastal Implementation Plan (Appendices), the Regulations for Development in North County Coastal Land Use Plan Area, and the Monterey County Zoning Ordinance (Title 20). The property is located at 350 Hidden Valley Road, Watsonville (Assessor's Parcel Number 129-152-008-000), in the North County area of the Coastal Zone. The parcel is zoned "RDR/5(CZ)," i.e., Rural Density Residential Zoning Districts, minimum building site 5 acres/unit, Coastal Zone. The site is physically suitable for the use proposed.

EVIDENCE: (a) PBI staff have reviewed the project as contained in the application and accompanying materials for consistency with the certified Monterey County Local Coastal Program and have determined that the project is consistent.

(b) Project planner conducted an on-site inspection on November 5, 2001 to verify that the project proposed for the subject parcel conforms to the plans listed above.

(c) The North County Land Use Advisory Committee (LUAC) reviewed the project and conditionally recommended approval on September 15, 2003, with a vote of 4 to 0 (one absent). The committee's recommended condition is reflected in condition 18.

(d) The application, plans, and support materials submitted by the project Application to the Monterey County Planning and Building Inspection Department for the proposed development, found in the Project File PLN000305.

(e) Condition 18, which requires a scenic and conservation easement over all areas on the subject parcel of 25% slope or greater and all areas containing sensitive habitat, is imposed pursuant to Section 20.144.040.A.6, and Section 20.144.040.C.1.c.

2. FINDINGS: SITE SUITABILITY – The site is suitable for the use proposed.

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

(b) A technical report by an outside Soils Engineer, dated July 14, 2003, prepared by LandSet Engineers, Inc, states that there are no indications that the site is not suitable for the proposed use. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar constraints that would indicate the site is not suitable for the use proposed. Report is contained in the Project File PLN000305.

(c) The site is located within an area of high (zone IV) seismic sensitivity as found on the resource maps of the North County Land Use Plan. It is not within 1/8 of a mile of a known active or potentially active fault.

(d) According to the Biological Survey, prepared by Ed Mercurio, consultant, dated August 12, 2003, there is no state or federally listed rare or endangered plant or animal species in the area of the project site that would indicate the site is not suitable for the use proposed.

3. FINDING: NATIVE TREE REMOVAL – The removal of two mature coast live oaks (12” and 14” diameter at breast height) is consistent with Section 20.144.050.C.5 because removal of the native trees is limited to that which is necessary for the development of the structure and the access road.

EVIDENCE: (a) A Forest Management Plan was prepared for the subject project by Paul A. Dubsky, consulting forester, Peninsula Ecological Services, dated August 5, 2003, and is contained in the file.

(b) The Forest Management Plan addresses the impacts to forest resources from the proposed dwelling and access road construction activities. Two non-landmark coast live oaks (*Quercus agrifolia*) are proposed for removal. The remaining trees near the proposed development site (14 coast live oaks including one landmark tree) can be saved with proper protection measures carried out during and after construction site, as required by Condition 7.

(c) Tree protection guidelines, measures to provide for planting of 6 replacement trees, and forest health measures are required as Conditions 7, 8, & 9.

4. FINDING: SLOPE WAIVER – The request for the proposed development to be located on slopes of 25% or greater is consistent with Section 20.144.070.3.2.a of the regulations for Development in the North County Land Use Plan Area, which prohibits development on slopes of 25% or greater unless there are no alternatives to such development.

EVIDENCE: (a) The proposed development is preferable as it better conforms to other resource protection standards of the certified Monterey County Local Coastal Program, such as reducing grading, tree removal and other impacts to environmental sensitive habitat.

(b) The proposed building site is located at the northerly end of the parcel, which is closest to Hidden Valley Road and which minimizes impacts associated with access, such as grading and tree removal. The site is also in the limited area of the parcel with relatively less-steep slopes (less than 30%).

(c) Application, plans, and materials contained in planning file PLN000305.

5. **FINDINGS: NO VIOLATIONS** – 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 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. **FINDINGS: CEQA** - The proposed project will not have a significant environmental impact.
EVIDENCE: Criteria contained in Article 19, Section 15303 (Small Structures) Section 15304 (Minor Alterations to Land), and 15300.2 (Exceptions) of the California Environmental Quality Act Guidelines allow this project to be categorically exempted from environmental review.
7. **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: Preceding findings and supporting evidence.
8. **FINDINGS: 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 (see 20.70.050.B.4). 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, 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, the Shoreline Access /Trails Map, of the North County Land Use Plan.
9. **FINDINGS: APPEALABILITY** - The project is appealable to the Board of Supervisors and the California Coastal Commission.
EVIDENCE: Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

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 8th day of April, 2004.

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 Marina.

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