

MIKE NOVO  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 020147

A.P. # 131-101-055-000

**FINDINGS & DECISION**

In the matter of the application of  
**Gloria Santana TR (PLN020147)**

for a Coastal Administrative Permit in accordance with Chapter 20.76 (Coastal Administrative Permits) of Title 20, Monterey County Code (Zoning), to allow for the construction of a new 3,900 sq. ft. two-story single family dwelling with attached garage, new 75 linear foot driveway and turnaround and the conversion of an existing 700 sq. ft. single family dwelling to storage unit. The property is located at 5 Bayview Road, Castroville, at the intersection of Bayview and Elkhorn Roads, North County area, Coastal Zone, came on regularly for hearing before the Zoning Administrator on March 25, 2004.

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

**1. FINDING: CONSISTENCY** - The Santana Coastal Administrative Permit (PLN020147) as described in Condition #1, and as conditioned, is consistent with 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, and Part 1 (Zoning) and Part 2 (Regulations for Development in the North County Land Use Plan Area) of the Monterey County Local Coastal Program. The property is located at 5 Bayview Road, North County area in the Coastal Zone. The parcel is zoned "LDR/2.5 (CZ)," (Low Density Residential, 2.5 acres per unit, 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, Part 1 of the Coastal Implementation Plan (Zoning Ordinance)}. 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 Zoning Ordinance, can be demonstrated.

**EVIDENCE:** (a) The application and plans submitted for the Coastal Administrative Permit in project file PLN020147 at the Monterey County Planning and Building Inspection Department.  
(b) The applicant provided the Monterey County Planning and Building Inspection Department with drawings, and a statement of materials to be used.  
(c) The project planner conducted a site visit to verify that the proposed project complies with the LCP policies. The project will not have a significant adverse visual impact when viewed from a public viewshed.  
(d) The project has been reviewed by the Monterey County Planning and Building Inspection Department, North County Fire 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. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate

the site is not suitable for the use proposed.

(e) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN020147.

2. **FINDING: CEQA – (Exempt)** The project is exempt from environmental review.  
**EVIDENCE:** Section 15303(a) of the CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the project application.
  
3. **FINDING: VIOLATION** - The subject property is not in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County’s zoning ordinance. A pending building violation for a substandard dwelling currently exists on the property however, this permit will allow the conversion of the substandard dwelling to a storage structure, which will abate the violation. Pursuant to Section 20.90.120 of the Monterey County Zoning Ordinance, the project may be approved because the permit is part of the administrative remedy for the violation. No other violations exist on the property. Zoning violation abatement costs, if any, have been paid.  
**EVIDENCE:** Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations other than the identified building violation on subject property.
  
4. **FINDING: REFERRAL TO PUBLIC HEARING** – The project is referred to public hearing because a building violation exists on the property and because there is evidence of public opposition to the project.  
**EVIDENCE:** (a) Section 20.76.060.A.4 and 20.96.010.A of the Monterey County Zoning Ordinance (Title 20).  
(b) Correspondence from Code Enforcement Officer in Project File PLN020147.  
(c) Correspondence from public in Project File PLN020147.  
(d) North Monterey Coastal LUAC recommendation for denial with recommended conditions.
  
5. **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 Part 2 of the Monterey County Coastal Implementation Plan, can be demonstrated.  
**EVIDENCE:** (a) The subject project area is not described as an area where the Local Coastal Program requires access.  
(b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.  
(c) Preceding and following Findings and supporting Evidence.
  
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) The project has been reviewed by the Monterey County Planning and Building Inspection Department, North County Fire 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. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

(b) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN020147.

**7. FINDING: APPEALABILITY** - The decision on this project is appealable to the Monterey County Board of Supervisors.

**EVIDENCE:** Sections 20.86.030 of the Monterey County Zoning Ordinance (Title 20).

**DECISION**

THEREFORE, it is the decision of said Zoning Administrator that said application for a Coastal Administrative Permit be granted as shown on the attached sketch, subject to the attached conditions.

**PASSED AND ADOPTED** this 25th day of March 2004.

Original Signed By:

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MIKE NOVO  
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

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

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 Planning Commission 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 two years after the above date of granting thereof unless construction or use is started within this period.