

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 020505

A. P. # 181-211-007-000

In the matter of the application of
Eriberto and Evangelina Jauregui (PLN020505)

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 for the construction of a 1,795 sq. ft. one-story single family residence (manufactured dwelling on a permanent foundation), a 1,000 sq. ft. detached carport, a septic system and temporary residence during construction of the dwelling; 2) a Coastal Development Permit for development within 100 feet of mapped or field identified environmentally sensitive habitat; and Grading (35 cubic yards of cut/510 cubic yards of fill). The property is located at 15280 Betty Way, Watsonville, North County area, Coastal Zone, came on regularly for meeting 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 Jauregui Combined Development Permit (PLN020505), 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, North County Coastal Implementation Plan (Part 2), Part 6 of the Coastal Implementation Plan, and Part 1 of the Coastal Implementation Plan (Title 20 Zoning Ordinance), which designates this area as appropriate for residential development.

EVIDENCE: (a) Plans/Regulations – The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- 1) North County Land Use Plan
- 2) North County Coastal Implementation Plan (Part 2)
- 3) Part 6 of the Coastal Implementation Plan
- 4) Part 1 of the Coastal Implementation Plan (Title 20 Zoning Ordinance)

There would be no conflict or inconsistencies with these policies or regulations. Staff's record of review is provided in project file PLN020505.

(b) Land Use Designation – The parcel is zoned Rural Density Residential, Building Site, Coastal Zone ("RDR/B-6 (CZ)"). The project is in compliance with the Site Development Standards for Rural Density Residential District in accordance with Section 20.16.060.

(c) Site Description – The project site is approximately 5 acres in size and the zoning designation requires a minimum of 5 acres for parcels in this district. The first single family dwelling per legal lot of record is an allowed use in accordance with Section 20.16.040.A.

(d) Environmentally Sensitive Habitat – The project is consistent with policies of the North County Land Use Plan dealing with ESHA (Chapter 2.3). The development site is located within 100 feet of central maritime chaparral, which is identified as environmentally

sensitive habitat on Monterey County resource maps. A revised biological survey for the project site was prepared by Ed Mercurio, a biological consultant, on October 17, 2003. The revision was in response to the revised site, grading, drainage and erosion control plan, dated September 5, 2003, and submitted by the applicant after consulting with the project planner. This revision relocated the single-family dwelling and associated grading further away from ESHA and removed necessary remedial grading off of slopes exceeding 25%. According to the revised biological survey, there are no unmitigatable physical or environmental constraints that would indicate the site is not suitable for the use proposed. The survey recommends mitigation measures that will reduce impacts to the environmentally sensitive habitat to a less than significant level and will ensure the habitat's long-term maintenance. These mitigation measures include the implementation of a habitat restoration plan; protection of ESHA from construction and grading operations; implementation of an erosion control plan; and conduction of monitoring inspections over a 5 year period to monitor the success of restoration. The above-mentioned mitigation measures have been incorporated as conditions of approval pursuant to the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project.

(e) **Visual Resources** – The project is consistent with policies of the North County Land Use Plan dealing with visual resources (Chapter 2.2). The project planner conducted site visits on December 11, 2002, June 6, 2003, August 26, 2003 and December 16, 2003 to verify that the proposed project will not have a significant adverse effect on the public viewshed.

(f) **Archaeological Resources** – The project is consistent with policies of the North County Land Use Plan dealing with archaeological resources (Chapter 2.9). The subject parcel is located within an area of low archaeological sensitivity as identified by the Monterey County Geographic Information System. Based on the planner's site visit and analysis, the archaeological report requirement was waived due to the low probability for cultural resources onsite. Nevertheless, an ongoing condition of approval will require that land disturbance be halted in the event that cultural resources are found.

(g) **Hazards** – The project is consistent with policies of the North County Land Use Plan dealing with hazards (Chapter 2.8). The Soil Engineering Investigation prepared by Landset Engineers Inc., dated March 20, 2003, concludes that the site is suitable for the project.

(h) **Site Visits** – The project planner conducted site visits on December 11, 2002, June 6, 2003, August 26, 2003 and December 16, 2003 to verify that the proposed project complies with the LCP. Staff's memos regarding the site visits are in project file PLN020505.

(i) **Land Use Advisory Committee** – The North County Coastal Land Use Advisory Committee reviewed and recommended approval (5 - 0 vote) of the Combined Development Permit on December 15, 2003 with no changes.

(j) **Application Materials** – The application and plans submitted for the Combined Development Permit in project file PLN020505 at the Monterey County Planning and Building Inspection Department.

(k) **Testimony** – No testimony, either written or oral was received during the course of the public hearing process to indicate that there is any inconsistency with these plans or policies.

2. **FINDING: SITE SUITABILITY** – The site is suitable for the use proposed.
- EVIDENCE:** (a) The project has been reviewed for suitability by the Monterey County Planning and Building Inspection Department, Coastal Commission, 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. Conditions recommended by these agencies have been incorporated as project conditions.
- (b) The project planner conducted site visits on December 11, 2002, June 6, 2003, August 26, 2003 and December 16, 2003 to verify that the site is suitable for this use.
- (c) Necessary public facilities are available and will be provided.
3. **FINDING: PUBLIC ACCESS** – 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. 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 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. No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- (b) Staff site visits on December 11, 2002, June 6, 2003, August 26, 2003 and December 16, 2003.
4. **FINDING: CEQA** – The project is subject to environmental review pursuant to the requirements of the California Environmental Quality Act (CEQA). On the basis of the whole record before the Zoning Administrator, there is no substantial evidence that the proposed project as designed, conditioned, and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.
- EVIDENCE:** (a) The proposed project is not exempt from environmental review due to the potential for significant effects to biological resources and land use policies pursuant to CEQA Guidelines Section 15300.2 (Exceptions).
- (b) Potentially adverse environmental effects were identified during staff review of the development application.
- (c) The Planning and Building Inspection Department prepared an Initial Study pursuant to CEQA. The Initial Study identified potentially significant effects relative to maritime chaparral habitat only. Project revisions combined with proposed mitigation measures reduce all potential impacts to insignificant levels. These mitigation measures include the implementation of a habitat restoration plan; protection of ESHA from construction and grading operations; implementation of an erosion control plan; and conduction of monitoring inspections over a 5 year period to monitor the success of restoration. The Initial Study is on file in the office of the Planning and Building Inspection Department and is hereby incorporated by reference (File No. PLN020505). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval.

(d) A Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with Monterey County regulations and is designed to ensure compliance with conditions and mitigation measures during project implementation. The applicant must enter into an “Agreement to Implement a Mitigation Monitoring and Reporting Program” as a condition of project approval.

(e) Evidence that has been received and considered include the application, plans, materials, and technical reports, which are listed under Section IX (References) of the Initial Study and contained in project file PLN020505.

(f) The Mitigated Negative Declaration was circulated for public review from January 15, 2004 to February 14, 2004.

(g) The Monterey County Department of Planning and Building Inspection, (located at 2620 First Avenue, Marina, CA, 93933) is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based.

5. FINDING: FISH AND GAME FEE – Considering the record as a whole, there is no evidence that the project will have any potential for an adverse effect either individually or cumulatively on wildlife resources as defined under Section 753.5 (d) of the Fish and Game Code.

EVIDENCE: The project site is located in a rural residential area that supports biological resources (central maritime chaparral). The amount of grading, site disturbance and habitat restoration associated with the project will cause changes to the resources listed under Section 753.5. Therefore, payment of the fee is required.

6. FINDING: ZONING COMPLIANCE – Approval of the Combined Development Permit, as described in Condition No. 1 and as conditioned, would ensure that the subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and other applicable provisions of Title 20. Zoning violation abatement costs have been paid.

EVIDENCE: Sections 20.16.020 and 20.42.020 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that 2 violations exist on the subject property. These entail: 1) Occupancy of a mobile home without a Coastal Development Permit and Building Permit; and 2) Vegetation/land clearing on slopes exceeding 25% without a Coastal Development Permit and grading over 100 cubic yards without a Grading Permit.

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: 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: 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 to adopt the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program and approve said application for a Combined Development Permit as shown on the attached sketch and subject to the attached conditions.

PASSED AND ADOPTED this 25th day of March 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.