

MIKE NOVO  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 030388

A.P. # 129-101-061-000

**FINDINGS & DECISION**

In the matter of the application of  
**Ron & Hassan Whitehead (PLN030388)**

for a Coastal Administrative Permit in accordance with Chapter 20.76 (Coastal Administrative Permits) of Title 20, Monterey County Code (Zoning), to allow for site restoration to include removal and relocation of 220 cu. yds. of fill to its original location on the parcel. The property is located at 387 Paradise Road, Salinas, North County area, Coastal Zone, came on regularly for hearing before the Zoning Administrator on January 8, 2004.

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

- 1. FINDING: CONSISTENCY, SITE SUITABILITY, AND PUBLIC ACCESS** - The Whitehead Coastal Administrative Permit (PLN030388) 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), and the Monterey County Zoning Ordinance (Title 20). The property is located at 387 Paradise Road, Salinas, Coastal Zone. The parcel is zoned "LDR/2.5(CZ)" or 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). 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, materials, and plans submitted for the Coastal Administrative Permit in project file PLN030388 at the Monterey County Planning and Building Inspection Department.
- (b) The project planner conducted a site visit to verify that the proposed project complies with LCP policies. The project will not have a significant adverse visual impact when viewed from a public viewshed.
- (c) The North County Coastal Land Use Advisory Committee reviewed and recommended approval (five - zero vote) of the Coastal Administrative Permit on November 3, 2003.
- (d) Ed Mercurio, the Biological Consultant retained to review the proposed restoration for biological issues, stated in his report dated August 21, 2003 that "After the contours of the graded area are restored to what they were prior to the grading...the restored area should be seeded with an erosion control mix...(consisting of) plants native to the area." Conditions of

approval incorporate the recommendations of the biologist.

(e) The project and the site have 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.

(f) 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.

(g) Following findings and supporting evidence.

**2. FINDING: CEQA (Exempt) -** The project is exempt from environmental review.

**EVIDENCE:** (a) CEQA exempts this project per - §15304(c), Filling of earth into previously excavated land with material compatible with the natural features of the site; and §15307, Restoration of land to protect the environment.

(b) Ed Mercurio, the Biological Consultant was retained to review the proposed restoration for biological issues and stated in his report dated August 21, 2003 that the “grading activity caused no significant impacts to native shrubs or trees.”

(c) Through the approved subdivision of the property and associated environmental review, building envelopes were established to minimize the impacts to biological resources on the property. The grading proposed for restoration occurred within the approved building envelope.

(d) No adverse environmental effects were identified during staff review of the development application and during the site visit. The planner and biologist conducted a site visit and concluded that there was no evidence of adverse impacts to plant or animal communities.

(e) Preceding and following findings and supporting evidence.

**3. FINDING: ZONING COMPLIANCE –** Approval of the Coastal Administrative Permit, as described in condition number one 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:** (a) Monterey County Code, Title 16, (Chapter 16.08.040 – Permit Required), prohibits any person from doing, causing, permitting, aiding, abetting, or furnishing equipment or labor for any grading without first obtaining a grading permit from the building official, unless specifically exempted from such requirement. Staff verification of the Monterey County Planning and Building Inspection Department records indicate that a violation exists on the subject property: The grading which occurred to remove the eucalyptus trees and level the subject property was completed without the benefit of permits and in violation of title 16.

(b) As requested in the restoration letter sent to the applicant on May 20, 2003 by Monterey County Planning and Building Inspection staff, appropriate documentation illustrating

both parcels' pre-existing condition as well as a restoration plan was provided to the County along with an application request form.

(c) Preceding findings and supporting evidence.

**4. 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.

**5. FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors but not the California Coastal Commission.

**EVIDENCE:** Sections 20.86.030 and 20.86.080 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 8th day of January, 2004.

Original Signed By:

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.