

MIKE NOVO  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 040107

A.P. # 131-073-011-000

In the matter of the application of  
**Kitty & Kenneth Deegan (PLN040107)**

**FINDINGS & DECISION**

for a Coastal Development Permit in accordance with Title 20 (Monterey County Coastal Implementation Plan Ordinance) Chapter 20.70 (Coastal Development Permits) of the Monterey County Code, to allow the replacement of a legal nonconforming mobile home with a 3,930 square foot two story single family dwelling with an attached garage; and grading (150 cubic yards of cut and fill). The property is located at 19205 Karner Road Castroville, east of Karner Road, North County Coastal area, came on regularly for hearing before the Zoning Administrator on September 9, 2004.

Said Director of Planning and Building Inspection, having considered the application and the evidence presented relating thereto,

#### **FINDINGS OF FACT**

**1. FINDING: CONSISTENCY, SITE SUITABILITY, AND PUBLIC ACCESS** – Coastal Development Permit for the replacement of a legal nonconforming mobile home with a new two story single family dwelling, as described in Condition #1 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 2 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). The property is located at 19205 Karner Road, Castroville in the Coastal Zone. The parcel is zoned “RDR/5(CZ) and RC (CZ)” (Rural Density Residential, 5 acres per unit, and Resource Conservation zoning district Coastal Zone). The site is physically suitable for the proposed use. 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. No substantial adverse impact on access for the project are demonstrated, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan.

**EVIDENCE:** (a) 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 PLN040107.  
(b) The project planner conducted a site visit in April 2004, to verify that the proposed project complies with the LCP. Based on the site visit and analysis of building records, there are no existing violations on subject property.  
(c) The North County Coastal Land Use Advisory Committee (LUAC) reviewed the project on April 5, 2004, recommending approval (vote 5 to 0) with no changes or

conditions recommended for the project. The LUAC commented on removal of vegetation, addressed small tree removal, and reviewed revised plans re locate the structure off existing 30% slopes.

(d) 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 the Monterey County Health Department have reviewed the project. 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 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.

2. **FINDING: CEQA (Exempt)** - The project is categorically exempt from environmental review.  
**EVIDENCE:** CEQA Guidelines Section 15303 (a) and 15061. The project as described in condition 1 would not have the potential for causing a significant adverse effect on the environment for the following reasons:
  - (1) No adverse environmental effects were identified during staff review of the development application and during the site visit. Environmentally sensitive habitats or trees or other natural resources on site are not impacted by the proposed development.
  - (2) See preceding and following findings and supporting evidence.
  
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:** Sections 20.12 and 20.44 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: 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 and the California Coastal Commission.  
**EVIDENCE:** Section 20.86 of Part 1 of the Coastal Implementation Plan (Title 20).

## DECISION

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

**PASSED AND ADOPTED** this 9th day of September, 2004.

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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 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 Salinas.

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