### MIKE NOVO ZONING ADMINISTRATOR

# COUNTY OF MONTEREY STATE OF CALIFORNIA

RESOLUTION NO. 050198

A.P. # 141-011-008-000

FINDINGS AND DECISION

In the matter of the application of **Joe and Victoria Rocha (PLN050198)** 

For a Coastal Administrative Permit in accordance with Title 20 (Zoning) Chapter 20.76 (Coastal Administrative Permits) of the Monterey County Code, to allow conversion of an existing barn into a 1,750 sq. ft. single family dwelling and a 968 sq. ft. attached garage. The existing barn has been converted into a second dwelling unit without permits and the Coastal Administrative Permit would correct the violation (CE040638), located at 168 Dunbarton Road, Watsonville, west of the intersection of Highway 101 and Dunbarton Road, North County Area, Coastal Zone, came on regularly for hearing before the Zoning Administrator on September 29, 2005.

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

#### **FINDINGS OF FACT**

- 1. FINDING: CONSISTENCY The Rocha Coastal Administrative Permit (PLN050198), 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).
  - **EVIDENCE:** (a) The application and plans submitted for the Coastal Administrative Permit in project file PLN050198 at the Monterey County Planning and Building Inspection Department.
    - **(b)** The property is 34.5 acres in size and is located at 168 Dunbarton Road, Watsonville, in the Coastal Zone. The parcel is zoned "RDR/10 (CZ)" (Rural Density Residential, 10 acres per unit, in the Coastal Zone). The proposed second single family residence meets the site development standards for the RDR Zoning District and is an allowed use pursuant to Section 20.16.040.T.
    - (c) The project was not referred to the North County Coastal Land Use Advisory Committee for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this project did not warrant referral because the development is not considered to be of a controversial nature.
    - (d) The project is consistent with policies of the North County Land Use Plan. The project planner conducted a site visit on June 23, 2005 to verify that the proposed project complies with the LCP. The project will not have a significant adverse effect on the public viewshed.

- 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, Aromas 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 a site visit on June 23, 2005 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. The property is located several miles from the coast. 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 visit on June 23, 2005.
- **4. FINDING: ZONING DENSITY** The proposed second single family residence does not exceed the zoning density of the property.
  - **EVIDENCE:** The property is 34.5 acres. The zoning density is 10 acres per unit.
  - **EVIDENCE:** Coastal Implementation Plan Section 20.64.180, Density of Development.
- 5. FINDING: CEQA (Exempt) The proposed project will not have a significant environmental impact.
  - **EVIDENCE:** (a) Section 15303(a) of the CEQA Guidelines categorically exempts the proposed development from environmental review. The proposed second single family residence qualifies for this categorical exemption since it will involve the construction or conversion of limited small structures.
    - (b) No adverse environmental impacts were identified during staff review of the project application.
    - (c) There are no unusual circumstances related to the project or property.
- 6. FINDING: ZONING COMPLIANCE Approval of the Coastal Administrative 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, Joe and Victoria Rocha (PLN050198)

  Page 2

and other applicable provisions of Title 20. Zoning violation abatement costs have been paid.

**EVIDENCE:** Section 20.16.020 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicate that 1 violation exists on the subject property (CE040638). The violation entails: Conversion of an existing barn into a second single family residence without a Coastal Administrative Permit and Building Permit. Issuance of these permits will cure the violation.

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. It is not appealable to the Coastal Commission.

**EVIDENCE:** (a) Sections 20.86.030 and 20.86.080 of Title 20 Zoning Ordinance (Part 1 of the Monterey County Coastal Implementation Plan).

(b) The project is not located between the sea and the first public road paralleling the sea, nor is it located within 100 feet of any wetland, estuary or stream.

## **DECISION**

THEREFORE, it is the decision of said Zoning Administrator that said application be granted as shown on the attached sketch, subject to the attached conditions:

PASSED AND ADOPTED this 29th day of September, 2005.

MIKE NOVO

ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON NOV 1 8 2005

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 NOV 2 8 2005

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 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 Monterey.

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

# Monterey County Planning and Building Inspection Condition Compliance & Mitigation Monitoring and/or Reporting Plan

Project Name: Rocha

File No: PLN050198

APN: 141-011-008-000

Approval by: Zoning Administrator

Date: September 29,2005

<sup>\*</sup>Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

Permit Cond. Number	Mitig. Number	Impact Addressed, and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Clearing Condition	Timing	Verif- ication of comp- liance
1		PBD029 - SPECIFIC USES ONLY  The Rocha Coastal Administrative Permit (PLN050198) allows for the conversion of an existing barn into a 1,750 sq. ft. single family dwelling and a 968 sq. ft. attached garage. The existing barn has been converted into a second dwelling unit without permits and the Coastal Administrative Permit will correct the violation (CE040638). The property is located at 168 Dunbarton Road, Watsonville (Assessor's Parcel Number 141-011-008-000), North County area, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

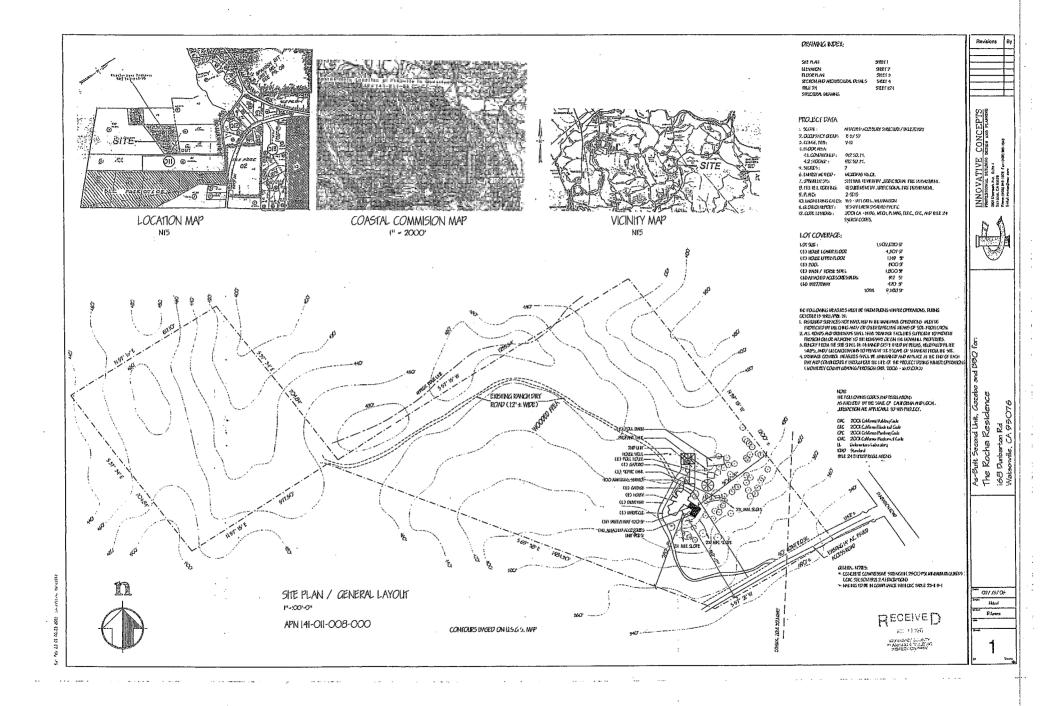
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		appropriate authorities. (Planning and Building Inspection)		The state of the s		Andre San Carlot
2		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 050198) was approved by the Zoning Administrator for Assessor's Parcel Number 141-011-008-000 on September 29, 2005. The permit was granted subject to 13 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of grading and building permits or commencement of the use. (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits or start of use	
3		PBD021 – LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include photos of existing fixtures. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection)	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits	

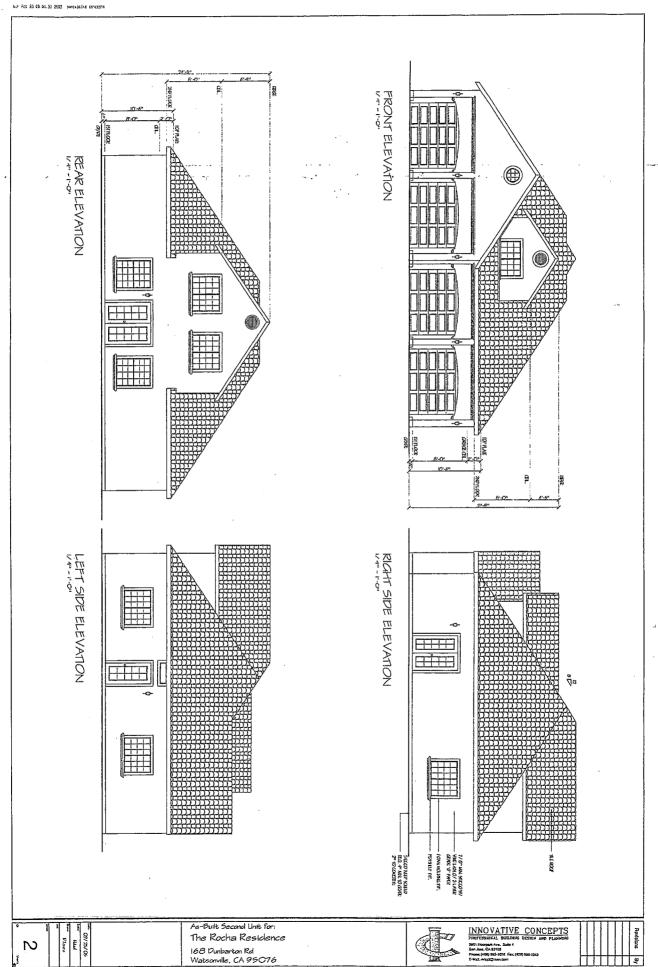
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4		EROSION AND RUNOFF CONTROL (NON-STANDARD)  Prior to the issuance of a grading or building permit, the applicant shall submit evidence that erosion and runoff control measures have been implemented in accordance with Monterey County's Erosion Control (Chapter 16.12) and Grading (Chapter 16.08) Ordinances. (Planning and Building Inspection)	Submit evidence that erosion and runoff control measures have been implemented in accordance with Monterey County's Erosion Control (Chapter 16.12) and Grading (Chapter 16.08) Ordinances.	Owner/ Applicant	Prior to issuance of grading and building permits	
5		EH11 - SEPTIC SYSTEM DESIGN Submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. (Environmental Health)	Division of Environmental Health must approve plans. Applicant shall obtain a permit to install the septic system.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of building permit	
6		WR40 - WATER CONSERVATION MEASURES  The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:  a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.  b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	

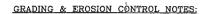
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78.60	Samuel February	devices. (Water Resources Agency)			American Company of the Company of t	
7		FIRE001 - ROAD ACCESS  Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. (Aromas Fire Protection District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  Applicant shall schedule fire dept. clearance inspection for each phase of development.	Owner/ Applicant	Prior to issuance of grading and/or building permit  Prior to final building inspection	
8		FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)  Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Aromas Fire Protection District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  Applicant shall schedule fire dept. clearance inspection.	Applicant or owner	Prior to issuance of grading and/or building permit  Prior to final building inspection	

Permit Cond. Number	Mitig. Number	Impact Addressed, and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Clearing Condition	Timing	Verif- ication of comp- liance
9		FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE)  All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Aromas Fire Protection District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit	
10		PBD030 - STOP WORK - RESOURCES FOUND  If cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (Planning and Building Inspection)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeo- logist	Ongoing	
11		PBD018(A) - LANDSCAPE MAINTENANCE (SINGLE FAMILY DWELLING ONLY) All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)	All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	Ongoing	

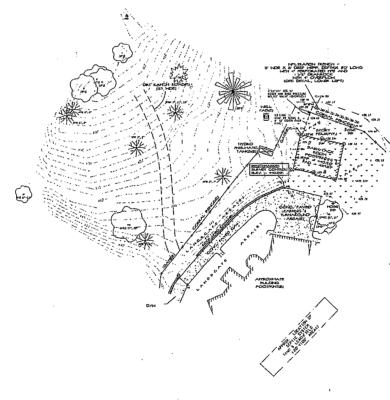
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12		PBD014 - GRADING-WINTER RESTRICTION  No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection)	None	Owner/ Applicant	Ongoing	
13.		PBD- (NON STANDARD)  The applicant shall obtain a building permit with in four (4) weeks of the Administrative Permit approval. Any existing construction not in conformance with the current building code shall be removed and new construction shall comply with the 2001 Building Code. Any inhabitants of the structure shall vacate and occupancy shall not be granted until the building permit is finaled.	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Prior to issuance of building permit	

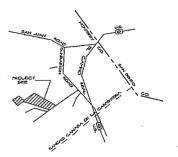






INFILTRATION TRENCH DETAIL





LEGEND:

...... PHOE CONTOUR & NEEKYALI

.... - ... - APROXMATED CONTOLE II NITERVALI

GRADING, DRAINAGE &

CONTROL PLAN

DRAINAGE & EROSION CONTROL PLA S OF ROCHA, DUNBARTON ROAD 3, MONTEREY COUNTY, CALIFORNIA MR. AND MRS. 10F POWER

LANDS AROMAS,