A. P. #131-033-007-000

In the matter of the application of Aldaberto Vargas and Yolanda Villicana (PLN050604)

FINDINGS AND DECISION

to allow a **Combined Development Permit** in accordance with Title 21 (Zoning) Chapter 21.76 (Combined Development Permits) of the Monterey County Code, consisting of: 1) A Coastal Administrative permit to allow the construction a 2,600 square foot one-story single family dwelling with a 1,150 square foot attached garage and 180 square foot covered porch; including a new septic system, 5000 gallon water tank and a 340 foot long driveway, entry gate; and 2) A Coastal Administrative Permit to allow the construction of a new 396 square foot. detached guesthouse with an attached 1,128 workshop and garage; and grading (approximately 90 cubic yards cut). The property is located at 8973 Archer Road, Prundale, North County Coastal Zone, and came on regularly for meeting before the Zoning Administrator on November 9, 2006.

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

## **FINDINGS OF FACT**

- 1. FINDING: CONSISTENCY The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the certified Monterey County Local Coastal Program (LCP). The LCP for this site consists of the North County Land Use Plan, Coastal Implementation Plan (Part 2), and the Coastal Implementation Plan Appendices (Part 6); Zoning Ordinance (Title 20).
- 2. EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
  - (b) The property is located at 8973 Archer Road Prundale area (Assessors Parcel Number 131-033-007 000) east of Castroville Blvd fronting Archer Road in the North County Land Use Plan area of the Coastal Zone. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is therefore suitable for the proposed development.
  - (c) The project planner conducted a site inspection on March 29, 2006 to verify that the project on the subject parcel conforms to the plans listed above.
  - (d) The project meets the Guest House requirements as set forth in Monterey County Zoning Ordinance Title 20 per Section 21.64.020
  - (e) The project was not referred to the North County Coastal Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because, the project does not involve slope restrictions or ridgeline/viewshed development;, the project is exempt from CEQA per Section 15303 (a); the Combined Development Permit does not involve conflicts (slopes, views, etc.); the project does not involve a variance.]
  - (f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA Planning Department for the proposed development found in Project File PLN050604.

- 3. FINDING: SITE SUITABILITY The site is physically suitable for the use proposed.
  - **EVIDENCE:** (a) The project has been reviewed for site suitability by the following departments and agencies: RMA Planning Department, North County Fire Protection District, Parks, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
    - (b) Technical reports by outside Geotechnical consultants indicated that there are not physical or environmental constraints that would indicate that the site is not suitable for the use propose. County staff concurs. The following reports have been prepared: "Geotechnical Report" (LIB No. 060317) prepared by Grice Engineering and Geology Inc., Salinas, California, February, 2006.
    - (c) Staff conducted a site inspection on March 29, 2006 to verify that the site is suitable for this use.
    - (d) Materials in Project File PLN050604.
- 4. FINDING: CEQA (Exempt): The project is categorically exempt from environmental review.
  - **EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15303 (a), categorically exempts "One single family dwelling"
    - (b) No adverse environmental effects were identified during staff review of the development application during a site visit on March 29, 2006.
    - (c) See preceding and following findings and supporting evidence.
- **5. FINDING:** NO VIOLATIONS The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.
  - **EVIDENCE:** (a) Staff reviewed Monterey County RMA Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.
- 6. 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.
    - (b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 6, of the shore line access trails map and complies with the of the North County Land Use Plan policies regarding public access.
    - (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
    - (d) Staff site visit on March 29, 2006.
- 7. 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) 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 California Coastal Commission.

**EVIDENCE:** Section 20.86 080 (A3) of the Monterey County Zoning Ordinance (Title 20).

## **DECISION**

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the attached conditions.

PASSED AND ADOPTED this 9th day of November, 2006.

JEFF MAIN, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON NOV 1.7 2006

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE MONTEREY COUNTY PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE NOV 2 7 7006

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 RMA - Planning Department office in Salinas.

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

## Monterey County Resource Management Agency Planning Department

Condition Compliance and/or Mitigation Monitoring Reporting Plan

Project Name: Aldaberto Vargas & Yolanda Villicana

File No: PLN050604

**APNs**: 131-033-007-000

**Approved by:** Zoning Administrator

Date: November 9, 2006

\*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	Conditions of Approval and/or Mitigation Measures 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 Compliance	Timing	Verification of Compliance (name/date)
1.		PBD029 - SPECIFIC USES ONLY	Adhere to conditions and uses specified	Owner/	Ongoing	
		This Combined Development Permit (PLN050604) allows	in the permit.	Applicant	unless	
		1) A Coastal Administrative permit to allow the			other-wise	
		construction a 2,600 square foot one-story single family			stated	
	,	dwelling with a 1,150 square foot attached garage and				
		180 square foot covered porch; including a new septic				
		system, 5000 gallon water tank and a 340 foot long				
		driveway, entry gate; and 2) A Coastal Administrative				
		Permit to allow the construction of a new 396 square				
		foot detached guesthouse with an attached 1,128				
		workshop and garage; and grading (approximately 90	**			
		cubic yards cut) The property is located at 8973 Archer				
		Road Prundale area (Assessors Parcel Number 131-033-				
		007 000) east of Castroville Blvd fronting Archer Road				
		in the North County Land Use Plan Area of the Coastal				
		Zone. This permit was approved in accordance with				
		County ordinances and land use regulations subject to the	in the later was to be a report of the later			
		following terms and conditions. Neither the uses nor the				
		construction allowed by this permit shall commence	LATING ON BUILDING CONTROL			
		unless and until all of the conditions of this permit are met	,			
		to the satisfaction of the Director of RMA - Planning	State and the state of			
		Department. 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 the appropriate				
		authorities approve additional permits. [Resource				
		Management Agency (RMA) - Planning Department				

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2.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A Permit Resolution No. 050604 was approved by the Zoning Administrator for Assessor's Parcel Number 131- 033-007 000 on November 9, 2006. The permit was granted subject to 24 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to RMA - PD	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3.		PBD030 - STOP WORK - RESOURCES FOUND  If, during the course of construction, 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 RMA - Planning 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. (RMA - Planning Department)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning 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	
4		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. (RMA - Planning Department)	None	Owner/ Applicant	Ongoing	

Contains Contained

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5		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 catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (RMA - Planning Department)	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	
6		PBD026 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A(n) Geotechnical report has been prepared for this parcel by Grice Engineering and Geology Inc, dated February, 2006 and is on record in the Monterey County Planning and Building Inspection Department Library No. 060317. All development shall be in accordance with this report." (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits	
7		PBD019 - LANDSCAPING PLAN - NORTH COUNTY COASTAL NATIVE The site shall be landscaped. The use of native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval. A list of appropriate native plant	Submit landscape plans and contractor's estimate to PBI for review and approval.	Owner/ Applicant/ Contractor	At least three 90 days prior to final inspect-ion or occu-	

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		species identified in Attachment #2 and #3 in the North County Implementation Plan Development Regulations is available in brochure form (Suggested Native Species Landscaping List - North County Coastal Zone) from the Planning and Building Inspection Department.  (RMA - Planning Department)	,		pancy	
8		PBD NON STANDARD- DEED RESTRICTION - USE Prior to the issuance of a building permit, the applicant shall record a deed restriction as a condition of project approval stating the regulations applicable to the (Guest House). The deed restriction shall also state that the non habitable portion of the structure, the attached garage and work shop, will remain and be used as non habitable spaces for the life of the guesthouse unless and until future regulations allow a permit amendment. (RMA - Planning Department)	Submittal of approved and Recorded Deed Restriction to PBI.	Owner/ Applicant	Prior to final inspect-ion or occu- pancy	
9		PW0005 – ENCROACHMENT (STD DRIVEWAY) Obtain an encroachment permit from the Department of Public Works and construct a standard driveway connection to Archer Road.(Public Works)	Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.	Owner/ Applicant	Prior to Building/ Grading Permits Issuance	
10		WR6 - STORMWATER DETENTION The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer addressing on-site and off-site impacts with supporting calculations and construction details. The plan shall include detention facilities to mitigate the impact of impervious surface stormwater runoff. Pond(s) shall be fenced for public safety. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to filing of the final map	

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11		WR45 - WELL INFORMATION The applicant shall provide the Water Resources Agency information on the well to serve the project including a map showing the well location and any available well logs/e-logs. (Water Resources Agency)	Submit all applicable well information to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	
12		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 devices.  (Water Resources Agency)	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspect-ion/occupancy	
13		WR8 - COMPLETION CERTIFICATION  The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans. (Water Resources Agency)	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.	Applicant/	Prior to final inspect- ion	
14		EH1 - WATER SYSTEM PERMIT Obtain a new or amended water system permit from the Division of Environmental Health. (Environmental Health)	Submit necessary application, reports and testing results to EH for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of grading/ building permits or	

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					prior to filing final map	
15		FIRE007 - DRIVEWAYS  Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	

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		driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.  North County Fire Protection District	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	
16		FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  Applicant shall schedule fire dept.	Applicant or owner	Prior to issuance of grading and/or building permit.	
		installation of a key box or other acceptable means for immediate access by emergency equipment may be required. North County Fire Protection District	clearance inspection	Applicant or owner	final building inspection.	

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		Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
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	Mitig. Number	Number Responsible Land Use Department	Mitig. Number  Responsible Land Use Department  to be performed. Where applicable, a certified professional is required for action to be accepted.  Applicant shall schedule fire dept. clearance inspection	Mitig. Number  Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department  to be performed. Where applicable, a certified professional is required for action to be accepted.  Parry for Compliance  Applicant shall schedule fire dept. clearance inspection  Applicant clearance inspection  Applicant or owner	Mitig. Responsible Land Use Department certified professional is required for action to be accepted.  Applicant shall schedule fire dept. clearance inspection  Applicant shall schedule fire dept. clearance inspection  Applicant shall schedule fire dept. clearance inspection

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19		FIRE015 - FIRE HYDRANTS/FIRE VALVES A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. North County Fire Protection District	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
20		FIRE016 - SETBACKS All parcels 1 acre and larger shall provide a minimum 30-foot setback for new buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, alternate fuel modification standards or other requirements may be imposed by the local fire jurisdiction to provide the same practical effect. North County Fire Protection District	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	

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21		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. North County Fire Protection District	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
		FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS) Remove combustible vegetation from within a minimum of feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing 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. North County Fire Protection District	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	,

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24		FIRE026 - ROOF CONSTRUCTION (STANDARD) 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 B roof construction. North County Fire Protection District.	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

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**END OF CONDITIONS** 











