

**MINOR SUBDIVISION COMMITTEE
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 02004

MINOR SUBDIVISION NO. PLN000107

A.P.# 119-201-025-000

In the matter of the request of
Jacob & Grace Ramirez (PLN000107)

FINDINGS AND DECISION

for a **Combined Development Permit** pursuant to regulations established by local ordinance and state law, to allow a Coastal Development Permit for a Minor Subdivision to divide a 1.2-acre parcel into three parcels; a Coastal Administrative Permit for a new single-family dwelling; and grading (approximately 1,000 cu. yd.). The new parcels would be: Parcel 1 (.63 acres), Parcel 2 (.30 acres) and Parcel 3 (.30 acres). The existing parcel currently contains two existing dwelling units and an access road. The parcel is located at 75 Overpass Road, North County area, Coastal Zone; and came on regularly for hearing before the Minor Subdivision Committee on March 28, 2002.

Said Minor Subdivision Committee, having considered the application and the evidence presented relating thereto,

1. **FINDING:** The subject Combined Development Permit application (PLN000107) consisting of a Coastal Development Permit for a three-lot minor subdivision and a Coastal Administrative Permit for a single-family dwelling and grading (600 cu. yd. cut/400 cu. yd. fill), as described in Condition #1 in Exhibit "C," and as conditioned, conforms to the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site includes the North County Forest Land Use Plan, Coastal Implementation Plan (Parts 2 and 6), and the Monterey County Zoning Ordinance (Title 20). The site is located at 75 Overpass Road (Assessor's Parcel Number 119-201-025-000) North County area, Coastal Zone. The parcel is zoned "MDR/4 (CZ)" or Medium Density Residential, 4 units per acre, Coastal Zone. The site is physically suitable for the proposed project. 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). Access is not required as part of the project and no substantial adverse impact 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: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity to:

- a) The North County Land Use Plan and Coastal Implementation Plan;
- b) Chapter 19.04 of the Monterey County Coastal Subdivision Ordinance (Title 19); and
- c) Chapter 20.12 of the Monterey County Coastal Implementation Plan Part 1 (Title 20).

EVIDENCE: Policy 4.3.6.D.2. states that medium and high density residential areas shall be located only where urban services; water, sewers, roads, transit, fire protect, etc. are available. A mix of residence types and price ranges should be made available through the development of these areas. These areas should be fully developed before new are designed for medium and high density development. The subject property is located in the Las Lomas area, which consists of medium density residential development where urban services currently exist.

EVIDENCE: The project is consistent with the Land Use Development Standards. This project will add numbers: 833, 834 and 835 to the maximum of 1,351 new lots or units (excluding the first single family dwelling on a vacant lot of record) approved since July 1987. Section 20.144.140.B.3.a. establishes a 50 percent build-out figure that is permitted as the first phase of new development in the North County Land Use Planning area in an effort to limit groundwater use to a safe yield level.

EVIDENCE: The Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Department, Parks Department, and the North County Fire Protection District reviewed the project. There has been no indication from these agencies that the site is not suitable for the proposed development. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property. Each agency has recommended conditions for improvements where appropriate.

EVIDENCE: Design Approval request form, with recommendation for approval of the project by the North County Land Use Advisory Committee on August 6, 2001, by a vote of 6-0.

EVIDENCE: 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 the project file.

EVIDENCE: The on-site inspection of the subject parcel by the project planner.

2. **FINDING:** The proposed minor subdivision would not create any new substandard parcels, nor render the existing parcel substandard.

EVIDENCE: The property is zoned Medium Density Residential, 4 units per acre (MDR/4). The project would result in three new lots (.63, .30 and .30 acres each). 6,000 square feet is the minimum required lot size when subdividing property in the MDR/4 zoning district.

EVIDENCE: Chapter 20.12 of the Monterey County Zoning Ordinance (Title 20); Chapter 19.04 of the Monterey County Coastal Subdivision Ordinance (Title 19); and the application and materials contained in File PLN000107.

3. **FINDING:** The proposed project, including all permits and approvals, will not create significant adverse impacts on the environment. A Negative Declaration has been prepared, adopted and attached to and incorporated herein as set forth in full as Exhibit "D". Potential environmental effects have been studied and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, may cause a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and in consideration of testimony and information received, and scientific and factual data presented as evidence during the public review process. Studies, data and reports prepared by staff from various County departments including Planning and Building Inspection, Public Works, Environmental Health, Parks Department, and the Water Resources Agency support the adoption of the Negative Declaration for the project. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Negative Declaration is based is the

Monterey County Planning and Building Inspection Department Coastal Office located at 2620 1st Avenue, Marina. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts, have been submitted that refute the conclusions reached by these studies, data and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data and reports.

EVIDENCE: County staff prepared the Initial Study for the project in compliance with the California Environmental Quality Act (CEQA). The Initial Study provides substantial evidence that the project would not have significant environmental impacts. A Negative Declaration was filed with the County Clerk on February 6, 2002. All comments on the Initial Study have been received and considered as well as evidence in the record that includes studies, data and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data and reports; application materials, and expert testimony. Among the studies, data and reports analyzed as part of the environmental determination are the following:

Haro, Kasunich & Associates, Inc. Geotechnical Investigation, November 6, 2000
Nielsen and Associates: Geologic Investigation, May 2001

EVIDENCE: Initial Study, Negative Declaration and Conditions of Approval 2-**25** attached hereto as Exhibits "D", and "C" respectively.

EVIDENCE: 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 the project file.

4. **FINDING:** The project is subject to the provisions of the Inclusionary Housing Ordinance for proposed Parcel 3.

EVIDENCE: The Redevelopment Agency reviewed the project and requires the applicant to pay an in-lieu fee or deed restrict Parcel 3, which requires the owner of Parcel 3 to reside in the new dwelling unit for a minimum of one year after issuance of a Certificate of Occupancy. (See Condition #3).

5. **FINDING:** That the proposed minor subdivision complies with all applicable requirements of Chapter 20.12 of Title 20.

EVIDENCE: The newly created lots are consistent with the development standards for the Medium Density Residential zoning district.

6. **FINDING:** That adequate sewage disposal and water supply facilities exist or are readily available to the site, as approved by the Director of Environmental Health.

EVIDENCE: The County Sanitation District 382 (CSD 382) and the California Water Service Company currently provide the necessary services.

7. **FINDING:** That the proposed minor subdivision will not adversely impact traffic conditions in the area.
EVIDENCE: The proposed project has been reviewed by the Monterey County Department of Public Works and there is no indication from the Department that the site is not suitable.
EVIDENCE: No additional traffic trips will be generated.
EVIDENCE: Negative Declaration and Initial Study.
8. **FINDING:** The site is suitable for the use proposed.
EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, the North County Fire Protection District and Environmental Health Department. There has been no indication from those 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.
9. **FINDING:** The subject lots are in compliance with all rules and regulations pertaining to the use of the property, no violations exist on the property, and all zoning abatement costs, if any, have been paid.
EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection records indicated that no violations exist on the subject lots.
10. **FINDING:** The establishment, maintenance, or operation of the use and building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood, or to the general welfare of the County.
EVIDENCE: The project as described in the application and the accompanying materials was reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency, Parks Department and the North County Fire Protection District. The preceding agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood, or the County in general.
11. **FINDING:** The project is appealable to the Board of Supervisors and the California Coastal Commission.
EVIDENCE: Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

Therefore, it is the decision of the Minor Subdivision Committee of the County of Monterey that the Negative Declaration be adopted and said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. This Combined Development Permit consists of a Coastal Development Permit for a Minor Subdivision of a 1.2-acre parcel into three parcels (.63, .30 and .30 acres); a Coastal Administrative Permit for a new single-family dwelling; and grading (600 cu yd. cut/400 cu. yd. fill). Two single family dwellings currently exist on the property. Each new parcel will contain one single-family dwelling. The subdivision is 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 appropriate authorities. **(Planning and Building Inspection)**

Prior to Filing of the Parcel Map:

2. The applicant shall record a notice that states: "Resolution No. 02004 was approved by the Minor Subdivision Committee for Assessor's Parcel Number 119-201-023-000 on March 28, 2002. The Combined Development Permit was granted subject to 27 conditions of approval that run with the land. A copy of the approval notice 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 recordation of the Parcel Map. **(Planning and Building Inspection)**
3. The project is subject to the provisions of the Inclusionary Housing Ordinance for Parcel 3, which is currently undeveloped. Prior to the recordation of the Final Map, the developer shall comply with the provisions of the Ordinance either by paying the applicable in-lieu fee or by deed restricting Parcel 3 requiring that the property owner of Parcel 3 to reside in the residential unit constructed for a minimum of one year from the date that a Certificate of Occupancy is issued. **(Housing and Redevelopment)**.
4. The applicant shall file a Parcel Map delineating all existing and required easements or rights-of-way and monument new lines. **(Public Works)**
5. The applicant shall provide for evidence all existing and required easements or rights-of-way. **(Public Works)**
6. Thirty days prior to the expiration date of the Parcel Map, the applicant shall complete Step A (8 items) of the County Surveyor's Check-Off List for Parcel Map processing shall be completed. **(Public Works)**
7. Obtain an encroachment permit from the Department of Public Works and construct the driveway approach to Overpass Road. **(Public Works)**
8. The 30-foot right-of-way shall be paved to a width approved by the North County Fire Protection District. **(Public Works)**
9. Obtain a sewer connection from the Pajaro County Sanitation District. **(Public Works)**

10. Pay a traffic impact fee of \$4,170.00 per lot. **(Public Works)**
11. Prior to the conveyance of any lots in the subdivision, developer shall have the sole responsibility for the care, maintenance, and repair of road and drainage improvements installed as a condition of approval of the subdivision. Upon each conveyance of each lot in the subdivision, developer shall be jointly obligated with the succeeding owners to perform such obligation pro rated on the basis of the remaining number of lots still owned by the developer. Developer's obligation shall cease upon the conveyance of the last lot in the subdivision. An agreement to this effect, running with the land, shall be recorded between developer and the County of Monterey prior to recordation of the tentative or parcel map. **(Water Resources Agency)**
12. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources Agency)**
13. A drainage plan shall be prepared addressing the on-site and off-site impacts, and necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
14. Design the water system improvements to meet the standards as found in chapter 15.04 Titles 17 and 22 California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. Submit evidence to the Director of Environmental Health that the proposed water system improvements have been approved by the California Water Service Company prior to filing the final map. **(Environmental Health)**
15. Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency prior to installation or bonding of water system improvements. **(Environmental Health)**
16. The developer shall install the water system improvements to and within the subdivision and any appurtenances needed prior to filing the final map. The water improvements shall only be installed after the engineered designs have been approved by California Water Service Company. **(Environmental Health)**
17. Submit engineered plans for the sewer system to CSD 382 (Las Lomas) for review and approval prior to installing the sewer system improvements. The sewer system improvements shall be installed to and within the subdivision prior to filing the final map. Provide evidence to the Director of Environmental Health that CSD 382 has approved the proposed sewer system improvements prior to filing the final map. **(Environmental Health)**
18. Prior to filing the final map, the owner shall destroy the existing abandoned well(s) according to the standard found in State of California Bulletin 74 and all its supplements, and Chapter 15.08 Monterey County Code. Prior to destruction, a permit for the destruction of the well(s) shall be obtained by a licensed well contractor from the Division of Environmental Health. The well shall not be considered abandoned if satisfactory evidence

is provided that the well(s) are functional, are used on regular basis, and does not act as a conduit for contamination of groundwaters. **(Environmental Health)**

19. Prior to filing the final map, all existing dwellings shall be connected to the CSD 382 sewer system and all existing septic systems destroyed under permit of the Division of Environmental Health. **(Environmental Health)**
20. Before construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted prior to requesting final clearance. All address numbers (permanent and temporary) shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the address numbers shall be set adjacent to the driveway or access road to the property. Address numbers posted shall be Arabic, not Roman or written out in words. Address numbers posted shall be a minimum number height of 3 inches with a 3/8 inch stroke, and contrasting with the background colors of the sign. **(North County Fire Protection District)**

Prior to Issuance of Building and Grading Permits:

21. The applicant must obtain a grading permit. **(Planning and Building Inspection)**
22. Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geological Investigation Report has been prepared for this project by Nielsen and Associates dated May 17, 2001 and a and a Geotechnical Investigation Report has been prepared for this project by Haro, Kasunich & Associates, Inc. dated November 6, 2000, and are on record at the Monterey County Planning and Building Inspection Department. All development shall be in accordance with these reports". **(Planning and Building Inspection)**

Prior to Final Inspection/Occupancy:

23. The applicant shall comply with Ordinance No. 3539, 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)**
24. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:

"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection." **(North County Fire Protection District)**

25. All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface, shall require a minimum of Class B roof construction. **(North County Fire Protection District)**

Continuous Permit Conditions:

26. No demolition of existing residential structures shall be permitted without first securing a coastal permit. **(Planning and Building Inspection)**

27. 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)**

PASSED AND ADOPTED this 28th day of March, 2002 by the following vote:

- AYES: McPharlin, Hawkins, Main, Lawrence, Mulholland
- NOES: None
- ABSENT: Hori

Original Signed By:

JEFF MAIN, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE 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

UNLESS EXTENDED AS PROVIDED BY CHAPTER 19.04.040, TITLE 19 (SUBDIVISIONS), MONTEREY COUNTY CODE, THIS APPROVAL EXPIRES ON MARCH 28, 2004. EXTENSION REQUESTS MUST BE MADE IN WRITING 30 DAYS PRIOR TO THE AFOREMENTIONED EXPIRATION DATE.

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 Salinas.

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