

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 04039

A.P. # 223-034-006-000

In the matter of the application of
Gonzalo V. Torres et al. (PLN040315)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to address a code violation issued for the illegal remodel of an existing 948 sq. ft. legal nonconforming single family residence and the future construction of a second story 584 sq. ft. addition and remodel of a second 1,327 sq. ft. legal nonconforming single family residence. The property is located at 31003 Alta Street, Gonzales, north of Old State Highway 101, Central Salinas Valley area, came on regularly for hearing before the Planning Commission on August 25, 2004.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. FINDING: CONSISTENCY - The Project, as conditioned, is consistent with applicable plans and policies, the Central Salinas Valley Area Plan, and the Monterey County Zoning Ordinance (Title 21) which designates this area as appropriate for residential development. Specifically, the proposed improvements, which require a Use Permit, comply with all applicable requirements of Section 21.68 relating to legal nonconforming uses.

EVIDENCE: (a) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with applicable plans and policies, the Central Salinas Valley Area Plan, and the Monterey County Zoning Ordinance (Title 21).
(b) Project planner conducted an on-site inspection on July 7, 2004, and verified that the project on the subject parcel conforms to the plans listed above.
(c) Project planner conducted appropriate building permit and Assessor data research to determine legality of existing non-conforming structures. Project Planner's notes are contained in project file PLN040315 at the Monterey County Planning and Building Inspection Department.
(d) The parcel is zoned Farmland with a minimum building site of 40 acres. ("F/40"). The project is in compliance with Site Development Standards relating to legal nonconforming land use and legal nonconforming structure use in accordance with Sections 21.68.020 and 21.68.030 of the County Zoning Ordinance (Title 21). The project is in compliance with Site Development Standards relating to structure height and setback regulations for Farmland in accordance with Section 21.30.060 (B) of the County Zoning Ordinance (Title 21).
(e) The proposed maintenance and repair of the structures will not result in either structure being increased in size by one hundred twenty square feet or 10% of the floor area.

- 2. FINDING: SITE SUITABILITY** - The site is suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, and Gonzales Rural Fire Department. Conditions recommended have been incorporated.

(b) Staff conducted an on-site visit on July 7, 2004 to verify that the site is suitable for this use.

(c) Necessary public facilities are available and will be provided.
- 3. FINDING: CEQA (Exempt):** - The project is exempt from environmental review.

EVIDENCE: (a) CEQA Guidelines Section 15301 (a) categorically exempts interior and exterior alterations to existing single-family dwellings.

(b) No adverse environmental effects were identified during staff review of the development application during a site visit on July 7, 2004.

(c) The proposed maintenance and repair of both structures will be contained within the existing footprint of the structures. No trees are proposed for removal. The structures to be remodeled are less than 50 years old and there has been no indication of either structure being a historic resource. In addition, the parcel has been identified as having a “Low” archaeological sensitivity and a condition has been incorporated require the applicant to “Stop Work” in the event an artifact is uncovered. There are no unusual circumstances related to the project or property.
- 4. FINDING: NO VIOLATIONS** - The subject property, as conditioned, is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County’s zoning ordinance. Violations existing on the property will be cleared with issuance of the proposed Use Permit. Zoning violation abatement cost, if any, have been paid.

EVIDENCE: (a) Staff reviewed Monterey County Planning and Building Inspection Department records.

(b) Applicant is seeking this Use Permit to correct an existing code violation.
- 5. 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.
- 6. FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: (a) Monterey County Zoning Ordinance Title 21, Chapter 21.80.

DECISION

THEREFORE, it is the decision of said Planning Commission that said application for a Use Permit be granted as shown on the attached sketch, and subject to the attached conditions.

PASSED AND ADOPTED this 25th day of August 2004, by the following vote:

AYES:	Errea, Vandever, Parsons, Diehl, Salazar, Rochester, Wilmot, Hawkins
NOES:	None
ABSENT:	Padilla, Sanchez
ABSTAIN:	None

JEFF MAIN, Secretary

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 SECRETARY 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 90th 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 Salinas.

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