

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

RESOLUTION NO. 05046

A.P.# 257-121-019-000

In the matter of the application of
Fermin & Juan Vasquez (PLN040427)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of to allow the construction of a third dwelling unit (manufactured home)the Monterey County Code, to allow the establishment of a third dwelling unit (manufactured home) consisting of 1,440 sq. ft. with a detached 120 sq. ft. covered carport on a 9.24 acre parcel, located at 34735 Metz Road, Soledad, came on regularly for hearing before the Planning Commission on September 14, 2005.

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 Monterey County General Plan, the Central Salinas Area Plan, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for residential development. Specifically, the proposed addition complies with all applicable requirements of Section 21.14 (Low Density Residential Zoning District).
- EVIDENCE:** (a) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency and conformity with the Monterey County General Plan, the Central Salinas Area Plan and the Monterey County Zoning Ordinance (Title 21) and have determined that the project is consistent, and conforms with, said plans and ordinance. Staff notes are provided in Project File PLN040427.
- (b) Project planner conducted an on-site to verify that the project on the subject parcel conforms to the plans listed above.
- (c) 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 PLN040427.
- (d) The existing parcel is 9.24 acres and the LDR zoning designation allows for one unit per every 2.5 acres. This third dwelling unit proposed meets this density requirement.
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, Environmental Health, Water Resources, Parks Department, and the Mission Soledad Fire Department. Conditions recommended have been incorporated.
- (b) Staff conducted an on-site visit to verify that the site is suitable for this use.
- (c) Necessary public facilities are available and will be provided.

3. **FINDING:** **CEQA** - The project is exempt from environmental review.
EVIDENCE: (a) CEQA Guidelines Section 15303 Class (a) categorically exempts a third dwelling unit in urbanized areas.
 (b) No adverse environmental effects were identified during staff review of the development application or during a site visit.
 (c) Development is largely contained in an already disturbed area of the property. There are no unusual circumstances related to the project or property.
4. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance or operation of the project applied for will, under the circumstances of this particular case, will not 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.
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 cost, if any, have been paid.
EVIDENCE: (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.
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.

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 14th day of September, 2005.


 DALE ELLIS, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **DEC 06 2005**

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 **DEC 16 2005**

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.

Planning and Building Inspection Department Condition Compliance & Mitigation Monitoring and/or Reporting Plan	Project Name: <u>VASQUEZ</u> File No: <u>PLN040427</u> APNs: <u>257-121-019-000</u> Approval by: <u>Planning Commission</u> Date: <u>September 14, 2005</u>

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

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PBD029- SPECIFIC USES ONLY</p> <p>The subject Use Permit is for the establishment of a third dwelling unit consisting of a 1,440 sq. ft. manufactured home with a detached 120 sq. ft. carport. The project is located at 34735 Metz Rd, Soledad (APN 257-121-019-000), Central Salinas Valley Area Plan.</p> <p>This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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 & Building Inspection)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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2.		<p>PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 040427) was approved by the Planning Commission for Assessor's Parcel Number 257-121-019-000 on September 14, 2005. The permit was granted subject to 9 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 building permits or commencement of the use. (Planning and Building Inspection)</p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of building permits	
3.		<p>PBD018(B) - LANDSCAPE PLAN AND MAINTENANCE (OTHER THAN SINGLE FAMILY DWELLING) The site shall be landscaped. At least 60 days prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)</p>	Submit landscape plans and contractor's estimate to PBI for review and approval.	Owner/ Applicant/ Contractor	At least 60 days prior to final inspection or occupancy	

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4.		<p>PBI (NON-STANDARD) LIGHTING – EXTERIOR LIGHTING PLAN</p> <p>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. In addition, the lighting plan shall incorporate notes that all lighting shall be downlit and shading of any skylights shall also be incorporated. 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)</p>	<p>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.</p>	<p>Owner/ Applicant</p>	<p>Ongoing</p>	
5.		<p>PBD030 - STOP WORK - RESOURCES FOUND</p> <p>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 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)</p>	<p>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.</p>	<p>Owner/ Applicant/ Archaeologist</p>	<p>Ongoing</p>	

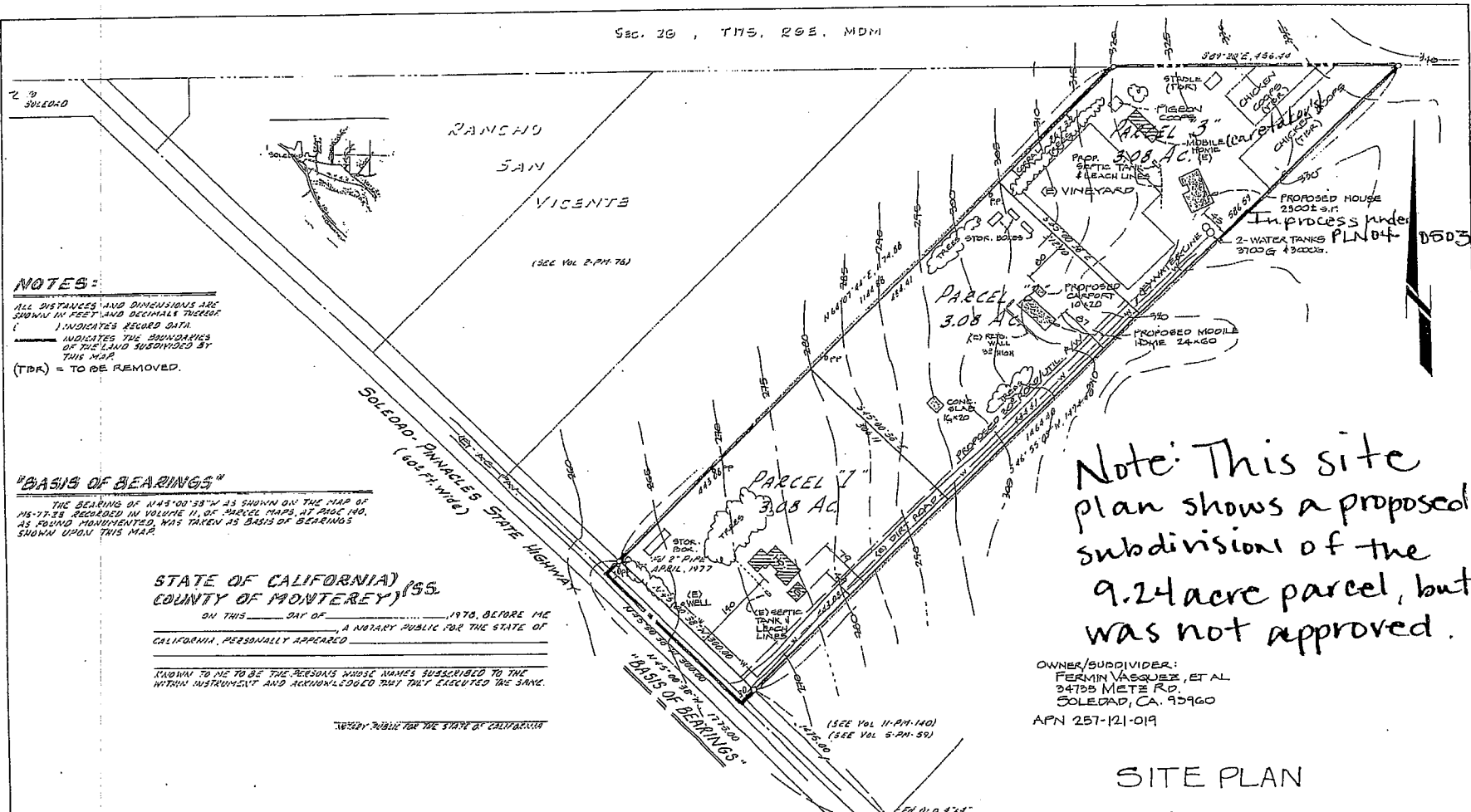
Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
6.		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 filing the final parcel map or issuance of building	
7.		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	
8.		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	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/ occupancy	

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		<i>irrigation systems and timing devices. (Water Resources Agency)</i>				
9.		NON-STANDARD (MISSION SOLEDAD FIRE) All construction and development plans shall conform to 2001 California Fire Code as adopted by the City of Soledad and the Mission Rural Fire District. (Soledad Mission Fire)	CONTACT MISSION SOLEDAD FOR SPECIFIC DETAILS	<i>Owner/ Applicant</i>		

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SEC. 36, TMS. 20E. MDM



NOTES:
 ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
 1 INDICATES RECORDED DATA.
 ——— INDICATES THE BOUNDARIES OF THE LAND SUBDIVIDED BY THIS MAP.
 (TBR) = TO BE REMOVED.

"BASIS OF BEARINGS"
 THE BEARINGS OF N45°00'38"W AS SHOWN ON THE MAP OF 1957-78 RECORDED IN VOLUME 11, OF PARCEL MAPS, AT PAGE 140, AS FOUND MONUMENTED, WAS TAKEN AS BASIS OF BEARINGS SHOWN UPON THIS MAP.

STATE OF CALIFORNIA) (S.S.
 COUNTY OF MONTEREY)
 ON THIS _____ DAY OF _____, 1970, BEFORE ME
 _____, A NOTARY PUBLIC FOR THE STATE OF CALIFORNIA, PERSONALLY APPEARED

KNOWN TO ME TO BE THE PERSONS WHOSE NAMES SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC FOR THE STATE OF CALIFORNIA

SURVEYOR'S CERTIFICATE

This map was prepared by me or under my direction (and was compiled from record data) and is based upon a field survey in conformance with the requirements of the Subdivision Map Act as the requestor.

On _____, 19____, I hereby state that the parcel map procedures of the local agency have been complied with and that the survey map conforms to the approved tentative map and the conditions of approval thereof which were required to be fulfilled prior to the filing of the parcel map.

(S-97001)
 R.C.E. 101 S. 1. 10

COUNTY SURVEYOR'S CERTIFICATE

This map conforms with the requirements of the Subdivision Map Act and local ordinance.

Date: _____

County Surveyor _____
 By _____ Deputy

COUNTY RECORDER'S CERTIFICATE

Filed this _____ day of _____, 19____
 at _____ in Book _____ of Parcel Maps at page _____
 at the request of _____

County Recorder _____
 By _____ Deputy

Serial No. _____ Fee _____

Note: This site plan shows a proposed subdivision of the 9.24 acre parcel, but was not approved.

OWNER/SUBDIVIDER:
 FERMIN VASQUEZ, ET AL
 34755 METE RD.
 SOLEDAD, CA. 95960
 APN 257-121-019

SITE PLAN

DIVISION OF PARCEL "D", A PORTION OF LOT 1 OF THE 29 SAN VICENTE, FILED IN VOLUME 2, OF PARCEL MAPS, AT PAGE 76, IN THE 29 SAN VICENTE, MONTEREY COUNTY, CALIFORNIA.

made for
FERMIN VASQUEZ, ET AL

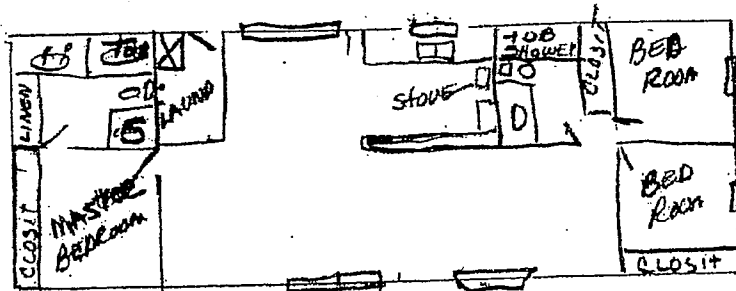
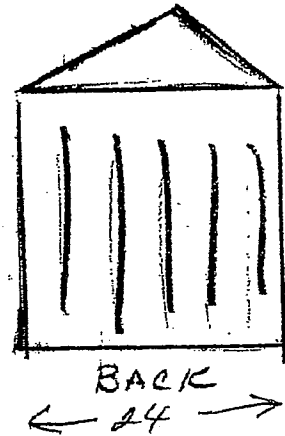
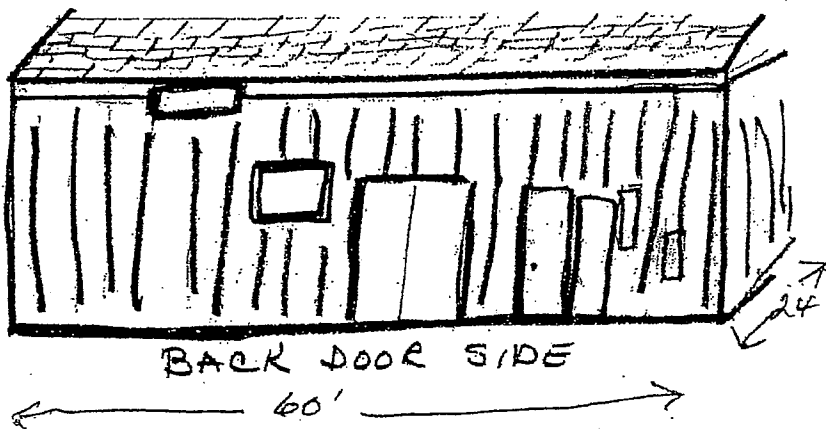
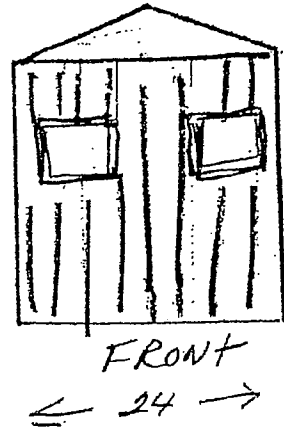
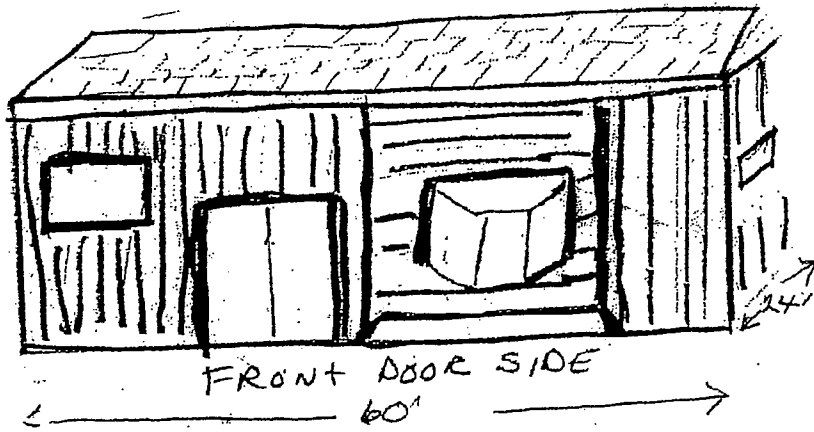
by
MONTEREY COUNTY SURVEYORS INC.
 SCALE: 1"=100' Job No. 20058 FEB., 2005

SHEET 1 OF 1 SHEET

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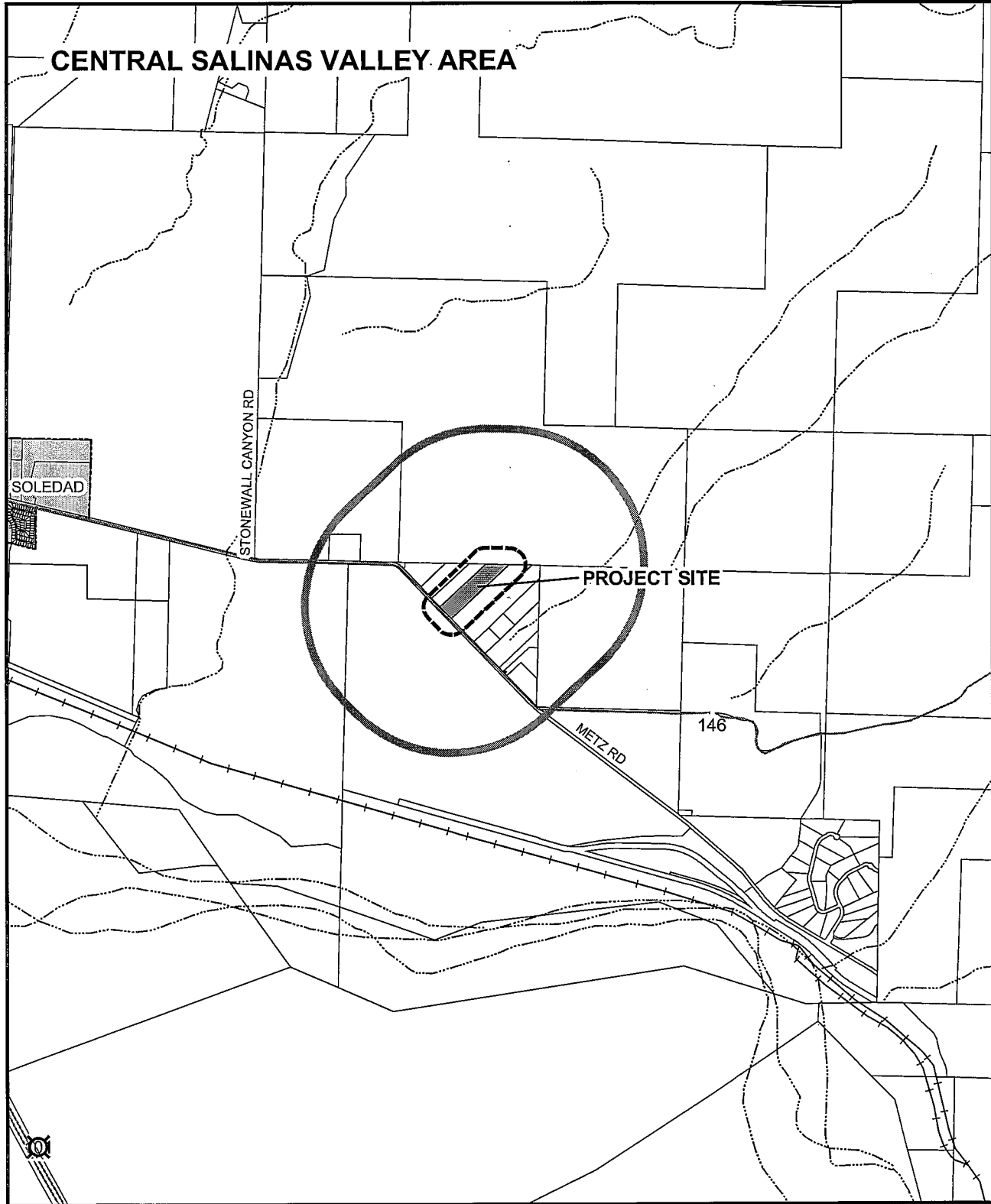
ELEVATIONS EXTERIOR



WOOD SIDING
COMP. SHINGLES

$\frac{1}{16}'' = 1'$

CENTRAL SALINAS VALLEY AREA



APPLICANT: VASQUEZ

APN: 257-121-019-000

FILE # PLN040427



300' Limit



2500' Limit



City Limits



PLANNER: AMADOR