

RESOLUTION NO. 010526

A. P. # 127-231-039-000

In the matter of the application of
George Morris (PLN010526)

FINDINGS AND DECISION

to allow a **Combined Development Permit** in accordance with Title 20 (Zoning) Chapter 21.210 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Administrative Permit for construction of a permanent foundation under an existing 1,580 sq. ft. 24 year old modular dwelling; Coastal Development Permit for a nonconforming use of a structure changed to a use of the same or more restricted nature, located at 16911 Forrest Lane, Royal Oaks, North County area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on April 11, 2002.

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

1. **FINDING:** The proposed project/use, as described in condition #1 and as conditioned, is consistent with the policies of the Monterey County General Plan, the North County Coastal Land Use Plan, and the requirements and standards of the Monterey County Zoning Ordinance (Title 20).
EVIDENCE: The text and policies of these documents have been evaluated during the course of the review of this application. No conflicts were found to exist. No communication was received during the course of review of this project to indicate that there is any inconsistency with the text and policies of these documents.
2. **FINDING:** The site is physically 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, North County Fire Protection District, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.
3. **FINDING:** The proposed project will not have a significant environmental impact.
EVIDENCE: The State CEQA Guidelines categorically exempt this project from environmental review pursuant to CEQA Guideline Section 15301, Class 1 (exemption for existing facilities), 15061(b)(2) and (3). No potentially adverse environmental impacts were identified during review of the proposed project.
4. **FINDING:** No written request, based on substantive issue, for public hearing or other evidence of public controversy or public opposition as described in Section 20.76.060A, Title 20 Monterey County Code (Zoning Ordinance) was found to exist.
EVIDENCE: Materials in project file.

5. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of this Title and any zoning violation abatement costs have been paid.
EVIDENCE: Materials in project file.
6. **FINDING:** The legal non-conforming use of the structure is being changed to a use of the same or more restricted nature.
EVIDENCE: Materials in project file.
7. **FINDING:** The legal non-conforming use of the structure is not being expanded, enlarged, increased or extended to occupy a greater area than that occupied when the legal non-conforming use was established.
EVIDENCE: Materials in project file.
8. **FINDING:** Public notice of pending Administrative Permit was provided pursuant to Section 20.70.040, Title 20, Monterey County Code (Zoning Ordinance).
EVIDENCE: Materials in project file.
9. **FINDING:** The establishment, maintenance, or operation of the use or building applied for will not under the circumstances of 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.
10. **FINDING:** The decision on this project is appealable to the Monterey County Board of Supervisors, but not the Coastal Commission.
EVIDENCE: Section 20.86.030.

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 following conditions:

1. This permit allows the construction of a permanent foundation under an existing 1,580 sq. ft. 24 year old modular dwelling and for a the change of a nonconforming use of a structure to the same or more restricted nature. The project is 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 the conditions of this permit are met to the satisfaction of the Director or Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions in this permit is a violation of county regulation 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 Department)**

Prior to the issuance of Demolition, Grading and/or Building Permit:

2. The applicant shall record a notice which states: "A permit (Resolution #010526) was approved by the Zoning Administrator for Assessor's Parcel Number 127-231-039-000 on April 11, 2002. The permit was granted subject to 2 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 Department)**

PASSED AND ADOPTED this **11th** day of **April, 2002**.

Original Signed By:

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

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 PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS. IT IS NOT APPEALABLE TO THE COASTAL COMMISSION.

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 Monterey.

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