

RESOLUTION NO. 020024

A.P.# 030-201-032-000

In the matter of the application of
Daniel & Clementina Garcia (PLN020024)

FINDINGS & DECISION

for an Administrative Permit in accordance with Title 21 (Zoning) Chapter 21.70 (Administrative Permits) of the Monterey County Code, to convert an existing 540 sq. ft. one-story single family dwelling to a Senior Citizen Unit that will be related to a new permit-exempt manufactured home; and a Vaiance to allow reduction from 50 feet to 22 feet for the front yard setback of the converted Senior Citizen Unit; located at 11316 Del Monte Avenue, Castroville fronting on Del Monte Avenue, near the intersection of Del Monte Avenue and Main Street, North County Non-Coastal area, came on regularly for meeting before the Zoning Administrator on September 26, 2002.

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

FINDINGS OF FACT

1. **CONSISTENCY FINDING:** The Project, as conditioned is consistent with Monterey County General Plan, the North County Area Plan and the requirements and standards of the Monterey County Zoning Ordinance (Title 21) which designates this area as appropriate for residential development. Specifically, the proposed Senior Unit complies with all applicable requirements of Section 21.64.010(C) of Title 21.

EVIDENCE: PBI staff have reviewed the project as contained in the application and accompanying materials for consistency with the Monterey County General Plan and North County Area Plan. PBI staff have reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 21) and have determined that the project is consistent with the North County Area Plan which designates this area as appropriate for residential development (Figure 9, North County Area Plan).

EVIDENCE: Project planner conducted an on-site inspection on March 19, 2002 and April 11, 2002 to verify that the project on the subject parcel conforms to the plans listed above.

EVIDENCE: The project, which is a senior citizen unit, is an allowed use in accordance with Section 21.10.040.

EVIDENCE: The parcel is zoned High Density Residential and Improvement Zoning District ("HDR/Z"). Except for the variance request, the proposed development is in compliance with Site Development Standards in accordance with Section 21.10.060.

EVIDENCE: Other than the variance request, the proposed project will bring the subject parcel into greater conformity with Title 21 regulations. The property frontage currently lacks sidewalks and curbs and parking is uncovered and located within the front setback. Conditions 6 and 13 have been added in accordance with Section 21.56 for Improvement Zoning Districts and Section 21.58 for Parking.

EVIDENCE: The North County NonCoastal Land Use Advisory Committee voted on June

5, 2002 to recommend approval of the project. LUAC meeting minutes dated June 5, 2002.

EVIDENCE: Materials and documents in Planning and Building Inspection File No. 020024.

2. **NO VIOLATIONS FINDING:** 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, and all zoning violation abatement cost, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

3. **HEALTH AND SAFETY FINDING:** The establishment, maintenance or operation of the Use/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: The project was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, North County Fire District, Public Works Department, and Water Resources Agency. The respective departments and 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.

EVIDENCE: Technical reports have been provided by geology and soils consultants with recommended conditions and modifications that provide additional assurances regarding project safety. “Geological Report” prepared by CapRock, Salinas, CA March 31, 2002. “Geotechnical Investigation” prepared by Soil Surveys Inc., Salinas, CA March 27, 2002. Reports are in the project file (PLN020024).

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

EVIDENCE: Site visit by staff on March 19, 2002 and April 11, 2002.

EVIDENCE: The project has been reviewed for suitability by the Department of Planning and Building Inspection, Environmental Health Division, North County Fire District, Public Works Department, and Water Resources Agency. Conditions recommended have been incorporated.

EVIDENCE: Technical reports by outside consultants, CapRock and Soil Surveys Inc., indicate that 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. Agency staff concur.

- EVIDENCE:** The project received an archaeological waiver because it is located in a highly disturbed area with no possible recovery of resources.
- EVIDENCE:** Necessary public facilities are available. Can and will serve letters for water and wastewater submitted by the applicant.
- EVIDENCE:** Materials and documents in Planning and Building Inspection File No. 020024.
5. **CEQA FINDING:** The project is exempt from environmental review and will not have a significant environmental impact.
- EVIDENCE:** CEQA Guidelines section 15303 categorically exempts the construction and conversion of single family dwellings and allows up to three dwelling units in urbanized areas. The project is for one single family residence and a senior citizen unit.
- EVIDENCE:** No adverse environmental effects were identified during staff review of the development application during site visit on March 19, 2002 and April 11, 2002.
6. **VARIANCE - SPECIAL CIRCUMSTANCES FINDING:** There are special circumstances applicable to the subject property related to all three variance applications described in Finding #1, including size, shape, topography, location or surroundings, that the strict application of Title 20 would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
- EVIDENCE:** The variance is for an existing structure that is consistent in style and setback with neighboring structures. The new manufactured unit will be installed directly behind the existing structure and the proposed development will not alter the character of the neighborhood. The variance request is to accommodate an allowed use in an existing, conforming structure. Special circumstances exist because moving the structure to meet the 50-foot frontyard setback requirement represents a significant hardship.
7. **VARIANCE - SPECIAL PRIVILEGES FINDING:** The variance request for the project described in Finding #1 does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and identical zoning classification in which such property is situated.
- EVIDENCE:** Variances for a reduction to the frontyard setback have been granted previously to properties in the area and under the same zoning classification for Quintero (ZA04295) and Leyba (ZA4656).
8. **VARIANCE - AUTHORIZED USE FINDING:** The Variance does not grant a use or activity that is not otherwise expressly authorized by the zone regulation governing the parcel of property.
- EVIDENCE:** The proposed use, a senior citizen unit, is allowed per Section 21.10.040.D, Uses Allowed in the High Density Residential zoning district.
9. **APPEALS FINDING:** The project is appealable to the Planning Commission.
- EVIDENCE:** Sections 21.70.050.E, 21.72.050.D and 21.80.040.B of the Monterey County Zoning Ordinance Title 21.

DECISION

THEREFORE, it is the decision of said Zoning Administrator, that said application for an Administrative Permit be granted as shown on the attached sketch, and subject to the following conditions:

1. The subject permit includes an Administrative Permit for the conversion of an existing 540 sq. ft. one-story single family dwelling to a detached senior citizen unit to be associated with a new 1,248 sq. ft. permit-exempt manufactured home; and a Variance to reduce the frontyard setback of the converted senior citizen unit from 50 feet to 22 feet. The property is located at 11316 Del Monte Avenue, Castroville (Assessor's Parcel Number 030-201-032-000), North County area, Inland Zone. The proposed 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 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 the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A Variance and an Administrative Permit (Resolution 020024) was approved by the Zoning Administrator for Assessor's Parcel Number 030-201-032-000 on September 26, 2002. The permit was granted subject to 15 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)**
3. Prior to issuance of a building permit, the applicant shall submit for review and approval of the Director of Planning and Building Inspection, and subsequently record, a deed restriction stating the regulations for senior citizen units, as follows:
 - a. A detached senior citizen unit shall not exceed 850 square feet.
 - b. The senior citizen unit shall not be occupied by more than two persons, one of whom shall be 60 years of age or handicapped.
 - c. Not more than one senior citizen unit shall be permitted on any lot or parcel.
 - d. The senior citizen unit shall conform with all of the zoning and development standards (lot coverage, height, setbacks, design, etc.) of the zoning district which governs the lot. A senior citizen unit attached to the principal residence shall be subject to the height, setback and coverage regulations of the principal residence. A senior citizen unit detached from the principal dwelling shall be treated as a habitable accessory structure in regard to height and setbacks.
 - e. The senior citizen unit shall be designed in such a manner as to be visually consistent and compatible with the principal residence on-site and other residences in the area.
 - f. One usable and accessible parking space shall be provided in addition to the parking required for the other uses on-site. Any garage or carport constructed in connection with the senior citizen unit is not considered part of the area of the unit, but is considered in the overall lot coverage.
 - g. Subsequent subdivisions which divide the main residence from a senior citizen unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning. **(Planning and Building Inspection)**
4. 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. **(Planning and Building Inspection)**

5. 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)**
6. Prior to issuance the applicant shall install or enter into an agreement to install, sidewalk, curb, and gutter and extend existing pavement to join the gutter as required by the Director of Public Works and provide documentation to the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
7. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. **(Fire District)**
8. (Manufactured Home Only) 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." **(Fire District)**
9. 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. **(Fire District)**
10. 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 **(Fire District)**

Prior to Final Building Inspection/Occupancy:

11. The applicant shall comply with Ordinance No. 3932 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 & Planning and Building Inspection)**
12. The site shall be landscaped. At least three weeks prior to occupancy, three 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, specie, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection)**
13. The applicant shall provide at least two covered parking spaces on the property outside of the frontyard setback subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

Continuous Permit Conditions:

14. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**
15. 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 it can be evaluated by a qualified professional archaeologist. 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)**

PASSED AND ADOPTED this **26th** day of **September, 2002**.

Original Signed By:

LYNNE MOUNDAY
ZONING ADMINISTRATOR

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 PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

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 Marina.

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