

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 020328

A. P. # 412-091-056-000

In the matter of the application of
Nancy L. Conlin et al. (PLN020328)

FINDINGS AND DECISION

to allow a **Combined Development Permit** in accordance with Title 21 (Zoning) Chapter 21.70 (Combined Development Permits) of the Monterey County Code, consisting of an Administrative Permit to convert an 1,135 sq. ft. single family residence into a 992 sq. ft. accessory caretaker's unit and construct a 1,937 sq. ft. manufactured single family residence, a Variance for the reduction of the front yard setback from 50 feet for the caretaker's unit; and grading of 705 cu. yds. (205 cu. yds. cut and 500 cu. yds. fill), located at 98 A Paddon Road, Watsonville, west of San Miguel Canyon Road, Royal Oaks, Non-Coastal area, came on regularly for meeting before the Zoning Administrator on February 13, 2003.

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

- 1. FINDING:** The proposed project and/or use, as described in condition #1 is consistent with the policies of the Monterey County General Plan, the North County Area Plan, and the Monterey County Zoning Code.

EVIDENCE: Project plans in file PLN020328 combined with the Conditions of Approval establish that the project complies with § 21.64.030 Regulations for Caretaker Unit.

EVIDENCE: Project plans in file PLN020328 combined with the Conditions of Approval establish that the project complies with § 21.16 Regulations for Rural Density Residential Zoning Districts.

EVIDENCE: Project plans in file PLN020328 combined with the Conditions of Approval establish that the project complies with § 21.72 Variances Monterey County Zoning Code.

EVIDENCE: The North County Non-Coastal Land Use Advisory Committee voted unanimously (6-0) on November 20, 2002, to recommend approval of this Combined Development Permit.
- 2. FINDING:** That adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.

EVIDENCE: Material in project file PLN020328 establishes that the project has been reviewed by the Director of Environmental Health and, as conditioned, has adequate sewage disposal and water supply facilities readily available.
- 3. FINDING:** The establishment of the caretaker unit will not, under the circumstances of the particular application, 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: Project plans in file PLN020328 combined with the Conditions of Approval establish that the project complies with § 21.64.030 Regulations for Caretakers Unit.

EVIDENCE: Project plans in file PLN020328 combined with the Conditions of Approval establish that the project complies with § 21.16 Regulations for Rural Density Residential Zoning Districts.

EVIDENCE: Project plans in file PLN020328 combined with the Conditions of Approval establish that the project complies with § 21.72 Variances Monterey County Zoning Code.

EVIDENCE: The North County Non-Coastal Land Use Advisory Committee voted unanimously (6-0) on November 20, 2002 to recommend approval of this Combined Development Permit.

EVIDENCE: To date, no issues of public controversy or concern have been brought to the attention of the Planning and Building Inspection Department.

4. FINDING: That the proposed caretaker unit complies with all of the applicable requirements of Section 21.64.030C of this title.

EVIDENCE: Project plans in file PLN020328 combined with the Conditions of Approval establish that the project complies with § 21.64.030 Regulations for Caretakers Unit of the Zoning Code.

5. FINDING: That the subject property upon which the caretaker unit is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title and that all zoning violation abatement costs, if any, have been paid.

EVIDENCE: Project plans in file PLN020328 combined with the Conditions of Approval establish that the project complies with § 21.72 Variances Monterey County Zoning Code., § 21.64.030 Regulations for Caretakers Unit of the Zoning Code, and § 21.16 Regulations for Rural Density Residential Zoning Districts in the Zoning Code.

EVIDENCE: The North County Non-Coastal Land Use Advisory Committee voted unanimously (6-0) on November 20, 2002 to recommend approval of this Combined Development Permit.

6. FINDING: The proposed project will not have a significant environmental impact.

EVIDENCE: The California Environmental Quality Act (CEQA) categorically exempts this project from environmental review pursuant to CEQA Section 15303.

FINDINGS AND EVIDENCE FOR VARIANCE

1. FINDING: That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this Title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

EVIDENCE: Project plans in file PLN020328 combined with the Conditions of Approval establish that the project complies with § 21.64.030 Regulations for Caretakers Unit of the Zoning Code.

EVIDENCE: Project plans in file PLN020328 combined with the Conditions of Approval establish that the project complies with § 21.16 Regulations for Rural Density Residential Zoning Districts in the Zoning Code.

EVIDENCE: Project plans in file PLN020328 combined with the Conditions of Approval establish that the project complies with § 21.72 Variances Monterey County Zoning Code.

EVIDENCE: The North County Non-Coastal Land Use Advisory Committee voted unanimously (6-0) on November 20, 2002 to recommend approval of this Combined Development Permit.

- 2. FINDING:** That the variance not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
- EVIDENCE:** Project plans in file PLN020328 combined with the Conditions of Approval establish that the project complies with § 21.72 Variances Monterey County Zoning Code., § 21.64.030 Regulations for Caretakers Unit of the Zoning Code, and § 21.16 Regulations for Rural Density Residential Zoning Districts in the Zoning Code.
- EVIDENCE:** The North County Non-Coastal Land Use Advisory Committee voted unanimously (6-0) on November 20, 2002 to recommend approval of this Combined Development Permit.

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 Combined Development Permit consists of an Administrative permit to convert a 1,135 sq. ft. single family residence into a 997 sq. ft. caretakers unit and construct a 1,937 sq. ft. manufactured single family residence with a 720 sq. ft. detached garage and a variance for the reduction of the front yard setback from 50 feet to 37 feet for the caretaker's unit. The property is located at 98A Paddon Road, Watsonville (Assessor's Parcel Number 412-091-056-000), west of San Miguel Canyon Road, Royal Oaks, in the North County Non-Coastal Area. **(Planning and Building Inspection)**

Prior to Final Building Inspection /Occupancy

2. The caretaker's unit shall not exceed 1,000 sq. ft. of habitable floor area. **(Planning and Building Inspection)**
3. A minimum of one covered off-street parking space shall be provided for the caretaker unit. **(Planning and Building Inspection)**
4. The applicant shall record a deed restriction as a condition of project approval, stating that the caretaker unit shall not be rented to any other person than the caretaker.
5. No more than 10 years shall have elapsed between the date of manufacture of the new manufactured dwelling unit and the date of the application for a permit to install the manufactured dwelling unit. **(Planning and Building Inspection)**
6. The manufactured dwelling unit shall have a siding material of, or having the appearance of, wood, stucco, brick, stone, or other material similar to other residential units in the immediate area. **(Planning and Building Inspection)**

7. The manufactured dwelling unit shall have a roofing material of wooden, fiberglass or composition shingle, tile, slate or other roofing material similar to homes in the immediate area. **(Planning and Building Inspection)**
8. Prior to issuance of grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, to include retention/percolation facilities to mitigate the impact of impervious surface storm water runoff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
9. Certification that the storm water retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**
10. 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)**
11. 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. **(North County Non-Coastal Fire District)**
12. All parcels 1 acre and larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, or when a 30 foot minimum setback cannot be reached, alternate fuel modification standards may be imposed by the local fire jurisdiction to provide the same practical effect. **(North County Non-Coastal Fire District)**
13. 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 Non-Coastal Fire District)

14. Where multiple address are required at a single driveway, they shall be mounted on a single post, or in any fashion approved by the Reviewing Authority that provides for the same practical effect. **(North County Non-Coastal Fire District)**

Continuous Permit Requirements

15. No other habitable structure shall be permitted on the parcel without required permits. "Structure" means anything constructed or erected, except fences fewer than six feet in height, the use of which requires location on the ground or attachment to something having location on the ground, but not including any trailer or tent. This includes mobile homes and/or other temporary structure used for human habitation. **(Planning and Building Inspection)**
16. Where one or more of the conditions of a variance have not been or are not being complied with, or when a variance was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant, the appropriate authority may revoke or modify the variance following public hearing pursuant to Chapter 21.78 of this title. **(Planning and Building Inspection)**
17. The caretaker unit shall not be separately rented let, or leased to other than the caretaker whether compensation be direct or indirect. The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under the same ownership. **(Planning and Building Inspection)**
18. Subsequent subdivision which divides a main residence from a caretaker unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning. **(Planning and Building Inspection)**
19. In the event the proposed caretaker's unit is demolished or relocated, any new caretaker's unit shall have a minimum 50 foot front yard setback. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 13th day of February, 2003.

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 SECRETARY TO THE PLANNING COMMISSION 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 Marina.

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