

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 030274

A. P. # 181-022-010-000

In the matter of the application of
Pedro Sanchez Jr. (PLN030274)

FINDINGS & DECISION

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Development Permit to expand a legal non-conforming residence and construct an attached carport; and Variance for side yard setbacks and lot coverage. The property is located at 55 McGinnis Road, Watsonville, fronting on and east of McGinnis Road North County area, Coastal Zone came on regularly for meeting before the Zoning Administrator on October 9, 2003.

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

1. FINDING: CONSISTENCY AND SITE SUITABILITY – The Sanchez Combined Development Permit (PLN030274), as described in Condition #1, and as conditioned, are consistent with the plans, policies, requirements, and standards of the Monterey County Local Coastal Program (LCP). The LCP for this site consists of the North County Land Use Plan, Part 1 of the Coastal Implementation Plan (Title 20, Monterey County Zoning Ordinance), Part 2 of the Coastal Implementation Plan (Regulations for Development in the North County Land Use Plan Area), and Part 6 of the Coastal Implementation Plan. The property is located at 55 McGinnis Road, Watsonville. The parcel is zoned “AC (CZ)” (Agricultural Conservation, Coastal Zone). The site is physically suitable for the use proposed.

EVIDENCE: (a) The application and plans submitted for the Combined Development Permit consisting of a Coastal Development Permit and Variance in project file PLN030274 at the Monterey County Planning and Building Inspection Department.

(b) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the North County Land Use Plan, Coastal Implementation Plan (Part 2) and Part 6 of the Coastal Implementation Plan. PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and have determined that the project is consistent with the North County Land Use Plan which designates this area as appropriate for residential development.

(c) The project planner conducted a site visit on September 5, 2003 to verify that the proposed project complies with the North County Land Use Plan, Coastal Implementation Plan (Part 2), and the Monterey County Zoning Ordinance (Title 20).

(d) The North County Coastal Land Use Advisory Committee reviewed and recommended approval (5 - 1 vote) of the Combined Development Permit on July 7, 2003,

with the recommendation for a condition requiring that a deed restriction be recorded on Assessor's Parcel Number 181-022-010-000, stating that the "adjacent property has right to farm ordinance protecting the ongoing farming and greenhouses", however this particular restriction is not applicable to this project.

(e) The project and site have been reviewed by the Monterey County Planning and Building Inspection Department, North County Fire Protection District, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department, and Monterey County Health Department. There has been no indication from these agencies that the site is not suitable. 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.

2. **FINDING: CEQA (Exempt)** - The project is exempt from environmental review.

EVIDENCE: (a) Section 15303(a) of the CEQA Guidelines categorically exempts one single family dwelling from environmental review.

(b) No adverse environmental effects were identified during staff review of the development application during site visits and no unusual circumstances exist for this project that would alter staff's determination that the project is categorically exempt from CEQA review.

3. **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 costs, if any, have been paid.

EVIDENCE: (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any pending violations on subject property.

4. **FINDING: VARIANCE (SPECIAL CIRCUMSTANCES AND NO GRANT OF SPECIAL PRIVILEGES)** – There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings. As a result, 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. The Combined Development Permit described in Condition #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. Variances are granted on a case-by-case basis and the findings and evidence for this project do not necessarily apply to other parcels.

EVIDENCE: (a) Setbacks for the Main Structure: The applicant has requested a Variance for a reduction in side yard setbacks for the addition of a one-car carport to the existing single family dwelling, from 20 feet to 8 feet. The proposed carport meets all setback requirements except for the side yard setbacks. The size of the subject property, a 9,000 square foot parcel, is much narrower than other parcels in the vicinity, which generally are 1 acre or larger. The strict application of the 20 foot side yard setback requirement for main structures deprives the subject property of the main structure privilege enjoyed by other properties in the vicinity and under

identical zone classification. These properties are not as constrained due to a larger developable area. As a result, additions to main structure units on neighboring properties can meet all applicable policies and regulations, including the 20 foot side yard setback requirements.

(b) Lot Coverage. Special circumstances exist since the coverage requirement for this parcel, which is zoned “AC” or Agricultural Conservation, is a maximum of 3%. The intent of this zoning designation is to limit development on parcels which should be preserved for agricultural purposes. However, this parcel is only 9,000 square feet and has an established legal non-conforming residence which covers 15 percent of lot coverage. The applicant requests an increase of lot coverage to 18 percent in order to construct an attached one-car carport in order to comply with the requirements of Monterey County parking standards (Monterey County Zoning Ordinance Section 20.58.050.F.)

(c) Special Privilege: Approval of the Variance, as described in Condition #1 and Finding #1, will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and identical zoning classification. Other properties in the area have been granted Variances for increases in lot coverage. Examples are: ZA07038, and PC06999.

(d) Staff’s site visit and analysis of other properties in the vicinity and under identical zone classification.

(e) The application and plans submitted for the Combined Development Permit, including the Variance Justification Letter in project file PLN030274 at the Monterey County Planning and Building Inspection Department.

5. FINDING: VARIANCE (NO GRANT OF UNAUTHORIZED USE) – The Variance does not grant a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.

EVIDENCE: (a) The use is allowed per Section 20.32.040.B of Title 20 (Principal Uses Allowed) in the Agricultural Conservation Zoning District.

6. FINDING: HEALTH AND SAFETY - The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood; or to the general welfare of the County.

EVIDENCE: (a) The project as described in the application and accompanying materials was reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency, Parks Department and the North County Fire District. The respective departments/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.

7. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: (a) Sections 20.86.030 and 20.86.080 of the Monterey County Zoning Ordinance Title 20.

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. The Sanchez Combined Development Permit (PLN030274) consists of: 1) a Coastal Development Permit to expand a legal non-conforming residence by converting an existing non-habitable portion of the structure into habitable space and eliminating the existing covered parking; 2) a Variance to reduce the 20 feet side yard setback requirement for main structures to an 8 feet setback to allow the construction of an attached carport, 3) Variance to exceed allowable lot coverage from 3% to 18% for the establishment of a 280 square foot attached one-car carport. Current structure coverage is 15 percent. The property is located at 55 McGinnis Road, Watsonville (Assessor's Parcel Number 181-022-010-000), fronting on and east of McGinnis Road, North County Area, Coastal Zone. 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 permit (Resolution No. 030274) was approved by the Zoning Administrator for Assessor's Parcel Number 181-022-010-000 on October 9, 2003. The permit was granted subject to 10 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. Applicant is to provide 3 copies of a revised site plan showing the carport attached to the single family dwelling, as recommended by staff. **(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. If applicable, 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. Prior to issuance of any grading or building permits, 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)**

Prior to Final Building Inspection/Occupancy:

6. 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)**
7. Roofing shall be a minimum of class "B" or better. **(North County Fire Protection District)**

Continuous Permit Conditions:

8. 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)**
9. 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)**
10. 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)**

PASSED AND ADOPTED this 9th day of October, 2003.

Original Signed By:

MIKE NOVO

ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. 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 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.