

MIKE NOVO  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 030487

A.P. # 129-222-005-000

**FINDINGS & DECISION**

In the matter of the application of  
**Yvonne Butler (PLN030487)**

for a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of Title 20, Monterey County Code (Zoning), to allow; 1) a Coastal Administrative Permit to remove a 1,560 square foot mobile home with a porch and patio and a 413 square foot shed; construct a 1,448 square foot manufactured home with a porch and redwood deck and convert a 240 sq. ft. section of an existing shed to a detached garage. Grading is less than 100 cubic yards (equal cut & fill); and 2) a Variance for a reduction in the front set back (from 30 to 23 feet) for the main dwelling & a reduction in the front setback (from 50 to 14 feet) for the detached garage. The property is located at 6849 Paradise Canyon Road, Salinas, west of the San Miguel and Paradise Canyon Road intersection, Prunedale area, North County, Coastal Zone, came on regularly for hearing before the Zoning Administrator on January 8, 2004.

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

**1. FINDING: CONSISTENCY, SITE SUITABILITY AND PUBLIC ACCESS** – The Butler Combined Development Permit (PLN030487), as described in Condition #1, and as conditioned, are consistent with the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the North County Coastal Land Use Plan, Monterey County Coastal Implementation Plan (Part 2), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). The property is located at 6849 Paradise Canyon Road, Salinas in the coastal Zone. The parcel is zoned “LDR/2.5 (CZ)” (Low Density Residential- 2.5 acres per unit, Coastal Zone). The site is physically suitable for the use proposed. The project is in conformance with the public access and public recreation policies of the Coastal Act and the Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impacts on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

**EVIDENCE:** (a) The application and plans submitted for the Combined Development Permit in project file PLN030487 at the Monterey County Planning and Building Inspection Department.  
(b) The applicant provided the Monterey County Planning and Building Inspection Department with drawings, and a statement of materials and colors to be used.

(c) The Geotechnical Report prepared by Grice Engineering, Inc. (May 28, 2003) concludes that the site is suitable for the project, providing the recommendations made in the report are followed.

(d) The project planner conducted a site visit on March 7, 2003, to verify that the proposed project complies with the LCP. The project will not have a significant adverse effect on the public viewshed. Based on the site visit and analysis of building records, the existing single family dwelling to be demolished are not considered historic structures.

(e) The North County Coastal Land Use Advisory Committee reviewed and recommended approval (5-0 vote) of the Combined Development Permit on November 3, 2003. The committee made no recommendations.

(f) The project and site have been reviewed by the Monterey County Planning and Building Inspection Department, Coastal Commission, 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.

(g) The proposed manufactured home will be located on the same footprint of the existing mobile-home, although slightly smaller due to the removal of the patio. As a result the development site has been disturbed so there are no physical or environmental constraints. Such constraints, as environmentally sensitive habitats or similar areas, which would indicate the site is not suitable for the use proposed.

(h) The subject property is not described as an area where the Local Coastal Program requires access and is not indicated as part of any designated trails or shoreline access as shown in Figure 4, the Public Access Map and in Figure 6, the Shoreline Access Map, of the North County Land Use Plan – Local Coastal Plan. No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

**2. FINDING: CEQA** – The proposed project will not have a significant environmental impact.

**EVIDENCE:** (a) Sections 15301(l) and 15303(a) of the CEQA Guidelines categorically exempt the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

**3. FINDING: NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and other applicable provisions of Title 20. Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** (a) Section 20.14.020 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

**4. FINDING: VARIANCE (Special Circumstances)** - Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding

area, the strict application of Section 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under an identical zoning classification.

- EVIDENCE:** (a) The Low Density Residential Setbacks (Section 20.14.060.C.1 and 3 of the Monterey County Coastal Zoning Ordinance requires that the main structure maintain a front setback of 30 feet, side setback of 20 feet and a front setback of 50 feet for the garage. Relocation of the structure was examined and rejected. The lot is rectangular and slopes strongly from south to north. With the lot being mostly in 25% slope or greater. The only relatively flat portion is within the graded off portion of the lot, fronting on the common drive way. Hence, the original placement of the first mobile home was less than 30 foot set back in the late 1970's. The proposal is to utilize essentially the same foot-print but slightly wider and coverage will decrease by 712 sq. ft. The project meets all other zoning requirements.
- (b) Staff surveyed the nearby developed lots and found all three with similar topology had reduced front setbacks.
- (c) Materials and documents in Project File No. PLN030487.
- (d) The septic system located on the flat building pad further limits dwelling location. The septic system and slope constraints limit structure location and orientation. The garage location is also limited by slope constraints.

- 5. FINDING: VARIANCE (Special Privileges) -** The variance to reduce the required front setback does not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.

- EVIDENCE:** (a) There are 3 other instances where similar conditions necessitated the residential structures with reduced front setbacks, within ½ of a mile of the subject parcel.
- (b) Materials and documents in Project File No. PLN030487.

- 6. FINDING: VARIANCE (Authorized Use) –** The Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

- EVIDENCE:** (a) The project for a single family dwelling and accessory structure is an allowed use under the property's Low Density Residential designation, Monterey County Zoning Ordinance 20. Section 20.14.040 (D) and (F).

- 7. FINDING: HEALTH AND SAFETY –** The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the 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:** (a) Preceding findings and supporting evidence.

- 8. FINDING: APPEALABILITY –** The decision on this project is appealable to the Board of Supervisors and not to the Coastal Commission.

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

## DECISION

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

1. The Butler Combined Development Permit consisting of: 1) a Coastal Administrative Permit to remove a 1,560 square foot mobile home with a porch and patio and a 413 square foot shed; construct a 1,448 square foot manufactured home with a porch and redwood deck; and convert a 240 sq. ft. Section of an existing shed to a detached garage. Grading is less than 100 cubic yards (equal cut & fill); 2) a Variance for a reduction in the front set back (from 30 to 23 feet) for the main dwelling & a reduction in the front setback (from 50 to 14 feet) for the detached garage. The property is located at 6849 Paradise Canyon Road, Salinas (Assessor's Parcel Number 129-222-005-000), west of the San Miguel and Paradise Canyon Road intersection, Prunedale Area, North County, 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 that states: "A permit (Resolution No. 030487) was approved by the Zoning Administrator for Assessor's Parcel Number 129-222-005-000 on January 8, 2003. The permit was granted subject to 18 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. All exterior lighting shall be unobtrusive, down-lit, 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 that 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)**
4. Prior to issuance of grading or building permits, the applicant shall provide the Water Resources Agency a drainage plan addressing on-site and off-site impacts that shall include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. **(Water Resources Agency)**

**Prior to Final Building Inspection/Occupancy:**

5. The project shall follow the recommendations of the Geotechnical Report prepared for the site by Grice Engineers, Inc., dated May 28, 2003. A letter from a qualified soil or civil engineer shall be submitted to the Director of Planning and Building Inspection stating that the construction conforms to recommendations in the report. **(Planning and Building Inspection)**
6. 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 materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. The use of native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval. Before occupancy, either landscaping shall be 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. 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. **(Planning and Building Inspection)**
7. Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. **(North County Fire District)**
8. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. **(North County Fire District)**
9. For residential driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius of curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. **(North County Fire District)**
10. Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the centerline of the road. If a hammerhead/T is used, the top of the "T" shall be minimum of 60 feet in length. **(North County Fire District)**
11. Driveways shall not be less than 12 feet wide unobstructed. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400 foot intervals. **(North County Fire District)**
12. Hydrant or fire valve identification may be allowed as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. **(North County 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 Fire District)**
14. Where road grades exceed 8 percent, a minimum structural roadway surface thickness of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. **(North County Fire District)**
15. 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. **(North County Fire District)**
16. 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. **(North County Fire District)**
17. 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 irrigation systems and timing devices. **(Water Resources Agency)**

**Continuous Permit Conditions:**

18. If 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 8th day of January, 2004.

Original Signed By:

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MIKE NOVO  
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 CLERK TO 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 90<sup>th</sup> 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 Planning Commission 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.