

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 040556

A.P. # 129-011-012-000

In the matter of the application of
Frank Bruno Jr. (PLN040556)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow additional maintenance and repair to two legal nonconforming attached single family dwelling structures that were built in 1939, and to clear violation (CE040042 - remodel, deck and porch replacements and re-roofs), and design approval. The property is located at 17244 Mc Guffie Road, Salinas, Prunedale area, North County Non-Coastal Zone, came on regularly for hearing before the Zoning Administrator on January 13, 2005.

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

FINDINGS OF FACT

1. FINDING: CONSISTENCY - The Project, as conditioned is consistent with applicable plans and policies, the North County Area Plan, and the Monterey County Zoning Ordinance (Title 21) which designates this area as appropriate for residential development. The remodel and repair of the legal nonconforming structures comply with all applicable requirements of Section 21.68.040.

EVIDENCE: (a) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the North County Area Plan. PBI staff has 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 that designates this area as appropriate for residential development. Staff notes are provided in Project File PLN040556.

(b) Project planner conducted an on-site inspection on July 28, 2004 to verify that the project on the subject parcel conforms to the plans listed above.

(c) The parcel is zoned Low Density Residential, 2.5 units/acre, Design Control District ("LDR/2.5-D"). The project is in compliance with Site Development Standards for a Low Density Residential District in accordance with Section 21.14.060.

(d) The North County Land Use Advisory Committee recommended approval of the project by a vote of 5 for and 0 against. LUAC meeting minutes dated September 15, 2004.

(e) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN040556.

2. FINDING: LEGAL NONCONFORMING USES – The subject site currently has two single-family dwellings that were built around 1939. Since the site is currently zoned Low Density

Residential, 2.5-acre minimum and the site is only 2.738 acres, the property is non-conforming to the zoning minimum. The approval of this project would allow replacement of a deck, porch, roof, and interior improvements to keep the structures from deteriorating.

EVIDENCE: (a) Monterey County Assessor's records indicate main structure was built in the 1930s and the secondary structure was built in the early 1950s.

(b) Subsequent land use regulations of 2.5 acres per unit created nonconforming status of the two existing structures.

(c) Materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the existing structures, found in Project File PLN040556.

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

EVIDENCE: (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks and North County Fire District. Conditions recommended have been incorporated.

(b) There is no indication that there are 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 concurs.

(c) Staff conducted an on-site visit on July 28, 2004 to verify that the site is suitable for this use.

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

EVIDENCE: (a) CEQA Guidelines Section 15301(d) categorically exempts restoration of deteriorated or damaged structures to meet current standards of public health and safety.

(b) No adverse environmental effects were identified during staff review of the development application during site visit on July 28, 2004.

(c) Development is largely contained in an already disturbed area of the property. There are no unusual circumstances related to the project or property.

5. **FINDING: VIOLATIONS** – This Use Permit will clear CE040042, for improvements that require a building permit. The approval of the Use Permit will result in the property being in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. Zoning violation abatement costs have been paid.

EVIDENCE: (a) Staff reviewed Monterey County Planning and Building Inspection Department records and found Code Enforcement File CE40042 to be cleared with this Use Permit.

6. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the 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: (a) Preceding findings and supporting evidence.

7. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.

EVIDENCE: (a) Section 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 a Use Permit be granted as shown on the attached sketch, and subject to the attached conditions.

PASSED AND ADOPTED this 13th day of January, 2005.

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 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 Salinas.

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

**Monterey County Planning and Building Inspection
Condition Compliance and/or Mitigation Monitoring
Reporting Plan**

Project Name: *Bruno*

File No: PLN040556 **APN:** 129-011-012-000

Approval by: Zoning Administrator **Date:** January 13, 2005

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Numbe r</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsibl e Party for Complianc e</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1		This Use Permit for (PLN040556) will legalize improvements made to two legal non-conforming Single Family Dwellings and `Clear Violation CE040042; and Design Approval. The property is located at 17244 McGuffie Road, Prunedale (Assessor's Parcel Number 129-011-012-000), northerly of Highway 156, North County Area Plan. This permit was approved 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)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

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2		The applicant shall record a notice that states: "A permit (Resolution 040556) was approved by the Zoning Administrator for Assessor's Parcel Number 129-011-012-000 on January 13, 2005. The permit was granted subject to 4 conditions of approval that 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)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3		The applicant shall submit to the Division of Environmental Health for review and approval an amended water system agreement that reflects the addition of one water system connection to the project parcel, APN 129-011-012-000. (Environmental Health)	Submit necessary amended water system agreement to EH for review and approval.	Owner/ Applicant	Prior to occupancy .	
4		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)	Submit all applicable well information to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of Use Permit	