

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: June 24, 2004 at 10:00 a.m.	Agenda Item
Project Description: VARIANCE FOR A 6 FT. ADDITION TO THE ALLOWED 20 FT. MAXIMUM HEIGHT AND DESIGN APPROVAL FOR A 2,064 SQ. FT. TWO STORY ADDITION TO AN EXISTING 3,570 SQ. FT. SINGLE FAMILY RESIDENCE.	
Project Location: 22340 TORO HILLS DRIVE	APN: 161-042-017-000
Planning Number: PLN030593	Name: Von Berg
Plan Area: Toro	Flagged and Staked: No
Zoning Designation: MDR/B-6-D-(20), ('Medium Density Residential,' Design Review, and 20 ft maximum height limit)	
CEQA Action: Categorically Exempt - §15301(e), CEQA Guidelines	
Department: Planning and Building Inspection	

RECOMMENDATION:

Approve the Von Berg Variance and Design Approval (PLN030593) based on the Findings and Evidence (Exhibit "A") and subject to proposed conditions (Exhibit "B").

OVERVIEW OF POTENTIAL ISSUES:

Variance. The variance, as described, meets all the requirements for approval set forth in the zoning ordinance as described below:

- (a) Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of Title 21 is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The average height of over 50% of the houses in the vicinity is over 28 ft.
- (b) The variance does not constitute a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. The average height of over 50% of the houses in the vicinity is over 28 ft.
- (c) The use for an addition to a single family residence is expressly authorized by the zone regulation governing the property.

OTHER AGENCY INVOLVEMENT:

✓	Water Resources Agency
✓	Division of Environmental Health
✓	Public Works Department
✓	Salinas Rural Fire District

All have reviewed this project. The Planning and Building Inspection Department, Water Resources Agency, and the Salinas Rural Fire District recommend conditions (Exhibit "B").

The proposed Variance and Design Approval received a recommendation for approval by the Toro Land Use Advisory Committee on April 26, 2004 (7 – 0, with 1 absent) with no written comments applicable to the County process.

Note: The decision on this project is appealable to the Planning Commission.

Michael McCormick, Associate Planner
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Cc: Environmental Health; Public Works; Salinas Rural Fire District; Monterey County Water Resources Agency; Ann Towner; Dale Ellis; Michael McCormick; Linda Rotharmel; Susan Collignon; Owner; Applicant; File

Attachments:

Exhibit "A"	Recommended Findings and Evidence
Exhibit "B"	Recommended Conditions of Approval
Exhibit "C"	Project Plans
Exhibit "D"	Variance Justification Letter and Engineers Ridge Height Survey
Exhibit "E"	Toro LUAC Report
Exhibit "F"	Vicinity Map

This report was reviewed by Dale Ellis, Assistant Director.

EXHIBIT “A”
RECOMMENDED FINDINGS AND EVIDENCE

1. FINDING: CONSISTENCY AND SITE SUITABILITY --

- The Von Berg Variance and Design Approval (PLN030593), as described in Condition No. 1 and as conditioned, is consistent with the Toro Area Plan and the Monterey County Zoning Ordinance (Title 21). The parcel is zoned “MDR/B-6-D-(20)”, (‘Medium Density Residential,’ Design Review, and 20 ft maximum height limit).
- The site of the proposed construction is located at 22340 Toro Hills Drive, Salinas (Assessor’s Parcel Number 161-042-017-000), in the Toro planning area. The site is physically suitable for the use proposed.

- EVIDENCE:** (a) The application and plans submitted for the Combined Development Permit in project file PLN030593 at the Monterey County Planning and Building Inspection Department.
- (b) The project planner conducted a site visit to verify that the proposed project complies with applicable regulations. No adverse environmental effects (visual or other) were identified during staff review of the development application at the time of the site visit.
- (c) The Toro Land Use Advisory Committee (LUAC) reviewed the project on April 26, 2004, and recommended approval (7 – 0, with 1 absent).
- (d) The project has been reviewed by the Monterey County Planning and Building Inspection Department, Salinas Rural Fire District, Monterey County Water Resources Agency, Monterey County Public Works Department, and the 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) Preceding findings and supporting evidence.

2. FINDING: CEQA: - The project is exempt from environmental review.

- EVIDENCE:** (a) No adverse environmental effects were identified during staff review of the development application or during the planner’s site visit.
- (d) CEQA Guidelines Section 15301(e) categorically exempts additions to existing structures.
- (e) Preceding and following findings and supporting evidence.

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 cost, if any, have been paid.

- EVIDENCE:** Staff reviewed Monterey County Planning and Building Inspection Department records and has found no violations on the subject properties.

4. FINDING: VARIANCE - The variance, as described meets all the requirements for approval set forth in Title 21 zoning ordinance as described below. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of Title 21 is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The variance does not constitute a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. The use for an addition to a single family residence is expressly authorized by the zone regulation governing the property.

EVIDENCE: (a) The average height of over 50% of the houses in the vicinity is over the 26 ft maximum height proposed by the applicant.
(b) Seven of the eleven houses in the immediate vicinity of the property were surveyed by Baseline Land Surveyors, Inc. on January 29, 2004. The surveyor found that the average height of the seven houses was 28.8 ft.
(c) Materials and photographs in project file PLN030593.
(d) Preceding and following findings and supporting evidence.

5. 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, happiness, 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: Preceding findings and supporting evidence.

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

EVIDENCE: Section 21.80.040.B of the Monterey County Zoning Ordinance (Title 21).

EXHIBIT "B"
RECOMMENDED CONDITIONS

Monterey County Planning and Building Inspection Condition Compliance Matrix	<i>Project Name:</i> <u>Von Berg</u>	
	<i>File No:</i> <u>PLN040593</u>	<i>APN:</i> <u>161-042-017-000</u>
	<i>Approval by:</i> <u>Zoning Administrator</u>	<i>Date:</i> <u>June 24, 2004</u>

<i>Permit Cond. No.</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.	The subject permit approval allows a Variance for a 6 ft. addition to the allowed 20 ft. maximum height and Design Approval for a 2,064 sq. ft. two story addition to an existing 3,570 sq. ft. single family residence. The property is located at 22340 Toro Hills Drive, Salinas, (Assessor's Parcel Number 161-042-017-000), Toro Area. 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	
2.	The applicant shall record a notice which states: "A permit (Resolution 030593) was approved by the Zoning Administrator for Assessor's Parcel Number 161-042-017-000 on June 24, 2004. The permit was granted subject to 9 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	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuanc e of grading and building	

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	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)			permits.	
3.	All exterior lighting shall be unobtrusive, compatible 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 three (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 Department)	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.	Owner/ Applicant	Prior to Issuance of Grading and/or Building Permits	
4.	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: <ul style="list-style-type: none"> 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) 	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior final inspection/ occupancy	

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5	<p>FIRE011 - ADDRESSES FOR BUILDINGS</p> <p>All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Salinas Rural Fire District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of building permit.</p>	
		<p>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.</p>	<p>Owner/ Applicant</p>	<p>Ongoing</p>	

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6	<p>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)</p> <p>Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Salinas Rural Fire District)</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
7	<p>FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</p> <p>The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Salinas Rural Fire District)</p>	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
8	<p>FIRE026 - ROOF CONSTRUCTION (STANDARD)</p> <p>All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class B roof construction. (Salinas Rural Fire District)</p>	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

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9	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 a qualified professional archaeologist can evaluate it. 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)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. 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.	Owner/ Applicant/ Archaeolo- gist	Ongoing	