

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: September 28, 2006 Time: A.M.	Agenda Item No.:
Project Description: Variance to exceed lot coverage by .9% in a Rural Grazing Zoning District for the construction of a 6,433 sq. ft. one-story single family residence and attached garage.	
Project Location: 36635 Ashley Pl, Greenfield	APN: 419-481-025-000
Planning File Number: PLN060374	Name: Robert & Audra Vaccarezza, Property Owners
Plan Area: Central Salinas Valley Area Plan	Flagged and staked: Yes
Zoning Designation: "RG/2.5" [Rural Grazing Zoning District with a maximum gross density of 2.5 acres per unit.]	
CEQA Action: Categorically Exempt per Section 15303 and 15305	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator approve the Variance based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

PROJECT OVERVIEW:

(See Exhibit B).

OTHER AGENCY INVOLVEMENT:

- ✓ South County CDF
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. No conditions were submitted by these agencies with this discretionary application since the applicant had previously submitted building and grading plans which have been reviewed and approved by the above agencies. Only RMA-Planning Conditions have been incorporated into the condition compliance reporting plan (**Exhibit D**).

No Land Use Advisory Committee (LUAC) exists for this area.

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

Nadia Amador
(831) 755-5114, amadorn@co.monterey.ca.us
September 1, 2006

cc: Zoning Administrator; South County CDF; Public Works Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Planning & Building Services Manager; Nadia Amador, Planner; Carol Allen, Robert and Audra Vaccarezza, Applicants; Planning File PLN060374.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Overview
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Conditions of Approval
	Exhibit E	Applicant's Letter of Variance Justification
	Exhibit F	Site Plan, Elevations, Floor Plans

This report was reviewed by Mike Novo, Interim Director of Planning.

EXHIBIT A

EXHIBIT B

PROJECT OVERVIEW:

The applicant is seeking a Variance to exceed the 5% lot coverage limitation established by the Rural Grazing Zoning District of the Monterey County Zoning Ordinance (Title 21, Section 21.32.060.E). The project proposes a 5.9% lot coverage for the construction of a new 6,433 one-story single family residence and attached garage (4,447 sq. ft. residence and 1,287 sq. ft. garage and 699 sq. ft. of covered porch area). The project site is located at 36635 Ashley Place, Greenfield within the residential development known as Arroyo Seco Estates, off of Arroyo Seco Road.

Section 21.72.040 of the Monterey County Zoning Ordinance, Title 21 requires that certain findings must be made in order to grant a variance. These findings include: the existence of special circumstances making the strict application of code requirements to deprive the subject property of privileges enjoyed by other properties in the vicinity; that the granting of a variance does not constitute a grant of special privileges inconsistent with the limitations upon the other properties in the vicinity and zone in which such property is situated; and that a variance shall be granted for a use or activity not authorized by the zoning regulations governing the parcel or property.

The property is a 2.5 acre parcel zoned “RG/2.5” or Rural Grazing with a maximum gross density of 2.5 acres per unit and a General Plan Designation of “Rural Grazing, 40 acre minimum”. The current zoning and General Plan Designation were the consequence of an approved application (BOS Resolution Numbers 95-389; 95-390; and 95-391) filed under PC-95031. This application was for a Combined Development Permit consisting of a General Plan Amendment, Rezoning and Lot Line Adjustment. The General Plan Amendment changed the General Plan Designation from Permanent Grazing, 40 acre minimum and Farmlands, 40 acre minimum to Rural Grazing, 40 acre minimum. The rezoning changed the subject property’s zoning from Permanent Grazing, 40 acre minimum and Farmlands, 40 acre minimum to Rural Grazing, 2.5 acre minimum. The Lot Line Adjustment involved 28 parcels: Two resulting parcels of 1,450 and 2,747.96 acres were entered into an Agriculture Easement Agreement between the County of Monterey and Ed and Evangelina Silva, property owners (Reel 3436 page 735). The remainder of the 26 parcels were approved as a “clustered development” with sizes ranging between 2.5 acres to 7.1 acres. All of the 26 “clustered” lots, including the subject parcel, are or are being developed as residential lots. To require these lots to adhere to a five percent lot coverage would deprive the parcels of privileges enjoyed by other properties in the vicinity that have greater acreage under the same zoning designation.

The strict application of the 5% maximum allowed coverage by the “RG” zoning district would allow a maximum of 5,445 square feet of lot coverage for this 2.5 acre parcel. The proposal is to build a residence with a total of 6,433 square feet of lot coverage, which exceeds the maximum limitation by 988 square feet or by .9 percent. The size of the 2.5 acre lot is not sufficient for a viable agriculture use. Furthermore, staff finds that PC-95031 includes language, such as “clustered development”, which implies that the 26 clustered parcels that range in size between 2.5 to 7.1 acres, were intended as residential lots. Therefore, it is reasonable to apply the requirements and site development standards of the Low Density or Rural Density Residential zoning designation in keeping with the residential use of the subject property.

Variances to site coverage have been granted to properties under similar circumstances regarding size and location (PLN050081-Mason; PLN020063-Nelson; and PLN010572-Horsley), where the County has found that exceeding site coverage limitations on smaller lots to allow additional permitted development does not constitute a special privilege. The Mason variance (Zoning

Administrator Resolution No. 050081) included a staff recommendation which was incorporated into the findings that smaller legal non-conforming parcels, such as these, are not agriculturally viable and are being used in a residential capacity. To require these lots to adhere to a five percent lot coverage would deprive the parcels of privileges enjoyed by other properties in the vicinity. Because of this, it was reasonable to apply the requirements and site development standards of the Rural Density Residential zoning designation. The variance would not grant a use not authorized within the Rural Grazing zoning designation because this zoning allows single family development per Section 21.32.030 B. Furthermore, the site development standards under the “RG” zoning Section 21.32060 A, *Minimum Building Site*, makes this 2.5 acre parcel a conforming site since it was part of a “clustered residential development”.

Based on the above discussion and staff review of the site conditions, staff believes that the necessary findings can be made for the granting of the variance and therefore recommends that the variance be granted subject to the proposed findings and evidence and recommended conditions of approval.

EXHIBIT C

RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, the Central Salinas Valley Area Plan, the Central Salinas Valley Area Plan Inventory and Analysis, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for development.

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

(b) The property is located at 36635 Ashley Place, Greenfield (Assessor's Parcel Number 419-481-025-000, Central Salinas Valley Area Plan. The parcel is zoned Rural Grazing with a maximum gross density of 2.5 acres per unit ("RG/2.5"). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.

(c) The project planner conducted a site inspection on July 19, 2006 to verify that the project on the subject parcel conforms to the plans listed above.

(d) The subject property is a legal lot of record per Volume 20, Survey Map page 82, which allowed a major lot line adjustment that created this parcel as part of a "clustered development" Combined Development Permit (Planning File No. PC95031).

(e) The subject property meets the minimum lot size standard per Section 21.32.060A in that the 2.5 acre lot was approved as part of a "clustered development" per Planning File No. PC95031. This application involved a lot line adjustment between 28 lots, of which 26 lots were clustered with sizes ranging from 2.5 to 7.1 acres; the remaining 2 parcels maintained a size of 1,450 and 2,747.96 acres and were entered into an Agriculture Easement Agreement (Reel 3436 page 735) between the County of Monterey and Ed and Evangelina Silva, property owners.

(f) The subject property has a General Plan Designation of "Rural Grazing, 40 acre minimum," approved per BOS Resolution Number 95-389 on August 22, 1995.

(g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN060374.

2. **FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, South County CDF, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

(b) Technical reports by outside archaeological and geological consultants indicated that there are not physical or environmental constraints that

would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:

“Cultural Resources Evaluation of the Arroyo Seco Estates” (LIB020018) Archaeological Resource Management, Rancho Palos Verdes, CA., April 3, 2001.

“Geological Hazard Study” (LIB020018), John Kingsley, Monterey, CA., June 1, 1994.

“Preliminary Soils Engineering Report Arroyo Seco Estates Lots 22-26” (LIB060508) Earth Systems Consultants Northern California, Hollister, CA., July 28, 2000 with updated “Geotechnical Review of Plans” letter dated February 15, 2006.

- (c) Monterey County GIS indicates that no environmentally sensitive habitat or species, including the San Joaquin Kit Fox, exist on the subject property.
- (d) Staff conducted a site inspection on July 19, 2006 to verify that the site is suitable for this use.
- (e) Materials in Project File PLN060374.

3. FINDING: CEQA (Exempt): - The project is categorically exempt from environmental review.

- EVIDENCE:**
- (a) California Environmental Quality Act (CEQA) Guidelines Section 15303, categorically exempts new construction of single family dwellings. The existing land use designation allows the construction of a single family residence.
 - (b) CEQA Guidelines Section 15305, categorically exempts minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. The average slope of the proposed site is under 20%.
 - (c) No adverse environmental effects were identified during staff review of the development application during a site visit on July 19, 2006.
 - (d) See preceding and following findings and supporting evidence.

4. FINDING: SPECIAL CIRCUMSTANCES – 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:**
- (a) The subject property is a 2.5 acre parcel located in the “RG/2.5” zoning district. This parcel is very small compared to the size requirements under the zoning designation and compared to the size of parcels in the vicinity outside of the Arroyo Seco Estates development. The strict application of the site coverage limitation would deprive the owner of developing a single family residential unit similar to other units in the vicinity and under the same zoning designation.
 - (b) The subject property, APN 419-481-025-000, is part of a clustered development approved by PC-95031, a Combined Development Permit consisting of a General Plan Amendment, Rezoning and Lot Line Adjustment. The General Plan Amendment changed the General Plan Designation from Permanent Grazing, 40 acre minimum and Farmlands, 40 acre minimum to Rural Grazing, 40 acre minimum. The rezoning changed the subject property’s zoning designation from Permanent Grazing, 40 acre minimum and Farmlands, 40 acre minimum to Rural Grazing, 2.5 acre

minimum. The Lot Line Adjustment involved 28 parcels: two parcels maintained a size of 1,450 and 2,747.96 acres and were entered into an Agriculture Easement Agreement (Reel 3436 page 735); the remainder of the 26 parcels were approved as a “clustered development” with sizes ranging between 2.5 acres to 7.1 acres. The subject property is part of the 26 clustered lots that were created for residential lots. Therefore, it is reasonable to apply the requirements and site development standards of the Low Density or Rural Density Residential zoning designation in keeping with the residential density use of the 26 created residential parcels.

(c) The subject 2.5 acre parcel is not an agriculturally viable lot.

5. **FINDING: NOT A GRANT OF SPECIAL PRIVILEGE** – 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: (a) Single-family units similar to the proposed 6,433 square foot residence can be developed or already exist on parcels in the immediate vicinity of the project site and under the same zoning designation.

(b) Variances to site coverage have been approved for parcels with similar circumstances regarding size in the agriculture zoning designations, such as in the farmlands zone for PLN050081-Mason; PLN020063-Nelson; and PLN010572-Horsley. Granting of these variances has not constituted a special privilege because they afford these restricted lots the potential for development that would be allowed on larger parcels under the same zoning.

(c) The 5% lot coverage limitation was created to apply to 40-acre parcels (Title 21, Section 21.32.060 E).

(d) If the parcel was conforming at a 40-acre lot size, the allowed lot coverage would be 87,120 square feet.

(e) The approval of this “clustered development” created parcels of sizes typically found in the Low Density Residential Zoning District (Title 21, Section 21.14.060 A).

(f) The Low Density Residential Zoning District allows a lot coverage of 25% on lots of 20,000 square feet or more. This variance will be for substantially less than allowed by that designation.

(g) The lot coverage proposed is substantially less than would be allowed on a conforming parcel.

6. **FINDING: THIS USE IS AUTHORIZED IN THIS ZONING-** A Variance shall not be granted for a use or activity that is not otherwise expressly authorized by the zone regulation governing the parcel of property.

EVIDENCE: (a) The property is located in the “RG/2.5” (Rural Grazing, 2.5 acres per unit) zoning designation which allows for single family residences per Monterey County Code Section 21.32.030.B.

(b) The property was approved as part of a “clustered development” per PC-95031 and therefore it is consistent with the minimum lot size requirement pursuant to Monterey County Code Section 21.32.060.A. The ordinance in effect at that time allowed clustered development for residential purposes. These lots were created for that purpose.

(c) Staff’s site visit on July 19, 2006 .

(d) Materials in Project File PLN060374.

7. **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 RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.

8. **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.

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

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

<p style="text-align: center;">EXHIBIT D</p> <p style="text-align: center;">Monterey County Resource Management Agency</p> <p style="text-align: center;">Planning Department</p> <p style="text-align: center;">Condition Compliance and/or Mitigation Monitoring Reporting Plan</p>	<p>Project Name: Vaccarezza</p> <p>File No: PLN060374</p> <p>APN: 419-481-025-000</p> <p>Approved by: Zoning Administrator</p> <p>Date: September 28, 2006</p>
---	---

**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. Number</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>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PBD029 - SPECIFIC USES ONLY</p> <p>This Variance (PLN060374) allows exceeding the lot coverage limitation by .9% or 988 square feet in a Rural Grazing Zoning District for the construction of a 6,433 sq. ft. one-story single family residence and attached garage. The property is located at 36635 Ashley Place, Greenfield (Assessor's Parcel Number 419-481-025-000), Central Salinas Valley 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 RMA - Planning Department. 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. [Resource Management Agency (RMA) - Planning Department]</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</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>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
2.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 060374) was approved by the Zoning Administrator for Assessor's Parcel Number 419-481-025-000 on September 28, 2006. The permit was granted subject to 6 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to RMA - PD	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3.		PBD030 - STOP WORK - RESOURCES FOUND 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 RMA - Planning 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. (RMA - Planning Department)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning 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/ Archaeologist	Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</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>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
4.		PBD013(A) - GEOTECHNICAL CERTIFICATION Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA-Planning and Building Inspection)	Submit certification by the geotechnical consultant to PBI showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to Final Building Inspection	
5.		PBD018(A) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY) 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. 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. 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. (RMA-Planning and Building Inspection)	Submit landscape plans and contractor's estimate to PBI for review and approval.	Owner/ Applicant/ Contractor	At least 60 days prior to final inspection or occupancy	
			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.	Owner/ Applicant	Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</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>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
6.		PBD (NON-STANDARD) LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, <i>down-lit</i> , harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. <i>Exterior lights shall have recessed lighting elements.</i> 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. (RMA-Planning and Building Inspection)	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	
			Construct and maintain lighting in accordance with approved plans.	Owner/ Applicant	Ongoing	