

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: September 13, 2007	Time: A.M	Agenda Item No.:
Project Description: Use Permit to legalize the conversion of the second story of a barn into a 480 square foot Guesthouse.		
Project Location: 6048 Trigo Lane, Salinas		APN: 127-081-018-000
Planning File Number: PLN070093		Name: Paul and Becky Brownfield, Owners
Plan Area: North County Area Plan		Flagged and staked: No, Existing Structure
Zoning Designation: : (“RC/B-8” [Resource Conservation with a B-8 overlay])		
CEQA Action: 15303		
Department: RMA - Planning Department		

RECOMMENDATION:

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

PROJECT OVERVIEW:

The 1.437 acre parcel (Assessor’s Parcel Number 127-081-018-000) is located at 6048 Trigo Lane in Salinas, within the North County Area Plan. The property is zoned Resource Conservation with a B-8 overlay or “RC/B-8”. On September 22nd, 2006 a code enforcement case (file number CE060340) was opened on the subject parcel for the conversion of the second story of a 1,120 square foot barn into a 480 square foot dwelling unit without permits. The applicant was informed by their Code Enforcement Officer that the kitchen and cooking facilities had to be removed from the unit per Section 21.42.030.H.1 of The Monterey County Zoning Ordinance (Title 21).

A Use Permit was applied for on May 23rd, 2007 to legalize the conversion of the second story of the barn into a 480 square foot Guesthouse. The Guesthouse exceeds the 15 foot height limitation required for a habitable accessory structure by four feet. The Zoning Ordinance (Title 21), Section 21.64.020.D, states; “Any guesthouse proposal which does not comply with the provisions of this Section shall require a Use Permit. If the modification to the provisions of this Section are for other than the height of the guesthouse pursuant to Section 21.64.020(C)(11), a Variance shall also be required. The Zoning Administrator shall be the Appropriate Authority to consider said permits.” Section 21.64.020(C)(11) states, “The guesthouse height shall not exceed 15 feet nor be more than one story. Additions to height and placement of guesthouses over a one-story structure, such as a garage, may be considered by Use Permit (ZA) when intended to provide for architectural consistency and compatibility with the main residence.”

The exception to the 15 foot height requirement can be made in this case because the additional height allowance provides for architectural compatibility with the main residence and furthermore provides for architectural consistency and compatibility with the rural character of the neighborhood. Several properties in the immediate vicinity of the Brownfield property are comprised of one-story single family dwellings with detached two-story accessory units, in many cases these accessory units are barns.

OTHER AGENCY INVOLVEMENT:

- ✓ North County Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by the departments have been incorporated into the condition compliance reporting plan (**Exhibit C**).

The project was not referred to the North County Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project is exempt from CEQA per Section 15303.

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

Brittanyann C. Nicholson
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July 31, 2007

cc: Zoning Administrator; North County Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Bob Schubert, Planning & Building Services Manager; Brittany Nicholson, Planner; Carol Allen, Paul and Becky Brownfield, Applicants; Susan Lombardo, Agent; Planning File PLN070093.

Attachments: Exhibit A Project Data Sheet
 Exhibit B Recommended Findings and Evidence
 Exhibit C Recommended Conditions of Approval
 Exhibit D Site Plan, Elevations, Floor Plans

This report was reviewed by Bob Schubert, Planning and Building Service Manager

EXHIBIT B

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, North County Area Plan, North County 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 6048 Trigo Lane, Salinas (Assessor's Parcel Number 127-081-018-000), North County Area Plan. The parcel is zoned Resource Conservation with a B-8 overlay or ("RC/B-8"). 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 June 21st, 2007 to verify that the project on the subject parcel conforms to the plans listed above.

(d) The Wood Subdivision Planning File No. MS-73220 allowed the division of a 5.706 acre parcel (Assessor's Parcel Number 127-081-003) into four parcels. The subject parcel is one of the four parcels created.

(e) The project complies with the regulations for a Guesthouse in accordance with the Monterey County Zoning Ordinance (Title 21) Section 21.64.020.C and 21.64.020.D. A condition has been incorporated requiring the applicant to record a Guesthouse deed restriction.

(f) The Monterey County Zoning Ordinance, Section 21.64.020(C)(11) states, "The guesthouse height shall not exceed 15 feet nor be more than one story. Additions to height and placement of guesthouses over a one-story structure, such as a garage, may be considered by Use Permit (ZA) when intended to provide for architectural consistency and compatibility with the main residence." The exception to the 15 foot height requirement can be made in this case because the additional height allowance provides for architectural compatibility with the main residence and furthermore provides for architectural consistency and compatibility with the rural character of the neighborhood. Several properties in the immediate vicinity of the Brownfield property are comprised of one-story single family dwellings with detached two-story accessory units, in many cases these accessory units are barns.

(g) The project was not referred to the North County Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project is exempt from CEQA per Section 15303.

(h) 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 PLN070093.

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, North County Fire Protection District, 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) Staff conducted a site inspection on June 21st, 2007 to verify that the site is suitable for this use.

(c) Materials in Project File PLN070093.
3. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

EVIDENCE: (a) California Environmental Quality Act (CEQA) Guidelines Section 15303 categorically exempts the construction of small accessory structures.

(b) No adverse environmental effects were identified during staff review of the development application during a site visit on June 21st, 2007.

(c) See preceding and following findings and supporting evidence.
4. **FINDING: VIOLATIONS** – A Code Enforcement Case (CE060340) is open on the subject property for the conversion of the second story of a 1,120 square foot barn into a dwelling unit without permits.

EVIDENCE: (a) The approval of this Use Permit will clear the property of the existing violation (CE060340).

(b) Staff has reviewed Monterey County Resource Management Agency – Planning Department’s records and is not aware of any other violations existing on the property.
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, 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.
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) states, “The Planning Commission is the Appeal Authority to consider appeals from the discretionary decisions of the Zoning Administrator made pursuant to this Title. The decision of the Planning Commission shall be final and may not be appealed, except as provided for in Section 21.80.040 C.”

EXHIBIT C
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Brownfield
File No: PLN070093
APNs: 127-081-018-000
Approved by: The Zoning Administrator
Date: September 13, 2007

**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>PD001 - SPECIFIC USES ONLY This Use permit (PLN0700093) legalizes the conversion of the second story of a 1,120 square foot barn into a 480 square foot Guesthouse. The property is located at 6032 Trigo Lane, Salinas (Assessor's Parcel Number 127-081-018-000), 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 the 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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2.		<p>PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the (Zoning Administrator) for Assessor's Parcel Number 127-081-018-000 on (September 13, 2007). The permit was granted subject to 12 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 the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT 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)</p>	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	

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4.		<p>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</p> <p>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 which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)</p>	<p>Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.</p>	Owner/ Applicant	Prior to the issuance of building permits.	
			<p>The lighting shall be installed and maintained in accordance with the approved plan.</p>	Owner/ Applicant	Prior to Occupancy / Ongoing	

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5.		<p>PD019(A) – DEED RESTRICTION – GUESTHOUSE (INLAND)</p> <p>The applicant shall record a deed restriction stating the regulations applicable to a Guesthouse as follows:</p> <ul style="list-style-type: none"> • Only one guesthouse shall be allowed per lot. • Detached guesthouses shall be located in close proximity to the principal residence. • Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements. • The guesthouse shall not have cooking or kitchen facilities, including but not limited to microwave ovens, hot plates and toaster ovens. • The guesthouse shall have a maximum of six (6) linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of eight (8) square feet of cabinet space, excluding clothes closets. • The guesthouse shall not exceed 600 square feet of livable floor area. • The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect. • Subsequent subdivisions which divide a main residence from a guesthouse shall be prohibited. <p>(RMA – Planning Department)</p>	<p>Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading or building permits</p>	
6.		<p>PD000 - NON-STANDARD – BUILDING PERMITS REQUIRED</p> <p>The Applicant/Owner must apply for and obtain “as-built” building permits from the Monterey County Resource Management Agency – Building Department to rectify Code Enforcement Case number CE060340.</p> <p>(RMA – Planning Department)</p>	<p>Applicant/Owner must apply for and obtain “as-built” building permits to rectify Code Enforcement Case number CE060340.</p>	<p>Owner</p>	<p>Concurrent with/ Prior to the Code Enforcement Division clearing CE060340.</p>	

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7.		<p>PD000 – NON-STANDARD – CODE ENFORCEMENT</p> <p>The Applicant/Owner must contact Mr. Robert Cole, Code Enforcement Officer with the Monterey County Resource Management Agency – Building Department – Code Enforcement Division at (831) 755-5422 or coler@co.monterey.ca.us to resolve and resolve any/all outstanding issues pertaining to CE060390.</p> <p>(RMA – Planning Department)</p>	Applicant/Owner must resolve any outstanding issues related to CE060390.	Owner	Prior to issuance of any permits and the closure of CE060390.	
8.		<p>FIRE007 - DRIVEWAYS</p> <p>Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For 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 curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All</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.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	

<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>
		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. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the “T” shall be a minimum of 60 feet in length. (North County Fire Protection District)				
9.		FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) 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. (North County Fire Protection District)	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.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
10.		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) The building(s) and attached garage(s) shall be fully	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	

<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>
		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. (North County Fire Protection District)	Applicant shall schedule fire dept. rough sprinkler inspection Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner Applicant or owner	Prior to framing inspection Prior to final building inspection	
11.		FIRE026 - ROOF CONSTRUCTION (STANDARD) 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. (North County Fire Protection District)	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	
12.		FIRE000 – NON STANDARD – DRIVEWAY ACCESS A separate driveway must be constructed to access the Guesthouse from Trigo Lane. All permits (if any) required must be obtained prior to commencement of construction of the driveway. (North County Fire Protection District)	Owner shall construct a separate access driveway from Trigo Lane to the Guesthouse.	Owner	Prior to final inspection.	