

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 02048

A.P. # 177-063-013-000

FINDINGS AND

DECISION

In the matter of the application of
Neil and Tracy Gaucher (PLN020043)

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, consisting of a 606 square foot addition to an existing residence; construction of a 755 square foot basement, a 532 square foot detached garage; grading (230 cu. yds.); and Design Approval, located at 67 First Street, Spreckels, Spreckels Historic Resource District, Greater Salinas area, came on regularly for hearing before the Planning Commission on August 14, 2002.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING:** The existing single-family residence, including the proposed addition, is consistent with all applicable County land use policies including the General Plan and Greater Salinas Area Plan designation of High Density Residential, 5.1 Units per Acre,” with the Residential Land Use policies relating to the town of Spreckels [§27.1.5(GS)], and with the “HDR/5.1-D-HR” (High Density Residential) zoning of the property with respect to permitted uses and density.
EVIDENCE: The General Plan and the text and policies of the Greater Salinas Area Plan and Chapter 21.10 of the County Zoning Ordinance (Title 21) were evaluated during the review of the application.
EVIDENCE: The proposed addition upholds the integrity of the Spreckels Historic District which includes small-scale, single-family wooden homes with yards, and single-story detached garages, while meeting the applicant’s objective.
EVIDENCE: Application and materials in project File PLN020043, and the administrative record.
2. **FINDING:** The site is physically suitable for the proposed residential addition.
EVIDENCE: The subject parcel is flat, already developed, and contains no major vegetation. The site has no waterways, geologic constraints, or identified archaeological resources.
3. **FINDING:** With regard to a designated resource, the proposed work is found to be consistent with the purposes of County Code Chapter 21.54 and will neither adversely affect the significant architectural features of the designated resource nor adversely affect the character of historical, architectural, or aesthetic interest or value of the designated resource and its site.
EVIDENCE: The mass, scale and size of the proposed new construction is consistent with the Spreckels Design Guidelines which state that:
 - “New residential construction should maintain the patterns of building setbacks, massing, volume, scale, roof type, spacing and siting of adjoining structures and the neighborhood as a whole,” (Page 53)

- “New buildings, alterations and additions to residential buildings should reflect the architectural qualities that unify the structures of the district. Designs for new buildings should also maintain the design integrity and distinguishing features of the existing historic district and of existing historic buildings,” (Page 54, Policy 1)
- “Additions or alterations which alter the height, main facade elements, distinguishing architectural features or architectural character of a structure when viewed from the street generally are inappropriate;” (Page 54, Guideline R1.1)
- “The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and existing architectural features...;” (Page 54, R1 .2) and
- “New roofs should match roof pitches and materials of adjacent buildings.” (Page 54, R1.8)

EVIDENCE: The proposed residential addition and existing single-family residence meet the Spreckels Design Guidelines in terms of design, setback, massing, volume, scale, and roof type. It does not detract from the design integrity and distinguishing features of the Spreckels Historic District. It is in scale with existing development on the site.

EVIDENCE: Site visit by Planning and Building Inspection Department staff August 1, 2002.

EVIDENCE: Application and materials in project File PLN020043 and the administrative record.

4. **FINDING:** The proposed single-family residential addition, basement and detached garage, is found to be consistent with the purposes of this County Code Chapter 21.54 and conforms to the prescriptive standards and design guidelines for the district (Spreckels Historic District) adopted by the Board of Supervisors and does not adversely affect the character of the district.

EVIDENCE: While the Historic Resources Review Board recommended denial of earlier design proposals for the remodel of the Gaucher Residence, they clearly described the elements of the applicant’s design that needed to be addressed and altered: roof design, roof pitch, siding materials and excessive lot coverage (3.5%). Planning Staff has reviewed the revised submittal (plans dated August 7, 2002) and acknowledges that these “outstanding items” have now been successfully addressed by the applicant.

EVIDENCE: Application and materials in project File PLN020043 and the administrative record.

EVIDENCE: See the evidence for Findings #3 and #4.

5. **FINDING:** The use and exterior of the proposed single-family residential addition, basement and detached garage will neither adversely affect, nor be incompatible with the use and exterior of existing designated historical resources, improvements, buildings, natural features, and structures on such site.

EVIDENCE: The use will remain as a single family residence use in a residential zone.

EVIDENCE: Application and materials in project File PLN02043 and the administrative record.

6. **FINDING:** The action proposed is necessary to correct an unsafe or dangerous condition on the property and such unsafe or dangerous condition has not been ordered to be corrected pursuant to Section 18.25.160 of this Code:

EVIDENCE: This finding is inapplicable in this circumstance as no unsafe or dangerous condition has been identified on the property.

7. **FINDING:** The subject parcel is in a Design Control or “D” District requiring action pursuant to Chapter 21.44 of Monterey County Zoning Ordinance (Title 21).

EVIDENCE: To this end, the applicant has provided the Planning Commission with a Design Approval Request, drawings, and a statement of materials and colors to be used.

8. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to the use of the property, and all zoning abatement costs, if any, have been paid.
EVIDENCE: Staff verification of the records at the Monterey County Planning and Building Inspection Department and field visits confirm that no violations exist on the subject property.
9. **FINDING:** The project will not have a significant impact on the environment.
EVIDENCE: The project is exempt from environmental review under Section 15303 of the CEQA Guidelines relating to New Construction and Small Structures.
10. **FINDING:** The establishment, maintenance or operation of the uses and buildings 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 or to the general welfare of the County.
EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency, Salinas Rural Fire District, the Monterey County Historic Resources Review Board (HRRB), and the Spreckels Neighborhood Design Review Committee. These departments and agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood, or the county in general.
11. **FINDING:** The project is appealable to the Board of Supervisors.
EVIDENCE: Section 21.80.040D of the Monterey County Zoning Ordinance (Title 21).

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

1. This is a Use Permit for an addition to an existing single family home in the "HR" (Historic Resources) Zoning District, consisting of a 606 square foot addition to an existing residence; construction of a 755 square foot basement, a 532 square foot detached garage; grading (230 cu. yds.); and Design Approval. 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 anti 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 Issuance of Grading or Building Permits:

2. Applicant shall record a notice which states: "A permit (Resolution # 02048) was approved by the Monterey County Planning Commission for Assessor's Parcel Number 177-063-013 on August 14, 2002). The permit was granted subject to 9 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 upon demand of County Counsel or prior to issuance of building permits or commencement of the use, whichever occurs first. **(Planning and Building Inspection)**

3. 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. **(Salinas Rural Fire District)**

Prior to Final Inspection/Occupancy:

4. When 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. **(Salinas Rural Fire District)**
5. Roof construction shall be Class A or Class B, with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired so as to affect 50 percent or more of the roof. **(Salinas Rural Fire District)**
6. The applicant shall comply with Ordinance No. 3539, 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)**
7. Non-building areas disturbed by construction activities, shall be replanted with landscape materials appropriate and consistent with the Spreckels Design Guidelines. **(Planning and Building Inspection)**

Continuous Permit Conditions:

8. All landscaped areas and fences shall be continuously maintained by the applicant, and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**
9. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended areas is illuminated and off-site glare is fully controlled. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 14th day of August, 2002, by the following vote:

AYES: Errea, Sanchez, Hawkins, Pitt-Derdivanis, Brennan, Parsons, Diehl, Hernandez, Engell
 NOES: None
 ABSENT: Wilmot

Original Signed By:

 DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF 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 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 2 years after the above date of granting thereof unless construction or use is started within this period.