PLANNING COMMISSION COUNTY OF MONTEREY, STATE OF CALIFORNIA



RESOLUTION NO. 05071

A.P.# 177-043-009-000

In the matter of the application of

Clay Bellows & Kristi Shawl (PLN050169)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, and Design Approval to demolish 274 Sq. Ft. of an existing rear bedroom, bathroom and laundry and construct a 745 sq. ft. addition (471 sq. ft. net) with a new bedroom & bathroom in the second story attic and expand and convert an existing bedroom to a dining room in an existing 1,254 sq. ft. single family dwelling. The property is located at 79 Railroad Avenue, Spreckels. This matter came on regularly for hearing before the Planning Commission on December 14, 2005.

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

FINDINGS OF FACT

1. FINDING:

The subject Use Permit and Design Approval (PLN050169) allows demolition of 274 Sq. Ft. of an existing rear bedroom, bathroom and laundry and construction of a 745 sq. ft. addition (471 sq. ft. net) with new bedroom and bathroom above and expansion and conversion of an existing bedroom to a dining room in an existing 1,254 sq. ft. single family dwelling. Materials to include vinyl or wood window, off-white white composition shingles, wood siding, trim and shingle siding. Materials and colors to match existing. The property is located at 79 Railroad avenue, Spreckels (Assessor's Parcel Number 177-043-009-000), in the Greater Salinas Area. The project is in accordance with County ordinances and land use regulations subject to the terms and conditions in Exhibit "C." Neither the use 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.

- **EVIDENCE:** The application and plans submitted for the use permit and design approval in project file PLN050169 at the Monterey County Planning and Building Inspection Department.
- **EVIDENCE:** Design Approval Request form with plans; and public discussion before the Historical Resources Review Board (HRRB) on August 4th & September 1, 2005.
- **EVIDENCE:** "HR" (Historic Resource) zoning regulations applicable to the site as found in Chapter 21.54 of the Monterey County Code.
- **EVIDENCE:** Spreckels Design Guidelines.
- **EVIDENCE:** Oral testimony and HRRB discussion during the public hearing of August 4th & September 1, 2005 along with the administrative record of PLN050169.
- EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the

Salinas Rural Fire District, Public Works Department and Environmental Health Division and the Historical Resources Review Board. Except for the HRRB, there has been no indication from those agencies that the design 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.

- 2. FINDING:
- The proposed project is consistent with Section 21.54 of the Monterey County Zoning Code (Regulations for Historic Resources Zoning Districts) and will neither adversely affect the significant architectural features of the designated resource nor adversely affect the character, historical, architectural, or aesthetic interest or value of the designated resource and its site.
- **EVIDENCE:** The application and plans submitted for the use permit and design approval in project file PLN050169 at the Monterey County Planning and Building Inspection Department.
- **EVIDENCE:** Design Approval Request form with plans; and public discussion before the Historical Resources Review Board (HRRB) on August 4th & September 1, 2005.
- **EVIDENCE:** "HR" (Historic Resource) zoning regulations applicable to the site as found in Chapter 21.54 of the Monterey County Code.
- **EVIDENCE:** Secretary of the Interior's Standards for the Treatment of Historic Properties.
- **EVIDENCE:** Oral testimony and HRRB discussion during the public hearing on August 4th & September 1, 2005.
- **EVIDENCE:** Spreckels Neighborhood Design Guidelines
- EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Review Board. Except for the HRRB, there has been no indication from these agencies that the design 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.
- 3. FINDING:
- The use and exterior of the new improvements, addition, building or structure upon a designated historic resource site will neither adversely effect nor be incompatible with the use and exterior of existing designated historical resources, improvements, buildings and natural features of the site.
- **EVIDENCE:** The application and plans submitted for the use permit and design approval in project file PLN050169 at the Monterey County Planning and Building Inspection Department.
- **EVIDENCE:** Design Approval Request form with plans; and public discussion before the Historical Resources Review Board (HRRB) on August 4th & September 1, 2005.
- **EVIDENCE:** "HR" (Historic Resource) zoning regulations applicable to the site as found in Chapter 21.54 of the Monterey County Code.
- **EVIDENCE:** Secretary of the Interior's Standards for the Treatment of Historic Properties.
- **EVIDENCE:** Oral testimony and HRRB discussion during the public hearings on August 4th & September 1, 2005 and the administrative record for PLN050169.
- **EVIDENCE:** Spreckels Neighborhood Design Guidelines
- EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the

Salinas Rural Fire District, Public Works Department and Environmental Health Division. Except for the HRRB, there has been no indication from those 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.

4. FINDING: The site is suitable for the use proposed.

EVIDENCE: The project has been reviewed for suitability by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the Salinas Rural Fire District, Public Works Department, the Environmental Health Division, the Historical Resources Review Board. Except for the HRRB, there has been no indication from those agencies that the site is not suitable. There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. 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. Recommended conditions have been incorporated into the Conditions of Approval as Exhibit "C."

EVIDENCE: The application and plans submitted for the use permit and design approval in project file PLN050169 at the Monterey County Planning and Building Inspection Department.

EVIDENCE: Design Approval Request form with plans; and public discussion before the Historical Resources Review Board (HRRB) on August 4th & September 1, 2005.

5. FINDING: 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, and all zoning violation abatement cost, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations on site.

6. FINDING: The approved project will not have a significant adverse impact on the environment.

EVIDENCE: Section 15303(a) of the California Environmental Quality Act Guidelines (New Construction or Conversion of Small Structures) categorically exempts this project from environmental review.

EVIDENCE: Application materials in project file PLN050169.

EVIDENCE: The project has been reviewed for suitability by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the Salinas Rural Fire District, Public Works Department, the Environmental Health Division, the Historical Resources Review Board. Except for the HRRB, there has been no indication from those agencies that the site is not suitable. There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. 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. Recommended conditions have been incorporated into the Conditions of Approval as Exhibit "C."

7. FINDING: The establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the 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 has been reviewed for suitability by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the Salinas Rural Fire District, Public Works Department and the Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. 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. Recommended conditions have been incorporated into the Conditions of Approval as Exhibit "C."

EVIDENCE: The project has been reviewed by the Spreckels Neighborhood Design Review Committee and the Historical Resources Review Board. Both committees recommend approval of the project as proposed.

EVIDENCE: Application materials in project file PLN050169.

8. FINDING:

The existing residence has approximately 400 sq. ft. addition at the rear elevation which was constructed in the 1950's. The addition does not have a foundation, does not comply with the building code, and is nearly uninhabitable. The height of the interior ceiling is 5 1/2 feet. This portion of the residence is proposed to be rehabilitated and reconstructed in accordance with the project plans in Exhibit D. The degree in which the new addition differentiates from the old, while also integrating the new construction with the existing residence is compatible with the Spreckels Design Guidelines because the project differentiates the new from the old and by construction of the new dormers and wood siding that resembles, but is not identical to the existing. The massing, size and scale of the proposed project is compatible with the existing dwelling and is similar in scale to other residences. No concerns have been raised from members of the Spreckels community regarding the proposed addition.

EVIDENCE: The project has been reviewed for suitability by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the Salinas Rural Fire District, Public Works Department, the Environmental Health Division, the Historical Resources Review Board. Except for the HRRB, there has been no indication from those agencies that the site is not suitable. There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. 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. Recommended conditions have been incorporated into the Conditions of Approval as Exhibit "C."

EVIDENCE: The application and plans submitted for the use permit and design approval in project file PLN050169 at the Monterey County Planning and Building Inspection Department.

EVIDENCE: Design Approval Request form with plans; and public discussion before the Historical Resources Review Board (HRRB) on August 4th & September 1, 2005.

DECISION

THEREFORE, it is the decision of said Planning Commission 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 14th day of December, 2005, by the following vote:

AYES:

Errea, Hawkins, Parsons, Padilla, Vandevere, Rochester, Diehl, Sanchez, Salazar, Wilmot

NOES:

None

ABSENT:

None

Dale Fl.

DALE ELLIS, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON JAN 0 3 2006

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

JAN 1 3 2006

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.

Exhibit C

Monterey County Planning and Building Inspection Condition Compliance and/or Mitigation Monitoring Reporting Plan Project Name: Bellows-Shaw

Project Number: PLN050169

APNs: 177-043-009-000

Approval by:	Date:
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^{*}Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

Permit Cond. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
	PBD029 - SPECIFIC USES ONLY This Use Permit and Design Approval (PNL050169) allows demolition of 274 Sq. Ft. of an existing rear bedroom, bathroom and laundry and construction of a 745 sq. ft. addition (471 Sq. Ft. net) with new bedroom and bathroom above and expansion and conversion of an existing bedroom to a dining room in an existing 1,254 Sq. Ft. single family dwelling. Materials to include vinyl or wood window, off-white composition shingles, wood siding, trim and shingle siding. Materials and colors to match existing. The property is located at 79 Railroad avenue, Spreckels (Assessor's Parcel Number 177-043-009-000), in the Greater Salinas 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	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

loud	itig. mber	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		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)				
		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 05071) was approved by the Planning Commission for Assessor's Parcel Number 177-043-009-000 on December 14, 2005. The permit was granted subject to 8 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 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		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 Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with	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	Owner/ Applicant/ Archaeologist	Ongoing	

Permit Cond. Number	Mitig Numb	Alongueos and Rosnausinio Lana I so	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
	55.5	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)	determine the extent of the resources and to develop proper mitigation measures required for the discovery.		Deion to	
4		WR40 - WATER CONSERVATION MEASURES 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: 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)		Owner/ Applicant	Prior to final building inspection/ occupancy	

Permit Cond. Number	Mitig. Numbe	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
5		FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. Responsible Land Use Department: Salinas Rural Fire 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.	
6		FIRE011 - ADDRESSES FOR BUILDINGS 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	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	·

Permit Cond, Number	Mitig. Numbe	Moacuroc and Rochancible Land Lco	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		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. Responsible Land Use Department: Salinas Rural Fire District.				
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
7		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. Responsible Land Use Department: (Salinas Rural Fire District).	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
8		FIRE 30 – EXISTING, NON-SPRINKLERED BUILDINGS UNDERGOING REMODEL OR ADDITION This project involves the addition, modification and/or removal of walls that are equivalent to 50	Applicant shall enumerate as "Fire Dept. Notes" on plans Applicant shall schedule fire dept.	Applicant or owner Applicant or	Prior to issuance of building permit Prior to	

Permit Cond, Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
	percent or more of the linear length of the existing	rough sprinkler inspection	owner	framing	
	walls. Accordingly, both the existing and new	Applicant shall schedule fire dept.	Applicant or	inspection	
	portions of the building(s) shall be fully protected	final sprinkler inspection	owner	Prior to	
	with automatic fire sprinkler system(s). The			final	
	following notation is required on the plans when a			building	
	building permit is applied for: "The existing and new portions of the building			inspection	
	shall be fully protected with an automatic fire				
	sprinkler system. Installation, approval and				
	maintenance shall be in compliance with				
:	applicable National Fire Protections Association				:
	and/or Uniform Building Code Standards, the				
	editions of which shall be determined by the				
	enforcing jurisdiction. Four (4) sets of plans for				
	fire sprinkler systems must be submitted and				
	approved prior to installation. Rough-0in				
	inspections must be completed prior to requesting				
	a framing inspection. (Salinas Rural Fire District) End of Conditions				

