

RESOLUTION NO. 010154

A.P.# 101-231-004-000

In the matter of the application of  
**Tracy Scott Del Buono TR (PLN010154)**

FINDINGS & DECISION

for a Variance to Section 21.42.030F, in accordance with Title 21 (Zoning) Chapter 21.72 (Variances) of the Monterey County Code, for the reduction of the side yard setback from 20 feet to 9 feet to allow for the construction of a 255 sq. ft. addition to an existing one-story single family residence; located at 1533 Monterey – Salinas Highway north of the cross street of Olmsted Road, came on regularly for hearing before the Zoning Administrator on February 28, 2002.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto, now makes the following findings and decision:

FINDINGS OF FACT

1.     **FINDING:**     The subject Variance and Design Approval (PLN000339), as described in condition #1 is for a Variance for the reduction of the side yard setback from the required 20 feet to 9 feet, and to allow for the construction of a 851 sq. ft. addition to an existing one-story single family residence. The property is located at 1533 Monterey – Salinas Highway (Assessor’s Parcel Number 416-301-017-000), Greater Monterey Peninsula Area Plan. The parcel is zoned “RC/10 – UR – D - S” or Resource Conservation – Urban Reserve - Design Control District – Site Control. Except for the Variance request, the project, as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.  
**EVIDENCE:**     The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with the General Plan and the Greater Monterey Peninsula Area Plan.  
**EVIDENCE:**     The application and plans submitted for the Variance, including the justification letter, contained in the project file at the Monterey County Planning and Building Inspection Department.  
**EVIDENCE:**     The project planner conducted a site visit on February 20, 2002 to verify that the proposed project complies with the Monterey County Zoning Ordinance.  
**EVIDENCE:**     Design Approval Request form with plans recommended for approval by the Toro Land Use Advisory Committee.  
**EVIDENCE:**     Section 21.14.030 of the Monterey County Zoning Ordinance, Title 21. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.
  
2.     **FINDING:**     The proposed project will not have a significant environmental impact.

- EVIDENCE: Section 15301(e)(2) of the California State CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.
3. FINDING: Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of Title 21 is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
- EVIDENCE: Staff has reviewed the request for variance (Exhibit D) and determined that the required findings can be made to approve the variance given that site topography limits site development, the odd shape of the lot, and that the building area at the rear of the lot is the most logical location for the addition. Staff has determined that there are no other issues regarding this project.
- EVIDENCE: The application and plans submitted for the Variance, including the justification letter, in the project file at the Monterey County Planning and Building Inspection Department.
4. FINDING: The Variance does 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: Properties with similar types of site restrictions and circumstances routinely have been granted similar variances.
- EVIDENCE: The application and plans submitted for the Variance, including the justification letter, in the project file at the Monterey County Planning and Building Inspection Department.
5. FINDING: The Variance does not grant a use or activity that is not otherwise expressly authorized by the zone regulation governing the parcel of property.
- EVIDENCE: The use is allowed per Section 21.14.030, Principal Uses Allowed in the Low Density Residential zoning district.
6. FINDING: The project is appealable to the Planning Commission.
- EVIDENCE: Section 21.80.040.B of the Monterey County Zoning Ordinance (Title 21).

### **DECISION**

THEREFORE, it is the decision of said Zoning Administrator that said application for Variance be granted as shown on the attached sketch, and subject to the following conditions:

1. The subject Variance and Design Approval allows for the reduction of the front yard setback from the required 20 feet to 9 feet, and to allow for the construction of a 255 sq. ft. addition to an existing one-story single family residence. The subject property is located at 1533 Monterey – Salinas Highway (Assessor’s Parcel Number 101-231-004-000), Greater Monterey Peninsula Area. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that

specified by this permit is allowed unless additional permits are approved by the appropriate authorities.  
(Planning and Building Inspection)

**Prior to Issuance of Building and Grading Permits:**

2. The applicant shall record a notice which states: "A variance (Resolution 010154) was approved by the Zoning Administrator for Assessor's Parcel Number 101-231-004-000 on February 28, 2002. The permit was granted subject to 11 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)
3. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection)
4. All exterior lighting shall be unobtrusive, 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 exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection)
5. Prior to the issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property, in the form of an approved Water Release Form. (Water Resources Agency)

**Prior to Final Building Inspection/Occupancy**

6. The applicant shall comply with Ordinance No. 3932 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 & Planning and Building Inspection)
7. The site shall be landscaped. At least three weeks prior to occupancy, three 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, specie, 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. (Planning and Building Inspection)

- 8. In high and very high fire hazard areas, as defined by the California Department of Forestry and Fire Protection (CDF), 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. Vegetation removal will not be allowed as a means of removing high or very high fire hazard area designation from an entire parcel. (Salinas Rural Fire District)
- 9. 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 First District)

**Continuous Permit Conditions**

- 10. 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 it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (Planning and Building Inspection)
- 11. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)

**PASSED AND ADOPTED** this 28<sup>th</sup> day of **February**, 2002.

Original Signed By: \_\_\_\_\_  
 LYNNE MOUNDAY  
 ZONING ADMINISTRATOR

**COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON**

**IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE PLANNING COMMISSION 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 90<sup>th</sup> day following the date on which this decision becomes final.

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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.