

RESOLUTION NO. 010572

A.P.# 139-051-004-000

In the matter of the application of
Patricia Lee Horseley (PLN010572)

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, to increase the 5% lot coverage requirement to 9.22% coverage, allowing the house and garage to be 2,524 square feet and moving an existing structure (1,344 square feet) to the lot and adding a garage, a hobby room and landing (1,180 square feet) and grading of 80 cubic yards of cut and 93 cubic yards of fill, located at 285 River Road, Salinas east of Berry Drive and River Road, Toro area, came on regularly for hearing before the Zoning Administrator on June 13, 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 Horseley application (PLN010572), as described in condition #1 is for a Variance and Design Approval. The property is located at 285 River Road in the Toro area and is zoned "F/40-D" or Farmlands 40 acre minimum - Design Control District. Except for the Variance request, the project, as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, Toro 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 Zoning violation abatement costs, if any, 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 Toro Area Plan.
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.
EVIDENCE: The project planner conducted a site visit on February 14, 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: Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.
2. **FINDING:** The proposed project will not have a significant environmental impact.
EVIDENCE: Section #15303c of the Monterey County 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 the subject property, including the size and shape, or surroundings, the strict application of Title 21 is found to deprive subject property of privileges enjoyed by other properties in the vicinity under identical zone classification.

EVIDENCE: This legal non-conforming lot is 0.643 of an acre and wedge shaped. A 5% coverage would allow for 1,364 square feet of coverage. Previous buildings on this lot covered 2,534 square feet. The proposed development will result in a net reduction of 10 square feet.

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: Based on staff research, neighbors north and south of the project lot have single family residences on non-conforming lots “F-40-D” zoning most of which exceed the 5% coverage limit.

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 #21.30.030(a), Principal/Conditional Uses Allowed in the “F” zoning district.

6. **FINDING:** The establishment, maintenance, and operation of the proposed development 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 as described in the application and accompanying material, was reviewed by the Department of Planning and Building Inspection, Cypress Fire Protection District, Public Works, Parks Department, Environmental Health Division, and the Water Resources Agency. The preceding departments 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.

7. **FINDING:** 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).

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 (PLN010572) allows for increase to the structural coverage limitation of 5% in the F/40 (Farming with 40 acre) to approximately 9.2% coverage. The Variance would allow for the construction of a house with attached garage to be 2,524 square feet. The property is located at 285 River Road, in the Toro area. 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 the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A Variance (Resolution PLN010572) was approved by the Zoning Administrator for Assessor's Parcel Number 139-051-004-000 on June 13, 2002. The permit was granted subject to 18 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. 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. If applicable, 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)**
4. A drainage plan shall be prepared to address on-site impacts. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control outlets. **(Water Resources Agency)**
5. Proposed development shall be set back at least 200 feet from top of bank, as defined in County Floodplain Ordinance #3272 **(Water Resources Agency)**
6. An approved septic system location and design is on file at the Division of Environmental Health, File Number PLN010572. A dual leach field with a diversion valve shall be installed in accordance with Chapter 15.20 of Monterey county code and the Soils Survey engineering report requirements. **(Environmental Health)**

Prior to Final Building Inspection/Occupancy:

7. All construction shall conform to the recommendations in the Geotechnical Report prepared for this project. **(Planning and Building Inspection)**
8. 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)**
9. The applicant shall provide to the Water Resources Agency information on the water system to serve the

- project, including the location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources Agency)**
10. 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 Agency)**
11. All parcels 1 acre and larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, or when a 30 foot minimum setback cannot be reached, alternate fuel modification standards may be imposed by the local fire jurisdiction to provide the same practical effect. **(Salinas Rural Fire District)**
12. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. **(Salinas Rural Fire District)**
13. Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of the building permit. **(Salinas Rural Fire District)**
14. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. **(Salinas Rural Fire District)**
15. Attached garages shall be protected with automatic fire sprinklers. **(Salinas Rural Fire District)**
16. 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 % or more of the roof. Vegetation removal will not be allowed as a means of removing high or very high fire hazard area designation for and entire parcel. **(Salinas Rural Fire District)**
17. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:

"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection 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-in inspections must be completed prior to requesting a framing inspection." **(Salinas Rural Fire District)**

Continuous Conditions:

- 18. 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)**

PASSED AND ADOPTED this 13th day of June, 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 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.