

RESOLUTION NO. 020020

A. P. # 416-631-001-000

In the matter of the application of
Jeffrey & Stephanie Ramsey (PLN020020)

FINDINGS AND DECISION

to allow a **Combined Development Permit** in accordance with Title 21 (Zoning) Chapter 21.76 (Combined Development Permits) of the Monterey County Code, consisting of an Administrative Permit to allow the construction of a new 3,152 square foot residence with a 960 square foot detached garage; septic system and utilizing an existing well; 900 cubic yards of grading (600 cut/300 fill); a Variance to allow an existing 1,533 square foot single family dwelling to be converted to a Caretaker's Unit, exceeding the maximum 1,200 square feet allowed; and a Design Approval; located at 360 San Benancio Canyon Road, Salinas, northwest of the intersection of Lucie Lane and San Benancio Canyon Road, Toro area, came on regularly for meeting before the Zoning Administrator on August 8, 2002.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

1. **FINDING:** The Ramsey application (PLN020020), as described in condition #1 is for a Variance, Administrative Permit and Design Approval. The property is located at 360 San Benancio Road in the Toro area and is zoned "RC/40-VS" or Resource Conservation, 40 acre minimum – Visual Sensitivity 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 July 11, 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 there are special circumstances applicable to the subject property and an existing structure on the lot, 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: Due to the potential historical significance of the building as relayed by Architect Dennis Norton, per telephone conversation of April 16, 2002 and staff site visit, approval of this variance would allow for the preservation of a potentially historic building with out making major structural alterations by removing 333 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: Due to the potential historical significance of the building as relayed by Architect Dennis Norton, per telephone conversation of April 16, 2002 and staff site visit, approval of this variance would allow for the preservation of a potentially historic building with out making major structural alterations by removing 333 square feet.

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 21.64.030(c)(5), Regulation for Caretaker Units, subject to approval of the variance for a 333 square foot increase in the size.

6. **FINDING:** The proposed caretaker unit complies with all of the applicable requirements of Section 21.64.030(C) of this Title. With the exception of this Variance.

EVIDENCE: Staff review above.

EVIDENCE: The applicant has requested a permit for a caretaker unit stating that maintenance of the 40 acre parcel requires a full time caretaker on site.

7. **FINDING:** That adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.

EVIDENCE: This project was reviewed by the Monterey County Division of Environmental Health.

8. **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, Salinas Rural 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.

9. **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

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. The Ramsey Combined Development Permit (PLN020020) includes: an Administrative Permit for the construction of a single family residence (3,152 square feet), attached garage (1,440 square feet), decks and patios (1,692 square feet); a Variance for conversion of an existing residential structure (1,533 square feet) to a Caretaker unit (exceeding the 1,200 square foot limit for lots greater than 10 acres); a Design Approval; and includes grading of 600 cubic yards of cut and 300 cubic yards of fill. 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 Combined Development Permit (Resolution PLN020020) was approved by the Zoning Administrator for Assessor's Parcel Number 416-631-001-000 August 8, 2002. The permit was granted subject to 26 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. Prior to the issuance of a building permit, fire department notes shall be stamped on the approved plans. **(Salinas Rural Fire District)**
6. 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)**
7. A minimum of one covered off-street parking space shall be provided for the caretaker unit. **(Planning and Building Inspection)**

Building Inspection Department)

8. Prior to issuance of building permits the applicant shall record a deed restriction stating that the caretaker unit shall not be rented to any person other than the caretaker. **(Planning and Building Inspection Department)**
9. 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)**

Prior to Final Building Inspection/Occupancy:

10. All construction shall conform to the recommendations in the Geotechnical Report prepared for this project. **(Planning and Building Inspection)**
11. 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)**
12. 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)**
13. 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)**

14. 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)**
15. 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)**
16. Attached garages shall be protected with automatic fire sprinklers. **(Salinas Rural Fire District)**
17. 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 an entire parcel. **(Salinas Rural Fire District)**
18. Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. **(Salinas Rural Fire District)**
19. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus. **(Salinas Rural Fire District)**
20. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. **(Salinas Rural Fire District)**
21. For residential 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 of curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. **(Salinas Rural Fire District)**
22. Driveways shall not be less than 12 feet wide unobstructed. All 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. **(Salinas Rural Fire District)**
23. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Salinas Rural Fire District)**

Continuous Conditions:

24. 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)**

25. The caretaker unit shall not be separately rented, let, or leased to other than the caretaker whether compensation be direct or indirect. **(Planning and Building Inspection Department)**
26. The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under the same ownership. **(Planning and Building Inspection Department)**

PASSED AND ADOPTED this 8th day of August, 2002.

Original Signed By:

LYNNE MOUNDAY
ZONING ADMINISTRATOR

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 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 Marina.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.