

MIKE NOVO
ZONING ADMINISTRATOR
MONTEREY

STATE OF CALIFORNIA
COUNTY OF

RESOLUTION NO. 030290

A.P. # 416-341-022-000

In the matter of the application of
Bruce & Juana Wagner TRS (PLN030209)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for construction of a 1,196 sq. ft. attached garage (addition) on slopes greater than 30 percent and Design Approval. The property is located at 34 Calera Canyon Road, Salinas, east of Corral de Tierra Road, Toro area, came regularly for hearing before the Zoning Administrator on December 11, 2003.

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

FINDINGS OF FACT

1. FINDING: The proposed use permit (PLN030290) as described in the staff report and associated plans conforms with the plans, policies, requirements and standards of the General Plan, Toro Area Plan and Monterey County Zoning Ordinance (Title 21). The property is the Wagner residence located at 34 Calera Canyon Road, Salinas (Assessor's Parcel Number 416-341-022-000). The parcel is zoned Rural Density Residential/Design Approval (RDR/5.1-D). The land use entitlements conferred by this permit shall not commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. The subject site 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: (a) The text and policies of the Toro Area Plan and the Monterey County General Plan have been evaluated during the course of the review of this application. No conflict or inconsistencies with the text or the policies were found to exist. No testimony, either written or oral was received during the course of public hearing to indicate that there is any inconsistency with the Toro Area Plan or the Monterey County General Plan.

(b) Materials in project file PLN030290.

(c) Policy 26.1.10(A) & (B) of the Monterey County General Plan and Section 21.64.230(E) of the Zoning Code.

(d) 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 Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

2. **FINDING:** There is no feasible alternative, which would allow development of the attached garage addition to occur on slopes of less than 30 percent. The garage is proposed to be attached to the existing south elevation where slopes greater than 30 percent cannot be avoided.
- EVIDENCE:** (a) Material and project plans in PLN030290.
(b) The Toro Land Use Advisory Committee recommended approval of the project without conditions on a 4-0 vote on September 22, 2003.
(c) 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 Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.
3. **FINDING:** The establishment, maintenance, or operation of the use will not under the circumstances of the particular case, be detrimental to health, safety, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
- EVIDENCE:** (a) The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Department, Public Works Department, the Water Resources District and Salinas Rural Fire Department. The respective 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.
(b) Materials in project file PLN030290.
4. **FINDING:** The use of the proposed improvements is not likely to cause substantial environmental damage.
- EVIDENCE:** (a) The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Department, Public Works Department, the Water Resources District and the Salinas Rural Fire Department. The respective 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.
(b) Materials in project file PLN030290.
5. **FINDING:** The project, as conditioned, will not involve a risk of adverse environmental impacts, such as soil erosion.
- EVIDENCE:** (a) The recommendations contained in the soils report prepared by Soil Surveys, Inc. dated July 31, 2003 shall be adhered to in their entirety. The study makes recommendations to avoid adverse environmental impacts to soils and slope stability as a result of grading, structural and foundation construction. These recommendations shall be implemented as a condition of project approval (See Condition No. 3).
(b) Materials in project file PLN030290 indicate that the applicant has agreed as a condition of permit approval to comply with the recommendations in soils report prepared by Soil Surveys, Inc. dated July 31, 2003.
6. **FINDING:** The approved project will not have a significant adverse impact on the environment.

- EVIDENCE:** (a) Section 15303(e) of the California Environmental Quality Act Guidelines (New Construction or Conversion of Small Structures) categorically exempts this project from environmental review.
- (b) Project plans and materials in project file PLN030290.
- (c) Recommendation for approval (4-0) by the Toro Land Use Advisory Committee dated September 22, 2003.
- (d) Grading impacts will be addressed by use of standard grading erosion control practices and the application of the Grading and Erosion Control Ordinance (Title 16) provisions.

DECISION

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

1. The Use Permit allows development of a 1,196 sq. ft. attached garage addition on slopes greater than 30 percent and design approval on 4.221-acre parcel. The property is located at 34 Calera Canyon Road (Assessor's Parcel Number 416-341-022-000) Salinas, in the Toro Area. The 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)**
2. The applicant shall record a notice, which states: "A permit (Resolution #030290) was approved by the Monterey County Zoning Administrator for Assessors Parcel Number 416-341-022-000 on December 11, 2003. The permit was granted subject to 11 conditions of approval that 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 or grading permits. **(Planning and Building Inspection)**
3. Construction shall comply with the recommendations provided in the Soil Surveys Inc. soils report dated July 31, 2002. **(Planning and Building Inspection Department)**
4. Prior to issuance of the Building Permit, Fire Department Notes shall be printed on the approved plans. **(Salinas Rural Fire)**
5. The applicant shall obtain a grading permit from the Planning and Building Inspection Department. Grading shall comply with the Grading and Erosion Control Ordinance (Title 16) provisions. **(Planning and Building Inspection)**
6. Unobstructed vertical clearance shall be not less than 15 feet for all access roads. **(Salinas Rural Fire)**
7. 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)**

8. 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)**
9. Because of extra hazardous conditions, remove flammable vegetation from within 50 feet of southeast side structure. **(Salinas Rural Fire)**
10. In high and very high fire hazard areas, as defined by the California Department of Forestry and Fire Protection, roof construction shall be Class A, 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)**

ADDRESSES – 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

PASSED AND ADOPTED this 11th day of December 2003.

MIKE NOVO
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.