

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 030512

A.P. # 416-631-002-000

In the matter of the application of
Mark & Laurel MacKenzie (PLN030512)

FINDINGS & DECISION

for an Combined Development Permit in accordance with Title 20 (Zoning) Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of an Administrative Permit to allow construction of a senior citizen unit (850 sq. ft.) and a barn/garage (2,750 sq. ft.); an Administrative Permit to allow for an increase from seven to fourteen water service connections, and Design Approval. The barn includes 2 stables, a feed and storage area and 3 covered parking spaces. The area of proposed construction is located at 362 San Benancio Road, Salinas, westerly of San Benancio Road and Lucie Lane, Toro area. The parcels to be served by the additional service connections are: (Assessor's Parcel Numbers 416-631-001-000 (two connections), 416-631-002-000 (one new for a total of two connections), 416-631-003-000, 416-631-007-000, 416-631-008-000, and 416-631-006-000, came regularly for hearing before the Zoning Administrator on July 8, 2004.

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

FINDINGS OF FACT

1. FINDING: CONSISTENCY AND SITE SUITABILITY -- The MacKenzie Combined Development Permit (PLN030512), as described in Condition No. 1 and as conditioned, is consistent with the Toro Area Plan and the Monterey County Zoning Ordinance (Title 21). The parcel is zoned "RC/40-VS" ('Resource Conservation,' 40 acres per unit, with 'Visual Sensitivity' overlay.)

- The site of the proposed construction is located at 362 San Benancio Road, Salinas (Assessor's Parcel Number 416-631-002-000), in the Toro planning area. The site is physically suitable for the use proposed.

EVIDENCE: (a) The application and plans submitted for the Combined Development Permit in project file PLN030512 at the Monterey County Planning and Building Inspection Department.

(b) The project planner conducted a site visit to verify that the proposed project complies with applicable regulations. No adverse environmental effects (visual or other) were identified during staff review of the development application at the time of the site visit.

(c) The Toro Land Use Advisory Committee (LUAC) reviewed the project on October 27, 2003, and recommended approval (3 – 0, with 2 absent).

(d) The project was subsequently amended through a resubmittal intended to address requirements of the Division of Environmental Health. The project planner determined that no additional construction (beyond that already proposed and reviewed by land use departments and the Land Use Advisory Committee) would be required were the project to be approved as resubmitted.

(e) A “Geotechnical and Percolation Investigation” was prepared for the subdivision by Soil Surveys, Inc. (dated October 27, 1993) which concludes that the site is suitable for the proposed development provided that “recommended specifications” and “conclusions and recommendations” in the report are incorporated in the project design and are implemented during construction. An archaeological letter (dated October 9, 2003) referencing a “Preliminary Cultural Resources Reconnaissance of Assessor’s Parcel Number 416-441-041, San Benancio Canyon, Monterey County, California” was prepared for the site, recommending that “the current project should not be delayed for archaeological reasons.” The conclusions and recommendations of the geotechnical and archaeological reports have been incorporated as recommended conditions of approval.

(f) The project has been reviewed by the Monterey County Planning and Building Inspection Department, Salinas Rural Fire District, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department, and the Monterey County Health Department. There has been no indication from these 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.

(g) Preceding findings and supporting evidence.

2. FINDING: CEQA: - The project is exempt from environmental review.

EVIDENCE: (a) No adverse environmental effects were identified during staff review of the development application or during the planner’s site visit.

(b) The Division of Environmental Health has performed necessary evaluation of information related to the proposed addition of connections and has deemed this project complete without conditions.

(c) No exceptions to the exemptions (pursuant to CEQA Guidelines Section 15300.2) are found to be applicable to this project.

(d) CEQA Guidelines Section 15303 categorically exempt accessory structures and the continuation of a water main from an existing water source.

(e) Preceding findings and supporting evidence.

3. FINDING: NO VIOLATIONS - The subject properties are 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 properties. Zoning violation abatement cost, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and has found no violations on the subject properties.

4. FINDING: HEALTH AND SAFETY - The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, happiness, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

5. **FINDING: APPEALABILITY** - 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 a Combined Development Permit be granted as shown on the attached sketch, and subject to the following conditions:

1. The MacKenzie Combined Development Permit consists of: (1) An Administrative Permit to allow construction of a senior citizen unit (850 sq. ft.) and a barn / garage (2,750 sq. ft.); (2) An Administrative Permit to allow for an increase from seven to fourteen water service connections, and (3) Design Approval. The barn includes two stables, a feed and storage area, and three covered parking spaces. The area of the proposed construction of the senior citizen unit, barn, and garage is located at 362 San Benancio Road, Salinas, westerly of San Benancio Road and Lucie Lane, in the Toro planning area. The parcels to be served by the additional service connections are: (416-631-001-000 (two connections), 416-631-002-000 (one new for a total of two connections), 416-631-003-000, 416-631-006-000, 416-631-007-000, and 416-631-008-000. Placement of water lines for the connections authorized under this permit has been completed and no further lines or connections are allowed by this permit. 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. **(Planning and Building Inspection)**

Prior to the Issuance of Building or Grading Permits and Prior to Framing Inspection:

2. The applicant shall record a notice against Assessor's Parcel Number 416-631-002-000 which states: "A permit (Resolution No. 030512) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Numbers 416-631-001-000, 416-631-002-000, 416-631-003-000, 416-631-006-000, 416-631-007-000, and 416-631-008-000 on July 8, 2004. The permit was granted subject to 20 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. **(Planning and Building Inspection)**
3. Prior to issuance of any grading or building permits, the applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-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 at outlets. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. **(Water Resources Agency)**

4. Prior to issuance of a building permit, applicant shall submit for review and approval of the Director of Planning and Building Inspection, and subsequently record, a deed restriction stating the regulations for senior citizen units, as follows:
 - a. An attached senior citizen unit shall not exceed 700 square feet.
 - b. A detached senior citizen unit shall not exceed 850 square feet.
 - c. The senior citizen unit shall not be occupied by more than two persons, one of whom shall be at least 60 years of age or handicapped.
 - d. Not more than one senior citizen unit shall be permitted on any lot or parcel.
 - e. The senior citizen unit shall conform with all of the zoning and development standards of the zoning district which governs the lot. A senior citizen unit attached to the principal residence shall be subject to the height, setback and coverage regulations of the principal residence. A senior citizen unit detached from the principal dwelling shall be treated as a habitable accessory structure in regard to height and setbacks.
 - f. The senior citizen unit shall be designed in such a manner as to be visually consistent and compatible with the principal residence on-site and other residences in the area.
 - g. One usable and accessible parking space shall be provided in addition to the parking required for the other uses on-site. Any garage or carport constructed in connection with the senior citizen unit is not considered part of the area of the unit, but is considered in the overall lot coverage.
 - h. Senior citizen units shall not be permitted on lots of less than two acres if located in an area not served by public sewer systems. (North County) Senior citizen units shall not be permitted on lots of less than five acres if located in an areas not served by public sewer systems.
 - i. Senior citizen units are not permitted on any lot less than ten acres where a guesthouse or a caretaker unit already exists.
 - j. Subsequent subdivisions which divide the main residence from a senior citizen unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning. **(Planning and Building Inspection)**
5. Prior to issuance of any grading or building permits, the applicant shall provide the Water Resources Agency information on the well to serve the project including a map showing the well location and any available well logs/e-logs. **(Water Resources Agency)**
6. 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. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. **(Salinas Rural Fire District)**
7. The grade for all roads shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an

additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the centerline of the road. If a hammerhead/T is used, the top of the “T” shall be a minimum of 60 feet in length. **(Salinas Rural Fire District)**

8. Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For 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 curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. 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. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the centerline of the driveway. If a hammerhead/T is used, the top of the “T” shall be a minimum of 60 feet in length. **(Salinas Rural Fire District)**
9. 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 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. **(Salinas Rural Fire District)**
10. 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. **(Salinas Rural Fire District)**
11. Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up

from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. **(Salinas Rural Fire District)**

12. The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. **(Salinas Rural Fire District)**
13. All parcels 1 acre and larger shall provide a minimum 30-foot setback for new buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, alternate fuel modification standards or other requirements may be imposed by the local fire jurisdiction to provide the same practical effect. **(Salinas Rural Fire District)**
14. 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. **(Salinas Rural Fire District)**

Prior to Final Building Inspection/Occupancy:

15. The site shall be landscaped. At 60 days prior to occupancy, three (3) 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, species, 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, either landscaping shall be 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. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection Department) **(Planning and Building Inspection Department)**
16. 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)**
17. 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)**

Continuous Permit Conditions:

18. If during the course of construction activity on the subject property, cultural, archaeological, historical, 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)**
19. The “recommended specifications” on pages 4 and 5 of the “Geotechnical and Percolation Investigation” (as prepared by Soil Surveys, Inc., and dated Oct. 27, 1993), and the “conclusions and recommendations” on pages 7 and 8 of that same “Investigation” shall be followed in every respect in the implementation and construction of the project. **(Planning and Building Inspection)**
20. 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)**

PASSED AND ADOPTED this 8th day of July, 2004.

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

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 Planning Commission 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.