MIKE NOVO ZONING ADMINISTRATOR STATE OF CALIFORNIA COUNTY OF MONTEREY

RESOLUTION NO. 050081

A.P.#216-033-004-000

In the matter of the application of **DAVID/JILL MASON (PLN050081)**

FINDINGS & DECISION

for a Variance in accordance with Title 21 (Zoning) Chapter 21.72 (Variances) of the Monterey County Code, Variance for an increase to the allowed site coverage from 5 percent to 14 percent, to allow a 4,162 sq. ft. addition to an existing 1,323 sq. ft. one-story single family dwelling. The property is located at 1590 River Road, Salinas (Assessor's Parcel Number 216-033-004-000), fronting River Road, Toro Area., came on regularly for hearing before the Zoning Administrator on November 10, 2005.

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: CONSISTENCY AND SITE SUITABILITY: The Mason Variance (PLN050081), as described in Condition No. 1, and as conditioned, conforms to the Plans, Policies, requirements, and standards of the Monterey County General Plan, Central Salinas Valley Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 1590 River Road, (Assessor's Parcel Number 216-033-004-000), fronting River Road. The site is suitable for the proposed use. The parcel is zoned "F/40" (Farmlands, 40 Acre Minimum). The subject property is in compliance with all rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the
 - proposed development.

 EVIDENCE: (a) The text, policies, and regulations in the above documents have been evaluated during the course of the review of the application. No conflicts were found to exist. No communications were received during the course of review of the project to indicate that there is any inconsistency with the text, policies, and regulations in these documents.
 - (b) The project planner conducted a site visit in November of 2004 to verify that the proposed project complied with the Central Salinas Valley Area Plan and the Zoning Ordinance.
 - (c) The project was not referred to a Land Use Advisory Committee (LUAC) for review because the project site is not located in an area with a LUAC.
 - (d) The following agencies have reviewed the project: the Monterey County Planning and Building Inspection Department, Water

Resources Agency, Monterey County Public Works Department, the Monterey County Division of Environmental Health, and the Gonzales Fire Protection District. There has been no indication from these agencies that the site is not suitable. Based on the project description, materials in the file, the planner's site visit, preceding evidence, and comments by the above agencies, 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 project.

- (e) Application, plans, and related information in the project file.
- 2. **FINDING: CEQA** (Exempt) The proposed project will not have a significant environmental impact.
 - EVIDENCE: (a) Section 15301(e) of the CEQA Guidelines categorically exempts the proposed development from environmental review. The proposed construction qualifies for this categorical exemption since it is an addition to an existing single family dwelling.
 - (b) No adverse environmental impacts were identified during staff review of the project application.
 - (c) There are no unusual circumstances related to the project or property.
 - (d) Site visit by project planner in November 2004.
- 3. FINDING:

SPECIAL CIRCUMSTANCES: Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this Title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

EVIDENCE:

- (a) The subject property is a 1.14-acre parcel located in the "F/40" zoning district; this parcel size is very small compared to the size requirements under the zoning designation and compared to the size of the parcels in the immediate vicinity. The strict application of the site coverage limitation would deprive the owner of developing a single-family residential unit similar in size to other units in the immediate vicinity and under the same zoning designation.
- Ordinance (Title 21), the County of Monterey allows the creation of a minimum one acre lot for residential use in the Farmland zoning designation. The purpose of the farmland designation is to "preserve and enhance the use of the prime, productive and unique farmland in the County. However, there are several legal non-conforming parcels that are not agriculturally viable and are being used in a residential capacity. To require these lots to adhere to a five percent lot coverage would deprive the parcels of privileges enjoyed by other properties in the vicinity. Therefore, it is reasonable to apply the requirements and site development standards of the Rural Density

- Residential zoning designation in keeping with the residential uses located in rural areas of the county.
- (c) The subject 1.14 acre parcel is not an agriculturally viable lot.
- 4. FINDING: NOT A GRANT OF SPECIAL PRIVILEGE: This 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: (a) Single-family units similar to the proposed 4,162 square foot residence can be developed or already exist on parcels in the immediate vicinity of the project site and under the same zoning designation.
 - (b) Variances to site coverage have been approved for parcels under similar circumstances regarding size the farmlands zone for (PLN010572 and PLN020063). Granting of these Variances has not constituted a special privilege because they afford these restricted lots the potential for development of what would be allowed on large parcels under the same zoning.
 - (c) The subject parcel is substantially smaller compared to the majority of surrounding parcels.
- 5. FINDING: THIS USE IS AUTHORIZED IN THIS ZONING: Section 21.72.040 (C) of the Zoning Ordinance requires that a variance shall not be granted for a use or activity which is not authorized by the zoning. However, strict application of this zoning would deprive the owner of privileges enjoyed by other properties in the vicinity and under the same zoning classification.
 - **EVIDENCE:** (a) The property is located in the "F/40" (Farmlands, 40 Acre Minimum) which allows for single family residences (Monterey County Code Section 21.30.030.B).
 - (b) The site visit conducted by staff site in November of 2004.
 - (c) Materials in file PLN050081.
- 6. **FINDING:** NO VIOLATIONS The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.
 - **EVIDENCE:** Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.
- 7. FINDING: HEALTH & SAFETY 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: Preceding findings and supporting evidence.

8. 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.

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 attached conditions:

PASSED AND ADOPTED this 10th day of November 2005.

MIKE NOVO

ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON DEC 0 1 2005

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 DEC 1 1 2005

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.

Monterey County Planning and Building Inspection Conditions of Approval

Project Name: David & Jill Mason

File No: *PLN050081*

Approval by: Zoning Administrator

APNs: <u>216-033-004-000</u> Date: <u>November 10, 2005</u>

*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

Permit Cond. Number	Mitig. Number	Impact Addressed, and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
1		PBD029 - SPECIFIC USES ONLY	Adhere to conditions and uses	Owner/	Ongoing	
		The subject Variance for an increase to the allowed	specified in the permit.	Applicant	unless	
		site coverage from 5% to 14.41%, to allow for a			other-	
		4,162 sq. ft first and second story addition to an			wise	
		existing 1,323 sq. ft. one story single family			stated	
		dwelling. This permit was approved 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)				

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2	Propose of think the control of	PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 050081) was approved by the Director of Planning and Building Inspection for (Assessor's Parcel Numbers 216-033-004-000), on November 10, 2005. The permit was granted subject to 7 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)		Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3		NON STANDARD - GEOTECHNICAL CERTIFICATION Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (Planning and Building Inspection)	Submit certification by the geological consultant to PBI showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotech- nical Consultant	Prior to Final Building Inspection	
4		WR1 - DRAINAGE PLAN 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. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Emgineer	Prior to issuance of any grading or building permits	

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5		WR40 - WATER CONSERVATION MEASURES 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)	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/ occupan cy	
6		PBD026 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A(n) Geotechnical report has been prepared for this parcel by Land Set Engineers, dated April, 2005 and is on record in the Monterey	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits	

Permit Cond. Number	Mitig. Number	Impact Addressed, and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		County Planning and Building Inspection Department Library No. <u>050658</u> . All development shall be in accordance with this report." (Planning and Building Inspection)				
7		EH11 - SEPTIC SYSTEM DESIGN Submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. (Environmental Health)	Division of Environmental Health must approve plans. Applicant shall obtain a permit to install the septic system.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final parcel map or issuance of building	

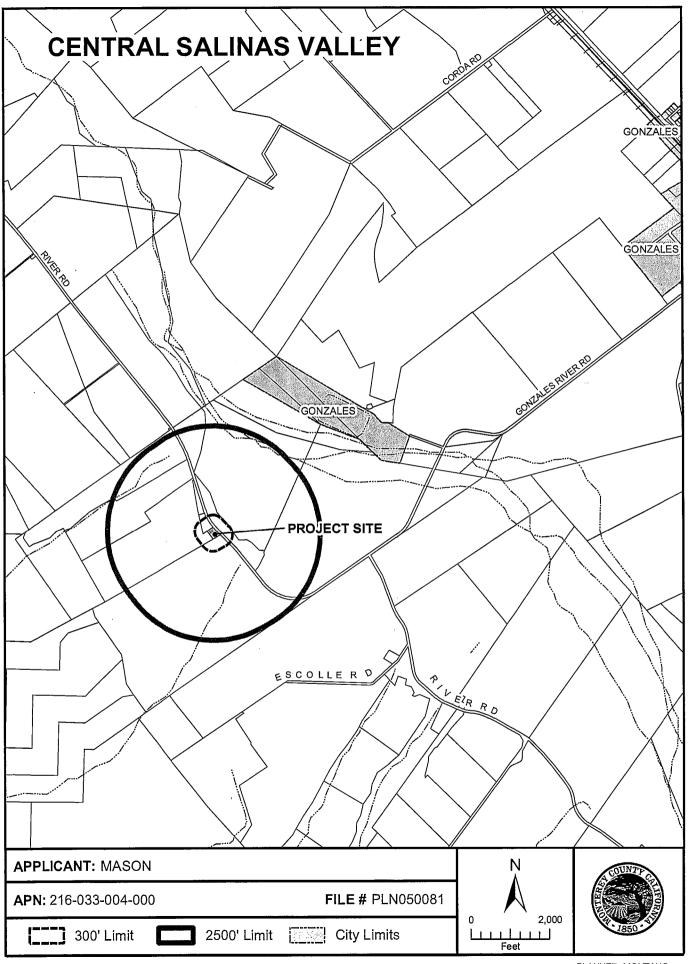
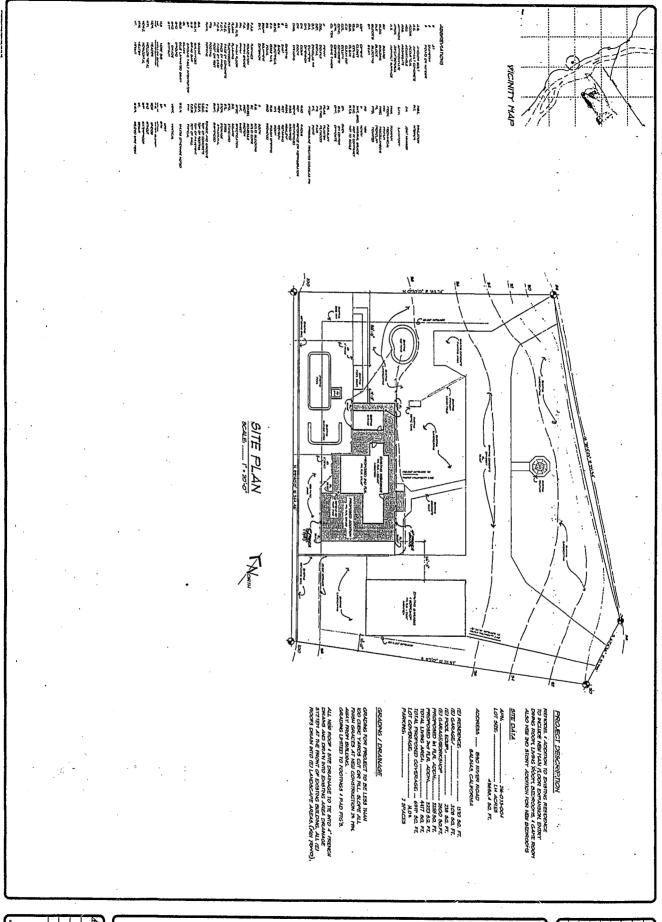


EXHIBIT E

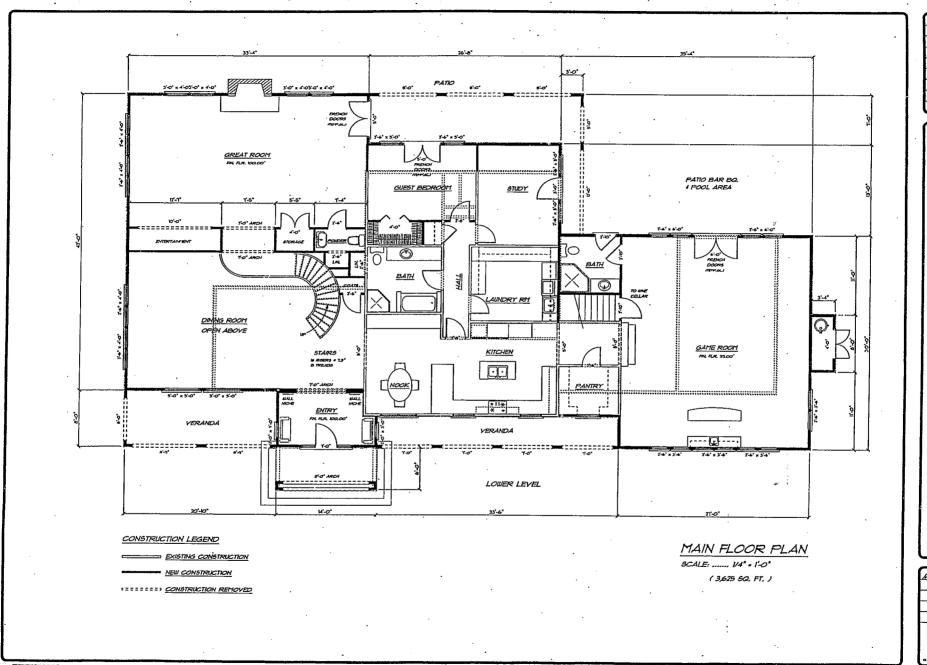




MASON RESIDENCE ADDITION / REMODEL 1590 RIVER ROAD SALINAS, CALIFORNIA







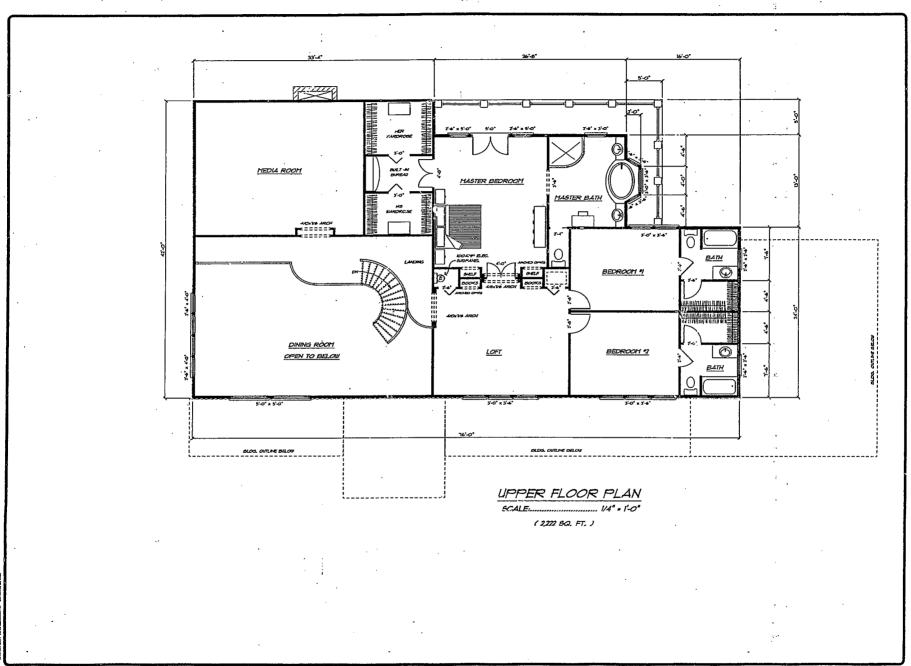


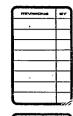


4430N RESIDENCE ADDITION / REMODEL 590 RIVER ROAD

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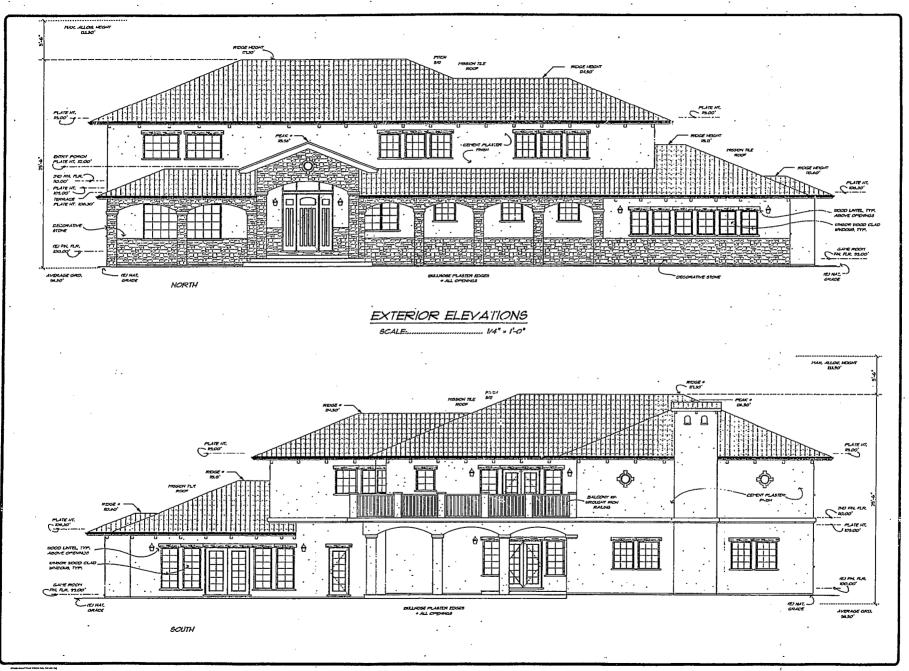




















FIRE SAFETY REQUIREMENTS ENSTRUCTIONS TO APPLICANT FOR

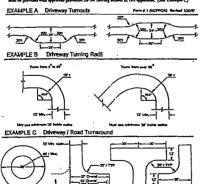
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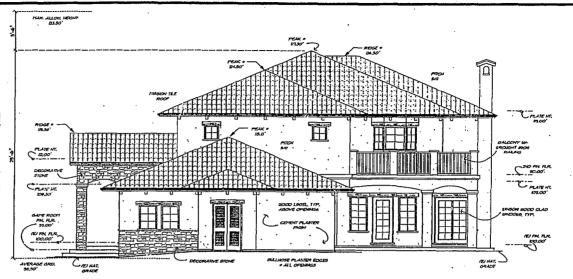
- ONE OR TWO STIGLE FAMILY OWELLINGS ON EXISTING

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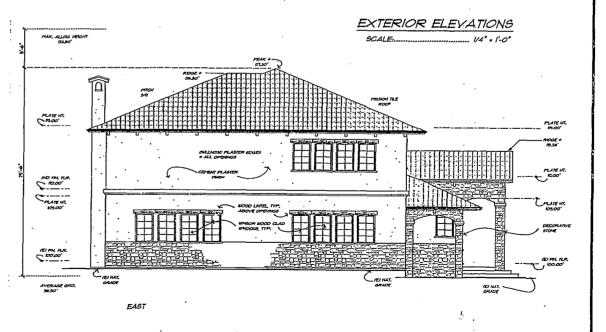
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- 2. Her Alarm Flow Switch shall be wind to the kinchen refrigurator circuit. Any deviations require app
- SERVINE Address Received Careshor's Units, Senior Criticas Units and "General Houses" shall be instead addresses apparate from the main residence, Contract the Montary County Public Works Dept. at 715-4716.
- the __Chast_A^_sr_PR_Rayling Roof construction shall be a Class "A" or Class "D" buildap, as by buildings Bailding Gods Souded 15-3. Effective Jacuary 1, 1977, by seate law, serest which has been provided to the property specific property speci

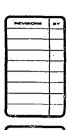
- idggs All new and reconstructed bridges shall be at least the width of the existing routited and better to so can know 12 feet width. Bridge width on all rouch exceeding tendary recodereds shall not be less as the width of one best with benza. All bridges shall be designed for MS 20-44 busfing (mandard deficacion for biggrowy bridges) and here great fulls.
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- Assess Diricents General Access driverys shall be all-warbor driving surface capable of supporting for appeared (21 way) now from that 15 fact of suches-postal width, a minimum of 13 few of 15 years and charters, and a sandown 15 years are De. Ostiverys and common with lawfug a large of 1 piccost or decrease, and a sandown 15 years are De. Ostiverys and common lawfug a large of 15 piccost or piccost of the sandown 15 years are the charters are the sandown to the sandown 15 piccost or years appeared seromatic fire applicate system. On provisions of this section says be used lifed, priject to the appeared of the Ostivation.
- Assess Driverers Tereing Radius All news on account driverways shall comply with the minimum dissemplem shows on the stracked diagram labeled as Exemple B.
- Asseme Resolvert Terr Argued Resulted All deed-end access roods in correct of 150 feet in length shall be provided with approved provision for the terning accord of fire appearants. (See Example C)





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