# MIKE NOVO ZONING ADMINISTRATOR

# STATE OF CALIFORNIA COUNTY OF MONTEREY

RESOLUTION NO. 050658

A.P.# 161-632-001-000

#### FINDINGS & DECISION

## In the matter of the application of Alvin & Alice Trentelman (PLN050658)

for a Variance to Section 21.42.030F, in accordance with Title 21 (Zoning) Chapter 21.72 (Variances) of the Monterey County Code, to exceed the 35% building site coverage and Design Approval to allow the construction of a 144 square foot addition to a single family dwelling. The property is located at 14200 Mountain Quail Road, Salinas, northeast of the intersection of Barn Owl and Mountain Quail Road, Toro Area, and came on regularly for hearing before the Zoning Administrator on June 29, 2006.

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 The project, as described in Condition No. 1 and as conditioned, conforms to the plans, policies, requirements, and standards of the certified Monterey County General Plan, Toro Area Plan, Toro Area Plan Inventory and Analysis, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for residential development.
  - **EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
    - (b) The property is located at 14200 Mountain Quail Road, Salinas (Assessor's Parcel Number 161-632-001-000), Toro Area Plan. The parcel is zoned Medium Density Residential, 5 units, or ("MDR/5-B-8-D"). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.
    - (c) The project planner conducted an on-site inspection on December 29, 2005 to verify that the project on the subject parcel conforms to the plans listed above.
    - (d) The subject parcel was created through the Meadows of Corral de Tierra, a Planned Unit Development (Vol. 14 page 21 of Cities and Towns).
    - (e) The project was not referred to the Toro Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors, this project did not warrant referral to the LUAC because the development is not considered to be of a controversial nature.
    - (f) The project is consistent with the Structure Height and Setback regulations listed in Section 21.12.060.C.1 of Title 21, but is not consistent with the maximum lot coverage listed in Section 21.12.060.E.
    - (g) The application, plans and related support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development found in Project File No. PLN050658.

- 2. **FINDING:** SITE SUITABILITY The site is physically suitable for the use proposed.
  - **EVIDENCE:** (a) The project has been reviewed for site suitability by the following departments and agencies: Planning and Building Inspection, Salinas Rural Fire Protection District, Public Works, Environmental Health Division, and Water Resources. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
    - (b) Staff conducted an on-site inspection on December 29, 2005 to verify that the site is suitable for this use.
    - (c) Materials in Project File No. PLN050626.
- 3. FINDING: VARIANCE (Special Circumstances) Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of Section 21.12.060.E of the Monterey County Zoning Ordinance (Title 21) is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under an identical zoning classification.
  - **EVIDENCE:** (a) The average lot size in the Meadows of Corral de Tierra Planned Unit Development is roughly 5,250 square feet and the lot coverage required by Section 21.12.060.E is 35%; which would leave approximately 1,837 square feet of buildable area.
    - (b) Because of the small building area, many of the neighboring lots are over the required 35% lot coverage. The subject property has a lot coverage of 36%.
    - (c) Materials and documents in Project File No. PLN050554.
- 4. **FINDING: VARIANCE (Special Privileges)** The variance to exceed the allowable lot coverage would not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.
  - **EVIDENCE:** (a) A number of lots in the Meadows of Corral de Tierra PUD exceed the maximum 35% structural coverage. Those lots and their corresponding lot coverages are shown the table below.

Assessor's Parcel	Lot Size in Square	Square Feet of	Lot Coverage
Number		Smuchune Cowenage	
161-632-027-000	5,449.24	2,609	47.9%
161-632-026-000	5,449.12	2,421	44.4%
161-632-025-000	5,447.24	2,421	44.4%
161-632-024-000	5,449.12	2,609	47.9%
161-632-023-000	5,449.24	2,421	44.4%
161-632-007-000	5,500.00	2,609	47.4%
161-632-005-000	5,500.00	2,421	44%
161-632-004-000	5,601.56	2,609	46.6%

- (b) A lot line adjustment, file No. LL93013 also included a variance for the reduction in rear yard setbacks requirements and to exceed the lot coverage requirements.
- (c) Materials and documents in Project File No. PLN050554.

- 5. FINDING: VARIANCE (Authorized Use) The Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.
- **EVIDENCE:** The project for a residential addition is an allowed use under the property's Medium Density Residential designation pursuant to Section 21.12.030.A of Title 21.
- 6. **FINDING: CEQA (Exempt): -** The project is categorically exempt from environmental review.
  - EVIDENCE: (a) California Environmental Quality Act (CEQA) Guidelines Section 15301(e).
    - (b) No adverse environmental effects were identified during staff review of the development application during a site visit on December 29, 2005.
    - (c) See preceding and following findings and supporting evidence.
- 7. **FINDING:** NO VIOLATIONS The subject property is 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 property. Zoning violation abatement costs, if any, have been paid.
  - **EVIDENCE:** Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.
- 8. 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, 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.
- 9. **FINDING:** APPEALABILITY The decision on this project is appealable to the Planning Commission. **EVIDENCE:** Section 21.80.040.B 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 attached conditions.

PASSED AND ADOPTED this 29th day of June, 2006.

NG ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON JUL 18 2006

# 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 JUL 28 2006

This decision, <u>if this is the final administrative decision</u>, 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 90<sup>th</sup> 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 Resources Management Agency -	Project Name: Trentelman	
Planning Department	<i>File No</i> : PLN050658	APNs: 161-632-001-000
Condition Compliance and/or Mitigation Monitoring	Approved by: Zoning Administrator	Date: June 29, 2006
<b>Reporting Plan</b>		· · ·

1....

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

100000000000000000000000000000000000000	Miiig.	Conditions of Approval and/or Mitigation Measures and Responsible L and 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	Venification of Compliance (name/date)
1.		PBD029 - SPECIFIC USES ONLY	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless	
		This Variance to exceed the building site coverage	in the permit.	Applicant	other-	
		regulations of the "MDR/B-8-D" zoning district and			wise	
		Design Approval (PLN050658) allows the construction of a 144 square foot addition to a single family dwelling.			stated	
		The property is located at 14200 Mountain Quail Road,				
		Salinas (Assessor's Parcel Number 161-632-001-000),				
		Toro Area Plan. 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. (Resource Management Agency				
		(RMA) - Planning Department)				

	 DEDOG NOTION DUDINE ADDONIAL	Proof of recordation of this notice shall	Owner/	Prior to	
2.	PBD025 - NOTICE-PERMIT APPROVAL	be furnished to PBI.	Applicant	Issuance	
	The applicant shall record a notice which states: "A	be lumished to PBI.	Applicant	of	
	permit (Resolution No.050658) was approved by the				
	Zoning Administrator for Assessor's Parcel Number			grading	
	161-632-001-000 on June 29, 2006. The permit was		F	and	
	granted subject to 12 conditions of approval, which run		·	building	ľ
	with the land. A copy of the permit is on file with the			permits	•
	Monterey County Planning and Building Inspection			or start	
	Department." Proof of recordation of this notice shall be			of use.	
	furnished to the Director of Planning and Building				
	Inspection prior to issuance of building permits or				
	commencement of the use.				
	(RMA - Planning Department)				
3.	 PBD030 - STOP WORK - RESOURCES FOUND	Stop work within 50 meters (165 feet) of	Owner/	Ongoing	
	If, during the course of construction, cultural,	uncovered resource and contact the	Applicant/		
	archaeological, historical or paleontological resources are	Monterey County Planning and Building	Archaeo-		
	uncovered at the site (surface or subsurface resources)	Inspection Department and a qualified	logist		
	work shall be halted immediately within 50 meters (165	archaeologist immediately if cultural,			
	feet) of the find until a qualified professional	archaeological, historical or			
	archaeologist can evaluate it. The Monterey County	paleontological resources are uncovered.			
	Planning and Building Inspection Department and a	When contacted, the project planner and			
	qualified archaeologist (i.e., an archaeologist registered	the archaeologist shall immediately visit			
	with the Society of Professional Archaeologists) shall be	the site to determine the extent of the			
	immediately contacted by the responsible individual	resources and to develop proper			
	present on-site. When contacted, the project planner and	mitigation measures required for the			
	the archaeologist shall immediately visit the site to	discovery.			
	determine the extent of the resources and to develop				
	proper mitigation measures required for the discovery.				
	(RMA - Planning Department)				
4.	 PBD011 - EROSION CONTROL PLAN AND	1) Evidence of compliance with the	Owner/	Prior to	
	SCHEDULE	Erosion Control Plan shall be	Applicant	Issuance	
	The approved development shall incorporate the	submitted to PBI prior to issuance of		of	
	recommendations of the Erosion Control Plan as reviewed	building and grading permits.		Grading	
	by the Director of Planning and Building Inspection. All			and	
	cut and/or fill slopes exposed during the course of			Building	
	construction be covered, seeded, or otherwise treated to			Permits	
	control erosion during the course of construction, subject				
l.					L

to the approval of the Director of Planning and Building Inspection. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Building Inspection. (Resource Management Agency/Planning and Building Inspection)	Director of PBI.	Owner/ Applicant	Prior to Final Inspect- ion	
5. <b>PBD016 - INDEMNIFICATION AGREEMENT</b> The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers o employees to attack, set aside, void or annul this approve which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at it sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counse or concurrent with the issuance of building permits, use the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County fails to promptly notify th property owner of any such claim, action or proceeding of fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. <b>(Resource</b>	l r l s s l of y u e or	Owner/ Applicant	Upon demand of County Counsel or concur- rent with the issuance of building permits, use of the property, filing of the final map, which- ever occurs first and as applic- able	

11

	Management Agency/Planning and Building Inspection)				
6.	PBD018(A) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY) The site shall be landscaped. At least 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	Submit landscape plans and contractor's estimate to PBI for review and approval.	Owner/ Applicant/ Contractor	At least 60 days prior to final inspect- ion or occu- pancy	
	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. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Resource Management Agency/Planning and Building Inspection)	All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	Ongoing	

. . .

7.	FIRE008 - GATES	Applicant shall incorporate	Applicant or	Prior to	
	All gates providing access from a road to a driveway	specification into design and	owner	issuance	
	shall be located at least 30 feet from the roadway and	enumerate as "Fire Dept. Notes" on		of	· ·
	shall open to allow a vehicle to stop without obstructing	plans.		grading	
	traffic on the road. Gate entrances shall be at least the			and/or	
	width of the traffic lane but in no case less than 12 feet			building	
	wide. Where a one-way road with a single traffic lane			permit.	
	provides access to a gated entrance, a 40-foot turning	Applicant shall schedule fire dept.	Applicant or	Prior to	
	radius shall be used. Where gates are to be locked, the	clearance inspection	owner	final	
	installation of a key box or other acceptable means for	• ·		building	
	immediate access by emergency equipment may be			inspecti	
	required. (Salinas Rural Fire Department)			on.	

					·····
8.	FIRE011 - ADDRESSES FOR BUILDINGS	Applicant shall incorporate	Applicant or	Prior to	
	All buildings shall be issued an address in accordance	specification into design and	owner	issuance	
	with Monterey County Ordinance No. 1241. Each	enumerate as "Fire Dept. Notes" on		of	
	occupancy, except accessory buildings, shall have its	plans.		building	
	own permanently posted address. When multiple			permit.	
	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				1
	and at each driveway split. Address signs shall be and				
	visible from both directions of travel along the road. In	Applicant shall schedule fire dept.	Applicant or	Prior to	
	all cases, the address shall be posted at the beginning of	clearance inspection	owner	final	
	construction and shall be maintained thereafter.			building	
	Address signs along one-way roads shall be visible from			inspect-	
	both directions of travel. Where multiple addresses are	· · ·		ion	
	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 Department)				
		· · · · · · · · · · · · · · · · · · ·			

.

 $\langle \rangle$ 

9.	FIRE016 - SETBACKS	Applicant shall incorporate	Applicant or	Prior to	
	All parcels 1 acre and larger shall provide a minimum	specification into design and	owner	issuance	
	30-foot setback for new buildings and accessory	enumerate as "Fire Dept. Notes" on		of	
	buildings from all property lines and/or the center of the	plans.		grading	
	road. For parcels less than 1 acre, alternate fuel	-		and/or	
	modification standards or other requirements may be			building	
	imposed by the local fire jurisdiction to provide the			permit.	
	same practical effect. (Salinas Rural Fire Department)	Applicant shall schedule fire dept.	Applicant or	Prior to	
		clearance inspection	owner	final	1
				building	
				inspecti	
				on	
10.	FIRE020 - DEFENSIBLE SPACE	Applicant shall incorporate	Applicant or	Prior to	
	<b>REQUIREMENTS (HAZARDOUS CONDITIONS)</b>	specification into design and enumerate	owner	issuance	
	Remove combustible vegetation from within a	as "Fire Dept. Notes" on plans.		of	
	minimum of 30 feet of structures. Limb trees 6 feet up			grading	
	from ground. Remove limbs within 10 feet of			and/or	
	chimneys. Additional fire protection or firebreaks			building	
	approved by the Reviewing Authority may be required			permit.	
	to provide reasonable fire safety. Environmentally	Applicant shall schedule fire dept.	Applicant or	Prior to	
	sensitive areas may require alternative fire protection, to	clearance inspection	owner	final	
	be determined by Reviewing Authority and the Director			building	
	of Planning and Building Inspection. (Salinas Rural			inspect-	
	Fire Department)			ion	
]					

•.		14200 MOUNTAIN QUAIL ROAD, SA	LINAS, CALIFORNIA	
	CONSULTANTS		PROJECT INFORMATION PROPERTY OWNER: MR.& MR.9, TRENTELMAN	
•	CONSTRUCTION TECHNOLOGIES P.O. BOX 221004 CARMEL, CA 93922 (831) 624-4657	SHEET A2: NEW FLOOR PLAN SHEET A2: NEW FLOOR PLAN SHEET A3: DEMO PLAN SHEET A4: SIDE ELEVATIONS- EXISTING AND NEW SHEET A5: REAR ELEVATIONS- EXISTING AND NEW	ADDRESS: 14200 MOUNTAIN QUAIL ROAD, SALINAS, CA 93908 TELEPHONE: (831) 484-2825 ASSESSOR'S PARCEL NUMBER: <u>161-632-001-000</u> NEAREST CROSS STREET: CORRAL DE TIERRA	
	MONTEREY BAY ENGINEERS, INC. 607 CHARLES AVENUE, SUITE B SEASIDE, CA 93955 TEL. (831) 899-7899	SHEET AS: BUILDING SECTION AND DETAILS FOUNDATION PLAN AND ROOF FRAMING PLAN SHEET A7: GENERAL NOTES, ELECTRICAL PLAN SHEET S1: SHEAR WALL SCHEDULE AND NOTES	ZONING: MDR/B-8-D GRADING: NONE SCOPE OF PROJECT: BEDROOM EXTENSION AND RELOCATION OF TWO BATHROOMS.	RESIDEN
	MONTEREY ENERGY GROUP 227 FOREST AVENUE, SUITE 5 PACIFIC GROVE, CA 93950	SHEET S2: STRUCTURAL DETAILS SHEET S3: STRUCTURAL DETAILS SHEET C1: SITE PLAN SHEET T1: ENERGY COMPLIANCE	LOT SIZE: 6,538 S.F. EXISTING BUILDING COVERAGE: 2378 S.F. (36%) (ATRIUM EXCLULDED). AREA OF NEW ADDITION : 144 S.F. NEW BUILDING COVERAGE: 2522 S.F. (39%).	TRENTELMAN
	TEL. (831) 372-8328 FAX. (831) 372-4613		DRAWN BY : ROD MESQUIT P.O. BOX 3464, CARMEL, GA 93921-3464 (831) 624-7272	TRENT
. •				
_				L
	GAS ELECTICE			

:.<sup>.,</sup>

t la line original site (14200 Nounlant Quel flond, Sollines, ored and publication thereof is expressly indicad to such use.

he use of these plans and betweenia. APN 181-532-00













