

In the matter of the application of
Tim & Alexandra Eastman (PLN050601)

FINDINGS & DECISION

for a Variance in accordance with Title 21 (Zoning) Chapter 21.72 (Variances) of the Monterey County Code, to exceed the maximum lot coverage (5% allowed), 11.15% existing, 14.6% proposed) for a net 191 square foot addition to an existing 1,899 square foot single family dwelling on a 0.53 acre lot, in a F/40 Zoning District. The property is located at 116 Hunter Lane, came on regularly for hearing before the Zoning Administrator on January 12, 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 AND SITE SUITABILITY:

The Eastman Variance (PLN050601), as described in Condition No. 1, and as conditioned, conforms to the Plans, Policies, requirements, and standards of the Monterey County General Plan, Greater Salinas Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 116 Hunter Lane, Salinas (Assessor's Parcel Number 177-081-010-000). The site is suitable for the proposed use. The parcel 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 are 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 applications. 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 site visit January 4, 2006 to verify that the proposed project complied with the Greater Salinas Area Plan and the Zoning Ordinance.
 - (c) 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 Salinas Rural 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) The application and plans including the justification letter, in the project file at the Monterey County Planning and Building Department.

2. FINDING: CEQA (Exempt) – The proposed project will not have a significant environmental impact.

EVIDENCE: (a) Section 15303 Class 3 (a) of the CEQA Guidelines categorically exempts the proposed development from environmental review exempts small facilities or structures; installation of equipment or facilities in small structures including one-single family residence in a residential zone.

(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.

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

EVIDENCE: (a) The subject legal nonconforming .53-acre parcel, located in the "F/40" zoning district, 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 maximum 5% site coverage 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.

(b) The subject legal nonconforming .53 acre parcel is not viable for agricultural use and there are no agricultural uses on it.

- 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 3,752 square foot residence 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 "F/40" (Farmlands, 40 Acre Minimum) zone for PLN050081, PLN040020, PLN020063, and PLN010572. Granting of these Variances has not constituted a special privilege because they afford these size restricted lots the potential for development of what would be allowed on larger parcels under the same zoning.

(c) The subject parcel is substantially smaller compared to the majority of surrounding parcels. The proposed use is a single-family dwelling.

- 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 within 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) Section 21.30.030(B) allows for single family dwellings accessory to the agricultural use of the property.

(b) The site visit conducted by staff site on January 4, 2006.

(c) Application materials and plans in file PLN050601.

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: Section 21.30.030(B) of the Monterey County Zoning Ordinance. 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.

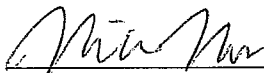
8. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.

EVIDENCE: Section 21.80.040(B) of the Monterey County Zoning Ordinance (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 12th day of January, 2006.



MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON JAN 26 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 FEB 05 2006

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: Dr. Tim and Dr. Alexandra Eastman

File No: PLN050601

APN: 177-081-010-000

Approval by: Zoning Administrator

Date: January 12, 2006

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

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		PBD029 - SPECIFIC USES ONLY The subject Variance to exceed the maximum lot coverage (5% allowed), 11.15% existing, 14.6% proposed) for a net 191 sq. ft. addition to an existing 1,899 sq. ft. single family dwelling on a 0.53 acre lot, in a F/40 zoning. 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)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	
2.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 0500601) was approved by the Zoning Administrator for Assessor's Parcel Numbers 177-081-010-000 on January 12, 2006. The permit was granted subject to 8 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		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.		WR45 - WELL INFORMATION 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)	Submit all applicable well information to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	
4.		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/occupancy	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
5.		PW0005 – ENCROACHMENT (STD DRIVEWAY) NONSTANDARD Obtain an encroachment permit from the Department of Public Works and construct a standard driveway connection to Hunter Lane. (Public Works)	Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.	Owner/ Applicant	Prior to Building/ Grading Permits Issuance	
6.		FIRE011 - ADDRESSES FOR BUILDINGS 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)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
7.		FIRE026 - ROOF CONSTRUCTION (STANDARD) 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)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
8.		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	

END OF CONDITIONS

[illegible][illegible]

A1	SITE PLAN, PARE DEPARTMENT HOTEL, GENERAL NOTES, SHEET PAGES, ERODES	
A2	LOHMA A DOOR PLAN UPPER FLOOR	
A3	POLYMERATION A FLOOR FRAMING PLAN, UPPER FLOOR FRAMING PLAN	
A4	EXTENSION ELEVATIONS	
A5	EXTENSION ELEVATIONS	
A6	ROOM FINISH SCHEDULE, DOOR SCHEDULE, WINDOW SCHEDULE	
A7	ROOM FRAMING PLAN, SECTION NOTES	
A8	INTERIOR ELEVATIONS	
A9	ELECTRIC PLAN (LOWER & UPPER) NOTES	Part 1
A10	MECHANICAL PLAN (LOWER & UPPER) NOTES	
A11	ARCHITECTURAL DETAILS	
B1	STRUCTURAL ON PAIS	
B2	STRUCTURAL ON PAIS	
B3	STRUCTURAL ON PAIS	
B4	STRUCTURAL ON PAIS	
B5	TITLE 24 ENERGY CALCULATIONS	

THIS PROJECT SHALL COMPLY WITH ALL CURRENT CODES LISTED AS FOLLOWS:

2001 CALIFORNIA BUILDING CODE
2001 CALIFORNIA MECHANICAL CODE
2001 CALIFORNIA PLUMBING CODE
2001 CALIFORNIA ELECTRICAL CODE
2001 TITLE 24 ENERGY CALCULATIONS

OWNER: DA AND DR TR EATWYTH
131 HUNTER LAKE
SALINAS, CALIFORNIA 94068

PROPERTY ADDRESS: 111 HUNTER LAKE
SALINAS, CALIFORNIA 94068

A.P.N.: 77-031-0-0-0-00

ZONING: F70

SETERA#: 251553 (2) (A) (C) (S)

CRANIC#: 8 ON CLING VINE CUY
000 CLING VINE FUL

JOINTLY POSSESS: ESTATE LIST COMPOUND:
EXISTING RESIDENCE AT COMPOUND
EXISTING PORCHES, ETC. 1,000 S.F.
EXISTING ACCESSORY BUILDINGS. 750 S.F.
EXISTING FRAMES, FENCES, ETC. TOTAL. 2,000 S.F.

SEWERAGE LIST COMPOUND: 15,000 S.F. COMPOUND

WINDMILL LIST COMPOUND:
PROPOSED RESIDENCE AT WINDMILL
PROPOSED WINDMILL PORCHES
PROPOSED TAIL TAIL COMPOUND
PROPOSED TAIL TAIL COMPOUND

PROPOSED LIST COMPOUND: 15,000 S.F. COMPOUND

NO TREES TO BE REMOVED ONLY TREES BEING AS MOVED ARE TRANSPLANATED ON SITE

SITE TOPOGRAPHY IS FLAT

1. LAKE CLEARING SHALL BE KEPT TO A MINIMUM. VIEWERSHOP SHALL BE LIMITED TO THIRTY AMOUNT NECESSARY FOR RECREATION, ACCESS AND CONSTRUCTION.
2. WATER ENTRY DURING OCTOBER 13 THROUGH APRIL 15
WHEN WATER OVERFLOWS THIS PLACE, THE FOLLOWING AGREEMENTS SHALL BE GIVEN TO PREVENT ACCESSIBLE EROSION.
 - A. VEGETATION REMOVAL BETWEEN OCTOBER 13 AND APRIL 15, SHALL NOT BECAUSE SUBSEQUENT GRADING OR CONSTRUCTION ACTIVITIES AT MORE THAN 15 DAYS, AGGRAVATE SHALL BE MINIMAL.
 - B. ACTIVITIES BETWEEN 15 DAYS, IS DISTURBED SURFACE NOT INVOLVED BY EROSION, OPERATING AREA IS PROTECTED BY PLACING AND/OR OTHER EFFECTIVE MEANS OF SOIL PROTECTION.
 - C. RUN OFF FROM THE SITE SHALL BE DETERMINED ON AVERAGE BY MEANS, VEGETATION REMOVAL AND/OR EROSION TO PREVENT THE EROSION OF EROSION OF THE DISTURBED AREA OR OTHER. THESE DRAINAGE CONTROLS SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AS NECESSARY TO ACHIEVE THEIR PURPOSE THROUGHOUT THE LIFE OF THE PROJECT.
 - D. SLOPE CONTROL MEASURES SHALL BE IN PLACE AT THE END OF EACH DAY WORK.
 - E. THE OBJECT OF THE BUILDING IMPROVEMENTS AND/OR OPERATIONS DURING PERIODS OF INCLEMENT WEATHER IS TO DETERMINE THAT EROSION AND/OR DAMAGE ARE NOT BEING CONTROLLED OR AGGRAVATED.
3. GRADING SURFACES DISTURBED DURING CONSTRUCTION SHALL BE MAINTAINED DOWN TO GRADING LEVEL.
4. NO GARDEN OR DRAGAGE MATERIALS SHALL BE DEPOSITED OR PLACED WHERE IT MAY BE DIRECTLY CAUSED INTO A STREAM, HAD, GROUND, LAKE OR BODY OF WATER.
5. BULKHAIR, PAVING, OR OTHER METHODS MAY BE UTILIZED TO ESTABLISH NEW OR EXISTING, OR OTHERWISE BE THINER, THINER SHALL BE STRENGTHEN AND REPAIRING.
6. THE PROTECTION PROVIDED BY ANY WORK SHALL BE INSTALLED PRIOR TO CALLING FOR FINAL APPROVAL OF THE PROJECT AND ALL TIMES BETWEEN OCTOBER 15 AND 15, 1987. THE PROTECTION SHALL BE MAINTAINED FOR AT LEAST THE ENTIRE PERIOD OF CONSTRUCTION IS DETERMINED.
7. ALL DEVELOPMENT AND GRADING OPERATIONS ARE CONFORM TO THE STORM WATER POLLUTION PREVENTION PLAN CHARTERED BY THE PROJECT. EACH DEVELOPER, AS APPROVED BY THE WATER RESOURCE CONTROL AGENCY.
8. ALL GRADING AREAS OF THE LAND PRIOR TO BE PLANTED AND MAINTAINED AS PERMITTED BY THE COUNTY BOARD FOR DISTRICT, LOCAL, ALL CUT AND ALL SLOPES SHALL BE STABILIZED.
9. CUT AND SLOPES SHALL NOT EXCEED 1:1.
10. UTILITY SERVICES ARE TO BE LOCATED WITHIN AN AREA OF AROUND GRADING FOR OVERVIEW TO ELIMINATE TRIPPING THROUGHOUT SLOPE WHERE THE REASONS.
11. BUILDINGS CONSTRUCTED ACROSS THE CUTSHELLS SHALL HAVE COMPACTED TIES IN THE CUTSHELLS AND SHALL BE MAINTAINED FOR THE FULL AREA. TIES SHALL BE MAINTAINED DURING THE CONSTRUCTION OF THE SITE AND SHALL BE MAINTAINED DURING THE CONSTRUCTION OF THE SITE.
12. HIGHPOINTS OF BUILDING OR DRAINAGE SHALL BE TO 6.3 FEET MINIMUM BELOW FLOOD IN ELEVATION.
13. ALL DRAINAGE SHALL BE MAINTAINED 15 FEET TO DISPERAL PLACES.
14. SITE MAY BE DRAINAGE TO THE STREET OR AROUND, BUT PROVIDED DRAINAGE DOES NOT CROSS ADJACENT PROPERTY LINES.
15. GRADING TO BE PERFORMED ARE AS FOLLOWS:

CUT	TO BE EXISTENCE
1:1	TO BE EXISTENCE
16. ALL DRAINAGE TO BE MAINTAINED CONCRETE SHALL BE DONE ON RAMP.
17. ALL GRADING SHALL CONFORM WITH THE MODERATE COUNTY GRADING ORDINANCE 1983 AND EROSION CONTROL CONFORMANCE PLAN.
18. DRAINAGE GRADING AND EROSION SHALL BE OBSERVED AND TESTED BY THE DISTRICT ENGINEER APPROVED BY THE DISTRICT ENGINEER AND THE DISTRICT ENGINEER SHALL BE MAINTAINED FOR THE FULL PERIOD OF CONSTRUCTION OF THE SITE. THE DISTRICT ENGINEER AND OPERATIONS OF THE DISTRICT ENGINEER SHALL BE MAINTAINED FOR THE FULL PERIOD OF CONSTRUCTION OF THE SITE.
19. A COPY OF ALL CONSTRUCTION TESTS AND FINAL GRADING REPORT SHALL BE MAINTAINED TO THE DISTRICT ENGINEER.

[illegible]

1. Distances and dimensions shown are in feet and decimals.
2. Contour interval is 1 (one) foot.
3. Benchmark is top of finished floor inside residence.
Elevation 100.00 feet.
4. Datum is assumed.
5. Location of underground utilities based upon surface indications and utility company diagrams. Field verify prior to excavation.

EASTMAN RESIDENCE