

MONTEREY COUNTY PLANNING COMMISSION

Meeting: October 29, 2014	Agenda Item No.: 2
Project Description: Consider an appeal by Larry and Kathleen Lemke/ William T. Deasy of the RMA -Director of Planning decision to approve a Design Approval (PLN140599) to allow a 900 square foot detached garage.	
Project Location: 22221 Toro Hills Drive, Salinas	APN: 161-042-024-000
Planning File Number: PLN140599	Owner/Applicant: Alain R. and Renea L. Wood Agent: Jeff Crockett
Planning Area: Toro Area Plan	Flagged and staked: No
Zoning Designation: MDR/B-6-D (20') (Medium Density Residential with maximum allowable height of twenty feet, and B-6 and Design Control Review Overlays).	
CEQA Action: Categorically Exempt per Section 15303 (e) of the CEQA Guidelines	
Department: RMA-Planning	

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1) Find the project Categorical Exempt per Section 15303 (e) of the CEQA Guidelines; and
- 2) Deny the appeal by Larry and Kathleen Lemke/ William T. Deasy of the RMA - Director of Planning decision to approve a Design Approval (PLN140599) to allow a 900 square foot detached garage; and
- 3) Approve a Design Approval for a 900 square foot detached garage (PLN140599), based on the findings and evidence and subject to the conditions of approval (**Exhibit C**).

PROJECT OVERVIEW:

On July 31, 2014 Alain R. and Renea L. Wood applied for a Design Approval to allow a 900 square foot detached garage. On August 25, 2014, the Director of the RMA-Planning Department approved the Design Approval. On August 27, 2014 a Notice of Approved Design Approval was mailed to all property owners within 300 feet of the subject property.

On September 8, 2014, nearby neighbors Larry and Kathleen Lemke/ William T. Deasy, filed a timely appeal from the Director of the RMA-Planning Department's approval of the Design Approval (PLN140599). The appeal is brought on the basis that the decision to approve the project was not supported by evidence, and that the decision was contrary to law (See further detail in Finding No. 5, Exhibit C). The approval is in compliance with all zoning district requirements; the issue is whether it is appropriate for this property to have a large detached garage. The hearing on the appeal at the Board is de novo.

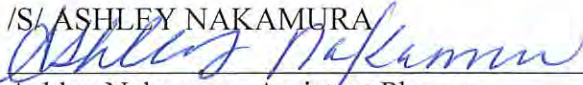
See **Exhibit B** for a detailed discussion of the appeal.

AGENCY INVOLVEMENT: Design Approvals alone are not routed through the interdepartmental review process. Design Approvals are approved by the RMA-Planning Department. The RMA-Planning Department has reviewed this project to ensure compliance with all applicable policies and regulations. Recommended conditions have been incorporated into **Exhibit C**.

This appeal was heard by the Toro Land Use Advisory Committee (LUAC) on October 13, 2014. Based on public comment and opposition the LUAC voted unanimously to recommend that the Planning Commission deny the Design Approval and grant the subject appeal.

Note: The decision on this project is appealable to the Board of Supervisors.

/S/ ASHLEY NAKAMURA



Ashley Nakamura, Assistant Planner
(831) 755-5892, NakamuraA@co.monterey.ca.us
October 13, 2014

cc: Front Counter Copy; Planning Commission; Larry and Kathleen Lemke/ William T. Deasy, Appellants; John Ford, RMA Services Manager; Lucy Bernal, Project Planner; Alain R. and Renea L. Wood, Owner; Jeff Crockett, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Jason Retterer of L+G LLP, Appellant's Attorney; Planning File PLN140599

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Draft Resolution, including:
• Conditions of Approval
• Site Plan, Floor Plan and Elevations
Exhibit D Vicinity Map
Exhibit E Advisory Committee Minutes (LUAC)
Exhibit F Appeal

This report was reviewed by John Ford



Exhibit A
Project Information for (PLN140599)

Project Title: Wood	Primary APN: 161-042-024-000
Location: 22221 Toro Hills Drive, Salinas	Coastal Zone: No
Applicable Plan: Toro Area Plan	Zoning: MDR/B-6-D (20')
Permit Type: Design Approval	Plan Designation: Residential
Environmental Status: Exempt 15303 (e)	Final Action Deadline:
Advisory Committee: Toro LUAC	

Project Site Data:

Lot Size: 43,600	Coverage Allowed: 35%
Existing Structures (sf): 3,223	Coverage Proposed: 6.7%
Proposed Structures (sf): 900	Height Allowed: 20'
Total Square Feet: 4,123	Height Proposed: 15'
	FAR Allowed: NA
	FAR Proposed: NA

Resource Zones and Reports

Environmentally Sensitive Habitat: NA	Erosion Hazard Zone: Moderate
Botanical Report #: NA	Soils/Geo. Report #: NA
Forest Mgt. Report #: NA	Geologic Hazard Zone: II
Archaeological Sensitivity Zone: High	Geologic Report #: NA
Archaeological Report #: LIB140250	Traffic Report #: NA
Fire Hazard Zone: None	

EXHIBIT B DISCUSSION

Analysis

The purpose of the Design Control District is to provide a district for the regulation of the location, size, configuration, materials, and colors of structures, in those areas of the County where the design review of structures is necessary to assure protection of the public viewshed, neighborhood character, and to assure the visual integrity of certain developments without imposing undue restrictions on private property.

This is an extremely rare appeal of a Design Approval. The Design Approval process is intended to insure that subjective elements of development location, size, configuration, materials, and colors are consistent with the public viewshed, neighborhood and visual integrity of a given location. Design Approvals do not address the use of a structure. Grounds for denial of a Design Approval would relate to it being inconsistent with the County policies protecting scenic resources, or neighborhood character.

The property on which the subject garage is proposed is approximately one acre in area parcel with Toro Creek crossing the parcel and an associated scenic easement over the rear of the property. Therefore, the front half of the lot fronting on Toro Hills Drive (measuring approximately 100' from the front property line) is the developable area of the property as well as the location of the existing residence.

The subject parcel is zoned "MDR/B-6-D (20')" or Medium Density Residential with maximum allowable height of twenty feet, and B-6 and Design Control Review Overlays.

Section 21.12.030.H of the MDR zoning district states that accessory structures and accessory uses to any permitted use are allowed within the MDR zoning district. The subject detached garage is accessory to the residential use of the property, meets all site development standards, and is thus an allowed accessory structure.

Pursuant to Section 21.12.060, non-habitable accessory structures, not attached to the main residence, must maintain minimum setbacks of at least fifty feet from the front property line, six feet from the side property line, and one foot from the rear property line. The project as proposed will maintain fifty-five feet from the front property line, six feet from the side property line, and greater than one hundred feet from the rear property line. Non-habitable structures are required to maintain a minimum setback of six feet from the main structure. The project proposes a setback of fourteen feet from the residence. The maximum allowable coverage as 35% of the total lot area; based upon the one acre size, the parcel is allowed to have a maximum of 15,246 square feet of coverage. The project proposes a total of 2,958 square feet, including the subject detached garage. As proposed, the project is consistent with all site development standards of the zoning district.

The B-6 overlay restricts further subdivision of the parcel and refers to the B-4 setbacks, which require increased setbacks for main structures. The proposed garage is detached from the single family dwelling; therefore, these setbacks do not apply.

Please note, the zoning ordinance does not specify that B-6/B-4 setbacks only apply to main structures; however, the B-6/B-4 historically has only applied to main structures. Neighbors have

expressed concern that the garage does not comply with the B-6/B-4 setbacks. If the Planning Commission determines that the B-6/B-4 setbacks do indeed apply to detached accessory structures, then the side setback for the detached garage would increase to 13 feet, but the required front setback could be reduced from the fifty feet as currently applied, to thirty feet as required by the B-6/B-4 overlay district.

The location of the proposed garage was dictated by the existing constraints at the rear of the property. A portion of the Toro Creek runs through the parcel, with a scenic easement precluding development within this area of the parcel, leaving the front portion of the parcel as the developable area.

The stated purpose of the garage is that the homeowner owns personal vehicles that have been restored and require indoor storage. The vehicles are currently stored in leased storage in the city of Monterey. The owner would like to reduce monthly costs and store these personal vehicles in the proposed garage on his property.

As stated above, the subject garage is in compliance with all site development standards of the zoning district. The proposed garage would be placed in a location that is not within a sensitive viewshed or area where public views need to be maintained. The issue is whether it is consistent with neighborhood character. Detached garages are commonly found in residential areas. The lack of other detached garages in the area does not make the proposal inconsistent with neighborhood character. The subject property is unique compared to other properties within the subdivision, due to the fact that a large open area along the side of the property is vacant and ideal for construction due to the topography of the area and the absence of trees and vegetation.

The colors and materials of the proposed garage will match the existing residence and continue to blend with the surrounding residences within the vicinity.

The appellant contends that a detached garage of this size is inconsistent with the neighborhood character of the Toro Hills Estates Subdivision and that no other properties in the area have detached accessory structures; therefore this application should be denied. The determination was made that a project consistent with neighborhood character is based on whether the structure is harmonious with the surrounding development pattern. Detached garages are commonly found in residential zoning districts. The appellant is basing neighborhood character on whether any other detached garages exist within the Toro Hills Subdivision. However, this is not consistent with the way neighborhood character has historically been defined within the County. The argument that because something does not exist makes it inconsistent is far too restrictive. This is not the intent of the Design Control District. The issue needs to focus on whether it would adversely affect the character of the neighborhood. The one issue that could be taken with this proposed structure is that it is large for a detached accessory structure. It is twice the size of a normal garage, but it is not uncommon for people who collect cars to have a large garage in Monterey County.

The size, shape, colors and materials of the residences in the Toro Hills Estates vary greatly. Based on the diversity of the surrounding homes, staff determined that the subject garage is compatible with the neighborhood character.

Appellant Contentions are stated in Finding No. 5 of the resolution followed by responses.

Environmental Review

The project is Categorically Exempt per Section 15303 (e) of the CEQA Guidelines. See Exhibit C, Finding No. 4.

Recommendation

Staff recommends that the Planning Commission deny the appeal and approve PLN140599, subject to the recommended conditions of approval contained in Exhibit C.

**EXHIBIT C
DRAFT RESOLUTION**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

Alain R. and Renea L. Wood (PLN140599)

RESOLUTION NO. ----

Resolution by the Monterey County Hearing Body:

- 1) Finding the project Categorical Exempt per Section 15303 (e) of the CEQA Guidelines;
- 2) Denying the appeal by Larry and Kathleen Lemke/ William T. Deasy of the RMA - Director of Planning approving a Design Approval (PLN140599) to allow a 900 square foot detached garage; and
- 3) Approving the Design Approval (PLN140599) to allow a 900 square foot detached garage.

[PLN140599, Alain R. and Renea L. Wood, 22221 Toro Hills Drive, Salinas, Toro Area Plan (APN: 161-042-024-000)]

The Wood application (PLN140599) came on for public hearing before the Monterey County Planning Commission on October 29, 2014. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is a Design Approval to allow a 900 square foot detached three-car garage. Colors and materials to match the existing residence.
EVIDENCE: a) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140599.

2. **FINDING:** **PROCESS** – The subject Design Approval (PLN140599 Wood) complies with all applicable procedural requirements.
EVIDENCE: a) On July 31, 2014, Alain R. and Renea L. Wood applied for an administrative Design Approval to allow a 900 square foot detached garage, with colors and materials to match the existing residence. The project was not initially referred to the Toro Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did not warrant referral to the LUAC because the project is exempt from CEQA, is not a lot line adjustment involving conflicts, does not include a variance, and was not

initially subject to review by the Zoning Administrator or Planning Commission.

- c) On August 25, 2014 the RMA- Director of Planning approved the Design Approval.
- d) A Notice of Approved Design Approval was mailed to all property owners within 300' of the subject property on August 27, 2014.
- e) On September 8, 2014, Larry and Kathleen Lemke/ William T. Deasy (“Appellant”) filed a timely appeal from the RMA-Planning Director’s approval of a Design Approval. The appeal is consistent with Section 21.80 Appeals of the Title 21 Zoning ordinance. The appeal was submitted within the ten day period from the Notice of Approval of the project as required by the zoning ordinance.
- f) This appeal was referred to the Toro Land Use Advisory Committee (LUAC) on October 13, 2014. Based on public comment and opposition the LUAC voted unanimously to recommend that the Planning Commission deny the Design Approval and grant the subject appeal.

3. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

- EVIDENCE:**
- a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - Toro Area Plan;
 - Monterey County Zoning Ordinance (Title 21);

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 22221 Toro Hills Drive, Salinas (Assessor’s Parcel Number 161-042-024-000), Toro Area Plan. The parcel is zoned “MDR/B-6-D (20’)” or Medium Density Residential with maximum allowable height of twenty feet, and B-6 and Design Control Review Overlays, which allows accessory structures to any permitted use in compliance with site development standards of the zoning district, subject to a Design Approval. Therefore, the project is an allowed land use for this site.
- c) The project planner conducted a site inspection on September 19, 2014 to verify that the project on the subject parcel conforms to the plans listed above.
- d) The Toro Hills Subdivision is located within a high sensitivity area for archaeological resources. To ensure no impacts to archaeological resources would occur, an archaeological report was prepared. The report concluded that no resources exist on-site and the proposed project should not be delayed for archaeological reasons.
- e) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140599.

4. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the RMA- Planning Department. The site is suitable for the proposed development. Conditions have been incorporated.
 - b) Staff identified potential impacts to Archaeological Resources. The following reports have been prepared:
 - "Preliminary Archaeological Assessment Report" (LIB140250) prepared by Mary Doane and Gary Breschini, Salinas, CA, June 18, 2014.

The above-mentioned technical report prepared by an outside consultant indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.
 - c) Staff conducted a site inspection on September 19, 2014 to verify that the site is suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN140599.

5. **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.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning and Building Services Department records and no violations existing on subject property.
 - b) Staff conducted a site inspection on September 19, 2014 and researched County records to ensure no violations exist on the subject property.
 - c) There are no known violations on the subject parcel.

6. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15303 (e), categorically exempts accessory (appurtenant) structures including garages.
 - b) The subject application consists of a Design Approval to allow a 900 square foot detached garage accessory the residence existing on the property.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on September 19, 2014.
 - d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The exceptions to exemptions listed in sec. 15300.2 are inapplicable to this project because the project will not create an impact within a particularly sensitive environment, will not have a significant cumulative impact or effect on the environment, is not located on a hazardous waste site, and will not result in damage to scenic or historic resources.
 - e) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the

proposed development found in Project File PLN140599.

7. **FINDING:** **APPEAL** – The appeal was filed on the basis that there was lack of a fair or impartial hearing, the findings or decision or condition are not supported by the evidence and the decision was contrary to law. The Board of Supervisors has considered all the issues raised in the appeal and responds as follows:

EVIDENCE: a) ***Appellant's Contention No. 1:*** *The appellant states that no written findings were made, nor evidence cited, to support the Planning Director's determination that the project is consistent with the purpose of the Design Control District.*

Response to Contention No. 1: The Title 21 Zoning Ordinance, Section 21.44.040.D grants the RMA-Director of Planning authority to grant minor administrative approvals for structures in compliance with Zoning Ordinance requirements and not in conflict with scenic resources or viewshed policies. A detached garage is considered a non-habitable accessory structure and therefore, can be administratively approved by the RMA-Director of Planning. Monterey County Code Section 21.44.040 D provides: "The Director of Planning may approve, in lieu of the Appropriate Authority, plans and submittals in "D" districts for small structure additions, accessory structures and similar minor structures and minor modifications to approved designs." It has been the practice of the County to approve small accessory non-habitable structures when they comply with Zoning Ordinance standards and are consistent with scenic resource protection policies and consistent with neighborhood character. This structure is lower in height than the main structure, is not within a scenic easement and is consistent with the County codes and policies.

b) ***Appellant's Contention No. 2:*** *The appellant states that the proposed 900 square foot accessory garage structure is located a mere six feet from the neighboring property line. No other properties on Toro Hills Drive or in Toro Estates, as whole, include detached accessory structures, let alone, a detached structure of this scale and magnitude that are so close to the property line and so visible from Toro Hills Drive. In fact, all of the homes along Toro Hills Drive include attached two and three-car garages. Consistent with the architectural character of other homes in the neighborhood, the subject property also has an existing, attached, three-car garage.*

Response to Contention No. 2: The detached garage is in compliance with Section 21.12.060.C.3 allowing non-habitable accessory structures, not attached to the main residence, with minimum setbacks of at least fifty feet from the front property line, six feet from the side property line, and one foot from the rear property line. The project as proposed will maintain fifty-five feet from the front property line, six feet from the side property line, and greater than one hundred feet from the rear property line. As proposed, the project is consistent with the site development standards of the zoning district.

The appellant contends that a detached garage of this size is inconsistent with the neighborhood character of the Toro Hills Estates Subdivision. Two other residences in the area were observed to have detached

accessory structures. The appellant contends that no other properties in the area have detached accessory structures; therefore this application should be denied. The appellant contends that a detached garage of this size is inconsistent with the neighborhood character of the Toro Hills Estates Subdivision and that no other properties in the area have detached accessory structures; therefore this application should be denied. The determination that a project is consistent with neighborhood character is based on whether the structure is harmonious with the surrounding development pattern. A detached garage is commonly found in residential zoning districts. The appellant's appeal regarding neighborhood character is based on whether any other detached garages exist within the Toro Hills Subdivision. However, this is not consistent with the way neighborhood character has historically been defined within the County. The argument that because something does not exist makes it inconsistent is far too restrictive, which is not the intent of the Design Control District. The issue needs to focus on whether it would adversely affect the character of the neighborhood. It has not been demonstrated that this proposed detached garage will have an adverse effect on the integrity of the neighborhood or on any scenic resource.

- c) ***Appellant's Contention No. 3:*** *The appellant states that due to physical constraints of the subject property as a result of the creek that splits the front half of the property from the rear of the property, the current residence is confined to the front portion or 1/3 of the property. Within this front 1/3 of property, the side yard area proposed for construction of this second driveway and accessory structure is currently an open space/landscaped area. The proposed structure and driveway will consume virtually the entire side yard/open space area, resulting in structure clutter that is unlike any other property on Toro Hills Drive.*
Response to Contention No. 3: The location of the proposed garage was dictated by existing constraints at the rear of the property (Toro Creek and scenic easement). Placing the garage on the front third of the property is not out of character with the neighborhood because the proposed garage is setback further than the house, and the structure is of a lower profile than the house and the colors and materials will match the house. The structure will remove landscaping, but the size of the parcel maintains sufficient open space to accommodate the proposed structure. This is evidenced by the low percentage of coverage in relation to that allowed by the Zoning Ordinance.

- d) ***Appellant's Contention No. 4:*** *The Appellant states that the project includes the construction of a new second driveway that will generally run parallel to existing driveway. The proposed second driveway configuration is unlike any other property along Toro Hills Drive, which generally include single driveway accessing an attached garage or a circular driveway.*

Response to Contention No. 4: The driveway designs within the Toro Hills Subdivision vary. Some are simple direct access, some are long shared driveways, some residences include recreational vehicle and/or boat parking areas, which are accessed through a separate driveway, and some have circular driveways, which consist of two access points from Toro Hills Drive. Having two driveways/access points from Toro Hills

Drive is not uncommon within the subdivision. Due to the various driveway configurations existing within the subdivision, the proposed driveway is deemed consistent with the neighborhood character.

- e) **Appellant's Contention No. 5:** *The appellant states that the Design Approval is unclear regarding the applicant's intended use of the second garage structure, which we understand may include a hydraulic lift and would be akin to a commercial garage. The applicant currently operates an off-site vehicle restoration, repair and painting facility on Market Street in the City of Salinas. The proposed 900 square foot garage and new driveway could conceivably become a second or replacement vehicle storage, repair and restoration use, which would be wholly incompatible with this quiet residential neighborhood. To ensure that this accessory garage, if allowed, is compatible with the existing neighborhood, the Design Approval must include an appropriate condition that restricts the use of this garage for solely residential purposes.*

Response to Contention No. 5: The Design Approval is for a detached garage, accessory to the residential use of the property. The homeowner owns personal vehicles that have been restored and require indoor storage. The vehicles are currently stored in leased storage in the city of Monterey. The owner would like to reduce monthly costs and store these personal vehicles in the proposed garage. The subject garage proposes an open floor plan, not including any type of hydraulic lifts. No commercial use is proposed. In addition, the subject property is not zoned to allow any commercial vehicle restoration activities. The applicant's automobile facility located within the city of Salinas is separate from his residence and is not proposed to relocate or expand to operate within the subject garage. No commercial use is proposed. The property is not zoned to allow a commercial vehicle repair, storage, or restoration facility. In the event that a commercial use did occur on the property, a code enforcement investigation would be performed, if a violation was confirmed, a code enforcement action would ensue and the unpermitted use would be stopped. Conditions restricting uses would not be appropriate. A Design Approval does not regulate use, uses are regulated by the Zoning Ordinance.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:** a) Section 21.44.070 of the Monterey County Zoning Ordinance states that appeals to any action taken by the Appropriate Authority (Planning Commission) may be appealed to the Board of Supervisors.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Find the project Categorically Exempt per Section 15303 (e) of the CEQA Guidelines;

2. Deny the appeal by Larry and Kathleen Lemke/ William T. Deasy of the RMA -Director of Planning approval of a Design Approval (PLN140599) to allow a 900 square foot detached garage; and
3. Approve the Design Approval (PLN140599) to allow a 900 square foot detached garage, in general conformance with the attached plans and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 29th day of October, 2014 upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE [DATE]

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 Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

Monterey County RMA Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN140599

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Design Approval (PLN140599) allows a 900 square foot detached garage. The property is located at 22221 Toro Hills Drive, Salinas, Toro Area Plan (APN: 161-042-024-000). This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 RMA - Planning. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Design Approval (Resolution Number ***) was approved by Planning Commission for Assessor's Parcel Number 161-042-024-000 on October 29, 2014. The permit was granted subject to 6 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PD002(A) - ATTACH RESOLUTION TO CONSTRUCTION PLANS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A copy of the Resolution of Approval (Resolution No. ***) for the Design Approval (Planning File No.: PLN140599) shall be incorporated onto the construction plans for the project prior to the issuance of a grading or building permit. The Contractor/Owner/Applicant shall be responsible for compliance with all conditions of approval. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of any grading or construction activities, the Owner/Applicant shall submit evidence to RMA-Planning for review and approval, that the Resolution of Approval, for the project, has been incorporated onto the construction plans for the project/approved development.

Ongoing throughout construction and until all Conditions of Approval and/or Mitigation Measures have been complied with, the Contractor/Owner/Applicant shall provide evidence of compliance with Conditions of Approval to the Responsible Land Use Department as specified in the "Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan."

4. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or 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 a qualified professional archaeologist can evaluate it. Monterey County RMA - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register 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 recovery. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

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.

5. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of 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 or employees to attack, set aside, void or annul this approval, 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. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning .

6. PD016 - NOTICE OF REPORT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:
"A Preliminary Archaeological Assessment (Library No. LIB140250), was prepared by Archaeological Consulting on June 18, 2014 and is on file in Monterey County RMA - Planning. All development shall be in accordance with this report."
(RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit proof of recordation of this notice to RMA - Planning.

Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the report to the RMA - Planning.

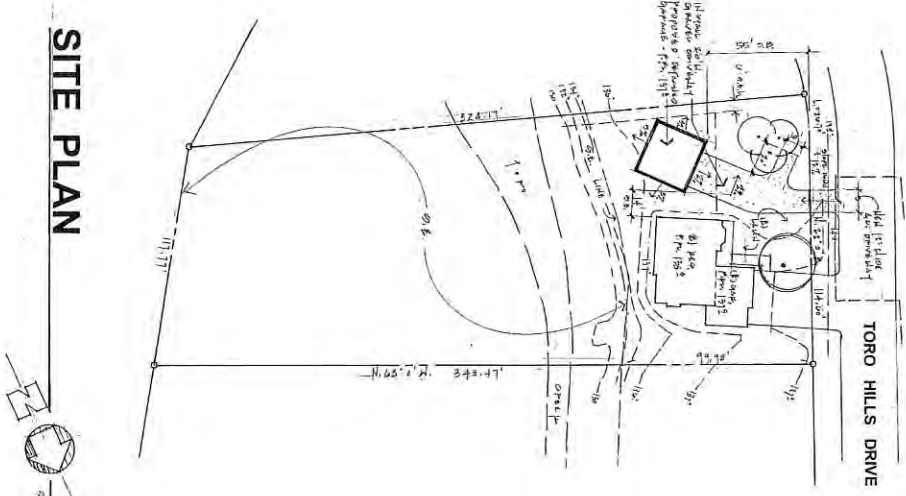
FIRE PREVENTION NOTES

1. FIRE PREVENTION SHALL BE OF CLASS "A" VULNERABILITY AS DEFINED BY IBC, SECTION 503.1.1.1.1.1.
2. ALL EXISTING AND NEW CONSTRUCTION SHALL BE OF CLASS "A" VULNERABILITY AS DEFINED BY IBC, SECTION 503.1.1.1.1.1. ALL EXISTING AND NEW CONSTRUCTION SHALL BE OF CLASS "A" VULNERABILITY AS DEFINED BY IBC, SECTION 503.1.1.1.1.1. ALL EXISTING AND NEW CONSTRUCTION SHALL BE OF CLASS "A" VULNERABILITY AS DEFINED BY IBC, SECTION 503.1.1.1.1.1.
3. CLASSIFICATION: ALL EXISTING AND NEW CONSTRUCTION SHALL BE OF CLASS "A" VULNERABILITY AS DEFINED BY IBC, SECTION 503.1.1.1.1.1. ALL EXISTING AND NEW CONSTRUCTION SHALL BE OF CLASS "A" VULNERABILITY AS DEFINED BY IBC, SECTION 503.1.1.1.1.1.
4. PROJECT DATED: EXISTING PARTS OF PROJECT SHALL BE CLASSIFIED WITH A RATED SYSTEM AS PER IBC, SECTION 503.1.1.1.1.1. ALL EXISTING AND NEW CONSTRUCTION SHALL BE OF CLASS "A" VULNERABILITY AS DEFINED BY IBC, SECTION 503.1.1.1.1.1.
5. EXISTING STRUCTURES: EXISTING STRUCTURES SHALL BE CLASSIFIED WITH A RATED SYSTEM AS PER IBC, SECTION 503.1.1.1.1.1. ALL EXISTING AND NEW CONSTRUCTION SHALL BE OF CLASS "A" VULNERABILITY AS DEFINED BY IBC, SECTION 503.1.1.1.1.1.
6. EXISTING STRUCTURES: EXISTING STRUCTURES SHALL BE CLASSIFIED WITH A RATED SYSTEM AS PER IBC, SECTION 503.1.1.1.1.1. ALL EXISTING AND NEW CONSTRUCTION SHALL BE OF CLASS "A" VULNERABILITY AS DEFINED BY IBC, SECTION 503.1.1.1.1.1.
7. ALL EXISTING AND NEW CONSTRUCTION SHALL BE OF CLASS "A" VULNERABILITY AS DEFINED BY IBC, SECTION 503.1.1.1.1.1. ALL EXISTING AND NEW CONSTRUCTION SHALL BE OF CLASS "A" VULNERABILITY AS DEFINED BY IBC, SECTION 503.1.1.1.1.1.
8. ALL EXISTING AND NEW CONSTRUCTION SHALL BE OF CLASS "A" VULNERABILITY AS DEFINED BY IBC, SECTION 503.1.1.1.1.1. ALL EXISTING AND NEW CONSTRUCTION SHALL BE OF CLASS "A" VULNERABILITY AS DEFINED BY IBC, SECTION 503.1.1.1.1.1.
9. ALL EXISTING AND NEW CONSTRUCTION SHALL BE OF CLASS "A" VULNERABILITY AS DEFINED BY IBC, SECTION 503.1.1.1.1.1. ALL EXISTING AND NEW CONSTRUCTION SHALL BE OF CLASS "A" VULNERABILITY AS DEFINED BY IBC, SECTION 503.1.1.1.1.1.

PROJECT NOTES

1. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE PROJECT PERMITS FROM THE LOCAL JURISDICTION.
2. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE PROJECT PERMITS FROM THE LOCAL JURISDICTION.
3. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE PROJECT PERMITS FROM THE LOCAL JURISDICTION.
4. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE PROJECT PERMITS FROM THE LOCAL JURISDICTION.
5. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE PROJECT PERMITS FROM THE LOCAL JURISDICTION.
6. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE PROJECT PERMITS FROM THE LOCAL JURISDICTION.
7. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE PROJECT PERMITS FROM THE LOCAL JURISDICTION.
8. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE PROJECT PERMITS FROM THE LOCAL JURISDICTION.
9. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE PROJECT PERMITS FROM THE LOCAL JURISDICTION.

SITE PLAN



PLANS PREPARED BY: [Firm Name]
 200 SAN BERNARDINO ROAD
 SALINAS, CA 93906
 TEL: 831.438.1234

SITE DATA

APN	14144202400
SITE ADDRESS	22221 Toro Hills Drive Salinas, CA 93906
OWNER	John J. Smith, Inc. 22221 Toro Hills Drive Salinas, CA 93906
ZONING	MSB(0.6) (P)
LOT AREA	42,000 S.F.
USE	RMU
TYPE OF CONSTRUCTION	VA8 (single-unit) Accessory (non-habitable) 30' front yard 1' @ rear yard
SETBACKS:	
FRONT	30'
REAR	1'
CODES	2013 IBC; CBC; CFC & CMC; & CALIF. CODE TITLE 24 CALIF. EMPLOYMENT/AGENCY
AREAS	
EXISTING RESIDENCE (approx. floor)	1,354 S.F.
EXISTING GARAGE	1,385 S.F.
EXISTING BALCONY	249 S.F.
PROPOSED DETACHED GARAGE	688 S.F.
TOTAL LOT COVERAGE	900 S.F. = 6.7%

PROJECT DESCRIPTION:
 DETACHED GARAGE AND APPROX. 1,400 S.F. GRANITE DRIVEWAY WITH 12' WIDE A.C. APPROACH.
NOTE:
 No trees will be removed and no grading will be required for this project.

LOCATION MAP



VICINITY MAP



WOOD RESIDENCE GARAGE

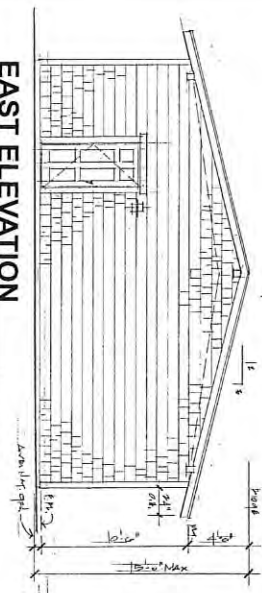
22221 TORO HILLS DRIVE SALINAS, CA.

REVISIONS

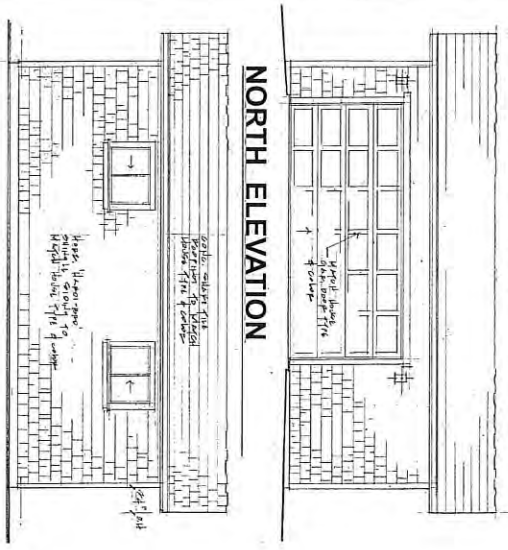
NO.	DATE	DESCRIPTION

DATE: 04/28/17
SCALE: 1/8" = 1'-0"
SHEET NO.: 011 of 011
SHEET: A-1
TOTAL SHEETS: 1

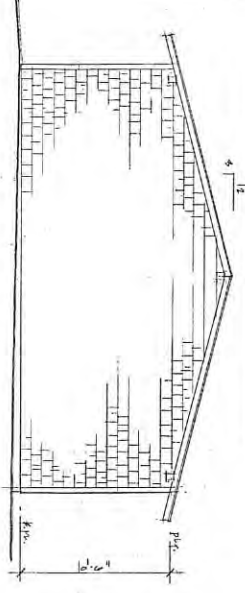
EAST ELEVATION



NORTH ELEVATION

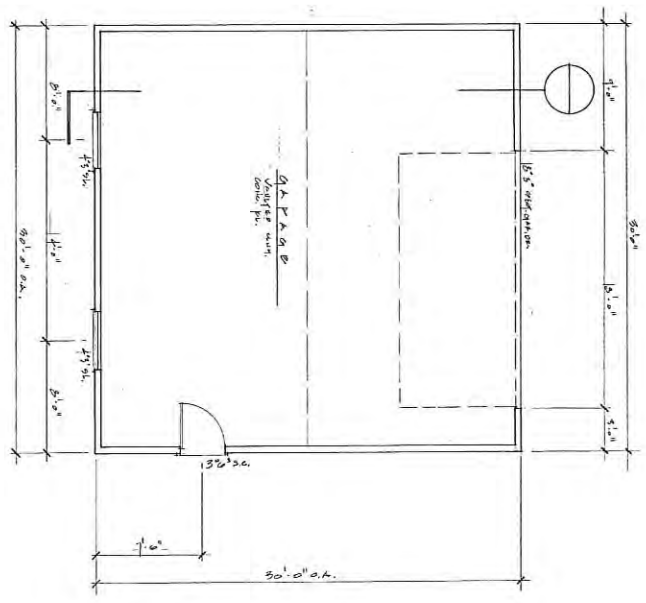


SOUTH ELEVATION



WEST ELEVATION

FLOOR PLAN



WOOD RESIDENCE

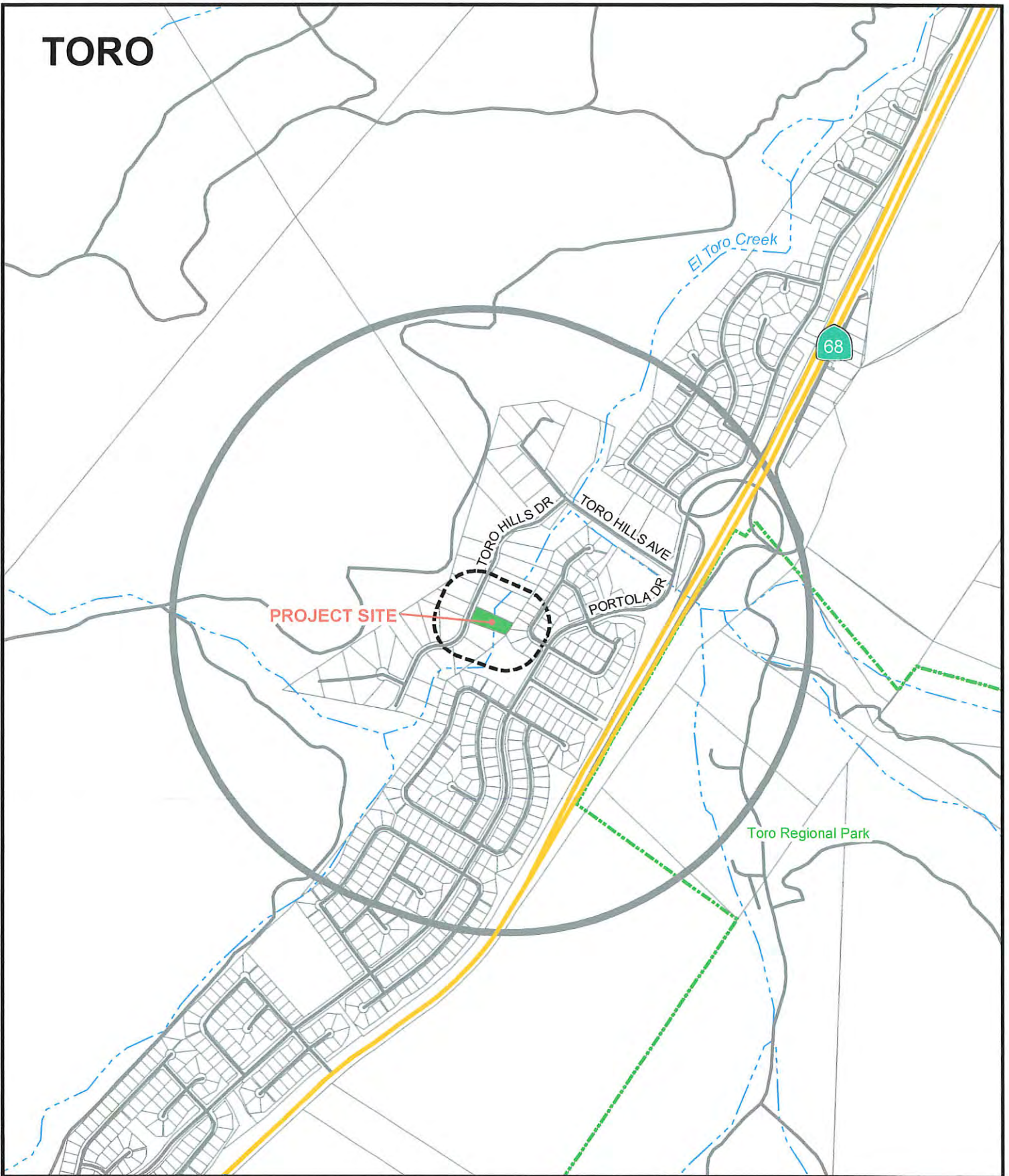
22221 TORO HILLS DRIVE SALINAS, CA.

GARAGE

REVISIONS	BY

DRAWN BY:
 CHECKED BY:
 DATE:
 SCALE:
 SHEET NO.:
 SHEET:
A-2
 OF SHEETS




TORO

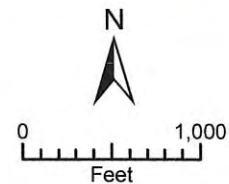


APPLICANT: WOOD

APN: 161-042-024-000

FILE # PLN140599

 2500' Limit  300' Limit  Water



PLANNER: NAKAMURA

MINUTES
Toro Land Use Advisory Committee
Monday, October 13, 2014

PLNI 40599
File copy

1. Meeting called to order by Kerry Varney at 4:00 pm

2. **Roll Call**

Members Present: Bonnie Baker, Mike Weaver, Kerry Varney, Lauren Keenan, Mike Mueller, Mark Kennedy,
Bob Rieger, Beverly Bean (8)

Members Absent: Ron Vandergrift (1)

3. **Approval of Minutes:**

A. January 27, 2014 minutes

Motion: Mark Kennedy (LUAC Member's Name)

Second: Bonnie Baker (LUAC Member's Name)

Ayes: Baker, Kennedy, Weaver, Varney, Keenan, Mueller, Rieger, Bean (8)

Noes: None

Absent: Vandergrift (1)

Abstain: None

B. March 24, 2014 minutes

Motion: Mark Kennedy (LUAC Member's Name)

Second: Bonnie Baker (LUAC Member's Name)

Ayes: Baker, Kennedy, Weaver, Varney, Keenan, Mueller, Rieger, Bean (8)

Noes: None

Absent: Vandergrift (1)

Abstain: None

4. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

None

5. **Scheduled Item(s)**

6. **Other Items:**

- A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects (Refer to pages below)

None

- B) Announcements

Monterey County Ferrini Ranch Project Planner David Mack was present and asked if he could make an announcement? Chair Varney recognized Mack and the LUAC voted unanimously to allow Mack to make his announcement at the beginning of the LUAC meeting.

Mack stated that the Ferrini Ranch developers requested bringing it to the Toro LUAC on October 27, a field trip to the Ferrini Ranch followed by a meeting. This came as a surprise to the LUAC as this invitation arrived after the initial Planning Commission hearing on the project. David Mack noted that the PC hearing was continued until October 29.

Mike Weaver asked if a proposed field trip could involve a hike that showed more of the project sites that are supposed to be hidden behind the hills?

David Mack responded the stretch of land is of a size that it would entail several hours to hike the individual sites due to the steepness of the terrain, and the ups and downs of the hills.

Mark Kennedy asked about the LUAC parameters of the review/hike. David Mack said the project is being reviewed under the 1982 Monterey County General Plan and Toro Area Plan. Things like visibility, design of subdivision, impacts to scenic highway, infrastructure visibility.....

Mack said 4-wheel drive vehicles would not be allowed because of the risk factor. The same was true of the former Planning Commission Field Trip to the Ferrini Ranch. That's why they weren't put in vehicles. He continued, individual 4-wheel drives would not be allowed and County 4-wheel drives wouldn't be allowed because of the steepness and the inherent risk to the County.

LUAC members asked how they might be able to see more of the proposed project sites?

David Mack responded that he would talk to the developers as it was their property and see how much they might allow.

He said he personally has hiked the property to all building sites. It was time consuming. It's doubtful that amount of time might be allowed. Basically it would take a lot of time.

Kerry Varney suggested a field trip meeting on site at 2 p.m., followed by a Toro LUAC meeting at 4 p.m.?

Other LUAC members agreed but expressed wishes to have it be a more comprehensive field trip. David Macj said he's see what he could arrange with Kelton as it was private property.

Mike Weaver asked if the project could be staked and flagged?

Mack said due to the size of the project it wouldn't be flagged. However, if approved, as individual sites came along they could be flagged.

Ramon Montano said flagging wasn't required at this point. It is for structures.

See it without the flagging. Flagging is recommended but not required.

Bob Rieger said he didn't believe the sites would all be hidden behind the hills. Staking them now would give the advisory LUAC, the Planning Commission and the public a much better idea of what the current project proposal entailed.

Mack replied that would not happen. There would be no staking now. There would be some staking in the future as individual projects came along.

Mike Weaver asked if the proposed New Torero intersection could be staked and flagged as that was being proposed up front in the development, Alternative 5?

David Mack responded that the answer was no. If the project was given a go-ahead, the new intersection would have to go through its own review, at which time it would be staked and flagged.

LUAC members present encouraged Mack to proceed with the discussions with Kelton and arrange a field trip for October 27, 2014.

7. Meeting Adjourned: 5:30 pm

Minutes taken by: Mike Weaver

Minutes received via email October 21, 2014

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA 93901
(831) 755-5025

Advisory Committee: **Toro**

Please submit your recommendations for this application by: **October 13, 2014**

Project Title: WOOD ALAIN R & RENEAL (J T)

File Number: PLN140599

Planner: BERNAL

Location: 22221 TORO HILLS RD SALINAS

Project Description:

Design Approval to allow the construction of a 900 square feet (30x30) detached garage for a single family dwelling. Colors and materials to match existing. The property is located at 22221 Toro Hills Drive, Salinas (Assessor's Parcel Number 161-042-024-000), Toro Area Plan.

Was the Owner/Applicant/Representative present at meeting? Yes No

Owner Alain Wood was present as was his garage plan designer, Jeff Crockett.

Was a County Staff/Representative present at meeting? Ramon Montano (Name)

Also attending the LUAC meeting was Planning Commission liaison to the Toro LUAC, Amy Roberts

Toro Hills Rd. neighbors included:

Eric & Tamara Schwartz, Sheree Johancen, David and Kathy Rose, Katie and Larry Lemke, their attorney, Jason Ritterer, Gaylon and Sharon Haney, and Mike Minami.

PUBLIC COMMENT:

Chair Varney read the project description. Project garage designer Jeff Crockett displayed the plans.

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Jason Retterer, atty. For the Lemke's who live next door to Alain Wood at 22241 Toro Hills Drive	X		1) Neighbors found out after the fact, that Planning was Administratively approving this project. It was necessary to file an Appeal. 2) An issue is the compatibility with the neighborhood. It is a "D" District to assure the neighborhood character. 3) All Toro Hills Drive neighbors have an attached garage on their home. The Wood house does too. However, Wood is asking for another separate structure 900 sq. ft. with another separate driveway.

PUBLIC COMMENT CONTINUED:

Larry and Katie Lemke	X		<p>1) Lemke's brought photographs of 22 neighborhood homes on Toro Hills Drive, none of which have a separate garage. Lemke's state that Wood already has an attached 3-car garage. The project is not in character with the neighborhood.</p> <p>2) Concerned about noise due to the closeness of the proposed new 900 sq. ft. garage to the Lemke residence. Woods is a car enthusiast who works on his cars. Proposed only a 6-foot side yard set back.</p> <p>3) It is a "D" zoning district</p>
Jeff Crockett, representing Alain Wood, Project Applicant		X	<p>Stated side yard set backs are for habitable - only structures. This 900 sq ft garage would not be inhabited. Instead it is to be used for car storage. It is a proposed four-car garage.</p>
Eric Schwartz	X		<p>He didn't know this was being proposed. His neighbors didn't know. The proposed structure does not fit the neighborhood. It would affect property values. How about H.O.A.? These plans were presented to the Architectural Review Committee. There are 3 people on the committee. Need a minimum of 5.</p>
Alain Wood, Applicant			<p>States there are 3 people on the neighborhood architectural review committee. He is one of the 3. However, he recused himself from the ARC vote on this.</p>
Kathy Rose	X		<p>She is opposed to this separate garage and driveway.</p>
Sharon Haney	X		<p>The 6-foot set back and gravel driveway bother her. Applicant Wood responds and says it can be a concrete driveway.</p>
Tamara Schwartz	X		<p>She lives two houses down. Questions the use of the structure as it is to have a car hoist inside and 10.5 ft high ceiling. LUAC Chair Varney responds that the use of the structure is not in the LUAC purview, only architectural design, materials, color.</p>
Larry Lemke	X		<p>20-years ago he purchased his home on Toro Hills Drive. He purchased it for the openness and the view. This proposed structure closes things in. What might be next in the neighborhood.? Second structures will degrade homes on the street.</p>

PUBLIC COMMENT CONTINUED:		
Katie Lemke	X	<p>Her house lot frontage has 22-ft on one side of her home and 21-ft on the other. Other homes on the street are similar. This project proposes a set back of 6 ft from the property line. Issue is: out of character.</p>
Alain Wood, Applicant		<p>Says it is 12-ft from the property line. Although plan and application says 6 ft. Wood says 6-ft is the minimum set back that can be used. Wood says there are other out-buildings in the area. Neighbors chime in and say that is wrong, there are no other out buildings on the street. Kerry Varney calls for order.</p>
LUAC Mike Weaver		<p>Weaver states he's disappointed there were no background documents provided to the LUAC prior to this meeting, for example, a copy of the neighbor's Appeal. This project before the LUAC needs perspective and clarification. Weaver personally went online and was able to access the County Accela website for this project. He found, and made a copy of the Notice of Appeal filed by Atty. Jason Retterer on behalf of the Lemke's and a Wm. Deasy. Included is explanation in Exhibit A. Secondly, Weaver noted on the Site Plan, that the zoning is MDR B-6 D (20').. B-6 means no further subdivision of the parcel, but "D" means it needs Design Approval. 20' refers to the maximum structural height allowed. Under the County Zoning Ordinance (Building Site Area and Setbacks). Weaver printed off the rules for the various B designations and brought them today. For B-6, it states, Setbacks to be not less than B-4 regulations, unless otherwise indicated on the final map or parcel map or Sectional District Maps. So, going to the B-4 section, one finds the minimum lot size is one-acre, and that's the case here as the Wood parcel is slightly over one-acre in size. The minimum front set back is thirty feet. The minimum side setback is ten per-cent width Twenty feet, maximum required of twenty feet. Weaver further visited the Monterey County Assessor's website to find that the rear half of</p>

PUBLIC COMMENT CONTINUED:

LUAC Mike Weaver

this parcel, is across the creek and is designated County Scenic Easement. Weaver printed off the page from the Monterey County Assessor's site

This means the proposed garage cannot be put at the rear of the property because it is Scenic Easement.

Putting this garage next to the existing house adjacent to the street makes it out of compliance with the B6/B4 zoning overlay as established when the development was built.

Basically, Weaver says, this proposed project is simply out of compliance with the zoning and required side yard setbacks.

Weaver passes all documents around the table for other LUAC members, public, and applicant.

LUAC Bonnie Baker

Asks if Mr. Wood is repairing cars?

Mr. Wood responds that the intent of the proposed extra garage is for the purpose of storing some of his car collection. He states it is currently costing him \$7,000 per year to store cars offsite. He wants another garage to store cars at his home. He says he is not repairing cars at his home now.

A neighbor objects and says Wood has repaired cars at his home. For example, he's heard a metal grinder, while inside his home.

LUAC Mark Kennedy

Asks the purview of the LUAC, says the plans show a proposed garage of similar structure to the house, the same color and the same roofing

LUAC Mike Mueller

Asks how big is the garage door on the proposed garage?

Project designer Jeff Crockett answers it is 18-feet wide and 8-ft high. Says it is a standard size.

LUAC Beverly Bean

Garage Designer Jeff Crockett asks how far is the proposed side of the garage from the neighbors place? Contends it is over a 6-ft setback.

Beverly Bean responds that she has to go with the facts. The application plans says 6-ft setback from property line.

PUBLIC COMMENT CONTINUED:

LUAC Kerry Varney

Has been told LUAC cannot deny a project. Is there compromise with the neighbors and applicant? Common wall, smaller garage, screening, paved driveway? A change?

Neighbors

Common wall won't fix the setback

Smaller garage would still be another garage unit out of character with the other houses in the neighborhood/street and still be setback issues

Paving the driveway would still mean two separate driveways to two separate garages at one residence address and still be setback issues.

Planner Ramon Montano

States the way Planning has been interpreting the B Zoning setbacks has been if it is a habitable structure, figuring a non-habitable structure wouldn't make much noise.

LUAC Beverly Bean

States the language of the Building Site Area and Setbacks doesn't differentiate between habitable or non-habitable structure.

States she sat on the Architectural Review Committee in her neighborhood for several years. She is familiar with ARC's

LUAC Mike Weaver

Asks Planner Ramon Montano if the original plans for this Wood home had a designated building envelope? As that was often a popular thing to do in the 1980's was for Planning to draw a building envelope on a lot?

Ramon answers he's not sure, but probably.

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
Compatibility: Existing houses in neighborhood of similar size and architectural style with attached garage. This proposed new garage would be incompatible and a noticeable visual impact.	D = Design Control neighborhood	
"B" D Setbacks Garage sideyard setback is inconsistent with zoning in the area.	Monterey County Zoning Ordinance- Title 21-21.42.030, Building Site Area and Setbacks F. B-6 #2 Setbacks to be not less than B-4 regulations, unless otherwise indicated on the final map or parcel map or Sectional District Maps. D. B-4 One acre minimum lot size, thirty feet minimum front setback, Minimum side setback Ten percent width Twenty feet maximum required of twenty feet.	

ADDITIONAL LUAC COMMENTS

Mike Weaver states that this neighborhood is a pretty typical 1980's neighborhood in Toro. The layout of the houses, the size of the houses here, the lots here, the required Scenic Easement dedications, in Toro, have made for an attractive neighborhood. He remembers well the setback requirements, the attached garage requirement, and also the height requirements, as it is a 20 ft height limit as designated on the zoning here, and was 20 feet all over Toro. But just because it was designated 20 feet it didn't mean you got 20 feet of height from Planning, sometimes less. What it did make was for nice neighborhoods, still nice.

Interpretations of habitable or non-habitable were not part of the analysis.

Although Mike Weaver generally champions "Man Caves", in this case this lot, this address, a large new garage structure at the side of the existing house, is incompatible with the neighborhood. It is the wrong neighborhood to put a big new garage. Further, the B Zone setback requirements make this garage simply inconsistent with the B Zoning.

RECOMMENDATION:

Motion by: Mike Weaver (LUAC Member's Name)

Make a recommendation to the Monterey County Planning Commission that the Planning Commission deny this garage project for the following reasons:

The proposed project is inconsistent with the zoning's MDR/B-6-D/(B4) required setbacks.

The project is visually out of character with the established surrounding neighborhood's overall design.

Second by: Mark Kennedy (LUAC Member's Name)

Recommend to the Planning Commission that the Planning Commission **deny the Project**.

Support Project as proposed

_____ Support Project with changes

_____ Continue the Item

Attachments include:

- 1) Toro LUAC October 13, 2014 Sign In Sheet (Neighbors)
- 2) Copy of Notice of Appeal, including Exhibit A, filed by Lemke and Deasy, passed around at LUAC
- 3) Two pages of Site Plan - Wood residence depicting the zoning
- 4) Twenty-two color photographs of homes in the immediate neighborhood
- 5) Copy of County Assessor's page showing overhead Google earth view of existing residence
- 6) Copy of County of Monterey Assessor;s Map showing "s.e." Scenic Easement REEL 1963 PG-1247
- 7) Copy of Monterey County Zoning Ordinance , Building Site or B Districts, reference B-6 and B-4 highlighted

Reason for Continuance: _____

Continued to what date: _____

AYES: Weaver, Kennedy, Baker, Bean, Rieger, Keenan, Mueller (7)

NOES: Varney (1)

ABSENT: Vandergrift (1)

ABSTAIN: None

RECEIVED
MONTEREY COUNTY

NOTICE OF APPEAL 2014 SEP -8 PM 3: 27

CLERK OF THE BOARD

 DEPUTY



Monterey County Code
Title 19 (Subdivisions)
Title 20 (Zoning)
Title 21 (Zoning)

*No appeal will be accepted until a written decision is given. If you wish to file an appeal, you must do so on or before 9/8/14 (10 days after written notice of the decision has been mailed to the applicant).
Date of decision * 8/27/14*

1. Please give the following information:

- a) Your name Larry and Kathleen Lemke / William T. Deasy
- b) Address 22241 Toro Hills Drive City Salinas Zip 93908
- c) Phone Number c/o Jason Retterer, L+G, LLP, 318 Cayuga Street, Salinas, CA 93901
T. (831) 754-2444; email: Jason@LG-Attorneys.com

2. Indicate your interest in the decision by checking the appropriate box:

- Applicant
- Neighbor
- Other (please state) _____

3. If you are not the applicant, please give the applicant's name:

Alain R. & Renea L. Wood

4. Indicate the file number of the application that is the subject of the appeal and the decision making body.

	File Number	Type of Application	Area
a) Planning Commission:	_____	_____	_____
b) Zoning Administrator:	_____	_____	_____
c) Subdivision Committee:	_____	_____	_____
d) Administrative Permit:	<u>PLN140599</u>	<u>Design Approval</u>	<u>Toro Area Plan</u>

5. What is the nature of your appeal?

a) Are you appealing the approval or the denial of an application? (Check appropriate box)

b) If you are appealing one or more conditions of approval, list the condition number and state the condition(s) you are appealing. (Attach extra sheets if necessary).

6. Check the appropriate box(es) to indicate which of the following reasons form the basis for your appeal:

There was a lack of fair or impartial hearing; or

The findings or decision or conditions are not supported by the evidence; or

The decision was contrary to law.

You must next give a brief and specific statement in support of each of the bases for appeal that you have checked above. The Board of Supervisors will not accept an application for appeal that is stated in generalities, legal or otherwise. If you are appealing specific conditions, you must list the number of each condition and the basis for your appeal. (Attach extra sheets if necessary).

See Exhibit "A"

7. As part of the application approval or denial process, findings were made by the decision making body (Planning Commission, Zoning Administrator, Subdivision Committee or Director of Planning and Building Inspection). In order to file a valid appeal, you must give specific reasons why you disagree with the findings made. (Attach extra sheets if necessary).

See Exhibit "A"

8. You are required to submit stamped addressed envelopes for use in notifying interested persons that a public hearing has been set for the appeal. The Resource Management Agency - Planning Department will provide you with a mailing list.

9. Your appeal is accepted when the Clerk to the Board's Office accepts the appeal as complete on its face, receives the filing fee \$ 1,728.07 and stamped addressed envelopes.

APPELLANT SIGNATURE Larry W. Jenke DATE 9-8-14

ACCEPTED _____ DATE _____
(Clerk to the Board)

APPELLANT SIGNATURE Kathleen Clarke DATE: 9-8-14

APPELLANT SIGNATURE William J Deary DATE: 9-8-14

EXHIBIT A

Lemke Appeal of Wood Design Approval (PLN 140599)

No written findings were made, nor evidence cited, to support the Planning Director's determination that the project is consistent with the stated purposes of the "Design Control" or "D" District. The "D" District, specifically section 21.44.010 provides in pertinent part:

The purpose of this Chapter is to provide a district for the regulation of the location, size, configuration, materials, and colors of structures...in those areas of the County of Monterey where the design review of structures is appropriate *to assure protection of...neighborhood character, and to assure the visual integrity of certain developments* without imposing undue restrictions on private property.

To ensure compliance with the important requirements of Section 21.44.010, the Planning Director must consider the size, configuration, materials and colors of the proposed structure and is authorized to impose any appropriate conditions to ensure compliance.

In this case, the Planning Director has failed to proceed in a manner required by law because the Planning Director's determination that the project complies with the requirements of Section 21.44.010 is not supported by substantial evidence. In fact, the evidence reflects that the Planning Director's determination does not "assure protection" of the neighborhood character or "visual integrity" of this development area. Specifically:

1. The proposed 900 square foot accessory garage structure is located a mere six feet from the neighboring property line. No other properties on Toro Hills Drive or in Toro Estates, as whole, include detached accessory structures, let alone, a detached structure of this scale and magnitude that are so close to the property line and so visible from Toro Hills Drive. In fact, all of the homes along Toro Hills Drive on include attached two and three-car garages. Consistent with the architectural character of other homes in the neighborhood, the subject property also has an existing, attached, three-car garage.
2. Due to physical constraints of the subject property as a result of the creek that splits the front half of the property from the rear of the property, the current residence is confined to the front portion or 1/3 of the property. Within this front 1/3 of property, the side yard area proposed for construction of this second driveway and accessory structure is currently an open space/landscaped area. The proposed structure and driveway will consume virtually the entire side yard/open space area, resulting in structure clutter that is unlike any other property on Toto Hills Drive.
3. The project includes the construction of a new second driveway that will generally run parallel to existing driveway. The proposed second driveway configuration is

unlike any other property along Toro Hills Drive, which generally include a single driveway accessing an attached garage or a circular driveway.

4. The Design Approval is unclear regarding the applicant's intended use of this second garage structure, which we understand may include a hydraulic lift and would be akin to a commercial garage. The applicant currently operates an off-site vehicle restoration, repair and painting facility on Market Street in the City of Salinas. The proposed 900 foot garage and new driveway could conceivably become a second or replacement vehicle storage, repair and restoration use, which would be wholly incompatible with this quiet residential neighborhood. To ensure that this accessory garage, if allowed, is compatible with the existing residential neighborhood, the Design Approval must include an appropriate condition that restricts the use of this garage for solely residential purposes.