

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 07023

A.P.# 177-031-003-000

FINDINGS & DECISION

In the matter of the application of
**Cheryl Whitworth McVicar &
Lochlan A. McVicar (PLN060218)**

for a **Use Permit** in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow a Use Permit (no fee) and Design Approval for the construction of a 500 square foot detached two-car garage in a historic resource, or "HR" District. The property is located at 32 Second Avenue, Spreckels, Greater Salinas Area, and came on regularly for hearing before the Planning Commission on May 30, 2007.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

- 1. FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Greater Salinas Area Plan, Greater Salinas Area Plan Inventory and Analysis, Spreckels Design Guidelines, and the Monterey County Zoning Ordinance (Title 21).

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

(b) The project planner conducted a site inspection on May 3, 2006 to verify that the project on the subject parcel conforms to the plans listed above.

(c) The parcel has a Historic Resources, or "HR", zoning district overlay. The proposed project is consistent with the Regulations for the Historic Resources Zoning District, Chapter 21.54 (see Finding 3). On May 3, 2007, the Historic Resources Review Board (HRRB) reviewed the application and recommended approval with the condition that the SNDRC approved the project; 4 ayes, 0 noes, 0 absent, 0 abstain. Although the project was not routed to the Parks Department, Parks communicated to the Planning Department that the Parks Department agreed with the recommendations of the HRRB.

(d) The project was referred to the Spreckels Neighborhood Design Review Committee (SNDRC) for review. On May 16, 2007, the SNDRC reviewed the application and recommended approval as presented; 4 ayes, 0 noes, 0 absent, 0 abstain.

(e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File No. PLN060218.

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

EVIDENCE: (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Salinas Rural Fire Protection District, RMA -

Public Works, Parks, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- (b) The property is located at 32 Second Avenue, Spreckels (Assessor's Parcel Number 177-031-003-000), Greater Salinas Area Plan. The parcel is zoned High Density Residential/5.1 units per acre with Design Control and Historic Resources overlays ("HDR/5.1-D-HR"). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.
- (c) Materials in Project File No. PLN060218.

3. FINDING: HISTORIC RESOURCES – In order for the Planning Commission to approve or conditionally approve an application for development within a Historic Resources District, the following findings shall be made:

1. The proposed 500 square foot detached two-car garage is found to be consistent with the purposes of Chapter 21.54, Regulations for Historic Resources Zoning Districts, and will neither adversely affect the significant architectural features of the designated resource nor adversely affect the character of historical, architectural, or aesthetic interest or value of the designated resource and its site.
2. The proposed development is found to be consistent with the purposes of Chapter 21.54, Regulations for Historic Resources Zoning Districts, and conforms to the prescriptive standards and design guidelines for the district adopted by the Board of Supervisors and does not adversely affect the character of the district.
3. The development will neither adversely affect nor be incompatible with the use and exterior of existing designated historical resources, improvements, buildings, natural features, and structures on such site.

- EVIDENCE:**
- (a) The structures on the subject property are contributing to the period of significance for the town of Spreckels (1897-1957). The project does not propose any changes to the existing contributing structures. The proposed work matches the existing residence in materials and colors.
 - (b) As required by Section 21.54.080.A, the proposed alteration requires a Use Permit.
 - (c) As required by Section 21.54.080.D, the proposed project meets the height and setback provisions for the High Density Residential, or "HDR", Zoning District, the district with which the "HR" district is combined.
 - (d) As required by Section 21.54.080.E, the proposed project will not have a significant adverse impact on the identified historic resource on the subject parcel. The project does not propose any changes to the existing structures.
 - (e) The Design Guidelines for Spreckels, California were prepared by Glenn David Mathews, AIA, and adopted by the Monterey County Planning and Building Inspection Department. The project matches the existing contributing structure's materials and colors.
 - (f) The testimony and decision of the May 3, 2007 Historic Resources Review Board (HRRB) hearing. The HRRB reviewed the application and recommended approval with the condition that the SNDRC approved the project. The project was referred to the Spreckels Neighborhood Design Review Committee (SNDRC) for review. On May 16, 2007, the SNDRC reviewed the application and recommended approval as presented; 4 ayes, 0 noes, 0 absent, 0 abstain.

(g) The application, materials, and plans in Project File No. PLN060218.

4. **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, categorically exempts construction of small structures.
(b) No adverse environmental effects were identified during staff review of the development application during a site visit on May 3, 2006.
(c) The proposed project will not have a significant adverse impact on the identified historic resource on the subject parcel.
(d) See preceding and following findings and supporting evidence.
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. Zoning violation abatement costs, if any, have been paid.
EVIDENCE: Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
6. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
EVIDENCE: Preceding findings and supporting evidence.
7. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.
EVIDENCE: Section 21.80.040.D Monterey County Zoning Ordinance (Title 21).

DECISION

THEREFORE, it is the decision of said Planning Commission that said application for a Use Permit be granted as shown on the attached sketch, and subject to the attached conditions.

PASSED AND ADOPTED this 30th day of May, 2007 by the following vote:

AYES: Errea, Brown, Isakson, Padilla, Ottone, Rochester, Diehl, Sanchez, Salazar, Vandevere
NOES: None
ABSENT: None


MIKE NOVO, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON JUN 12 2007

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

JUN 22 2007

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 Resource Management Agency Planning
Department
Condition Compliance and/or Mitigation Monitoring Reporting
Plan**

Project Name: McVicar

File No: PLN060218

APN: 177-031-003-000

Approved by: Planning Commission

Date: May 30, 2007

**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>Conditions of Approval and/or Mitigation Measures 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.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Use Permit and Design Approval (PLN060218) allows the construction of a 500 square foot detached two-car garage in a Historic Resource, or "HR", district. The property is located at 32 Second Avenue, Spreckels (Assessor's Parcel Number 177-031-003-000), Greater Salinas Area. 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 the RMA - Planning Department. 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

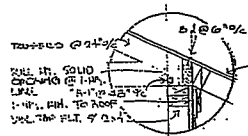
		County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 07023) was approved by the Planning Commission for Assessor's Parcel Number 177-031-003-000 on May 30, 2007. 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 RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT 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. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department 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	Owner/ Applicant/ Archaeologist	Ongoing	

		proper mitigation measures required for the discovery. (RMA - Planning Department)	the resources and to develop proper mitigation measures required for the discovery.			
4.		PD012(B) - LANDSCAPE PLAN AND MAINTENANCE (OTHER THAN SINGLE FAMILY DWELLING) The site shall be landscaped. At least three (3) weeks prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)	Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	At least three (3) weeks prior to final inspection or occupancy	
			All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	Ongoing	
5.		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.	Owner/ Applicant	Prior to the issuance of building permits.	
			The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Occupancy/ Ongoing	

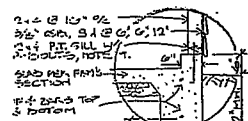
		approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)				
6.		FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory 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. Responsible Land Use Department: Salinas Rural Fire Protection District.	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. Applicant shall schedule fire dept. clearance inspection.	Applicant or owner Applicant or owner	Prior to issuance of building permit. Prior to final building inspection	

7.		PW0005 – ENCROACHMENT (STD DRIVEWAY) Obtain an encroachment permit from the Department of Public Works and construct a standard driveway connection to (Second Street). (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	
8.		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	

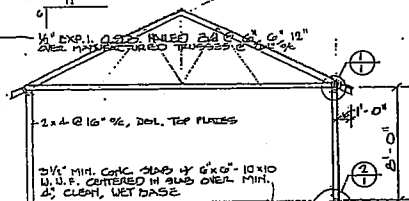
END OF CONDITIONS



EAVE DETAIL
1/8" = 1' - 0"

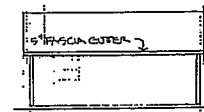


FOUNDATION DETAIL
1/8" = 1' - 0"



FRAMING SECTION
1/8" = 1' - 0"

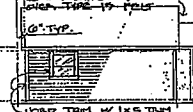
- NOTES
1. CONG. STRENGTH MIN. 2500 PSI @ 45 DAYS. #4 (GRADE 40) REBAR CONTINUOUS OR LAPPED 32".
 2. FLOORING: 5/8" X 10" LONG, EMBED 1" @ 6" O.C. & 5" TO 11" FROM SILL ENDS OF 2" X 4" X 3/4" JOIST LINGERS. IN VIEW OF COMPATIBILITY BETWEEN TREATED WOOD & REBAR, IN CONTACT PERMISSIBLE.
 3. AT EXIST. WALL BENEATH CONDUIT USE 5/8" TYPE-X CONDUIT. FROM SILL TO SILL.
 4. FRAMING LUMBER: GRADE MARKED PER CODE. NAILING PER TABLE 12-1 TO 12-3.
 5. (1) DRAIN: 3" DIA. SLOPE 1/4" @ 10' TO 1/2" DIA. PUMP CORNERS OF REAR CHIMNEY TO 1/2" DIA. (2) 3/4" DIA. TIA. SLOPE 1/4" @ 6' @ 6' & 12" @ 12" AT CORNERS.



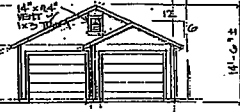
EAST ELEV.
1/8" = 1' - 0"



NORTH ELEV.
1/8" = 1' - 0"



WEST ELEV.
1/8" = 1' - 0"



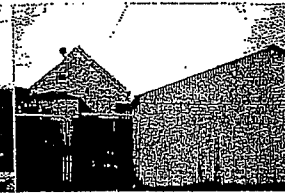
SOUTH ELEVATION
1/8" = 1' - 0"



WEST OF PROJECT



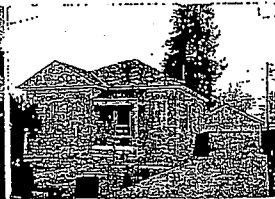
FRONT PHOTO



REAR PHOTO



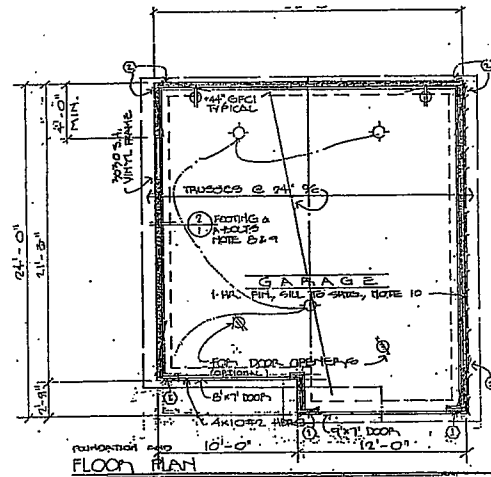
NEARBY SITE



NEIGHBOR TO EAST



NEXT LOTS EASTERLY

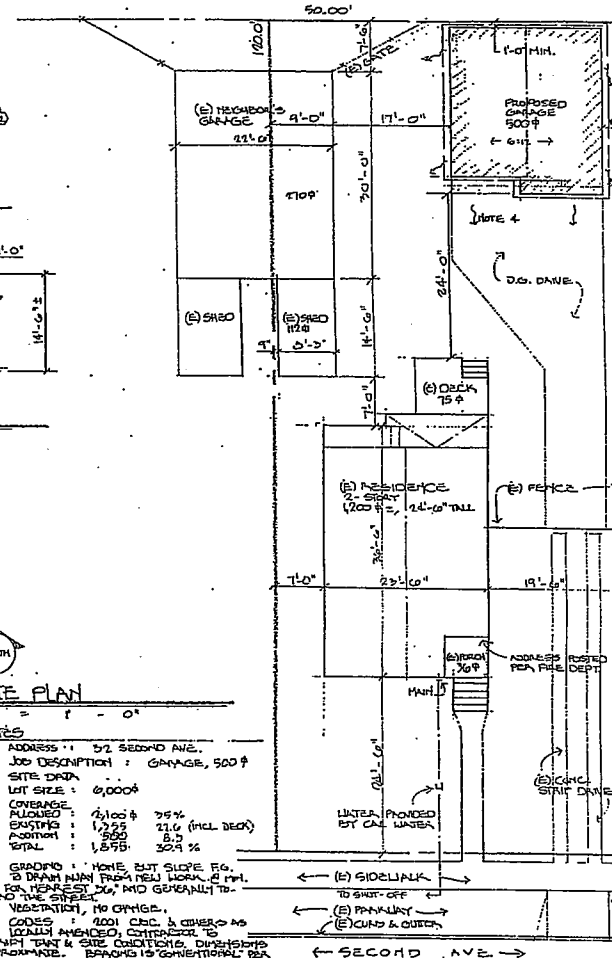


FLOOR PLAN
1/4" = 1' - 0"

Property Report for Selected Parcel	
Assessed Parcel No.	170210508
Owner	HOVLY, J. & S.
Address	170210508
Parcel Area	0.0000
Parcel Shape	Rectangular
Parcel Use	Residential Single-Family
Parcel Zoning	R-10
Parcel Status	Unimproved
Parcel Notes	See Map for Details



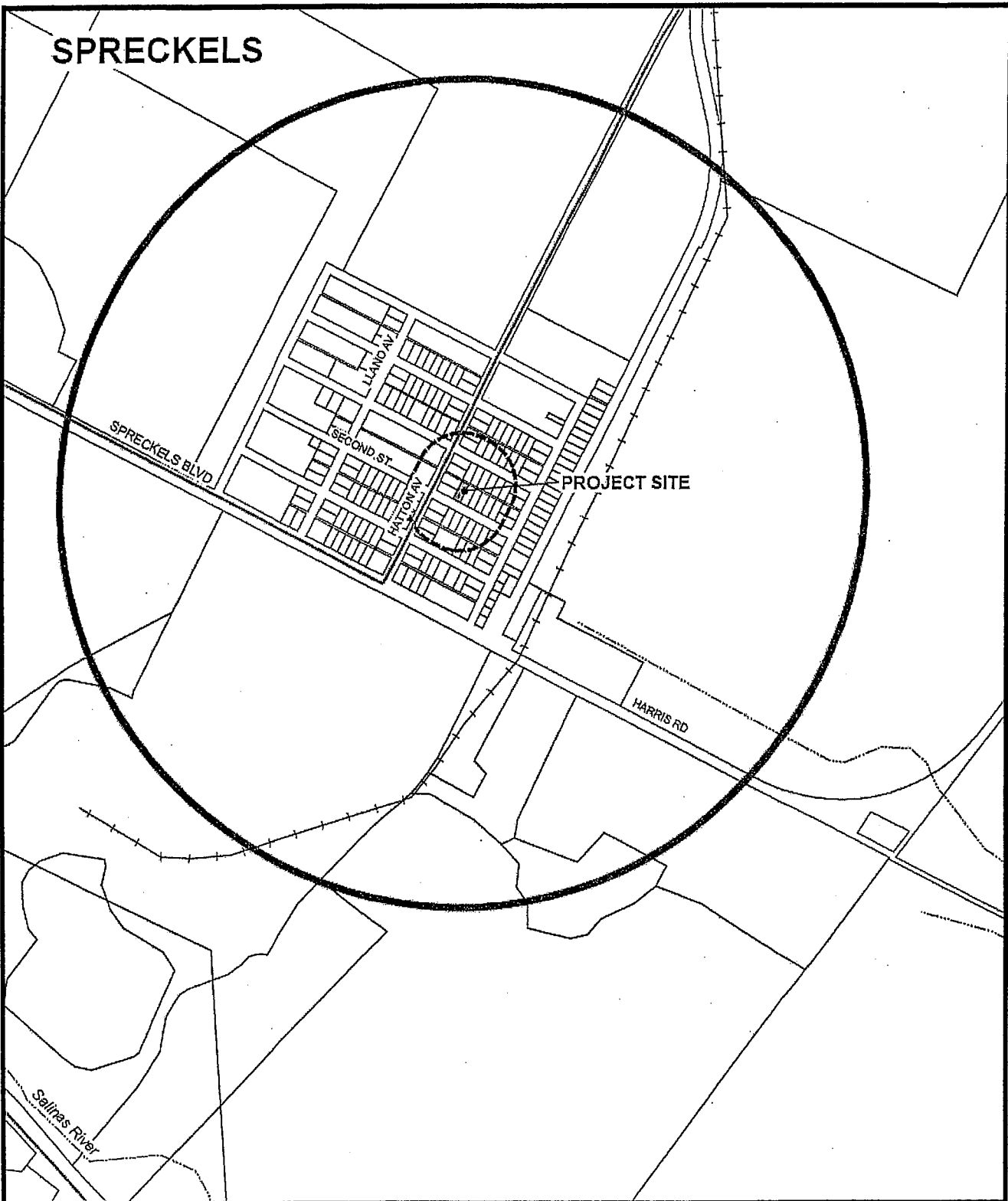
VICINITY MAP
1/8" = 1' - 0"



SITE PLAN
1/4" = 1' - 0"

- NOTES
1. ADDRESS: 572 SECOND AVE.
 2. JOB DESCRIPTION: GARAGE, 500 SF
 3. SITE DATA
LOT SIZE: 0.0000
COVERAGE ALLOWED: 2,100 SF 75%
EXISTING: 1,225 SF 21.6% (INCL DECK)
ADDITION: 500 SF 8.3%
TOTAL: 1,875 SF 30.9%
 4. GRADING: HOME BUT SLOPE FG. TO DRAIN FROM NEW WORK. 2" MIN. FOR REAR LOT 24" MID GROUND TO 1" MIN. TO STREET.
 5. VEGETATION: TO CHISEL.
 6. CONCRETE: 1201 CONC. & COVER AS LOCAL AGENCIES, CONTRACTOR TO VERIFY THAT & SITE CONDITIONS. DISSEMINATE APPROPRIATE. DRAWING IS CONVENTIONAL FOR SEC. 1710, NOTE 12.
 7. OCCUPANCY: U-1
 8. CONSTRUCTION TYPE: 301, UNREINFORCED




SPRECKELS



APPLICANT: McVICAR

APN: 177-031-003-000

FILE # PLN060218

 300' Limit  2500' Limit  City Limits

