

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

In the matter of the application of:

Michael and Kristin Vosti (PLN100191)

RESOLUTION NO. 10-020

Resolution by the Monterey County Hearing Body:

- 1) Categorically exempt this project per section 15303 (e) of the CEQA guidelines;
- 2) Approving a Use Permit and Design Approval to allow the construction of new detached 476 square foot garage and re-location of a 120 square foot shed in a "HR" District (Spreckels) pursuant to MCC Section 21.54.080.A, based on the findings and evidence and subject to the conditions of approval;

(PLN100191, Michael and Kristin Vosti, 79 Railroad Avenue, Spreckels, Greater Salinas Area Plan (APN: 177-043-009-000))

The Vosti application (PLN100191) came on for public hearing before the Monterey County Planning Commission on August 11, 2010. 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:** **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 Monterey County General Plan,
 - Greater Salinas Area Plan,
 - Spreckels Neighborhood Design review Committee,
 - Monterey County Zoning Ordinance Title 21No 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 79 Railroad Avenue, Spreckels (Assessor's Parcel Number 177-043-009-000), Greater Salinas Area Plan. The parcel is zoned HDR/5.1-D-HR, which allows residential. Therefore, the project is an allowed land use for this site.
c) The proposed 476 square foot detached garage will sit behind the main structure and replace the existing 120 square foot shed. Initially the applicant proposed to demolish the shed, however the Spreckels Neighborhood Design Review Committee wanted the shed to be retained due to its historic significance. As a condition of approval, the shed will be retained on the property (Condition #6). The garage will sit

- to the rear of the residence and will bring the property's coverage to 31%, whereas the district limitation is 35%.
- d) The county has produced a "Significance Map" with a detailed survey map of every structure in the town of Spreckels along with their contribution to the historic town of Spreckels. The Vosti residence is listed as a contributing structure or C-2 designation. Contributing structures refer to structure that were built by the Spreckels Sugar Company for worker housing between 1897 through 1957. Contributing structures must maintain their original historical characteristics, such as style, materials and details due to the structures historic architectural qualities and are defined as qualified historic buildings under California State Law and are subject to provisions of the State Historic Building Code.
 - e) The "HR" historical designation requires referral to the Historical Resources Board and the Spreckels Neighborhood Design Review Committee for review and recommendation to the Planning Commission. (Monterey County Code Section 21.54.40 and Spreckels Design Guidelines)
 - f) The Spreckels Neighborhood Design Committee's role is to advise the Planning Commission on design matters. At a publicly noticed hearing held June 16, 2010, the project was heard by the Spreckels Neighborhood Design Committee. The committee commented that the shed was one of the original sheds within the town and wanted the shed to be retained. The committee ultimately gave a favorable recommendation with a condition that the shed not be destroyed, rather the existing tin shed be replaced. The applicants agreed and the shed will be retained, either on this lot or within the town of Spreckels due to its' historical nature.
 - g) Pursuant to Monterey County Zoning Code, 21.54.040.A, a copy of all application materials shall be transmitted to the Secretary of Historic Resources Review Board requesting the review and recommendation of the Historic Resources Review Board. The project was referred to the Historical Resources Review Board and was heard at the July 1, 2010 meeting. The HRRB unanimously approved the proposed with 1 conditions on a vote of 4 to 0. The HRRB recommended that the new garage be referred to as a garage and not an addition, as stated in original HRRB resolution.
 - h) The location of all additions in the town of Spreckels must be placed to the rear or side of the existing structure (The Spreckels Design Guidelines, P.1.5). The garage will be placed to the rear of the single family residence, closest to the alley. The existing 120 square foot shed (Shed A) will be relocated to the same area as the existing 160 square foot shed (Shed B).
 - i) 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 PLN100191.

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, Monterey County Regional Fire, Parks, Public Works, 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) Staff conducted a site inspection on July 16, 2010 to verify that the site is suitable for this use.
- c) 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 PLN100191.
3. **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:** a) The project was reviewed by RMA - Planning Department, Monterey County Regional Fire, Parks, Public Works, Environmental Health Division, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) Necessary public facilities are available. The property is already served by the Spreckels Public Water System and the Spreckels Sewer System
- c) Preceding findings and supporting evidence for PLN100191.
4. **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 Department and Building Services Department records and is not aware of any violations existing on subject property.
- b) Staff conducted a site inspection on July 16, 2010 and researched County records to assess if any violation exists on the subject property.
- c) There are no known violations on the subject parcel.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100191.

5. **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 15301 (e) categorically exempts the construction of small accessory structures.
 - b) The project is a 476 square foot detached garage located in a Historic Resource district. The county has produced a "Significance Map" with a detailed survey map of every structure in the town of Spreckels along with their contribution to the historic town of Spreckels. The project site is listed as a contributing structure, C-2 designation. Contributing structures refer to structure that were built by the Spreckels Sugar Company for worker housing between 1897 through 1957 and must maintain their original historical characteristics.
 - c) The proposed garage will be cited in the same location as the existing 120 square foot shed. The shed will be relocated on the property, due its historical significance to the same location as the existing 160 square foot shed (Shed B). Shed B will be removed from the property.
 - d) No adverse environmental effects were identified during staff review of the development application during a site visit on Inspection July 16, 2010.
 - e) See preceding and following findings and supporting evidence.

6. **FINDING:** **HISTORICAL RESOURCE (CONSISTENCY)** – The proposed work is found to be consistent with the purposes of Chapter 21.54 of Title 21 (Regulations for Historical 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.

- EVIDENCE:**
- a) The project, as proposed, is consistent with the regulations set forth in Section 21.54.080 of Title 21 for regulations for development in an "HR" district.
 - b) The project, as proposed, is consistent with the design criteria found in the Spreckels Design Guidelines and is consistent with the architectural features found within the town of Spreckels. Siding and trim will match the existing light blue siding and white trim. The garage will emulate a small barn style with matching roofing materials and rolling doors to add character. The garage will be located behind the main dwelling and will not be visible from the front of the property. Attention was given to the garage addition, size and placement to ensure the new garage would the existing structures and consistency with the surrounding neighborhood.
 - c) The project was referred to the Historical Resources Review Board and was heard at the July 1, 2009 meeting. The HRRB approved the proposed on a vote of 5 to 0, with a comment to refer to the new addition as a garage rather than "addition."
 - d) At a publicly noticed hearing held June 16, 2010, the project was heard by the Spreckels Neighborhood Design Committee. The committee

commented that the shed was one of the original sheds within the town and wanted the shed to be retained. The committee ultimately gave a favorable recommendation with a condition that the shed not be destroyed, rather the existing tin shed be relocated.

- e) The county has produced a "Significance Map" with a detailed survey of every structure in the town of Spreckels along with their contribution to the historic town of Spreckels. The project site is listed as a contributing structure. Contributing structures refer to structure that were built by the Spreckels Sugar Company for worker housing between 1897 through 1957 and must maintain their original historical characteristics. These properties add to the historical architectural qualities, historical associations and archeological values for which the Spreckels Historical District is known. The garage is consistent with the architectural character found within the town of Spreckels. The existing residential home is light blue with white trim, and light brown wood shingled roof. The addition will match the existing residence in shape, bulk, height and design.
- f) The proposed detached garage will be 476 square feet located to the rear of the property, behind the main structure. As stated in the Spreckels Design Guidelines policy P.1.5, the location of all additions shall be located to the rear or side of the existing structure whenever possible. In this case, the addition will be situated to the rear of the property and will not be visible from the front of the property.
- g) The garage will replace an existing 160 square foot garage/storage building. The new garage will be compatible with the Spreckels Design Guidelines and will match the colors and materials of the existing single family dwelling of light blue and white trim.
- h) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100191.

7. **FINDING:** **HISTORICAL RESOURCE (CONFORMANCE)** - With regard to any property located within an historic district, the proposed work is found to be consistent with the purposes of Chapter 21.54 of Title 21 (Regulations for Historical 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.

EVIDENCE: a) See Finding and Evidence No. 6 above.

8. **FINDINGS:** **HISTORICAL RESOURCE (COMPATIBILITY)** - In the case of construction of a new improvement, addition, building, or structure upon a designated historic resource site, the use and exterior of such improvements 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) See Finding and Evidence No. 6 above.

9. **FINDINGS:** **HISTORICAL RESOURCE (VIOLATIONS)** – Findings regarding construction of unsafe conditions or financial hardship per section 21.54.060.4 and 5, are not necessary or applicable to this project.
- a) Exceptions to compliance with the design standards may be allowed in the case of correcting an unsafe condition or if an immediate and substantial financial hardship would occur (Sections 18.25.160 and 18.25.175 of Monterey County code). These exceptions do not apply to this project.
 - b) The site does not hold an unsafe or dangerous structure and is in full compliance with respective building and fire codes. During staff review the project was routed to Monterey County Regional Fire District and there was no indication that the proposed garage was unsafe.
 - c) The project is consistent with the regulations for development in the town of Spreckels, Greater Salinas Area Plan policies and the Monterey County General Plan and found the addition to be compatible and consistent with each. Staff is recommending approval of the subject project.
10. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:** a) Section 21.80.040.D of the Monterey County Zoning Ordinance.

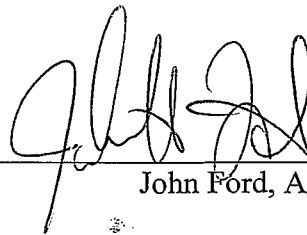
DECISION

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

- A. Categorically exempt this project per section 15303 (e) of the CEQA guidelines;
- B. Approve Use Permit and Design Approval to allow the construction of new detached 476 square foot garage in a HR District (Spreckels) pursuant to Monterey County Code Section 21.54.080.A, in general conformance with the attached sketch and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 11th day of August, 2010 upon motion of Commissioner Getzelman, seconded by Commissioner Salazar, by the following vote:

AYES: Getzelman, Vandever, Roberts, Salazar, Brown, Sanchez, Diehl, Padilla, Ottone
NOES: None
ABSENT: Rochester
ABSTAIN: None



John Ford, Acting Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON AUG 23 2010

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

Michael Vosti (PLN100191)

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IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **SEP 02 2010**

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 Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

RESOLUTION 10-020 - EXHIBIT 1 Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: <u>Michael and Kristin Vosti</u> File No: <u>PLN100191</u> APNs: <u>177-043-009-000</u> Approved by: <u>Planning Commission</u> Date: <u>August 11, 2010</u>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
RMA - Planning Department						
1.		PD001 - SPECIFIC USES ONLY This Use Permit and Design Approval (PLN100191) which allows the construction of a new detached 476 square foot garage and re-location of a 120 square foot shed in a Historical District (Spreckels) pursuant to MCC Section 21.54.080.A. The property is located at 79 Railroad Avenue, Spreckels (Assessor's Parcel Number 177-043-009-000), Greater Salinas Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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. (RMA-Planning Department)	Adhere to conditions and uses specified in the permit. 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.	Owner/ Applicant RMA - Planning	Ongoing unless other- wise stated	
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 10-020) was approved by the Planning Commission for Assessor's Parcel Number 177-043-009-000 on August 11, 2010. The permit was	Obtain appropriate form from the RMA-Planning Department. The applicant shall complete the form and furnish proof of recordation of this	Owner/ Applicant RMA- Planning	Prior to the issuance of grading	

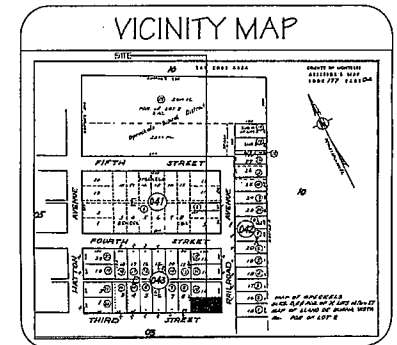
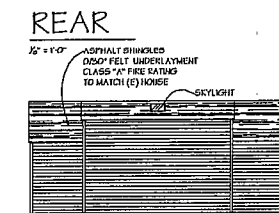
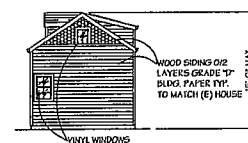
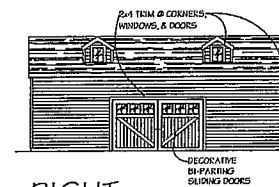
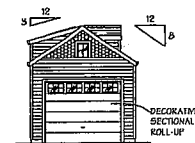
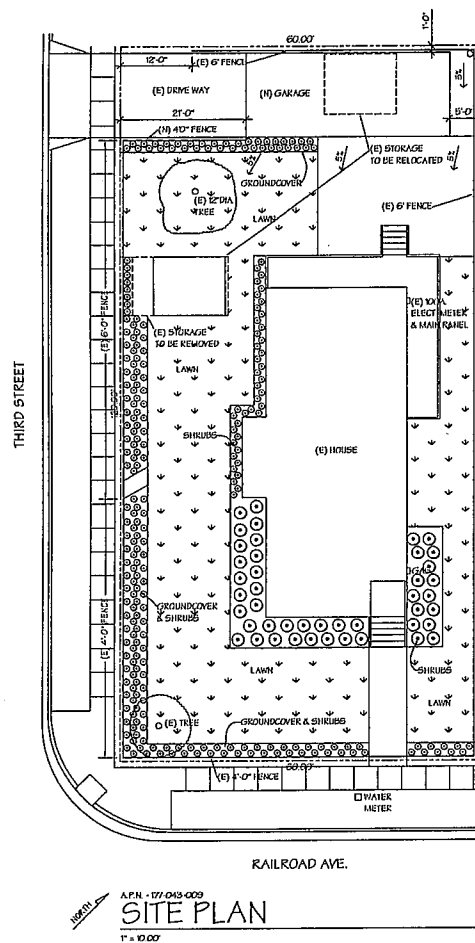
Michael Vosti (PLN100191)

<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>
		granted subject to ## conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	notice to the RMA - Planning Department.		and building permits or commencement of use.	
3.		PD032(A) - PERMIT EXPIRATION The permit shall be granted for a time period of 3 years, to expire on August 11, 2013 unless use of the property or actual construction has begun within this period. (RMA – Planning Department)	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	
4.		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 approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	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. The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Final of Building Permit	

<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>
5.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers 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. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County 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 Department)</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, whichever occurs first and as applicable	

<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>
6.		PD001 – NON STANDARD (Spreckels Neighborhood Design Review Committee) The existing 120 square foot shed (Shed A) located to the area of the proposed 476 square foot detached garage shall be located to the location of the 160 square foot shed (Shed B). Shed B will be removed.	The property owner shall submit evidence of the shed retention. The applicant/owner shall submit photos of the shed relocation on the property.	Owner/ Applicant	Prior to Final of Building Permit	

END OF CONDITIONS



SHEET INDEX	
SITE PLAN, EXTERIOR ELEVATIONS	A-1
FLOOR PLAN, BUILDING SECTION, AND ARCHITECTURAL DETAILS	A-2
FOUNDATION AND ROOF FLASHING PLAN	A-3
STRUCTURAL DETAILS	A-4
SPECIFICATIONS	A-5

AREAS & STATISTICS

LOT AREA: 7,200 S.F.	
NEW GARAGE	
EXISTING HOUSE:	1,320 S.F.
EXISTING PORCH:	240 S.F.
EXISTING STORAGE (TO BE REMOVED):	400 S.F.
EXISTING STORAGE (TO BE RELOCATED):	100 S.F.
NEW DETACHED GARAGE (UNCONVENTIONAL):	470 S.F.
TOTAL AREA:	1,530 S.F.
LOT COVERAGE:	22.42 S.F. / 7,200 S.F. = 3.1%

CONSTRUCTION TYPE: V-4
OCCUPANCY GROUP: R-3 / U
STORIES: ONE
FIRE SPARKLENS: NONE
ENERGY METHOD: 2008 STANDARDS
CODES: 2001 C.D.C., 2007 C.M.C., 2007 C.F.C., 2007 C.E.C., 2008 ENERGY STANDARDS

OWNER

MICHAEL VOSTI
P.O. BOX 747
SPRECKLES, CALIFORNIA 93962



EDWARD L. RINEHART
A.I.A. ARCHITECT

GARAGE FOR:
MICHAEL VOSTI
79 RAILROAD AVENUE
SPRECKLES - CALIFORNIA 93962

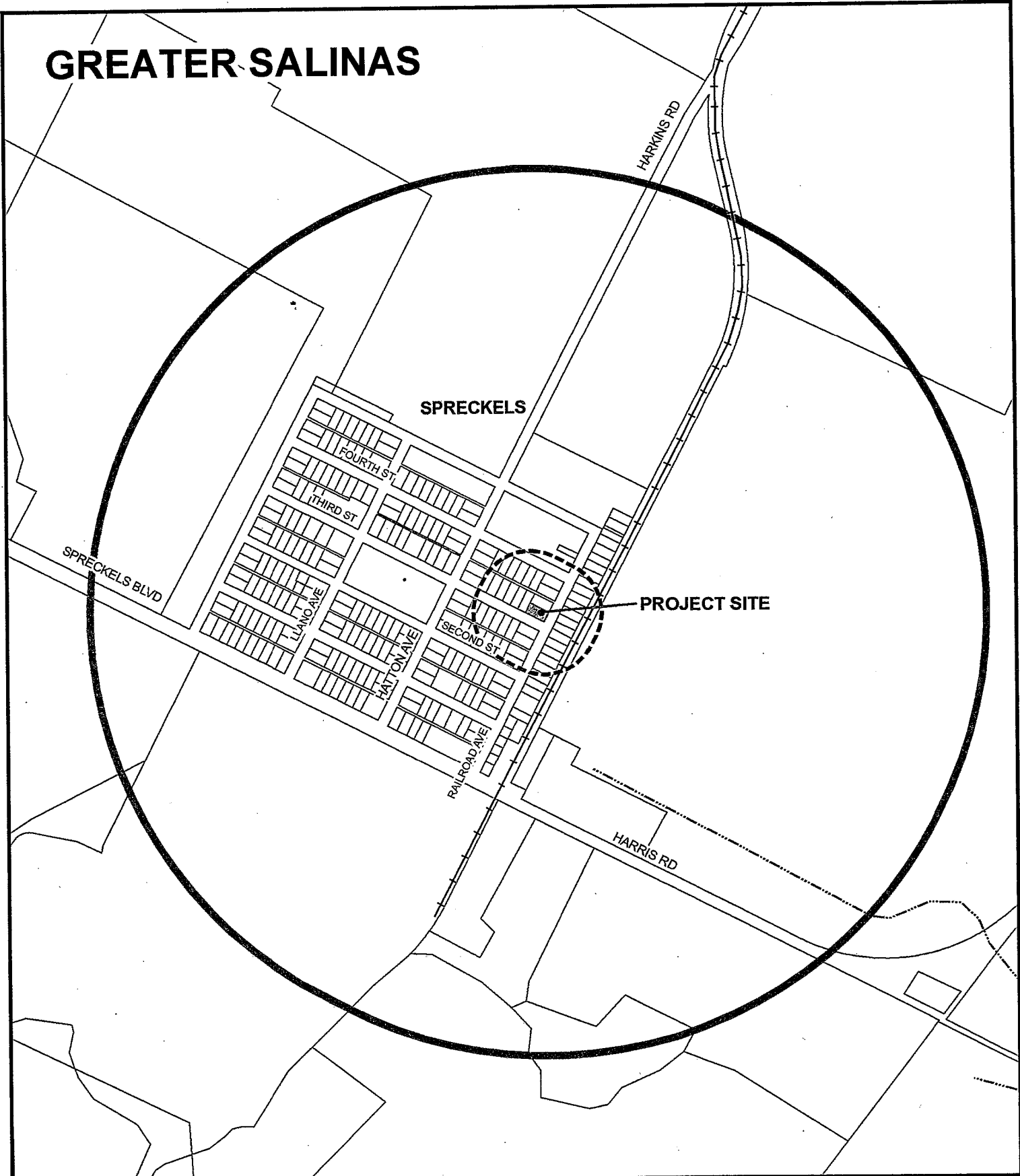
SHEET NO.
A-1
OF 5 SHEETS

107 CHURCH STREET - SALINAS - CALIFORNIA 93901
Phone: (831) 422-1046 Fax: (831) 422-1952
e-mail: ed@rinhart.net

REVISIONS:
1. BY: EKR
2. DATE ISSUED: 1-8-10
3.
4.

0922

GREATER SALINAS



APPLICANT: VOSTI

APN: 177-043-009-000

FILE # PLN100191

Water 2500' Limit 300' Limit City Limits



0 500
Feet

