

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

RESOLUTION NO. 01026

A. P. # 211-081-016-000

**FINDINGS AND DECISION**

In the matter of the application of  
**Sharon Kerlee (PLN000583)**

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located at 15 Herbert Road, Salinas, northerly of Herbert Road and easterly of San Juan Road, Gabilan Acres Area, came on regularly for hearing before the Planning Commission on May 30, 2001.

WHEREAS: Said proposal includes:

- 1) Administrative Permit to allow for the replacement of a legal non-conforming mobile home with a 1,440 square foot manufactured home;
- 2) A Use Permit to allow for the continued use of a legal non-conforming use; and
- 3) Design Approval

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

FINDINGS OF FACT

1. **FINDING:** The Combined Development Permit (PLN000583) consists of: 1) an Administrative Permit for the replacement of a legal nonconforming mobile home with a 1,440 square foot manufactured home; 2) a Use Permit for the continued use of a legal nonconforming use; and Design Approval. The property is located at 15 Hebert Road, Salinas (Assessor's Parcel Number 211-081-016-000), east of San Juan Grade Road, Gabilan Acres area. The project as described in condition #1 and as conditioned, conforms to the plans, policies, requirements and standards of the General Plan, the Greater Salinas Area Plan, and the Monterey County Zoning Ordinance (Title 21). The parcel is zoned Low Density Residential District (LDR/1-D). The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with the General Plan and the Greater Salinas Area Plan.

**EVIDENCE:** The text and policies of the Greater Salinas Area Plan and the Monterey County General Plan have been evaluated during the course of the review of this application. No conflict or inconsistencies with the text or the policies were found to exist. No testimony, either written or oral, was received during the course of public hearing to indicate that there is any inconsistency with the Greater Salinas Area Plan or the Monterey County General Plan.

**EVIDENCE:** The project site is physically suitable for the use as described in the project file. The Monterey County Planning and Building Inspection Department, Water Resources Agency,

Public Works and Parks Departments, Environmental Health Division, and the Salinas Rural Fire Protection District have reviewed the proposed development. There has been no indication from these agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.

**EVIDENCE:** The proposed use is consistent with the applicable development regulations in Title 21, Monterey County Zoning Ordinance.

**EVIDENCE:** The Planning Commission has reviewed and approved the Design Approval request.

**EVIDENCE:** Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

**EVIDENCE:** The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, located in the project file.

**EVIDENCE:** The on-site inspection by the project planner on March 27, 2001 to verify that the proposed project complies with the Greater Salinas Area Plan.

2. **FINDING:** The proposed project will not have a significant environmental impact.

**EVIDENCE:** Section 15302 of the CEQA Guidelines categorically exempts from environmental review projects that propose the replacement of existing structures where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

**EVIDENCE:** No adverse environmental impacts were identified during review of the proposed project.

3. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.

**EVIDENCE:** Preceding findings and supporting evidence.

### DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

1. The Kerlee Combined Development Permit (PLN000583) allows for the replacement of a mobile home with a 1,440-square foot manufactured home. The property is located at 15 Hebert Road in the Gabilan Acres area (Assessor's Parcel Number 211-081-016-000) one block east of San Juan Grade Road. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless the appropriate authorities approve additional permits. **(Planning and Building Inspection)**

**PRIOR TO ISSUANCE OF A BUILDING PERMIT**

2. 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. **(Planning and Building Inspection)**
3. The applicant shall record a notice which states: "A permit (Resolution 01026) was approved by the Planning Commission for Assessor's Parcel Number 211-081-016-000 (File No. PLN000583) on May 30, 2001. The permit was granted subject to 15 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
4. When construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted prior to requesting final clearance. All address numbers (permanent and temporary) shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the address numbers shall be set adjacent to the driveway or access road to the property. Address numbers posted shall be Arabic, not Roman or written out in words. Address numbers posted shall be a minimum number height of 3 inches with a 3/8-inch stroke, and contrasting with the background colors of the sign. **(Fire District)**
5. All exterior lighting shall be unobtrusive, 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 exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection)**

**PRIOR TO FINAL CLEARANCE OF THE BUILDING PERMIT**

6. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandate 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 & Planning and Building Inspection)**
7. Prior to occupancy, an access road shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. **(Fire District)**
8. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus. **(Fire District)**
9. For residential driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius of curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. **(Fire District)**
10. Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roads shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the centerline of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. **(Fire District)**
11. Driveways shall not be less than 12 feet wide unobstructed. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. **(Fire District)**
12. Unobstructed vertical clearance shall be not less than 15 feet for all access roads. **(Fire District)**
13. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. **(Fire District)**
14. The building shall be protected with automatic fire sprinklers in compliance with the (NFPA) National Fire Protection Association Standard and Uniform Fire Code as approved by Salinas Rural Fire Protection District. The following notation is required on the plans when a building permit is applied for:  
  
*"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection."* **(Fire District)**
15. In high and very high fire hazard area, as defined by the California Department of Forestry and Fire Protection (CDF), roof construction shall be Class A or Class B, with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired so as to affect 50 percent or more of the roof. Vegetation removal will not be allowed as a means of removing high or very high fire hazard area designation from an entire parcel. **(Fire District)**

PASSED AND ADOPTED this 30th day of May, 2001 by the following vote:

AYES: Errea, Sanchez, Hawkins, Parsons, Brennan, Pitt-Derdivanis, Diehl, Hernandez, Lacy, Wilmot  
NOES: None  
ABSENT: None

  
DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on **JUN 18 2001**

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 28 2001**

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 90<sup>th</sup> day following the date on which this decision becomes final.

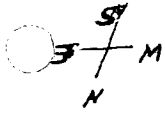
NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

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



SHARON RLEE  
15 HEBERT ROAD, SALINAS  
LOT SIZE 70 X 306  
PARCEL # 211-081-016

PROPERTY LINE 70.0 HEBERT ROAD

