

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

RESOLUTION NO. 01071

A. P. # 161-441-009-000

FINDINGS AND DECISION

In the matter of the application of
Stephens and Savage (PLN010332)

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 24295 Paseo Privado, Salinas, west of Paseo Hermoso and west of San Benancio Road, Toro area, came on regularly for hearing before the Planning Commission on November 14, 2001.

WHEREAS: Said proposal includes:

- 1) Administrative Permit for construction of an addition to an existing single family residence in the "VS" (Visual Sensitivity) District and
- 2) Use Permit for development on slopes of greater than 30 percent.

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

FINDINGS OF FACT

1. FINDING: The proposed single-family residence addition unit is consistent with the Toro Area Plan designation of "Low Density Residential, 1 Acre per Unit," and with the policies of the Monterey County General Plan, regarding permitted uses and density and development in visually sensitive areas. It is also consistent with Policy 26.1.6.1(T) of the Toro Area Plan which requires that, in areas designated as visually sensitive, no development shall be permitted without a finding that such development will not adversely effect the natural scenic beauty of the area.
EVIDENCE: The Land Use Plan and the text and policies of the Toro Area Plan and the Monterey County General Plan were evaluated during the review of the application. The proposed single-family residence addition is consistent with the land use designation and density allowed under the Toro Area Plan. The property is in a "Sensitive Area" as shown on the *Visual Sensitivity and Scenic Highways Map* in the Toro Area Plan.
EVIDENCE: The project was staked and flagged, and Planning and Building Inspection Department staff conducted an on-site inspection of the project, and concluded that the project, as proposed, will not have an adverse visual impact.
EVIDENCE: The proposed project was reviewed by the Toro Land Use Advisory Committee, and it recommended approval by unanimous vote (4 ayes).

2. FINDING: The proposed single-family residence addition is consistent with the "LDR/1-VS" (Low Density Residential, Visual Sensitivity) zoning of the property with respect to permitted uses and density, and with the "VS" (Visual Sensitivity) Zoning of the site. The proposed use will not create a substantially adverse visual impact when viewed from a common public viewing area.
- EVIDENCE: Under Chapter 21.14 of Title 21 (Zoning) of the Monterey County Code, accessory structures are a permitted use.
- EVIDENCE: Under Chapter 21.46 of Title 21, the project was staked and flagged, and Planning and Building Inspection Department staff conducted an on-site inspection of the project.
- EVIDENCE: Under Chapter 21.46 of Title 21 (Zoning) of the Monterey County Code, the approving authority must determine that the project will not have a substantially adverse visual impact when viewed from a common public viewing area. The proposed project will not have an adverse visual impact, therefore only an Administrative Permit is required.
- EVIDENCE: Like the existing residence, the proposed addition has a hexagon/cupola design, utilizes redwood material, and earth tone colors, and is built into the side of the hill with minimum visual impact. The roofline of the existing residence, as well as the proposed addition, is below the sight level of Paseo Privado, and neither structure can be seen from any common public viewing area.
- EVIDENCE: Application, building plans and other materials in Project File No. PLN010332, and the administrative record.
3. FINDING: There is no feasible alternative which would allow development to occur on slopes of less than 30 percent, and the proposed development better achieves the purposes of the General Plan.
- EVIDENCE: Under Chapter 21.46 of Title 21 (Zoning) of the Monterey County Code, the project was staked and flagged, and Planning and Building Inspection Department staff conducted on-site inspections of the project.
- EVIDENCE: Other portions of the subject parcel have steeper slopes with greater potential for erosion than the proposed building site. Since the parcel is also heavily forested, relocation to another site would also require removal of trees. A septic system is located on the only flatter portion of the parcel.
- EVIDENCE: Application, building plans and other materials in Project File No. PLN010332, and the administrative record.
4. FINDING: The site is suitable for the proposed single-family residence addition.
- EVIDENCE: There are no physical or environmental constraints, such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar conditions, that would indicate that the site is not suitable for the proposed use, nor is there other evidence in the record to indicate that the site is not suitable for the project. Reference Geotechnical Investigation prepared for the project, Soil Surveys, Inc., Salinas, California, June 13, 2001.
5. FINDING: This project is categorically exempt under Section 15303(c) of the Monterey County CEQA Guidelines relating to small structures.
- EVIDENCE: Application and materials located in Project File PLN010332, and the administrative record.
6. FINDING: The subject property is in compliance with all rules and regulations pertaining to the use of the property, no violations exist on the property, and all zoning abatement costs, if any, have been paid.

- EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection records indicated that no violations exist on the subject property.
7. FINDING: Adequate sewage disposal and water supply facilities are available on the site.
EVIDENCE: Application, materials, and interdepartmental correspondence located in Project File PLN010332.
8. FINDING: Necessary public facilities are available for the proposed use, and the conditions of approval are appropriate.
EVIDENCE: The project has been reviewed by the Planning and Building Inspection Department, Public Works Department, Health Department, Water Resources Agency, and Salinas Rural Fire District. The conditions incorporate the concerns and recommendations of these departments and agencies.
9. FINDING: The establishment, maintenance, or operation of the uses and buildings applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood, or to the general welfare of the County.
EVIDENCE: Findings and Evidence set forth above.

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. This permit is a Combined Development Permit consisting of an Administrative Permit for a single-family residence addition in the "VS" (Visual Sensitivity) District, and Use Permit for development on slopes of greater than 30 percent. This permit is in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (Planning and Building Inspection)

Prior to Issuance of Grading and Building Permits:

2. The body, trim and roofing of the house shall utilize earth tones or other colors which blend with the natural environment. Evidence of compliance with this condition, including the submission of color samples, shall be provided to the Director of Planning and Building Inspection prior to the issuance of any grading or building permits. (Planning and Building Inspection)
3. The applicant shall record a notice which states: "The workshop building shall not be separately rented, let or leased from the main residence, whether compensation be direct or indirect; the workshop building shall not be used as habitable space." 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. The applicant shall record a notice which states: "A Geotechnical Investigation for Mr. Dave Stephens, 24295 Paseo Privada, APN 161-441-009, dated June 13, 2001, was prepared for the site by Soil Surveys, Inc., Salinas, California, and is on file in the Monterey County Planning and Building Inspection Department in project File No. PLN010332. The recommendations set forth in said report shall be followed in all further development of this property." 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)
5. The applicant shall record a notice which states: "A Permit (Resolution # 01071) was approved by the Monterey County Planning Commission for Assessor's Parcel Number 161-441-009 on November 14, 2001. The permit was granted subject to 12 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)

Prior to Final Inspection/Occupancy:

6. 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. (Salinas Rural Fire District)
7. 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. (Salinas Rural Fire District)
8. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. (Salinas Rural Fire District)
9. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A \$84 per lot 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 materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. (Planning and Building Inspection Department)

Continuous Permit Conditions:

- 10. If archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 150 feet of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate measures shall be formulated and implemented. (Planning and Building Inspection)
- 11. 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. (Planning and Building Inspection)
- 12. 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. (Planning and Building Inspection)

PASSED AND ADOPTED this 14th day of November, 2001 by the following vote:

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


 DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on **DEC 14 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 **DEC 26 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 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. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.

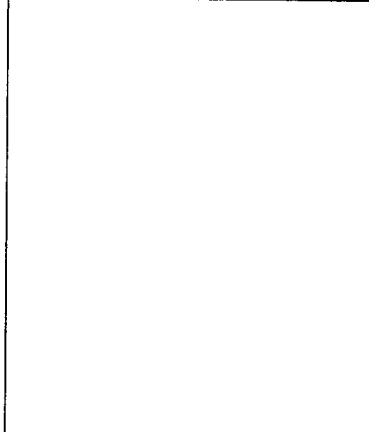
PROJECT DATA

PROJECT SCOPE:
 THE OWNER IS PROPOSING TO CONSTRUCT A 1,000 SQ. FT. x 28 FT. TALL ARTIST STUDIO/WORKSHOP WITH 750 SQ. FT. OF REDWOOD DECK. THE STRUCTURE IS TO BE A WOOD FRAMED WITH EXTERIOR SIDING AND ROOFING TO MATCH EXISTING RESIDENCE. THIS PROPOSED STUDIO/WORKSHOP IS TO BE UNCONDITIONED SPACE.

PROJECT ADDRESS: 24295 PASEO PRIVADO
 SALINAS, CALIFORNIA

APN: 161-441-009
CURRENT ZONING: LR(1)-15
OCCUPANT GROUP: R
TYPE OF CONSTRUCTION: TYPE IX-N (NON-SPRINKLERED)
LOT SIZE: 42.85 ACRES (124,354 SQ. FT.)
EXISTING BUILDING AREA: 2,200 SQ. FT.
NEW BUILDING AREA: 1,000 SQ. FT.
TOTAL BUILDING AREA: 3,200 SQ. FT.
SCALE: (3,200/724,350) x 100 = 1.77%
CODE: 1997 UNIFORM BUILDING CODE, 1994 CALIFORNIA ELECTRICAL CODE

VICINITY MAP



FIRE DEPARTMENT NOTES

- Address numbers to be posted - before construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted on the lot. Temporary address numbers shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be achieved, the lot or sign bearing the address numbers shall be set adjacent to the road. Address numbers shall be "Arabic" (1, 2, 3, etc.). Address numbers posted shall be a minimum number height of 3 inches, 3/8 inch wide stroke, and contrasting with the background colors of the sign.
- Roofing - class "A" or "B" required - roof construction shall be close to 3/4" with fire resistant materials, as defined by uniform building code. Roofing shall be replaced within 5 years of construction and when 50 percent or more of an existing roof is replaced within a 5-year period.
- Access driveway shall be all-weather driving surface capable of supporting the apparatus (22 tons) not less than 12 feet unobstructed width, a minimum of 13'-6" or 15'-0" vertical clearance, and a maximum of 10% slope. On the driveway and access roads having a slope of 8 percent or more the surface shall be 7/8" pavement or concrete.
- Clear vegetation - all removable vegetation or other combustible growth shall be removed from the site. The site shall be maintained free of trees, ornamental shrubbery or similar plants used as shade covers, which may impede or delay fire fighting operations or impede the fire from the main growth to any structure.

SHEET INDEX

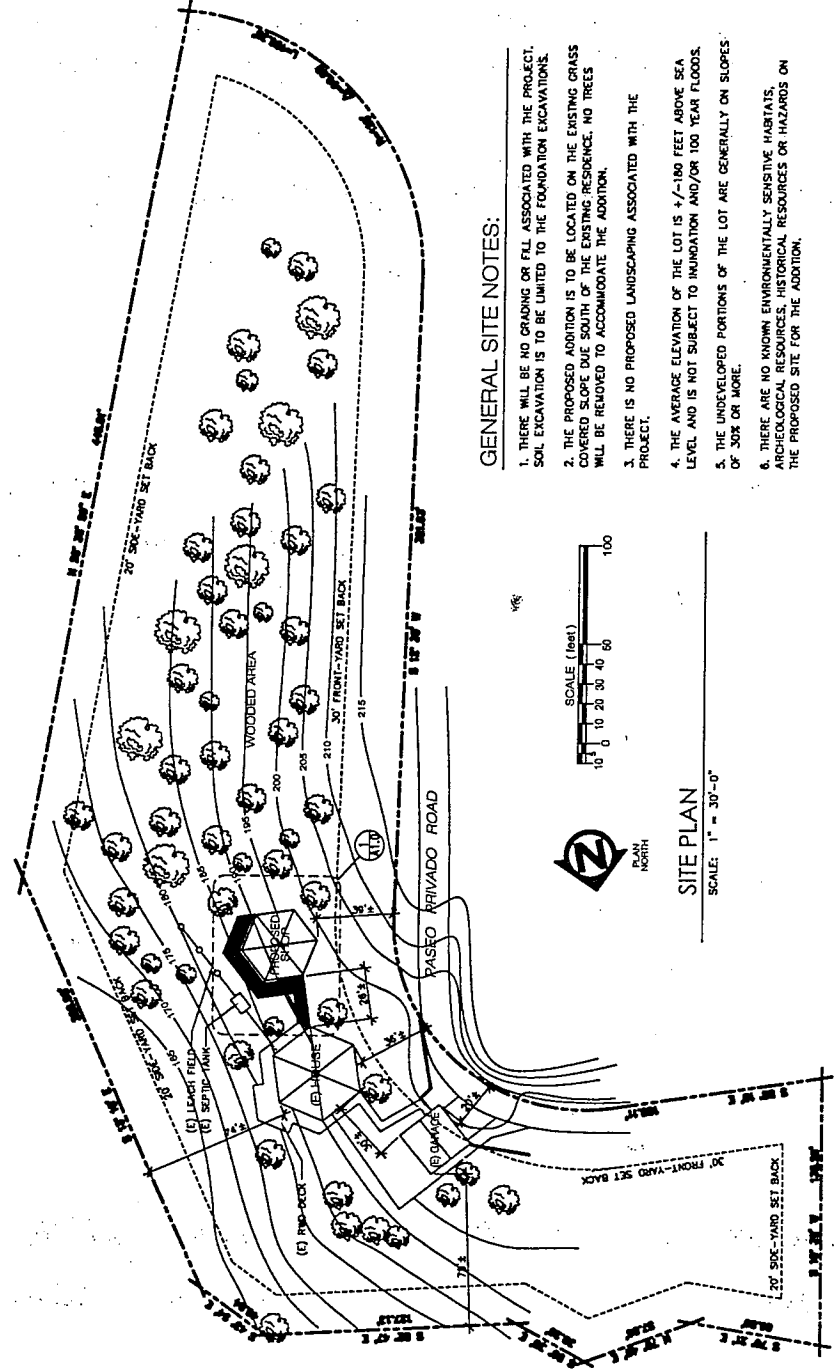
- T1.0 - SITE PLAN, PROJECT DATA, GENERAL NOTES
- A1.0 - FLOOR PLAN AND ELEVATIONS

PROPOSED STUDIO/WORKSHOP

FOR

S. SAVAGE & D. STEPHENS

24295 PASEO PRIVADO
 SALINAS, CA

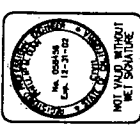


GENERAL SITE NOTES:

- THERE WILL BE NO GRADING OR FILL ASSOCIATED WITH THE PROJECT. SOIL EXCAVATION IS TO BE LIMITED TO THE FOUNDATION EXCAVATIONS.
- THE PROPOSED ADDITION IS TO BE LOCATED ON THE EXISTING GRASS COVERED SLOPE DUE SOUTH OF THE EXISTING RESIDENCE. NO TREES WILL BE REMOVED TO ACCOMMODATE THE ADDITION.
- THERE IS NO PROPOSED LANDSCAPING ASSOCIATED WITH THE PROJECT.
- THE AVERAGE ELEVATION OF THE LOT IS +/- 100 FEET ABOVE SEA LEVEL AND IS NOT SUBJECT TO INUNDATION AND/OR 100 YEAR FLOODS.
- THE UNDEVELOPED PORTIONS OF THE LOT ARE GENERALLY ON SLOPES OF 30% OR MORE.
- THERE ARE NO KNOWN ENVIRONMENTALLY SENSITIVE HABITATS, ARCHEOLOGICAL RESOURCES, HISTORICAL RESOURCES OR HAZARDS ON THE PROPOSED SITE FOR THE ADDITION.

NO.	DATE	DESCRIPTION	ACTION
1	10/15/03	PRELIMINARY DESIGN	APPROVED
2	11/10/03	FINAL DESIGN	APPROVED
3	12/15/03	CONSTRUCTION	APPROVED
4	01/15/04	COMPLETION	APPROVED

P. M. DUNN Engineering, Inc.
 800 Portola Drive, Ste. D
 San Jose, CA 95128
 Tel: (408) 999-3444
 Fax: (408) 999-3445



PROPOSED STUDIO/WORKSHOP
 24295 PASEO PRIVADO, SALINAS
 SITE PLAN, PROJECT DATA & LOCATION MAP

DATE	11.0
SCALE	AS NOTED
DRAWN	PM
CHECKED	CD
SHEET	11.0
TOTAL SHEETS	11.0