

MIKE NOVO  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 040020

APN# 253-031-002--000  
**FINDINGS & DECISION**

In the matter of the application of  
**BACKUS WILLIAM LOWRY JR & MICHELE M (PLN040020)**

Variance to increase the maximum lot coverage from 7.1% to 9.2%, to accommodate a 1,378 sq. ft. two story addition to a 1,646 sq ft. single family residence on a 0.9 acre parcel zoned F/40. The project is located at 705 Boronda Road, Salinas, The project came on regularly for hearing before the Zoning Administrator on June 9, 2005.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

### **FINDINGS OF FACT**

**1. FINDING: CONSISTENCY, SITE SUITABILITY AND PUBLIC ACCESS** - The subject Variance (Backus PLN040020) to increase the maximum lot coverage from 7.1% to 9.2%, to accommodate a 1,378 sq. ft. two story addition to a 1,646 sq ft. single family residence on a 0.9 acre parcel zoned F/40. The property is located at 705 Boronda Road, Salinas (Assessor's Parcel Number 253-031-002-000), 0.5 miles east of the San Jon Road and Boronda Road Intersection, Greater Salinas Area. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21, and any zoning violation abatement costs have been paid.

**EVIDENCE:** (a) The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with: The Monterey County General Plan; the Greater Salinas Area Plan; and Chapter 21.30 of the Monterey County Zoning Ordinance (Title 21) for the "F" Zoning District.

(b) The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, and Environmental Health Department. There has been no indication from these agencies that the site is not suitable for the proposed use. Necessary public facilities are available to the project site. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property, as conditioned. Each agency has reviewed the application and some have recommended conditions of approval.

(c) The Soils Investigation prepared by Soil Survey, Inc. (March 14, 2005) concludes that the site is suitable for the project, providing the recommendations made in the report are followed.

(d) Written and verbal public testimony submitted at public hearings before the Zoning Administrator.

(e) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in file PLN040020.

(f) The on-site inspection by the project planner on February 19, 2004 to verify that the proposed project complies with the plan policies and County Code regulations.

**2. FINDING: CEQA** - The proposed project is categorically exempt from the California Environmental Quality Act.

**EVIDENCE:** Section 15303(a) of the CEQA Guidelines categorically exempts the proposed development from environmental review. The subject property is situated within an existing, developed subdivision, surrounded by residential uses.

**3. FINDING: NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** Section 21.30.030(b) of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

**4. FINDING: ADEQUATE SEWAGE DISPOSAL AND WATER** - That adequate sewage disposal and water supply facilities exist or are readily available to the site, as approved by the Director of Environmental Health.

**EVIDENCE:** Materials in file PLN040020.

**5. FINDING: SPECIAL CIRCUMSTANCES:** A variance may be allowed because of special circumstances applicable to subject property, including *size*, shape, topography, location or surroundings, the strict application of this Title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

**EVIDENCE:** (a) This small parcel zoned Farmlands for which the minimum lot size is 40 acres. This parcel is 0.9 acres and strict application of this zoning would deprive the owner of privileges enjoyed by other properties in the vicinity and under the same zoning classification.  
(b) Planner visited the site February 19, 2004 to review the possible compliance of the two story addition and found the project site to be severely constrained for building due too the smallness of the lot. The applicant must use this project site, with a small increase in the coverage from 7.1% to 9.2%.

(c) Materials in file PLN040020.

(d) Much of the second story addition does not increase coverage.

(e) "Table of Information" contained in June 9, 2005 Zoning Administrator staff report showing lot size constraints.

**6. FINDING: NOT A GRANT OF SPECIAL PRIVILEGE:** The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated;

**EVIDENCE:** (a) This variance does not grant a special privilege, if approved. Any parcel in the F/40 zoning surrounding this area could have the 3306 square foot coverage requested in this permit. The coverage of 7.1% for the minimum lot size would equal 87,120 square feet. This parcel is small, only 0.9 acres, and would allow only 1799 square feet of coverage. The existing coverage on the lot is 2786 square feet. It consists of the existing 1646 square foot single family residence, a 540 square foot garage, and a 600 square foot shed. It currently exceeds the allowed coverage at 7.1%. This is a modest increase of 520 square feet.

(b) Variance to coverage has been allowed on coverage in the farmlands zone for PLN010572 and PLN020063.

(c) Ordinance 21 Sections 21.30.060 (a) and (D), coverage and minimum lot size in Farmlands.

(d) Materials in file PLN040020.

**7. FINDING: THIS USE IS AUTHORIZED IN THIS ZONING:** A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulations governing the parcel of property.

**EVIDENCE:** (a) This property is zoned Farmlands and allows for single family residences.

(b) Planner visited the site February 19, 2004 to review the surrounding parcels, their zoning and use. Planner found the proposed project to be in accord with the applicable uses and zoning.

(c) Materials in file PLN040020.

**8. FINDING: HEALTH AND SAFETY -** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to 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:** (a) Adequate road and drainage infrastructure exists for the project.

(b) Site inspection by Planner on June 18, 2004.

(c) Materials in file PLN040020.

(d) Preceding findings and supporting evidence.

**9. FINDING: APPEAL ABILITY -** The project is appealable to the Planning Commission.

**EVIDENCE:** Section 21.80.040.B of the Monterey County Zoning Ordinance (Title 21).

## DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Variance be granted as shown on the attached sketch and subject to the attached conditions.

**PASSED AND ADOPTED** this 9th day of June, 2005.

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MIKE NOVO  
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION. 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

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

**Monterey County Planning and Building Inspection  
Condition Compliance and/or Mitigation Monitoring  
Reporting Plan**

**Project Name:** BACKUS WILLIAM LOWRY JR & MICHELE M

**File No:** PLN040020

**Approval by:** Zoning Administrator **Date:** June 9, 2005

*\*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)
1		<p><b>PBD029 - SPECIFIC USES ONLY</b></p> <p>This Variance (<b>Backus PLN040020</b>) to increase the maximum lot coverage from 7.1% to 9.2%, to accommodate a 1,378 sq. ft. two story addition to a 1,646 sq ft. single family residence on a 0.9 acre parcel zoned F/40. The property is located at 705 Boronda Road, Salinas (Assessor's Parcel Number 253-031-002-000), 0.5 miles east of the San Jon Road and Boronda Road Intersection, 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 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. (<b>Planning and Building Inspection</b>)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other-wise stated	

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2		<p><b>PBD025 - NOTICE-PERMIT APPROVAL</b></p> <p>The applicant shall record a notice which states: "A permit (Resolution 040020) was approved by the Zoning Administrator for Assessor's Parcel Number 253-031-002-000 on June 9, 2005. The permit was granted subject to 14 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. <b>(Planning and Building Inspection)</b></p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3		<p><b>PBD030 - STOP WORK - RESOURCES FOUND</b></p> <p>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 Planning and Building Inspection 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 proper mitigation measures required for the discovery. <b>(Planning and Building Inspection)</b></p>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection 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 the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeologist	Ongoing	
4		<p><b>PBD014 - GRADING-WINTER RESTRICTION</b></p> <p>No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. <b>(Planning and Building Inspection)</b></p>	None	Owner/ Applicant	Ongoing	

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5		<p><b>LANDSCAPE PLAN AND MAINTENANCE (NON-STANDARD)</b></p> <p>The site shall be landscaped. At least 60 days prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. 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 materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. The removed protected oak tree shall be replaced 2:1 and incorporated into the landscape 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. The installation shall be self certified by a licensed landscape Architect or other professional with the inclusion of the following statement on the signed landscape plan.</p> <p>“I, _____, certify that this landscaping and irrigation plan complies with all Monterey County Landscaping requirements including the use of native drought tolerant, non-invasive species, limited turf and low flow, water conserving irrigation fixtures. Signed _____ Date _____ Lic# _____”</p> <p>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. <b>(Planning and Building Inspection)</b></p>	<p>Submit landscape plans and contractor's estimate to PBI for review and approval.</p> <hr/> <p>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.</p>	<p>Owner/ Applicant/ Contractor</p> <hr/> <p>Owner/ Applicant</p>	<p>At least 60 days prior to final inspection or occupancy</p> <hr/> <p>Ongoing</p>	

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6		<p><b>PBD021 – LIGHTING – EXTERIOR LIGHTING PLAN</b></p> <p>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. <b>(Planning and Building Inspection)</b></p>	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	
7		<p><b>PBD026 – NOTICE OF REPORT</b></p> <p>Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical report has been prepared for this parcel by Soil surveys Inc, dated March 14, 2005 and is on record in the Monterey County Planning and Building Inspection Department Library <b>No. LIB050317</b>. All development shall be in accordance with this report." <b>(Planning and Building Inspection)</b></p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits	
8		<p><b>PBD040 – HEIGHT VERIFICATION</b></p> <p>The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of Planning and Building Inspection for</p>	1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection	Owner/ Applicant	Prior to Issuance of Grading or Building Permits	

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		review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. <b>(Planning and Building Inspection)</b>	2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of Planning and Building Inspection for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.	Engineer/Owner/Applicant	Prior to Final Inspection	
9		<b>Non-standard – Septic System Location</b> Submit a revised site plan to the Division of Environmental Health for review and approval. Indicate the location of the existing septic system and the location and design for a future repair, meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. <b>(Environmental Health)</b>	Applicant shall submit 2 copies of the revised site plan to the Division of Environmental Health for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of building permit.	
10		<b>NON-STANDARD – EFFLUENT FILTER</b> Applicant shall install an effluent filter in the existing septic tank. <b>(Environmental Health)</b>	Provide documentation of the installation of the filter to the Division of Environmental Health.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of building permit.	

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11		<p><b>WR40 - WATER CONSERVATION MEASURES</b>  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:</p> <p>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.</p> <p>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.  <b>(Water Resources Agency)</b></p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/ Occupancy	
12		<p><b>FIRE007 - DRIVEWAYS</b>  Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For 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 curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than</p>	Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	

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)
		<p>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. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.</p> <p><b>(Salinas Rural Fire District)</b></p>				
13		<p><b>FIRE011 - ADDRESSES FOR BUILDINGS</b></p> <p>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</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of building permit.</p>	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection</p>	

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)
		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. <b>(Salinas Rural Fire District)</b>				
14		<b>Non-standard – Fire Sprinklers in Existing Building</b> The existing and new portions of the building shall be fully protected with automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and /or the Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection. <b>(Salinas Rural Fire District)</b>	Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
		<b>END OF CONDITIONS</b>				