

Exhibit B

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EXHIBIT B

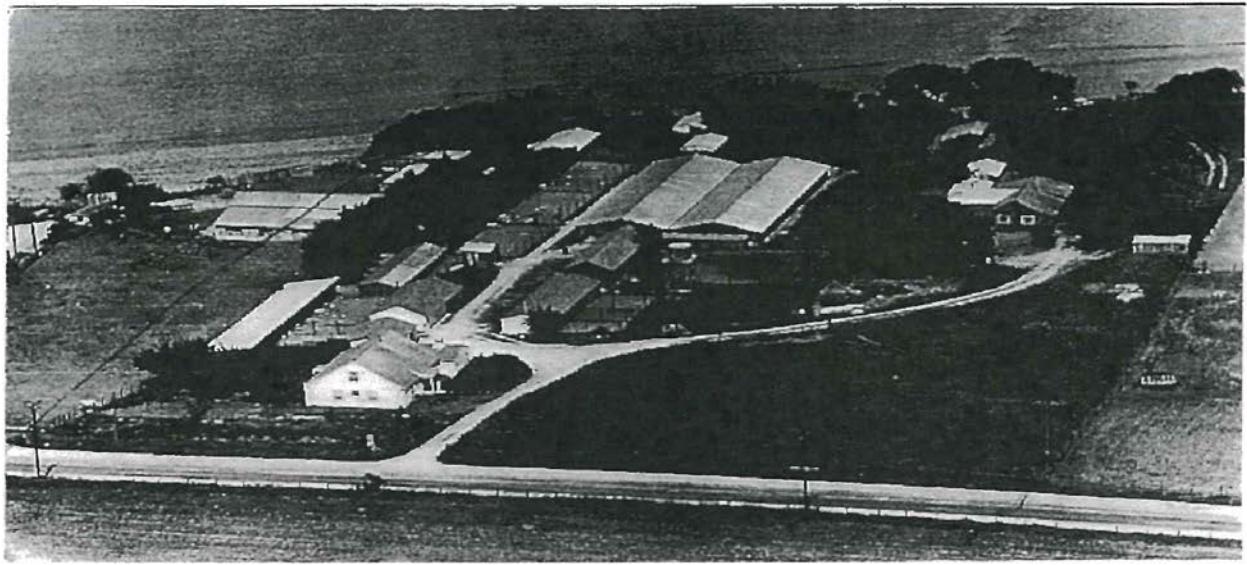
PROJECT DISCUSSION

The project involves a Variance Request to increase the allowable maximum lot coverage within the "F" (Farmlands) Zoning designation from 5% to 14.9%, and Design Approval to allow a 943-square foot addition/remodel, 408 square foot garage addition and 180 square foot deck addition to an existing 1,727 square foot single family dwelling. The property is located on a 1.46-acre parcel directly off River Road, within the Toro Area Plan of Monterey County. The subject parcel is zoned "F/40-D" or Farmland, 40-acre minimum with Design Control Zoning Overlay.

Existing on-site development consists of approximately 9,636 square feet of structures (15.15% coverage). The project proposes to demolish one of seven existing accessory structures (shed) on site. The shed proposed for demolition is approximately 1,600 square feet; of which 1,465 square feet will then be replaced with the proposed new construction. Therefore, the overall site coverage is proposed to decrease roughly 135 square feet; resulting in a net decrease reducing overall site coverage to approximately 9,501 square feet (14.9%). The proposed remodel/addition consists of: a 387 square-foot workroom/mechanical room; a 114 square-foot living room addition; 108 square foot kitchen addition; 268 square-foot bath/utility addition; 408 square-foot garage; 180 square-foot deck; and 66 square-foot second-story bathroom addition.

Site/Structure History

Prior to the dedicated residential use of the site, the subject property was previously associated with agricultural use (egg production), and was part of a larger legal lot. The existing on-site accessory structures were developed as part of this larger historical agricultural use. Since this time, the original larger parcel was split and reconfigured into 3 separate parcels, with the subject parcel being one of the three. Many of the previous structures were retained onsite, which resulted in a non-conforming parcel as it relates to coverage on the subject property.





Intent of “F” Zoning Designation – MCC 21.30

The intent of the “F” (Farmlands) zoning designation is to preserve and enhance the use of the prime, productive and unique farmlands, while also providing opportunity to establish required support facilities for those agricultural uses. Pursuant to this intent/purpose, the “F” zoning designation allows residential development *accessory to the agricultural use of the property, not exceeding three (3) in total, for an owner, operator or employees employed on site*. In addition, the “F” district is limited to five percent (5%) site coverage, except commercial greenhouse operations, which allow a coverage of fifty percent (50%). Any other additions to site coverage may be allowed with the issuance of a Variance.

The site consists of existing residential development, including a single-family dwelling and accessory structures, the majority of which were constructed when the property was associated with the previous larger agricultural use. The applicant is now requesting a Variance to “legalize” and maintain the existing coverage in allowable coverage.

Legal Nonconforming Uses – MCC 21.68

Monterey County Code, Section 21.68.040, allows the “*enlargement, extension, reconstruction or structural alteration of a nonconforming structure, nonconforming only as to height and yard regulations (coverage), may be permitted if the enlargement, extension, reconstruction, or structural alteration conforms to all the regulations of the district in which they are located*”. In other words, the existing site structure may be altered, only if the alteration/change results in the parcel conforming to all the regulations of the applicable zoning designation. Therefore, to allow the proposed residential addition (structural change) the site needs to come into compliance with the applicable coverage, height, and setback requirements, unless a Variance is approved.

Although the proposed project does involve the demolition of an existing 1,600 square foot accessory structure (shed) to allow the replacement of 1,465 square feet of legal nonconforming coverage, the overall site coverage will still be above the allowable coverage allotment (5%).

Therefore, the project requires the granting of a Variance to allow an overage in allowed site coverage (14.9%).

Variance Request

The property is zoned “F/40-D” (Farmlands, 40-acre minimum, with Design Control Overlay), which allows residential development (accessory to the agricultural use of the property), subject to a coverage restriction of no more than five percent. The request for a Variance is due to the proposed alteration of the existing development on the site. The existing development on the site can be considered “legal nonconforming” as to coverage, because the primary development was constructed prior to the current parcel size and when the site was used to support an agricultural use. However, the enlargement, extension, reconstruction or structural alteration of a nonconforming structure, nonconforming as to height and yard regulations, may only be permitted if the enlargement, extension, reconstruction, or structural alteration conforms to all the regulations of the district in which they are located. Therefore, to alter and maintain the existing site coverage, the application and granting of a Variance request is required.

The granting of a Variance is subject to the Zoning Administrator making three findings:

- 1. That because of special circumstances applicable to subject property, including size, shape, topography, location or surrounding, the strict application of this Title is found to deprive subject property of privileges enjoyed by others in the vicinity and under identical zone classifications.*

The subject parcel is undersized (1.46 acres) for the Farmlands zoning designation, as it is not 40 acres in size. However, residential development within the “F” zoning designation is allowed only if is accessory to the agricultural use of the property, and that development is limited to 5% coverage, unless a Variance is approved.

The current property owner purchased a parcel (2009) in a Farmland zone with agriculturally related buildings, which were associated with the past agricultural use of the property. Therefore, development on the site is “legal non-conforming”, which can be considered a special circumstance. The proposed project will involve the removal of one 1,600-square foot outbuilding with replacement of approximately 1,465 square feet of new construction to the existing residence; therefore, the overall site coverage will decrease from 15.15% to 14.9%. Due to the existing onsite “legal-conforming” development the granting of a Variance on the project site is supportable.

- 2. The Variance does not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which such property is situated.*

The site contains legal nonconforming development, which was originally constructed and used to support the production of eggs; therefore, the on-site development was constructed as an accessory to the agricultural use of the

property. After the initial development, the larger agricultural site was split into separate lots with existing development retained on the project site. Furthermore, two other Variances (ZA093040 and PLN010572) have been issued within the immediate vicinity to allow an increase in allowable coverage. One of these Variances (ZA093040) is situated immediately adjacent to the project site, at 327 River Road, while the other is located at 285 River Road. Both Variances were issued for either an increase in on-site storage and/or to allow residential construction/additions. Therefore, the granting of a Variance on the project site would not constitute a special privilege inconsistent with the limitations placed upon other properties in the vicinity.

3. *A Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regularly governing the parcel of property.*

The Farmlands Designation allows residential development only if it is accessory to the agricultural use of the property. The site contains legal nonconforming development, which was originally constructed and used to support the production of eggs; therefore, it was constructed accessory to the historical agricultural use of the property. Continued residential use of the project site is therefore an allowed use of the property.

Variances within the Surrounding Area

In 1993 the adjacent parcel, located at 327 River Road, was issued a Variance to exceed coverage (ZA93040). This Variance allowed an increase in site coverage to approximately 9.25% (8,744 square feet total), to allow the construction of an approximate 5000 square foot storage building on the 2.17 acre (94,525 square foot site).

In 2002, a parcel located at 285 River Road, was issued a Variance to exceed coverage (PLN010572). This Variance allowed an increase in site coverage to approximately 9.22% (2,582 square feet total) to allow a house and garage, relocation of a structure and addition of a garage, hobby room and landing. The Variance was granted to this parcel due to the size (0.643

acres/28,010 square feet) and shape (wedge/triangular) of the parcel.



Environmental Review

California Environmental Quality Act (CEQA) Guidelines Section 15301(e) categorically exempts additions to structures that constitute less than 50% of the floor area of the existing structures before the addition. The project involves additions to an existing structure, which does not result in an addition of more than 50% of the existing square footage of the existing structure.

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