

# Exhibit C

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**MINUTES**  
**Toro Land Use Advisory Committee**  
**Monday, October 13, 2014**

1. Meeting called to order by Kerry Varney at 4:00 pm

2. Roll Call

Members Present: Bonnie Baker, Mike Weaver, Kerry Varney, Lauren Keenan, Mike Mueller, Mark Kennedy,  
Bob Rieger, Beverly Bean (8)

Members Absent: Ron Vandergrift (1)

3. Approval of Minutes:

A. January 27, 2014 minutes

Motion: Mark Kennedy (LUAC Member's Name)

Second: Bonnie Baker (LUAC Member's Name)

Ayes: Baker, Kennedy, Weaver, Varney, Keenan, Mueller, Rieger, Bean (8)

Noes: None

Absent: Vandergrift (1)

Abstain: None

B. March 24, 2014 minutes

Motion: Mark Kennedy (LUAC Member's Name)

Second: Bonnie Baker (LUAC Member's Name)

Ayes: Baker, Kennedy, Weaver, Varney, Keenan, Mueller, Rieger, Bean (8)

Noes: None

Absent: Vandergrift (1)

Abstain: None

4. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

None

5. **Scheduled Item(s)**

6. **Other Items:**

- A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects (Refer to pages below)

None

- B) Announcements

Monterey County Ferrini Ranch Project Planner David Mack was present and asked if he could make an announcement? Chair Varney recognized Mack and the LUAC voted unanimously to allow Mack to make his announcement at the beginning of the LUAC meeting.

Mack stated that the Ferrini Ranch developers requested bringing it to the Toro LUAC on October 27, a field trip to the Ferrini Ranch followed by a meeting. This came as a surprise to the LUAC as this invitation arrived after the initial Planning Commission hearing on the project. David Mack noted that the PC hearing was continued until October 29.

Mike Weaver asked if a proposed field trip could involve a hike that showed more of the project sites that are supposed to be hidden behind the hills?

David Mack responded the stretch of land is of a size that it would entail several hours to hike the individual sites due to the steepness of the terrain, and the ups and downs of the hills.

Mark Kennedy asked about the LUAC parameters of the review/hike. David Mack said the project is being reviewed under the 1982 Monterey County General Plan and Toro Area Plan. Things like visibility, design of subdivision, impacts to scenic highway, infrastructure visibility.....

Mack said 4-wheel drive vehicles would not be allowed because of the risk factor. The same was true of the former Planning Commission Field Trip to the Ferrini Ranch. That's why they weren't put in vehicles. He continued, individual 4-wheel drives would not be allowed and County 4-wheel drives wouldn't be allowed because of the steepness and the inherent risk to the County.

LUAC members asked how they might be able to see more of the proposed project sites?

David Mack responded that he would talk to the developers as it was their property and see how much they might allow.



He said he personally has hiked the property to all building sites. It was time consuming. It's doubtful that amount of time might be allowed. Basically it would take a lot of time.

Kerry Varney suggested a field trip meeting on site at 2 p.m., followed by a Toro LUAC meeting at 4 p.m.?

Other LUAC members agreed but expressed wishes to have it be a more comprehensive field trip. David Macj said he's see what he could arrange with Kelton as it was private property.

Mike Weaver asked if the project could be staked and flagged?

Mack said due to the size of the project it wouldn't be flagged. However, if approved, as individual sites came along they could be flagged.

Ramon Montano said flagging wasn't required at this point. It is for structures.

See it without the flagging. Flagging is recommended but not required.

Bob Rieger said he didn't believe the sites would all be hidden behind the hills. Staking them now would give the advisory LUAC, the Planning Commission and the public a much better idea of what the current project proposal entailed.

Mack replied that would not happen. There would be no staking now. There would be some staking in the future as individual projects came along.

Mike Weaver asked if the proposed New Torero intersection could be staked and flagged as that was being proposed up front in the development, Alternative 5?

David Mack responded that the answer was no. If the project was given a go-ahead, the new intersection would have to go through its own review, at which time it would be staked and flagged.

LUAC members present encouraged Mack to proceed with the discussions with Kelton and arrange a field trip for October 27, 2014.

**7. Meeting Adjourned: 5:30 pm**

**Minutes taken by: Mike Weaver**

Minutes received via email October 21, 2014

# Action by Land Use Advisory Committee

## Project Referral Sheet

Monterey County Planning Department  
168 W Alisal St 2<sup>nd</sup> Floor  
Salinas CA 93901  
(831) 755-5025

Advisory Committee: **Toro**

Please submit your recommendations for this application by: **October 13, 2014**

**Project Title:** WOOD ALAIN R & RENEAL (J T)

**File Number:** PLN140599

**Planner:** BERNAL

**Location:** 22221 TORO HILLS RD SALINAS

**Project Description:**

Design Approval to allow the construction of a 900 square feet (30x30) detached garage for a single family dwelling. Colors and materials to match existing. The property is located at 22221 Toro Hills Drive, Salinas (Assessor's Parcel Number 161-042-024-000), Toro Area Plan.

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**Was the Owner/Applicant/Representative present at meeting?** Yes X No \_\_\_\_\_

Owner Alain Wood was present as was his garage plan designer, Jeff Crockett.

**Was a County Staff/Representative present at meeting?** Ramon Montano (Name)

Also attending the LUAC meeting was Planning Commission liaison to the Toro LUAC, Amy Roberts

Toro Hills Rd. neighbors included:

Eric & Tamara Schwartz, Sheree Johancen, David and Kathy Rose, Katie and Larry Lemke, their attorney, Jason Ritterer, Gaylon and Sharon Haney, and Mike Minami.

**PUBLIC COMMENT:**

Chair Varney read the project description. Project garage designer Jeff Crockett displayed the plans.

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Jason Retterer, atty. For the Lemke's who live next door to Alain Wood at 22241 Toro Hills Drive	X		1) Neighbors found out after the fact, that Planning was Administratively approving this project. It was necessary to file an Appeal. 2) An issue is the compatibility with the neighborhood. It is a "D" District to assure the neighborhood character. 3) All Toro Hills Drive neighbors have an attached garage on their home. The Wood house does too. However, Wood is asking for another separate structure 900 sq. ft. with another separate driveway.

**PUBLIC COMMENT CONTINUED:**

Larry and Katie Lemke	<b>X</b>		<p>1) Lemke's brought photographs of 22 neighborhood homes on Toro Hills Drive, none of which have a separate garage. Lemke's state that Wood already has an attached 3-car garage. The project is not in character with the neighborhood.</p> <p>2) Concerned about noise due to the closeness of the proposed new 900 sq. ft. garage to the Lemke residence. Woods is a car enthusiast who works on his cars. Proposed only a 6-foot side yard set back.</p> <p>3) It is a "D" zoning district</p>
Jeff Crockett, representing Alain Wood, Project Applicant		<b>X</b>	<p>Stated side yard set backs are for habitable - only structures. This 900 sq ft garage would not be inhabited. Instead it is to be used for car storage. It is a proposed four-car garage.</p>
Eric Schwartz	<b>X</b>		<p>He didn't know this was being proposed. His neighbors didn't know. The proposed structure does not fit the neighborhood. It would affect property values.</p> <p>How about H.O.A.?</p> <p>These plans were presented to the Architectural Review Committee. There are 3 people on the committee. Need a minimum of 5.</p>
Alain Wood, Applicant			<p>States there are 3 people on the neighborhood architectural review committee. He is one of the 3. However, he recused himself from the ARC vote on this.</p>
Kathy Rose	<b>X</b>		<p>She is opposed to this separate garage and driveway.</p>
Sharon Haney	<b>X</b>		<p>The 6-foot set back and gravel driveway bother her. Applicant Wood responds and says it can be a concrete driveway.</p>
Tamara Schwartz	<b>X</b>		<p>She lives two houses down. Questions the use of the structure as it is to have a car hoist inside and 10.5 ft high ceiling.</p> <p>LUAC Chair Varney responds that the use of the structure is not in the LUAC purview, only architectural design, materials, color.</p>
Larry Lemke	<b>X</b>		<p>20-years ago he purchased his home on Toro Hills Drive. He purchased it for the openness and the view. This proposed structure closes things in. What might be next in the neighborhood.? Second structures will degrade homes on the street.</p>

PUBLIC COMMENT CONTINUED:			
Katie Lemke	X		<p>Her house lot frontage has 22-ft on one side of her home and 21-ft on the other. Other homes on the street are similar. This project proposes a set back of 6 ft from the property line. Issue is: out of character.</p>
Alain Wood, Applicant			<p>Says it is 12-ft from the property line. Although plan and application says 6 ft. Wood says 6-ft is the minimum set back that can be used. Wood says there are other out-buildings in the area. Neighbors chime in and say that is wrong, there are no other out buildings on the street. Kerry Varney calls for order.</p>
LUAC Mike Weaver			<p>Weaver states he's disappointed there were no background documents provided to the LUAC prior to this meeting, for example, a copy of the neighbor's Appeal. This project before the LUAC needs perspective and clarification. Weaver personally went online and was able to access the County Accela website for this project. He found, and made a copy of the Notice of Appeal filed by Atty. Jason Retterer on behalf of the Lemke's and a Wm. Deasy. Included is explanation in Exhibit A. Secondly, Weaver noted on the Site Plan, that the zoning is MDR B-6 D (20').. B-6 means no further subdivision of the parcel, but "D" means it needs Design Approval. 20' refers to the maximum structural height allowed. Under the County Zoning Ordinance (Building Site Area and Setbacks). Weaver printed off the rules for the various B designations and brought them today. For B-6, it states, Setbacks to be not less than B-4 regulations, unless otherwise indicated on the final map or parcel map or Sectional District Maps. So, going to the B-4 section, one finds the minimum lot size is one-acre, and that's the case here as the Wood parcel is slightly over one-acre in size. The minimum front set back is thirty feet. The minimum side setback is ten per-cent width Twenty feet, maximum required of twenty feet. Weaver further visited the Monterey County Assessor's website to find that the rear half of</p>

LUAC Mike Weaver

this parcel, is across the creek and is designated County Scenic Easement. Weaver printed off the page from the Monterey County Assessor's site

This means the proposed garage cannot be put at the rear of the property because it is Scenic Easement.

Putting this garage next to the existing house adjacent to the street makes it out of compliance with the B6/B4 zoning overlay as established when the development was built.

Basically, Weaver says, this proposed project is simply out of compliance with the zoning and required side yard setbacks.

Weaver passes all documents around the table for other LUAC members, public, and applicant.

Mr. Wood responds that the intent of the proposed extra garage is for the purpose of storing some of his car collection. He states it is currently costing him \$7,000 per year to store cars offsite. He wants another garage to store cars at his home. He says he is not repairing cars at his home now.

Asks the purview of the LUAC, says the plans show a proposed garage of similar structure to the house, the same color and the same roofing

Asks how big is the garage door on the proposed garage?  
Project designer Jeff Crockett answers it is 18-feet wide and 8-ft high. Says it is a standard size.

Garage Designer Jeff Crocket asks how far is the proposed side of the garage from the neighbors place? Contends it is over a 6-ft setback.

Beverly Bean responds that she has to go with the facts. The application plans says 6-ft setback from property line.



## LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
Compatibility: Existing houses in neighborhood of similar size and architectural style with attached garage. This proposed new garage would be incompatible and a noticeable visual impact.	D = Design Control neighborhood	
"B" D Setbacks Garage sideyard setback is inconsistent with zoning in the area.	Monterey County Zoning Ordinance- Title 21-21.42.030, Building Site Area and Setbacks F. B-6 #2 Setbacks to be not less than B-4 regulations, unless otherwise indicated on the final map or parcel map or Sectional District Maps. D. B-4 One acre minimum lot size, thirty feet minimum front setback, Minimum side setback Ten percent width Twenty feet maximum required of twenty feet.	

## ADDITIONAL LUAC COMMENTS

Mike Weaver states that this neighborhood is a pretty typical 1980's neighborhood in Toro. The layout of the houses, the size of the houses here, the lots here, the required Scenic Easement dedications, in Toro, have made for an attractive neighborhood. He remembers well the setback requirements, the attached garage requirement, and also the height requirements, as it is a 20 ft height limit as designated on the zoning here, and was 20 feet all over Toro. But just because it was designated 20 feet it didn't mean you got 20 feet of height from Planning, sometimes less. What it did make was for nice neighborhoods, still nice.

Interpretations of habitable or non-habitable were not part of the analysis.

Although Mike Weaver generally champions "Man Caves", in this case this lot, this address, a large new garage structure at the side of the existing house, is incompatible with the neighborhood. It is the wrong neighborhood to put a big new garage. Further, the B Zone setback requirements make this garage simply inconsistent with the B Zoning.

## RECOMMENDATION:

Motion by: Mike Weaver (LUAC Member's Name)

Make a recommendation to the Monterey County Planning Commission that the Planning Commission deny this garage project for the following reasons:

The proposed project is inconsistent with the zoning's MDR/B-6-D/(B4) required setbacks.

The project is visually out of character with the established surrounding neighborhood's overall design.

Second by: Mark Kennedy (LUAC Member's Name)

X Recommend to the Planning Commission that the Planning Commission **deny the Project**.

       Support Project as proposed

\_\_\_\_\_ Support Project with changes

\_\_\_\_\_ Continue the Item

Attachments include:

- 1) Toro LUAC October 13, 2014 Sign In Sheet (Neighbors)
- 2) Copy of Notice of Appeal, including Exhibit A, filed by Lemke and Deasy, passed around at LUAC
- 3) Two pages of Site Plan - Wood residence depicting the zoning
- 4) Twenty-two color photographs of homes in the immediate neighborhood
- 5) Copy of County Assessor's page showing overhead Google earth view of existing residence
- 6) Copy of County of Monterey Assessor;s Map showing "s.e." Scenic Easement REEL 1963 PG-1247
- 7) Copy of Monterey County Zoning Ordinance , Building Site or B Districts, reference B-6 and B-4 highlighted

Reason for Continuance: \_\_\_\_\_

Continued to what date: \_\_\_\_\_

AYES: Weaver, Kennedy, Baker, Bean, Rieger, Keenan, Mueller (7)

NOES: Varney (1)

ABSENT: Vandergrift (1)

ABSTAIN: None



# Action by Land Use Advisory Committee

## Project Referral Sheet

Monterey County Planning Department  
168 W Alisal St 2<sup>nd</sup> Floor  
Salinas CA 93901  
(831) 755-5025

Advisory Committee: **Toro**

Please submit your recommendations for this application by: **October 13, 2014**

**Project Title:** MCBRIDE MARTHA K & MCBRIDE DEAN A

**File Number:** PLN140684

**Planner:** MACK

**Location:** 325 RIVER RD SALINAS

**Project Description:**

Variance and Design Approval to increase the allowable maximum lot coverage of 5% to 13.5%, to allow a 898 square foot addition/remodel and 180 square foot deck addition to an existing 1,195 square foot single family dwelling. The existing development consists of 9,017 square feet (14% coverage); the remodel/addition will result in 8,495 square feet of coverage (13.5%). The property is located at 325 River Road, Salinas (Assessor's Parcel Number 139-061-005-000), Toro Area Plan.

**Was the Owner/Applicant/Representative present at meeting?** Yes   X   No           

Dean McBride, property owner, was at the meeting as was his son, Chris McBride

**Was a County Staff/Representative present at meeting?**   Ramon Montano   (Name)

Also present was Planning Commissioner Amy Roberts

**PUBLIC COMMENT:**

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Dean McBride -325 River Rd			States he purchased the property in 2009. He visited Planning before buying and was told that if he wished to enlarge the existing home he'd have to remove a similar amount of structural coverage on the parcel. He passes around an older photograph of the proerty and explains that at one time it was a chicken ranch, thus the outbuildings. He states he'd like more than one bathroom in this house and that he's willing to take down a 1600 sq ft old outbuilding.

**PUBLIC COMMENT CONTINUED:**

LUAC Varney			How does this make sense? It's going from 14% coverage to 13 ½% coverage, so it's less. But allowed 5%
LUAC Weaver			States he's again disappointed that there are missing background documents that help explain why this referral is here today. He says he again went to the County Accela site, and it was working, and he was was able to access project documents. What was found and is needed is the letter Planner Mack sent to the applicant on October 3, 2014 outlining the quandary they find themselves in. To help explain this, Weaver looked up the Monterey County Zoning Ordinance 21.30 Farmlands or F Districts regarding PURPOSE, as well as the Design Control or D District Purpose, as well as the Variances, and their Purpose. Third, the Assessor's website was again helpful with information and picture of the property. Weaver hands around copies of these documents to the LUAC and the applicant. He continues, that the quandary is in the granting of a variance because, according to Mack's letter, three specific Findings need to be made. Weaver reads the language of the required Variance Findings.
LUAC Mueller			States it was pretty common years ago to break off a one acre parcel so incase the family lost the farm, they wouldn't lose their house too. That's likely how this old parcel derived.

**LUAC AREAS OF CONCERN**

<b>Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)</b>	<b>Policy/Ordinance Reference (If Known)</b>	<b>Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)</b>
Language of variance		Deliberation and there is consensus that this project meets the necessary Findings referenced in Mack's letter.

## ADDITIONAL LUAC COMMENTS

Mike Weaver asks if a Motion to recommend approval to the Planning Commission can include a condition that the McBride's remove an existing 1600 sq ft structure on the property?  
Applicant McBride says he'd be happy to do so.

## RECOMMENDATION:

Motion by: Kennedy (LUAC Member's Name)

Second by: Bean (LUAC Member's Name)

       Support Project as proposed

  X   Support Project with changes - Recommend to the Planning Commission that they approve this project, with condition that applicant remove a 1,600 sq ft existing outbuilding on the property

       Continue the Item

Reason for Continuance: \_\_\_\_\_

Continued to what date: \_\_\_\_\_

AYES: Varney, Baker, Bean, Rieger, Keenan, Kennedy, Weaver, Mueller (8)

NOES: None

ABSENT: Vandergrift (1)

ABSTAIN: None

### Attachments

- 1) October 3 letter from planner David Mack to Applicant
- 2) Monterey County Zoning Ordinance, Farmlands, Design, Variance
- 3) Monterey County Assessor's information on this parcel

TORO LUAC OCT 13, 2014  
McBRIDE - ATTACHMENT 1 TO MINUTES

# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

Benny J. Young, Director  
Carl P. Holm, AICP, Deputy Director

Michael A. Rodriguez, C.B.O., Chief Building Official  
Michael Novo, AICP, Director of Planning  
Robert K. Murdoch, P.E., Director of Public Works

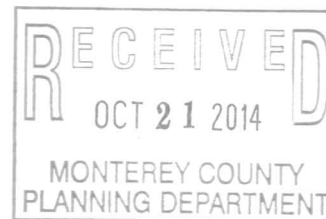


168 W. Alisal Street, 2<sup>nd</sup> Floor  
Salinas, CA 93901  
<http://www.co.monterey.ca.us/rma>

October 3, 2014

Edward L. Rinehart, AIA - Agent  
107 Church Street  
Salinas, California 93901

Dean McBride - Owner  
325 River Road  
Salinas, California 93908



RE: PLN140684 – McBride Variance Request

Your application for a *Variance and Design Approval to increase the allowable maximum lot coverage of 5% to 13.5%, to allow a 898 square foot addition/remodel and 180 square foot deck addition to an existing 1,195 square foot single family dwelling. The existing development consists of 9,017 square feet (14% coverage); the remodel/addition will result in 8,495 square feet of coverage (13.5%), is now incomplete.*

The following departments would like to submit comments on the application:

EHB – INCOMPLETE

See attached letter regarding location and functionality of the septic system.

RMA-Planning Department – COMPLETE (w/ Recommendation of Denial)

The project does not comply with the applicable building site coverage allowance (5%) within the Farmlands zoning designation. It is understood that as currently developed, the site contains approximately 14% coverage (9,017 square feet), and that the proposed project would slightly reduce the coverage to 13.5% coverage (8,495 square feet), after the proposed removal of the 1,600 sq ft shed and subsequent residential additions.

Unfortunately, the granting of a Variance requires that 3 specific findings be made pursuant to Monterey County Code (MCC) 21.72 (Variances) as detailed below:

- 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 classification; and*

- 2) *That the variance 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; and*
- 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 property is zoned "F/40-D" (Farmlands, 40 acre minimum, with Design Control Overlay), which is limited to a 5% coverage maximum. The intent of this zoning designation is to allow/preserve farmlands/agricultural operations. While the F zoning does allow residential use (used to support the agricultural use of the land), this is not a justification to allow development in excess of the 5% coverage allowance. Based on the current size of the parcel (1.46 acres / 63,557 square feet), the maximum coverage allowed on the site would be approximately 3,178 square feet of development. This maximum development allowance provides for the existing 1,195 square residence, plus other accessory structures (as much as 1,583 square feet). The removal of existing accessory structures, to bring the property into compliance with the allowable maximum coverage allotment could be accomplished in lieu of the granting of a variance.

Based on this analysis, the size of the parcel would not be considered a circumstance depriving the property of development; therefore the first finding required for the granting of a Variance would not be supported by Planning Staff. Additionally, in discussions had while reviewing the application, it was made clear that the site is not used in support of agricultural/farm operations on another site, but is used primarily for a residential use.

Therefore, RMA-Planning has deemed the application complete, with a recommendation of denial, relative to the Variance request. Please note, this is simply a recommendation, and the granting of a Variance is a discretionary action subject to approval of the Planning Commission. The property owner's, therefore have the following options, based on this recommendation:

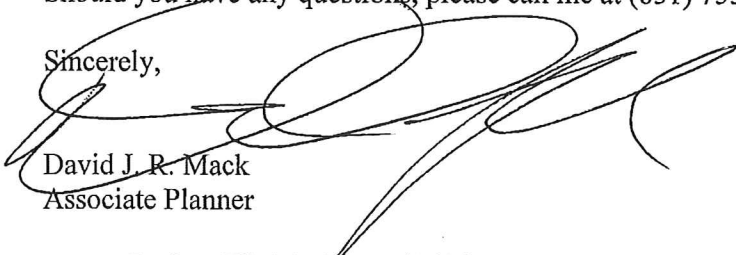
- 1) Move the application forward to the Planning Commission, with this recommendation; or
- 2) Withdraw the Variance Request application, and pursue other options to reduce the existing site coverage and allow the expansion of the existing residence.

The following departments have deemed the application COMPLETE:

- Water Resources Agency
- Fire Review
- RMA-Environmental Services (Stormwater)
- Public Works

Should you have any questions, please call me at (831) 755-5096 or [mackd@co.monterey.ca.us](mailto:mackd@co.monterey.ca.us).

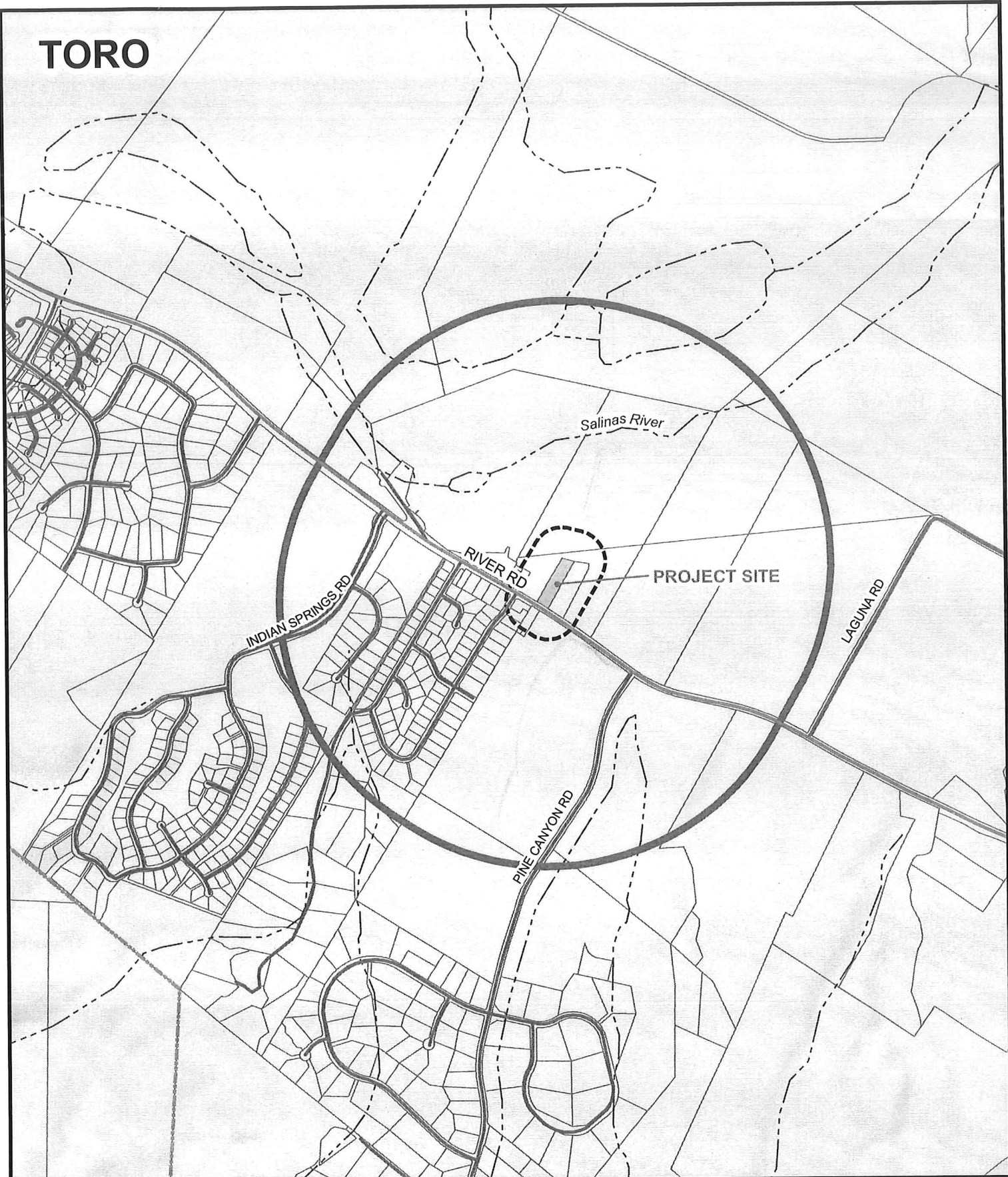
Sincerely,



David J. R. Mack  
Associate Planner

cc: Project File No. PLN140684

# TORO

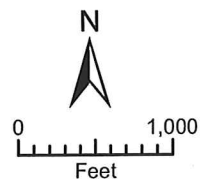


**APPLICANT:** McBRIDE

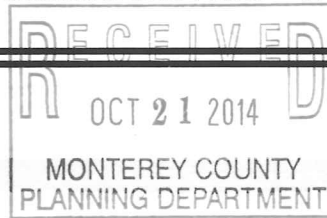
**APN:** 139-061-005-000

**FILE #** PLN140684

 2500' Limit  300' Limit  Water



**PLANNER:** MACK

TDRS LMAC  
McBRIDE -OCT 13, 2014  
ATTACHMENT 2 TO MINUTES  
FROM BOARD REFERRAL**MONTEREY COUNTY ZONING ORDINANCE - TITLE 21****21.30 – FARMLANDS OR “F DISTRICTS”****21.30.010 PURPOSE.**

The purpose of this Chapter is to provide a district to preserve and enhance the use of the prime, productive and unique farmlands in the County of Monterey while also providing opportunity to establish necessary support facilities for those agricultural uses.

**21.30.020 APPLICABILITY.**

The regulations of this Chapter shall apply in all "F" districts subject to Chapter 21.62 (Height and Setback Exceptions) and Section 21.66.030 of this Title.

**21.30.030 USES ALLOWED.**

- A. Except for those uses requiring an Administrative Permit or Use Permit, all soil dependent agricultural uses, including crop and tree farming, dry land farming, livestock farming, greenhouses and vineyards;
- B. Single family dwellings accessory to the agricultural use of the property, not exceeding three in total, for an owner, operator or employees employed on-site;
- C. All accessory structures such as barns, stables, storage structures, and farm shops;
- D. Guesthouses meeting the development standards of Section 21.64.020;
- E. Cultivation, cutting or removal of Christmas trees;
- F. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. Small family day care homes;
- H. Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;
- I. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. Service connections do not include livestock watering facilities;
- J. Rooming and boarding of not more than two persons;



- K. Hunting and fishing;
- L. Reserved;
- M. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving;
- N. Home occupations, pursuant to Section 21.64.090;
- O. The keeping of pets;
- P. Other uses of a similar character, density and intensity to those listed in this Section.

**21.30.040 USES ALLOWED, ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (CHAPTER 21.70)**

- A. Senior citizen units meeting the development standards of Section 21.64.010;
- B. Small water system facilities including wells and storage tanks of five to fourteen service connections;
- C. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;
- D. Other uses of a similar character, density and intensity to those listed in this Section;
- E. Farm employee housing facility for not more than five families or twelve single persons;
- F. Reduction in setback requirements for main structures, provided the proposed reduction is 10% or less of the required setback;
- G. Reduction in setback requirements for accessory structures, provided the proposed reduction is 80% or less of the proposed setback.
- H. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

**21.30.050 USES ALLOWED, USE PERMIT REQUIRED IN EACH CASE. (CHAPTER 21.74)**

- A. Conversion of uncultivated land to cultivated agricultural use on land with 15% - 25% slopes (North County Area Plan, Central Salinas Valley Plan, Cachagua Area Plan, only);
- B. Public and quasi-public uses including churches, parks, playgrounds, schools public safety facilities, schools, public utilities, but not including uses such as jails, detention facilities, rehabilitation centers or corporation yards;
- C. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- D. Legal nonconforming use changed to a use of a similar or more restricted nature;



- E. Commercial and noncommercial wind energy conversion systems;
- F. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- G. Genetic Engineering Experiments, pursuant to Section 21.64.140;
- H. Ridgeline development;
- I. Agricultural support facilities (ZA);
- J. Large family day care facilities (ZA);
- K. Water system facilities including wells and storage tanks serving fifteen or more service connections (ZA);
- L. Removal of minerals or natural materials for commercial purposes;
- M. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten days and not involving construction of permanent facilities (ZA);
- N. Agricultural processing plants (ZA);
- O. Frog farms (ZA);
- P. Commercial hog and turkey raising on a minimum of 10 acres(ZA);
- Q. Livestock feed yards on a minimum of 20 acres (ZA);
- R. Animal sales yards on a minimum of 10 acres (ZA);
- S. Dairies on a minimum of 40 acres (ZA);
- T. Airports, heliports or landing strips for aircraft;
- U. Animal hospitals (ZA);
- V. Poultry farms on a minimum of 5 acres (ZA);
- W. Other uses of a similar character, density and intensity to those uses listed in this Section;
- X. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- Y. Commercial kennel (ZA);
- Z. Farm worker housing facility;
- AA. Farm employee housing facility for more than five families or more than twelve single persons;

**BB. Bed and breakfast facility, pursuant to Section 21.64.100:****BB. Bed and breakfast facility, pursuant to Section 21.64.100:**

Side: 6 feet

Rear: 6 feet

Maximum Height: 35 feet

3. Accessory Structures (Non-habitable)

a. Minimum Setbacks

Front: 50 feet

Side: 6 feet

Rear: 6 feet

Maximum Height: 35 feet

4. Wells, pumps, pump houses and associated facilities

a. Minimum Setbacks

Front: 5 feet

Side: 5 feet

Rear: 5 feet

Maximum Height: 35 feet

b. Agricultural windmills and wind machines for crop protection are exempt from the height provisions of this Chapter.

C. Minimum Distance Between Structures

Main Structures: 10 feet

Accessory/Main Structure: 6 feet

Accessory/Accessory: 6 feet

D. Building Site Coverage, Maximum: 5%, except for commercial greenhouse operations, which are permitted a coverage of 50%. Additional coverage for greenhouses may be permitted subject to a Use

None, except as required as a condition of approval of an Administrative Permit or Use Permit.

G. Lighting Plan Requirements

None, except as required as a condition of approval of an Administrative Permit or Use Permit.

H. Sign Regulations

Signing for all development shall be established pursuant to Chapter 21.60

**21.30.070 SPECIAL REGULATIONS.**

A. In areas designated as "special treatment" to permit on- site soil dependent agricultural operations such as greenhouses, the minimum parcel size shall be 10 acres. Subdivision of land in this area shall be approved only under the following conditions:

1. That the residential development rights on lots formed through subdivision approval be dedicated by means of an agricultural conservation easement to the County or a qualified organization such as that specified in Section 501 (c) (3) of the Internal Revenue Code;
2. That a drainage management plan to mitigate run-off to adjoining farmlands has been prepared for the entire special treatment area;
3. That appurtenant structures such as processing, packaging supply and boiler sheds will have concrete foundations no thicker than 4 inches and will be no larger than 4,000 square feet;
4. That the allowance of one mobilehome will be only for a caretaker or security personnel and not for other residential purposes;
5. That no uses other than agriculture will be allowed on subdivided lots.

B. Manufactured dwelling units meeting the standards of Section 21.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

C. The division of property to create a one acre minimum lot may be considered if the division is to accommodate housing for members of the immediate family of the property owner who earn a substantial portion of their livelihood from the agricultural use of the family land contiguous to the lot being created by the subdivision. The subdivision shall be conditioned to allow for the exclusive occupancy by immediate family members and spouses and shall require the lot to be an accessory use to the subdivided property or to adjoining property. The residence must be accessory to the agricultural use of the properties and be occupied exclusively by immediate family members and spouses of the owners or lessors.

D. The following types of development are subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:

- a) Any residential development of 25 or more units; or,
- b) Any new or expanded commercial or industrial development which will employ 50 or more

persons; or

- c) Any new or expanded commercial or industrial development of 25,000 gross square feet or more.

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## ***MONTEREY COUNTY ZONING ORDINANCE - TITLE 21***

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### **21.44 – DESIGN CONTROL OR “D DISTRICTS”**

#### **21.44.010 PURPOSE.**

The purpose of this Chapter is to provide a district for the regulation of the location, size, configuration, materials, and colors of structures and fences, except agricultural fences, in those areas of the County of Monterey where the design review of structures is appropriate to assure protection of the public viewshed, neighborhood character, and to assure the visual integrity of certain developments without imposing undue restrictions on private property.

#### **21.44.020 APPLICABILITY.**

A. The provisions of this Chapter shall apply in all districts with which the Design Control District is combined in addition to the regulations specified for that district and shall be subject to the provisions of Chapter 21.62. However, if any of the provisions specified in this Chapter differ from the regulations of the district which is combined with a "D" District, then the provisions of this Chapter shall apply.

B. This Chapter shall apply only to those areas of the County of Monterey in which the visual impacts of structures can be adequately mitigated by regulation of the location, size, configuration, materials and colors, only.

#### **21.44.030 APPLICATION FOR DESIGN APPROVAL**

A. A Design Approval Application shall be submitted and approved prior to the issuance of building permits for the construction of any structures in the "D" District.

B. The Design Approval Application shall include:

- 1) Drawings showing front, side and rear elevations, existing and proposed grades of proposed structures.
- 2) Color samples indicating the proposed color scheme for the structures.
- 3) Plot plans or drawings showing, at scale and in reasonable detail, proposed structure location, topography, existing vegetation, proposed parking layout, proposed landscaping and north arrow.
- 4) Preadressed stamped envelopes for all persons to receive public notice pursuant to Section 21.44.050(A).

#### **21.44.040 APPROPRIATE AUTHORITY.**

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## ***MONTEREY COUNTY ZONING ORDINANCE - TITLE 21***

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### **21.72 – VARIANCES**

#### **21.72.010 PURPOSE.**

The purpose of this Chapter is to provide a mechanism for applicants to make an application for Variances and to provide specific findings to approve or deny Variances.

#### **21.72.020 APPLICABILITY.**

Modifications to the setback, coverage, height, building site area, and development standard regulations of this Title may be considered by a Variance.

#### **21.72.030 APPROPRIATE AUTHORITY.**

The Zoning Administrator is the Appropriate Authority to hear and decide all applications for Variances, unless said Variance is combined with another permit pursuant to Chapter 21.76 (Combined Development Permits) of this Title.

#### **21.72.040 APPLICATION.**

An application for Variance shall be made in writing on a form prescribed by the Director of Planning and Building Inspection and be accompanied by statements, plans, and other evidence supporting the Variance request. Variances from the terms of this Title shall only be granted based upon the following findings.

- A. That 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; and
- B. That the variance 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;
- C. A Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

#### **21.72.050 ACTION BY APPROPRIATE AUTHORITY.**

- A. All Variances require a public hearing pursuant to Chapter 21.78.
- B. After conclusion of the public hearing, the Appropriate Authority shall make its decision in writing. The decision shall include findings of fact supported by substantial evidence:



Steve Vagnini , County Assessor

**General Information**

**APN:** 139-061-005-000  
**Situs Address:** 325 RIVER RD SALINAS CA 93908-9620  
**Mailing Address:** 1497 ADAMS ST SALINAS CA 93906  
**Legal Description:**

**Use Type:** RESIDENTIAL  
**Tax Rate Area:** 057-018

**Assessment**

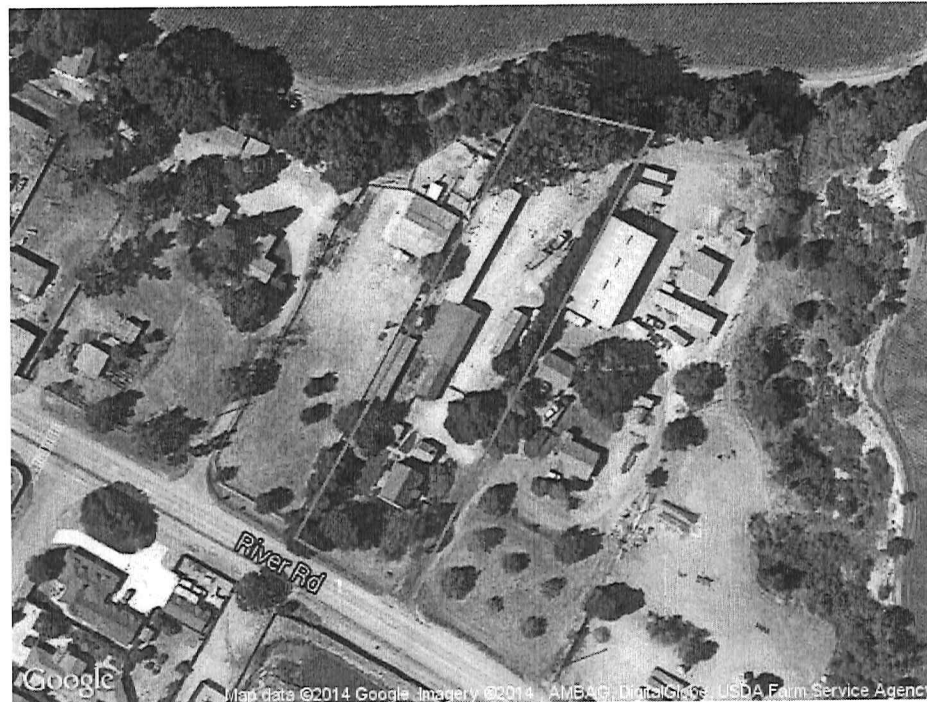
**Year Assd:** 2014  
**Land:** \$23,040  
**Structure(s):** \$52,404  
**Other:**  
**Total Land and Improv:** \$75,444  
**HO Exempt?:** N  
**Exemption Amt:**

**Property Characteristics**

**Bedrooms:** 4  
**Baths:** 1  
**Bldg/Liv Area:** 1,634  
**Year Built:** 1963  
**Lot Acres:** 1.460  
**Lot SqFt:** 63,597

**Recent Sale History**

**Recording Date:** 02/04/2014  
**Document #:** 2014005305  
**Transfer Amount:**



\*\*The information provided here is deemed reliable, but is not guaranteed.

TOLD WAC OCT 13, 2014  
 ATTACHMENT TO MINUTES  
 # 3 FOR MIBRIDE REFERRAL

TAX CODE AREA

COUNTY OF MONTEREY  
ASSESSOR'S MAP  
BOOK 139 PAGE 06

LLANO DE BUENA VISTA Ro.  
177-01

03  
RIVER  
ENOS DR.

02

05

SUB. 2 of LOT 5

061 ①

SUB. C

08

SUB. B

SUB. A

SUB. 1 of LOT 5

SUB. 1

SUB. 2

SUB. 3

SUB. 4

SUB. 5

SUB. 6

SUB. 7

SUB. 8

SUB. 9

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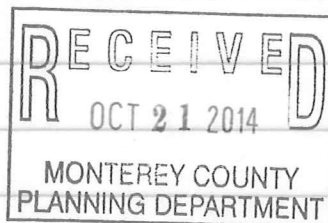
SUB. 293



# Toro Land Use Advisory Meeting on Oct 13, 2014

#

Cerie & Tamara Schwartz	22261 Toro Hills Dr.
Sheree Johansen	22260 Toro Hills Dr.
Alain Wood	22221 TORO HILLS DR
DAVID ROSE	22141 Toro Hills Dr
ED RINEHART - ARCHITECT - MCBRIDE	422-1046
Katie & Larry Lemke	22241 Toro Hills Dr.
Jason Ritterer (L+6 Attorneys)	318 Cayuga St. Salinas, CA
KATHY ROSE	22141 TORO HILLS DR
Sharon Haney	22301 " "
GAYLON HANEY	22301 " "
Bill DEASY	22201 TORO HILLS DR
BOB RIEGLER	6
Chris McBride	10 Nacional St
Dean McBride	325 River Rd.
Beverly Bean	member LVAC
Mike Minami	22220 Toro Hills Dr.
Amy Roberts	Monterey Co. Planning Com.



RECEIVED  
MONTEREY COUNTY

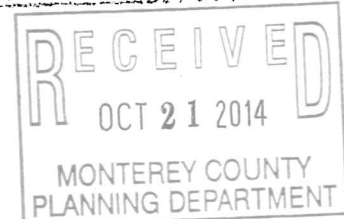


**NOTICE OF APPEAL** 2014 SEP -8 PM 3: 27

CLERK OF THE BOARD

**Monterey County Code**  
**Title 19 (Subdivisions)**  
**Title 20 (Zoning)**  
**Title 21 (Zoning)**

 DEPUTY



*No appeal will be accepted until a written decision is given. If you wish to file an appeal, you must do so on or before 9/8/14 (10 days after written notice of the decision has been mailed to the applicant).*

*Date of decision \* 8/27/14*

1. Please give the following information:

- a) Your name Larry and Kathleen Lemke / William T. Deasy
- b) Address 22241 Toro Hills Drive City Salinas Zip 93908
- c) Phone Number c/o Jason Retterer, L+G, LLP, 318 Cayuga Street, Salinas, CA 93901  
T. (831) 754-2444; email: Jason@LG-Attorneys.com

2. Indicate your interest in the decision by checking the appropriate box:

- ☐ Applicant
- ☒ Neighbor
- ☐ Other (please state) \_\_\_\_\_

3. If you are not the applicant, please give the applicant's name:

Alain R. & Renea L. Wood

4. Indicate the file number of the application that is the subject of the appeal and the decision making body.

- 5.
- |    | File Number            | Type of Application              | Area                  |
|----|------------------------|----------------------------------|-----------------------|
| a) | Planning Commission:   | _____                            | _____                 |
| b) | Zoning Administrator:  | _____                            | _____                 |
| c) | Subdivision Committee: | _____                            | _____                 |
| d) | Administrative Permit: | <u>PLN140599 Design Approval</u> | <u>Toro Area Plan</u> |

5. What is the nature of your appeal?

- a) Are you appealing the approval ☒ or the denial ☐ of an application? (Check appropriate box)
- b) If you are appealing one or more conditions of approval, list the condition number and state the condition(s) you are appealing. (Attach extra sheets if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Check the appropriate box(es) to indicate which of the following reasons form the basis for your appeal:

- ☐ There was a lack of fair or impartial hearing; or
- ☒ The findings or decision or conditions are not supported by the evidence; or
- ☒ The decision was contrary to law.

You must next give a brief and specific statement in support of each of the bases for appeal that you have checked above. The Board of Supervisors will not accept an application for appeal that is stated in generalities, legal or otherwise. If you are appealing specific conditions, you must list the number of each condition and the basis for your appeal. (Attach extra sheets if necessary).

See Exhibit "A"

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. As part of the application approval or denial process, findings were made by the decision making body (Planning Commission, Zoning Administrator, Subdivision Committee or Director of Planning and Building Inspection). In order to file a valid appeal, you must give specific reasons why you disagree with the findings made. (Attach extra sheets if necessary).

See Exhibit "A"

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. You are required to submit stamped addressed envelopes for use in notifying interested persons that a public hearing has been set for the appeal. The Resource Management Agency - Planning Department will provide you with a mailing list.

9. Your appeal is accepted when the Clerk to the Board's Office accepts the appeal as complete on its face, receives the filing fee \$ 1,728.07 and stamped addressed envelopes.

APPELLANT SIGNATURE Larry W. Jenke DATE 9-8-14

ACCEPTED \_\_\_\_\_ DATE \_\_\_\_\_

(Clerk to the Board)

APPELLANT SIGNATURE Kathleen Chmura DATE: 9-8-14

APPELLANT SIGNATURE William J. Deary DATE: 9-8-14

# EXHIBIT A

## Lemke Appeal of Wood Design Approval (PLN 140599)

No written findings were made, nor evidence cited, to support the Planning Director's determination that the project is consistent with the stated purposes of the "Design Control" or "D" District. The "D" District, specifically section 21.44.010 provides in pertinent part:

The purpose of this Chapter is to provide a district for the regulation of the location, size, configuration, materials, and colors of structures...in those areas of the County of Monterey where the design review of structures is appropriate *to assure protection of...neighborhood character, and to assure the visual integrity of certain developments* without imposing undue restrictions on private property.

To ensure compliance with the important requirements of Section 21.44.010, the Planning Director must consider the size, configuration, materials and colors of the proposed structure and is authorized to impose any appropriate conditions to ensure compliance.

In this case, the Planning Director has failed to proceed in a manner required by law because the Planning Director's determination that the project complies with the requirements of Section 21.44.010 is not supported by substantial evidence. In fact, the evidence reflects that the Planning Director's determination does not "assure protection" of the neighborhood character or "visual integrity" of this development area. Specifically:

1. The proposed 900 square foot accessory garage structure is located a mere six feet from the neighboring property line. No other properties on Toro Hills Drive or in Toro Estates, as whole, include detached accessory structures, let alone, a detached structure of this scale and magnitude that are so close to the property line and so visible from Toro Hills Drive. In fact, all of the homes along Toro Hills Drive on include attached two and three-car garages. Consistent with the architectural character of other homes in the neighborhood, the subject property also has an existing, attached, three-car garage.
2. Due to physical constraints of the subject property as a result of the creek that splits the front half of the property from the rear of the property, the current residence is confined to the front portion or 1/3 of the property. Within this front 1/3 of property, the side yard area proposed for construction of this second driveway and accessory structure is currently an open space/landscaped area. The proposed structure and driveway will consume virtually the entire side yard/open space area, resulting in structure clutter that is unlike any other property on Toto Hills Drive.
3. The project includes the construction of a new second driveway that will generally run parallel to existing driveway. The proposed second driveway configuration is

unlike any other property along Toro Hills Drive, which generally include a single driveway accessing an attached garage or a circular driveway.

4. The Design Approval is unclear regarding the applicant's intended use of this second garage structure, which we understand may include a hydraulic lift and would be akin to a commercial garage. The applicant currently operates an off-site vehicle restoration, repair and painting facility on Market Street in the City of Salinas. The proposed 900 foot garage and new driveway could conceivably become a second or replacement vehicle storage, repair and restoration use, which would be wholly incompatible with this quiet residential neighborhood. To ensure that this accessory garage, if allowed, is compatible with the existing residential neighborhood, the Design Approval must include an appropriate condition that restricts the use of this garage for solely residential purposes.

1 ACRE = 43,560 SQ. FT.

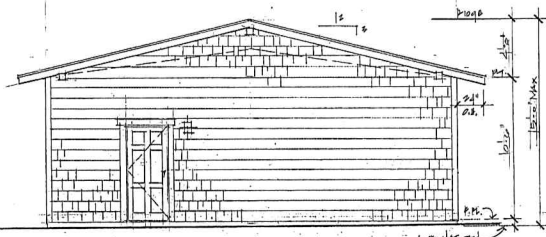
# FIRE PREVENTION NOTES

1. ROOF CONSTRUCTION SHALL BE OF CLASS "A" RATING, AS DEFINED BY UBC SBC 5-2. TYPE AS NOTED ON PLANS.
2. ADDRESS NUMBERS TO BE POSTED BEFORE CONSTRUCTION BEGINS. TEMPORARY OR PERMANENT ADDRESS NUMBERS SHALL BE POSTED PRIOR TO PERMIT INSPECTION. ALL ADDRESS NUMBERS (PERMANENT OR 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 NUMBER SHALL BE SET ADJACENT TO THE DRIVEWAY OR ACCESS ROAD TO THE PROPERTY. ADDRESS NUMBERS POSTED SHALL BE 1" X 4" (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 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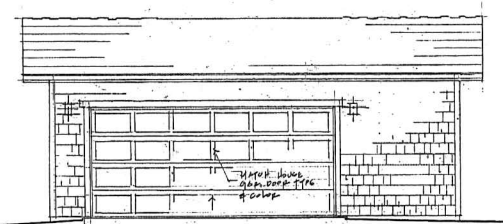
REVISIONS	BY

**WOOD RESIDENCE**  
 GARAGE  
 22221 TORO HILLS DRIVE  
 SALINAS, CA.

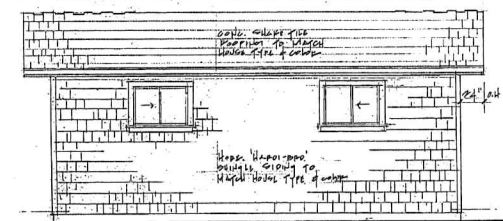
DRAWN J. L. L. L.	CHECKED J. L. L. L.
DATE 01-20-14	SCALE 1/4" = 1'-0"
JOB NO. 01-14-01	SHEET A-2
OF 1	SHEETS



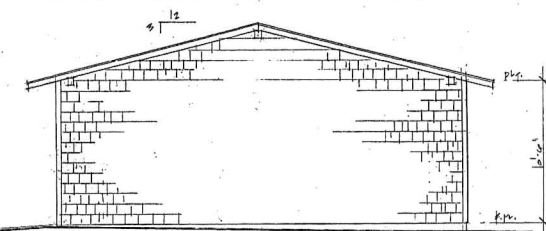
**EAST ELEVATION**



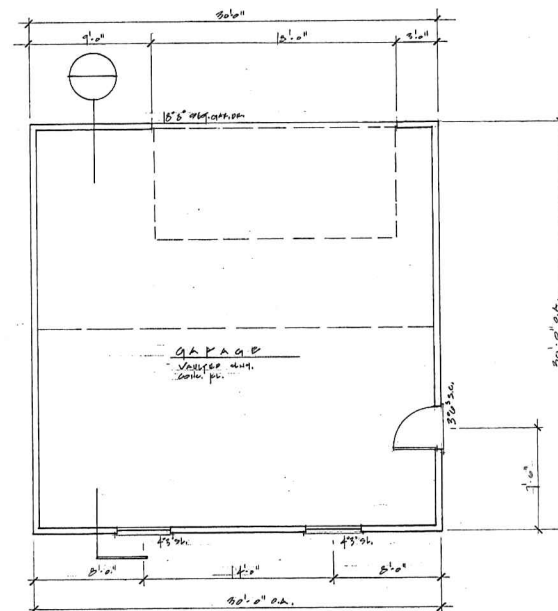
**NORTH ELEVATION**



**SOUTH ELEVATION**



**WEST ELEVATION**



**FLOOR PLAN**



TOPO LVAL OCT. 13, 2014  
ATTACHMENT #4 TO MINUTES

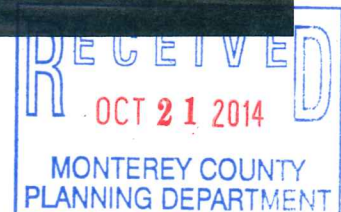
WOOD



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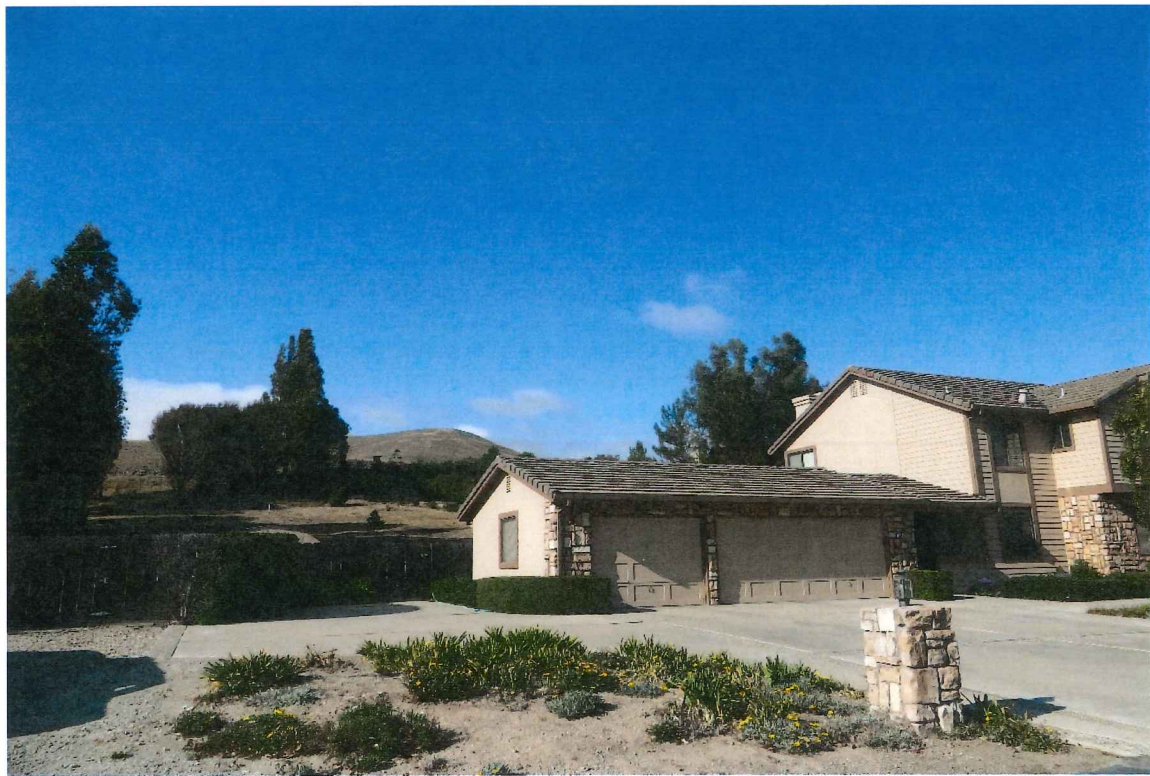


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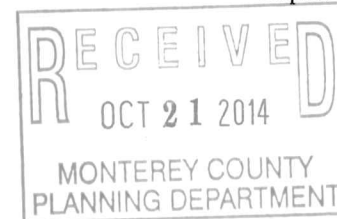




21



22



Steve Vagnini , County Assessor

**General Information**

**APN:** 161-042-024-000  
**Situs Address:** 22221 TORO HILLS DR SALINAS CA 93908-1138  
**Mailing Address:** 22221 TORO HILLS DR SALINAS CA 93908-1138  
**Legal Description:**

**Use Type:**  
**Tax Rate Area:**

RESID. SINGLE FAMILY  
 139-026

**Assessment**

**Year Assd:** 2014  
**Land:** \$153,080  
**Structure(s):** \$319,871  
**Other:**  
**Total Land and Improv:** \$472,951  
**HO Exempt?:** Y  
**Exemption Amt:** \$7,000

**Property Characteristics**

**Bedrooms:** 4  
**Baths:** 2  
**Bldg/Liv Area:** 2,493  
**Year Built:** 1989  
**Lot Acres:**  
**Lot SqFt:**

**Recent Sale History**

**Recording Date:** 04/03/1989  
**Document #:** 198923470545  
**Transfer Amount:** \$309,000



Google

Map data ©2014 Google Imagery ©2014 , AMBAG, DigitalGlobe

\*\*The information provided here is deemed reliable, but is not guaranteed.

TORO HILLS OCT 13, 2014  
 ASSIGNMENT #5 TO MINUTES

TDR was OCT 13, 2014  
ATTACHMENT #6 TO MINUTES

01

042

PARCEL B 579.21

04

TORO HILLS AVENUE

29

TRACT 1034  
TORO HILLS ESTATES  
RECORDED 6-5-86

MONTEREY - SALINAS HWY. 68

NOTE:  
S.E.  
Scenic Easement  
MONTEREY COUNTY  
REEL 1963 PG.1247

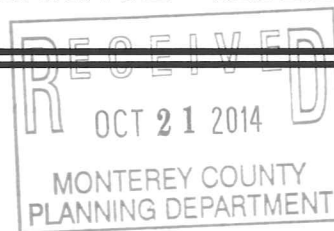
1"=200 FT.

RECEIVED  
OCT 21 2014  
MONTEREY COUNTY  
PLANNING DEPARTMENT

TORO LWA OCT 13 2014  
ATTACHMENT #2 TO MINUTES

WOOD

## MONTEREY COUNTY ZONING ORDINANCE - TITLE 21



### 21.42 – BUILDING SITE OR “B DISTRICTS”

#### 21.42.010 PURPOSE.

The purpose of this Chapter is to provide a district which by specific designation on a Sectional District Map will establish specific regulations for lot size and structure setbacks. Further this district provides a manner in which areas of approved subdivisions and areas impacted by public facility constraints may be identified.

#### 21.42.020 APPLICABILITY.

The regulations set forth in this Chapter shall apply in all districts which are combined with such "B" District and shall be applied in lieu of the building site area and setbacks in the combined district, except that in no case shall setback requirements be less than specified in "MDR" Districts, and shall be subject to the provisions of Chapter 21.62 (Height and Setback Exceptions) of this Title.

#### 21.42.030 BUILDING SITE AREA AND SETBACKS.

	<i>Combining Designation</i>	<i>Minimum Lot Size</i>	<i>Minimum Front Setback</i>	<i>Minimum Side Setback</i>	<i>Minimum Rear Setback</i>
A.	B-1	Eight thousand square feet.	Twenty-five feet	Ten percent of average lot width with a maximum required of eight feet	Ten feet
B.	B-2	Ten thousand square feet	Twenty-five feet	Ten percent of average lot width with a maximum required of ten feet	Ten feet
C.	B-3	Twenty thousand square feet	Thirty feet	Ten percent of average lot width with a maximum required of fifteen feet	Fifteen feet

	<i>Combining Designation</i>	<i>Minimum Lot Size</i>	<i>Minimum Front Setback</i>	<i>Minimum Side Setback</i>	<i>Minimum Rear Setback</i>
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D. B-4 One acre Thirty feet Ten percent width Twenty feet  
maximum required  
of twenty feet

E. B-5 Minimum lot size as specified on the Sectional District Maps designating any such district. Setbacks shall not be less than those required under the "B-4" regulations.

F. B-6 1. The lots as shown on the recorded final map or parcel map may not be further subdivided. Lot line adjustments may be allowed. Lot line adjustments which reduce the size of a lot shall require an Administrative Permit. Adjustments of equal areas between lots do not require an Administrative Permit or a Variance.

2. Setbacks to be not less than "B-4" regulations, unless otherwise indicated on the final map or parcel map or Sectional District Maps;

G. B-7 1. The lots as shown on the recorded final map or parcel map may not be further subdivided unless the lots are first reclassified from the "B-7" district. Lot line adjustments may be allowed. Lot line adjustments which reduce the size of a lot shall require an Administrative Permit. Adjustments of equal areas between lots do not require an Administrative Permit or a Variance.

2. Setbacks to be not less than "B-4" regulations unless otherwise indicated on the recorded final map or parcel map;

3. Reclassification from "B-7" zoning to allow further subdivision may be considered when the applicant demonstrates to the satisfaction of the Board of Supervisors that he has met minimum requirements in respect to water supply, drainage, sewage disposal, parcel size and design, and traffic circulation for the total area included in the "B-7" district, created as a result of the subdivision of which the lot is a part. Upon application for a land division, the applicant shall provide appropriate copies illustrating the aforementioned information.

H. B-8 1. The purpose of the "B-8" Zoning District is to restrict development and/or intensification of land use in areas where, due to water supply, water quality, sewage disposal capabilities, traffic impacts or similar measurable public- facility type constraints, additional development and/or intensification of land use if found to be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole.

For the purpose of this Section "intensification" means the change in the use of a building site which increases the demand on the constraint(s) which caused the "B-8" District to be applied over that use existing at that time the "B-8" district is applied to the property. The "B-8" district does not affect construction of the first single family dwelling on a building site, additions to dwellings, guesthouses, non-habitable structures accessory to a dwelling use, or addition and/or expansion of existing commercial uses where such addition and/or expansion can be found to not adversely affect the constraints which caused the "B-8" district to be applied to the property.

2. The minimum building site shall be that which is recognized as an existing legal lot at the time the "B-8" Zoning District is imposed on the property, or lots that are created by minor or standard subdivision for which an application was received by the Monterey County Planning Department prior to the imposition of the "B-8" Zoning District on the property;

3. Setbacks to be not less than "B-4" regulations unless otherwise indicated on parcel maps, final maps, or Sectional District Maps;

4. Reclassification of an area from "B-8" zoning may be considered when the constraints existing at the time of placing "B-8" zoning on the area zoned "B-8" no longer exist and additional development and/or intensification of land use will not be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole.

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