



Monterey County Zoning Administrator

Agenda Item No. 3

Legistar File Number: ZA 17-042

168 West Alisal Street,
1st Floor
Salinas, CA 93901
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August 10, 2017

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PLN170394 - BARTH GERALD R & JOYCE L TRS

Public hearing to consider an "after-the-fact" permit to allow two required parking spaces be uncovered and located partially within the front yard setback (existing driveway).

Project Location: 326 Kelton Drive, Salinas

Proposed CEQA Action: Categorically Exempt per section 15303 of the CEQA guidelines

PROJECT INFORMATION:

Planning File Number: PLN170394

Owner: Gerald R. & Joyce L. Barth TRS

APN: 211-191-055-000

Zoning: MDR/5

Parcel Size: 8,375 s.f.

Agent: Sherry Hassett

Plan Area: Greater Salinas Area Plan

Flagged and Staked: N/A

RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a resolution to:

- Find the project Categorically Exempt per section 15303 of the CEQA Guidelines; and
- Approve a Use Permit for an "after-the-fact" modification of parking standards to allow that the two required parking spaces be uncovered and located partially within the front yard setback (existing driveway).

The attached resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends that the Zoning Administrator adopt the resolution approving PLN170394 subject to 2 conditions of approval.

SUMMARY/DISCUSSION:

This project is a Use Permit for an "after the fact" modification of parking standards to allow the required parking spaces for this residence to be uncovered and located partially within the front yard setback (driveway).

The project site is an 8,375 square foot parcel with a one-story single family residence located at 326 Kelton Drive in the unincorporated area of Salinas. The property is on a block between the intersection of Cornwall Road and Rogge Road. **See Exhibit E- Vicinity Map.** The block of Kelton Drive where this residence is located has single family residences on one side of the street and across the street there is the back side of commercial property, with no entrances. Half of this commercial property is improved with commercial structures and the remaining half is vacant. The subject property faces directly onto the vacant commercial portion. **See**

Exhibit C- Photographs of Property and Neighborhood.

In 1972, Gerald and Joyce Barth purchased their single-story 1,523 square foot home (1,123 square foot house; 400 square foot attached garage) and converted the attached 400 square foot garage into additional livable space for their family of five without a permit. Their children have grown, but they continue to utilize the extra livable space as a family room and laundry room. During the recent appraisal of their home for a reverse mortgage, they learned their 45-year old garage conversion was a violation of building and planning codes. In order for the Barth's to finalize their reverse mortgage, the financial institution is requiring them to comply with applicable Monterey County regulations and bring the conversion into compliance. The Barth's request to keep their conversion in place, rather than convert the area back to a garage. In order for this to happen, the avenue for compliance is securing a Use Permit for modification of parking standards and, if approved, a construction permit for the conversion of the garage into habitable space. Approval of the subject Use Permit and issuance of a construction permit for the unpermitted conversion of the garage would bring the property into full compliance. The applicant has expressed that they will be applying for the construction permit when and if this Use Permit is approved.

This matter was brought to the County's attention by the property owner, and not via a complaint. As such, no enforcement action was initiated to remedy the condition.

The purpose of Chapter 21.58- *Regulations for Parking* of the Monterey County Zoning Ordinance, Title 21, is to avoid or lessen congestion in the streets and promote public safety by requiring parking for all land uses, including residential uses. The parking requirement for a detached single-family residence is two parking spaces, not located within the required parcel's setbacks and one of which shall be a covered parking space, such as a garage or carport. Pursuant to Section 21.58.050.C of *Regulations for Parking*, modifications to the parking standards, may be granted by a Use Permit where appropriate, in cases which, due to the unusual characteristics of a property or its immediate vicinity, do not necessitate the number of parking spaces, type of design, or improvements required by that chapter.

The zoning for the subject property is Medium Density Residential with a required front yard setback of 20 feet. The plans (**see Exhibit B**) shows that the Barth's 20-foot front yard setback line is located in the middle of the driveway, allowing only a space of 6 feet, 3 inches for parking that does not encroach on the front yard setback. A typical car is about 8 feet in length, therefore a car would encroach onto the front yard setback by approximately 2 feet. Staff also looked at the feasibility of having the applicants provide covered parking that conforms with the development standards of the zoning district, elsewhere on the property without converting the garage back to parking. Staff determined that this was not feasible without a major remodel, since the existing home was built up to the required side yard setback lines, not allowing for sufficient room to accommodate a covered parking space that meets the setback requirements.

Based on the staff's review of the project materials and the site visit of the property, staff recommends that modifications parking standards in this situation be allowed because:

1. The two required off-street parking spaces are provided by parking on the driveway.

Furthermore, up to 3 vehicles fit on the driveway, exceeding the off-street parking number requirement of 2 parking spaces.

2. A covered structure for the covered parking requirement would not have the sufficient setback clearance.
3. In the case that the property has visitors and therefore visitor vehicles, there is sufficient street parking on the subject block and its vicinity. The block of Kelton Drive where the subject project is located, has single family residences on one side of the street and across the street is the back side of a commercial property, with no driveways. The entrance to the commercial parcel is off of San Juan Grade Road. There are sufficient parking spaces along the rear of the commercial property street sides. It is very unlikely that customers would park on Kelton Drive. **See Exhibit C- Photographs of Property and Neighborhood.**

Staff finds that, based on the analysis described above, we would have supported this project had the owners requested permission before doing work. Therefore, staff recommends that the Zoning Administrator approve the Use Permit for modification of parking standards. Due to the site and vicinity characteristics, the project site does not necessitate a covered parking space, nor do the required parking spaces need to meet the minimum 20-foot front yard setback requirement of the Medium Density Residential Zoning District to prevent impacting the safety or character of the neighborhood.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project and have no recommended conditions:

Environmental Health Bureau
RMA-Public Works
RMA-Environmental Services
Water Resources Agency
Monterey County Regional Fire Protection District

FINANCING:

Funding for staff time associated with this project is included in the FY17-18 Adopted Budget for RMA-Planning.

Prepared by: Nadia Amador, Associate Planner, Ext. 5114

Approved by: Brandon Swanson, RMA Services Manager, Ext. 5334

Approved by: Carl P. Holm, AICP, RMA Director

Attachments:

- Exhibit A Project Data Sheet
- Exhibit B Draft Resolution, including:
 - Conditions of Approval
 - Plan
- Exhibit C Photographs of Property and Neighborhood
- Exhibit D Applicant's Statement
- Exhibit E Vicinity Map

cc: Front Counter Copy; Zoning Administrator; Brandon Swanson, RMA Services Manager;
Gerald and Joyce Barth, Applicant/Owner; Sherry Hassett, Agent; The Open Monterey
Project (Molly Erickson); LandWatch; Project File PLN170394.