Before the Zoning Administrator in and for the County of Monterey, State of California

In the matter of the application of:

KHERA TANVIR S & BOPARAI PREETI (EVERS) (PLN190120) RESOLUTION NO. 19-024

Resolution by the Monterey County Zoning Administrator:

- 1. Finding that the project involves construction of a single family dwelling and accessory structure, which qualify as a Class 3 Categorical Exemption pursuant to Sections 15303 (a) and (e) of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
- 2. Approving the Design Approval to allow the construction of an approximately 4,365 square foot one-story single family dwelling with an attached two car garage and construction of an approximately 390 square foot attached guesthouse with an attached 310 square foot two-car garage. The project will result in grading of approximately 350 cubic yards of cut and 590 cubic yards of fill.

[PLN190120, Preeti Boparai and Tanvir Khera (Evers), 502 Estrella D'Oro, Monterey (Assessor's Parcel Number 173-074-035-000). Greater Monterey Peninsula Area Plan]

The EVERS application (PLN190120) came on for a public hearing before the Monterey County Zoning Administrator on July 11, 2019. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING: CONSISTENCY** – The project, as conditioned, is consistent with the

applicable plans and policies which designate this area as appropriate for development.

for developmen

EVIDENCE: a) The project has been reviewed for consistency with the text, policies, and regulations in:

- 2010 Monterey County General Plan (General Plan);
- Greater Monterey Peninsula Area Plan (GMPAP); and
- Monterey County Inland Zoning Ordinance (Title 21).

No conflicts were found to exist. The subject property is not located within the Coastal Zone; therefore, the 1982 Monterey County General Plan does not apply.

b) <u>Allowed Use</u>. The property is located at 502 Estrella D'Oro, in Monterey (Assessor's Parcel Number 173-074-035-000), subject to the Greater Monterey Peninsula Area Plan. The property is zoned Low Density Residential with a Building Site 6 and Design Control

- Overlay or "LDR/B-6-D." Title 21 Section 21.14.030.A and B allows for the development of the first single family dwelling and guesthouse per lot. Therefore, the project is an allowed use.
- c) <u>Lot Legality</u>. The subject parcel (0.71 acres) is a vacant lot, APN 173-074-035-000, located on a residential subdivision created through the Pasadera Subdivision. Therefore, the County recognizes the subject parcel as a legal lot of record.
- d) <u>Design.</u> The project is subject to the Design Control Zoning District ("D" zoning overlay), which is intended to regulate the location, size, materials and colors of the structures to assure protection of the public viewshed and neighborhood character. The single family dwelling has a Spanish architectural style with colors and materials consisting of creamy ivory stucco siding with dark brown wood trim and reddish brown clay tile roof. The neighborhood consists of onestory to two-story homes varying in size but similar architectural styles. The colors and materials blend with the surrounding environment. The materials, location and nature of the project are consistent with the overall neighborhood character and does not detract the visual integrity of the site.

Figure 14 of the Greater Monterey Peninsula Area Plan (GMPAP) illustrates that the subject property is designated as a visually sensitive area; however, the property is not visible from Highway 68. The single family dwelling and attached guesthouse is within an established residential neighborhood approximately ¾ of a mile north of Highway 68. The development is further up into the neighborhood and is surrounded by residences with similar and even larger square footage. The project is a one-story single family dwelling and attached guesthouse with colors that would be subordinate to the surrounding environment. The project was staked and flagged and through staff's site visit, the project was not visible from Highway 68. Therefore, the project does not create any substantial visual impacts.

Review of Development Standards. The subject parcel is zoned Low Density Residential with a Building Site 6 and Design Control Overlay or "LDR/B-6-D." Title 21 Section 21.14.030.A and B allows for the development of the first single family dwelling and guesthouse per lot (see Evidence "b"). Therefore, the project is an allowed use. Title 21 Section 21.14.060 identifies site development standards for the property but since the zoning is combined with B-6 Overlay, the setbacks within Title 21 Section 21.42.030 are applicable. The guesthouse is structurally attached to the main structure and meets the criteria for the height and setback exception as outline in Title 21 Sections 21.62.030.D and 21.62.040.K (see Finding 5).

Required setbacks for main structures are 30 feet (front), 20 feet (rear), and 10% of the average lot width, which is 17 feet (side). The single family dwelling and attached garage has a front setback of 50 feet, a rear setback of 20 feet, and side setbacks of 24 feet

(north) and 55 feet (south). The height of the main structure will be at 19-6 feet, below the allowed height for this zoning district of 30 feet.

Required setbacks for attached accessory structures meeting the criteria in Section 21.62.040.K (see Finding 5) are 30 feet (front), 20 feet (rear), and 10% of the average lot width, which is 17 feet (side). The attached garage has a front setback of 50 feet, a rear setback of approximately 90 feet, and side setbacks of 90 feet (north) and 64 feet (south). The height of the accessory structure will be at 19-6 feet, below the allowed height for main structures of 30 feet provided it meets the criteria in Section 21.62.030.D (see Finding 5).

The site coverage maximum is 25%. The subject property is 0.71 acres, which would allow site coverage of 7,885 square feet. The project results in site coverage of 16.8% or 5,305 square feet. Therefore, the project is consistent with the development standards listed within this zoning district per Title 21 Sections 21.14.060 and 21.42.030, and the exceptions in Sections 21.62.030.D and 21.62.040.K (see Finding 5).

- f) <u>Guesthouse.</u> As demonstrated in Finding 5 below, the project is consistent with the applicable regulations for guesthouses as outlined in Title 21 Section 21.64.020.
- Cultural Resources. Title 21 Section 21.66.050 provides development g) standards which are intended to maintain and protect the County's archaeological and tribal cultural resources. Section 21.66.050.C states that an archaeological assessment shall be required for any development located within specific areas such as moderate archaeological sensitivity zone as mapped on current County resource maps and if the development requires environmental assessment according to CEQA. The subject property, as identified in the Monterey County Geographic Informational System (GIS), is designated as moderate archaeological sensitivity. In accordance with the regulation described above, an archaeological survey was not required in this case. The project is categorically exempt from CEQA (see Finding 6), and the potential for inadvertent impacts to cultural resources is limited and will be controlled by application of the County's standard project condition of approval (Condition No. 3), which requires the contractor to stop work if previously unidentified resources are discovered during construction.
- g) Based on the LUAC guidelines adopted by the Board of Supervisors, the project was referred to the Greater Monterey Peninsula LUAC for review on June 19, 2019. The LUAC recommended approval of the project.
- h) Staff conducted a site inspection on June 4, 2019 to verify that the project on the subject property conforms to the plans submitted.
- i) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in RMA-Planning File No. PLN190120.

- 2. **FINDING: SITE SUITABILITY** The site is physically suitable for the proposed use.
 - EVIDENCE: a) The project includes the construction of a new single family dwelling and an attached guesthouse located within an established residential zoning area within a residential neighborhood.

 b) The project was reviewed by RMA-Planning. There has been no
 - b) The project was reviewed by RMA-Planning. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - c) Staff conducted a site inspection on June 4, 2019 to verify that the site is suitable for the project.
 - d) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN190120.
- 3. **FINDING: HEALTH AND SAFETY** The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the 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 improvements in the neighborhood or to the general welfare of the County.

- **EVIDENCE:** a) The project was reviewed by RMA-Planning. Conditions have been recommended, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Potable water is provided by California American Water Company (CAL-AM) and wastewater services are provided by California American Water (CAW) for the subject property.
 - c) The project includes grading of approximately 350 cubic yards of cut and 590 cubic yards of fill. A grading plan would be required as a part of the building permit application process to ensure any grading is conducted in accordance with the 2016 California Building Code.
 - d) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in RMA-Planning File No. PLN190120.
- 4. **FINDING: NO VIOLATIONS** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
 - **EVIDENCE:** a) Staff reviewed Monterey County RMA-Planning and RMA-Building Services records and is not aware of any violations existing on subject property.
 - b) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN190120.
- 5. **FINDING: GUESTHOUSE** The project meets the regulations, standards and circumstances under which sleeping facilities, such as guesthouses, not integral to the main dwelling may be established.

- **EVIDENCE:** a) Title 21 Section 21.64.020 establishes regulations and standards for sleeping facilities, such as guesthouses, that are not integral to the main dwelling. The project includes the construction of an approximately 390 square foot attached guesthouse with an attached 310 square foot attached one-car garage.
 - b) The subject property is a vacant lot (see Finding 1, Evidence "c" and Finding 2, Evidence "c"), and the construction of the guesthouse is the first guesthouse on the property under the allowed 600 square feet identified in the standards of Title 21 Section 21.64.020. The guesthouse is structurally attached to the main residence by a 7 foot high garden wall (see attached plans). The attached guesthouse does not share internal circulation and would share the same utilities with the main residence.
 - Title 21 Section 21.64.020.C.11 states the guesthouse shall not c) exceed a height of 15 feet nor be more than one story. Title 21 Chapter 21.62 identifies specific height and setback exceptions. Sections 21.62.030.D and 21.62.040.K of that Chapter states that any accessory structure structurally attached to the main structure shall be allowed the same height and shall be subject to the same setback requirements as the main structure. The attached guesthouse meets this exception and has a height of 19-6 feet, which is the same height of the main residence, and the guesthouse meets the main structure setbacks (see Finding 1, Evidence "e"). The colors and materials are consistent with the main residence and the design guidelines for this zoning district, (see Finding 1, Evidence "d"). Further, a standard condition of approval for a deed restriction (Condition No. 5) has been applied to the project to ensure the regulations within Title 21 Section 21.64.020.C are complied with, unless otherwise notated. Therefore, the criteria to grant the guesthouse subject to a Design Approval has been met.
 - d) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN190120.

6. **FINDING:**

CEQA (Exempt) – The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

EVIDENCE:

- California Environmental Quality Act (CEQA) Guidelines Sections 15303 (a) and 15303 (e) categorically exempts the construction of one single family dwelling and accessory structures in a residential area.
- b) The project is to construct an approximately 4,365 square foot onestory single family dwelling with an attached two car garage and construction of an approximately 390 square foot attached guesthouse with an attached 310 square foot two-car garage. Therefore, the project qualifies for a Class 3 categorical exemption pursuant to Sections 15303 (a) and 15303 (e) of the CEQA Guidelines.
- c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that

would result in a significant effect or development that would result in a cumulative significant impact. No adverse environmental effects were identified during staff review of the development application.

d) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN190120.

7. **FINDING:**

APPEALABILITY – The decision on this project may be appealed to

the Planning Commission.

EVIDENCE:

<u>Planning Commission</u>. Pursuant to Title 21 Section 21.80.040.B, an appeal may be made to the Planning Commission for discretionary decisions of the Zoning Administrator.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Monterey County Zoning Administrator does hereby:

- 1. Find that the project involves construction of a single family dwelling and accessory structure, which qualify as a Class 3 Categorical Exemption pursuant to Sections 15303 (a) and (e) of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
- 2. Approve the Design Approval to allow the construction of an approximately 4,365 square foot one-story single family dwelling with an attached two car garage and construction of an approximately 390 square foot attached guesthouse with an attached 310 square foot two-car garage. The project will result in grading of approximately 350 cubic yards of cut and 590 cubic yards of fill. All in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 11th day of July, 2019.

Mike Novo, Monterey County Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON JUL 16 2019

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JUL 26 2019.

THIS PROJECT IS NOT LOCATED IN THE COASTAL ZONE AND IS NOT APPEALABLE TO THE COASTAL COMMISSION.

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 Monterey County RMA-Planning and RMA-Building Services offices in Salinas.

Monterey County RMA Planning

Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN190120

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation
Monitoring Measure:

This Design Approval permit (PLN190120) allows the construction of an approximately 4,365 square foot one-story single family dwelling with an attached two car garage and construction of an approximately 390 square foot attached guesthouse with an attached 310 square foot two-car garage. The project will result in grading of approximately 350 cubic yards of cut and 590 cubic yards of fill. The property is located at 52 Estrella D'Oro, Monterey (Assessor's Parcel Number 173-074-035-000). Greater Monterey Peninsula Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 RMA - Planning. 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 by the appropriate permit is allowed unless additional permits are approved authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

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2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department:

RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:

"A Design Approval (Resolution Number 19-024) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Number 173-074-035-000 on July 11, 2019. The permit was granted subject to five (5) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the RMA Chief of Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

Compliance or Monitoring Action to be Performed:

Prior to the issuance of any building permits, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department:

RMA-Planning

Condition/Mitigation Monitoring Measure:

course of construction, cultural, archaeological, historical 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 Monterey County RMA - Planning and a professional archaeologist can evaluate it. qualified archaeologist (i.e., an archaeologist registered with the be immediately contacted by the responsible Professional Archaeologists) shall When contacted, the project planner and the archaeologist individual present on-site. shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.

(RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of any building permits, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning 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.

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4. PD012(F) - LANDSCAPE PLAN & MAINTENANCE (SFD ONLY)

Responsible Department:

RMA-Planning

Condition/Mitigation Monitoring Measure:

The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the RMA Chief of Planning. 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 include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning. 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. (RMA - Planning)

Compliance or Monitoring Action to be Performed:

Prior to issuance of any building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans contractor's estimate to the RMA - Planning for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the 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 RMA - Planning.

On an on-going basis, all landscaped areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

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5. PD019(A) - DEED RESTRICTION-GUESTHOUSE (INLAND)

Responsible Department:

RMA-Planning

Condition/Mitigation Monitoring Measure:

The applicant shall record a deed restriction stating the regulations applicable to a GUESTHOUSE (Inland) as follows:

- Only 1 guesthouse shall be allowed per lot.
- Detached guesthouses shall be located in close proximity to the principal residence.
- Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.
- The guesthouse shall not have cooking or kitchen facilities, including but not limited to microwave ovens, hot plates and toaster ovens.
- The guesthouse shall have a maximum of 6 linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of 8 square feet of cabinet space, excluding clothes closets.
- The guesthouse shall not exceed 600 square feet of livable floor area.
- The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.
- Subsequent subdivisions which divide a main residence from a guesthouse shall be prohibited.
- The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.
- The regulations in Title 21.64.020 identify the guesthouse height to not exceed 15 feet nor be more than one story. The guesthouse is structurally attached to the main residence and meets the height exceptions as identified in Title 21 Section 21.62.030.D. The guesthouse shall be allowed to the same height as the main structure.

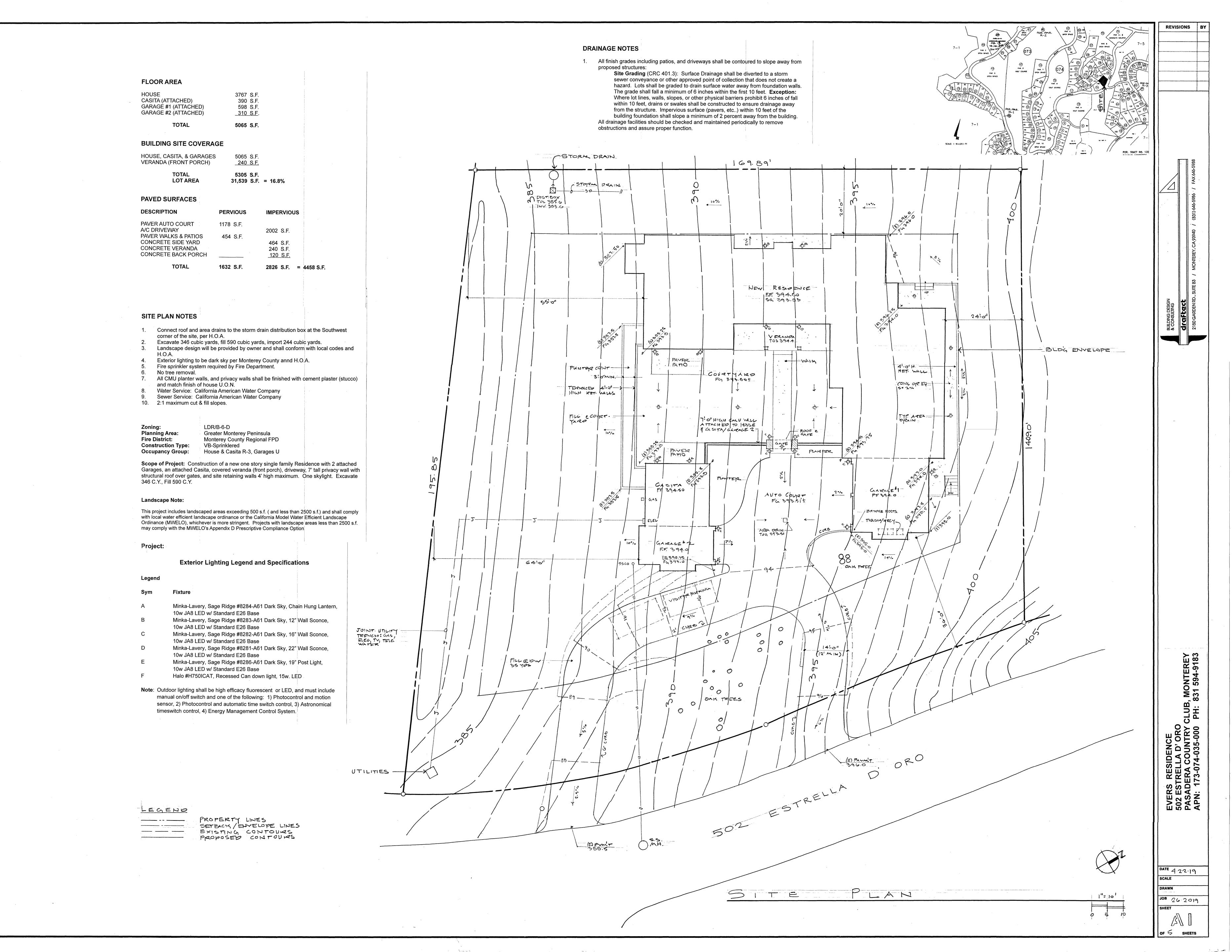
(RMA - Planning)

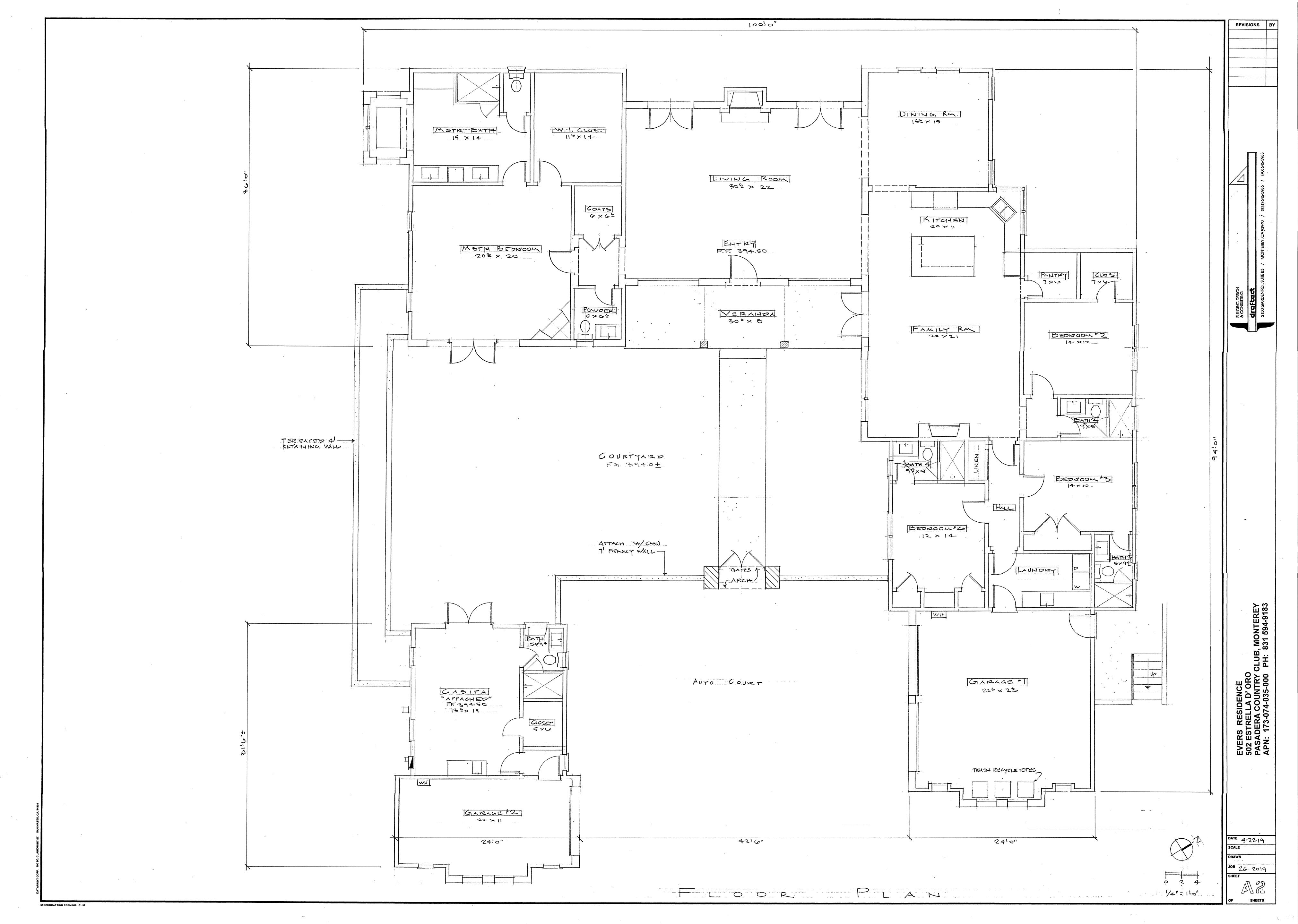
Compliance or Monitoring Action to be Performed:

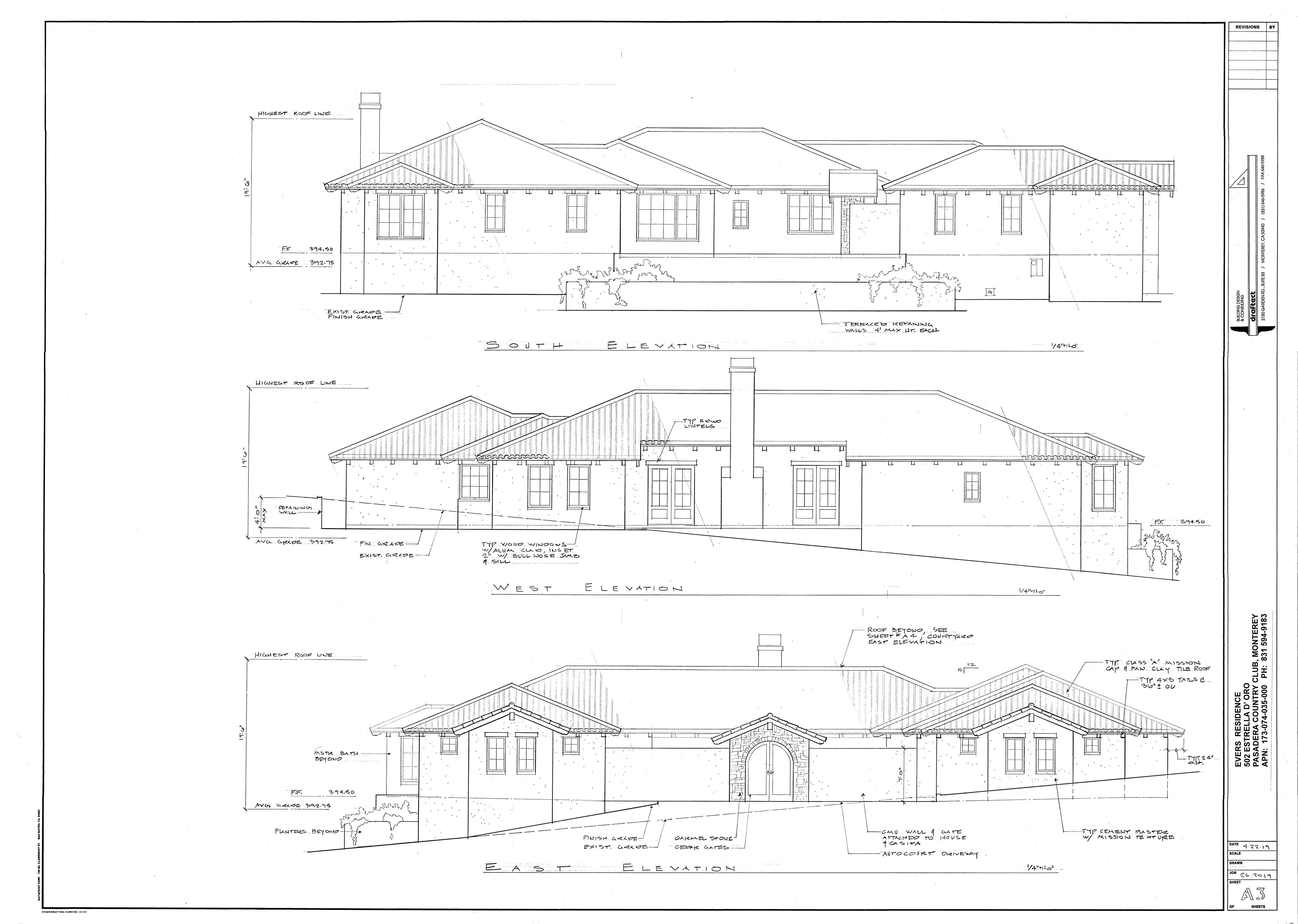
Prior to the issuance of any building permits, the Owner/Applicant shall submit the signed and notarized document to the RMA Chief of Planning for review and signature by the County.

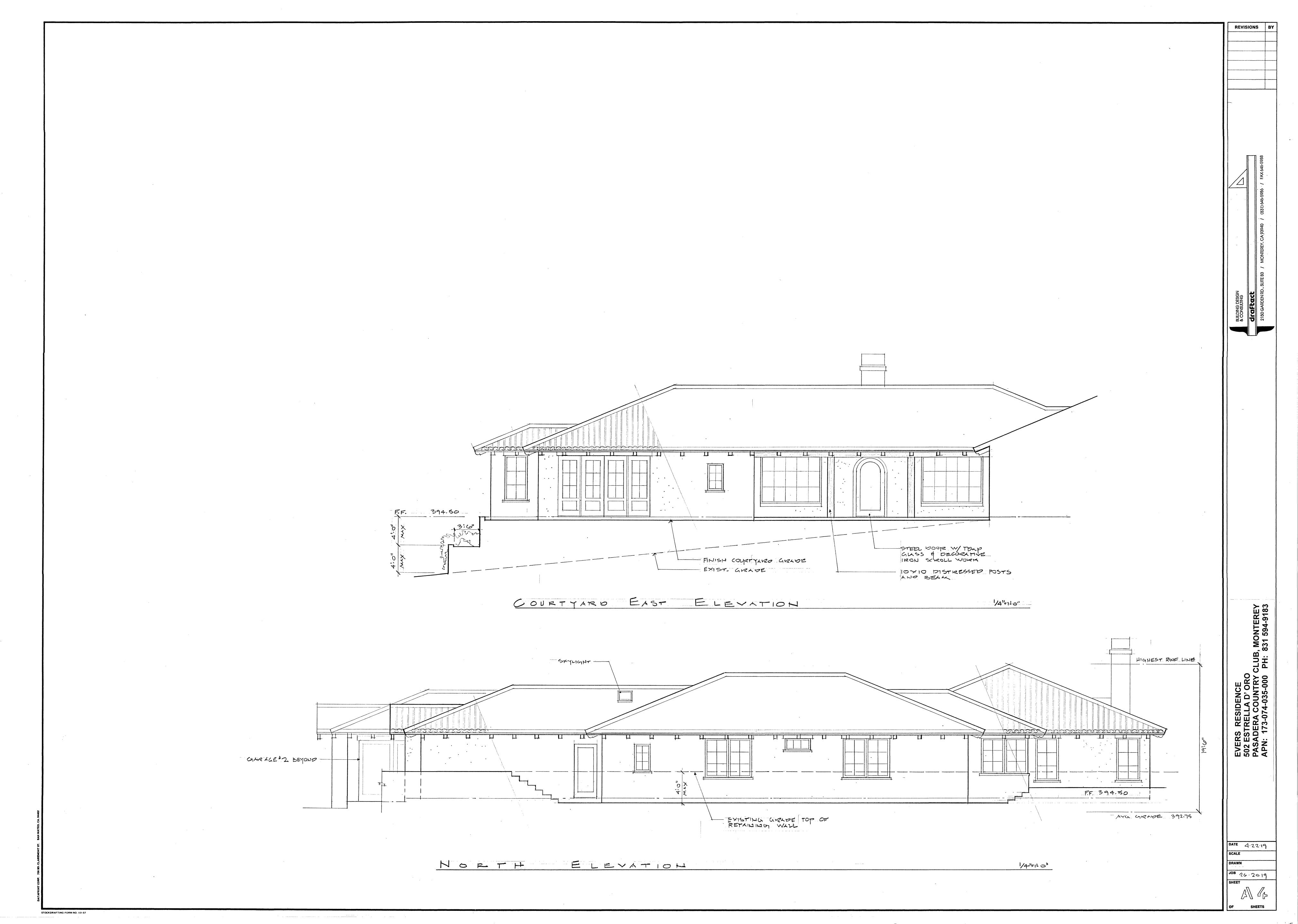
Prior to the final of any building permits, the Owner/Applicant shall submit proof of recordation of the document to the RMA-Planning.

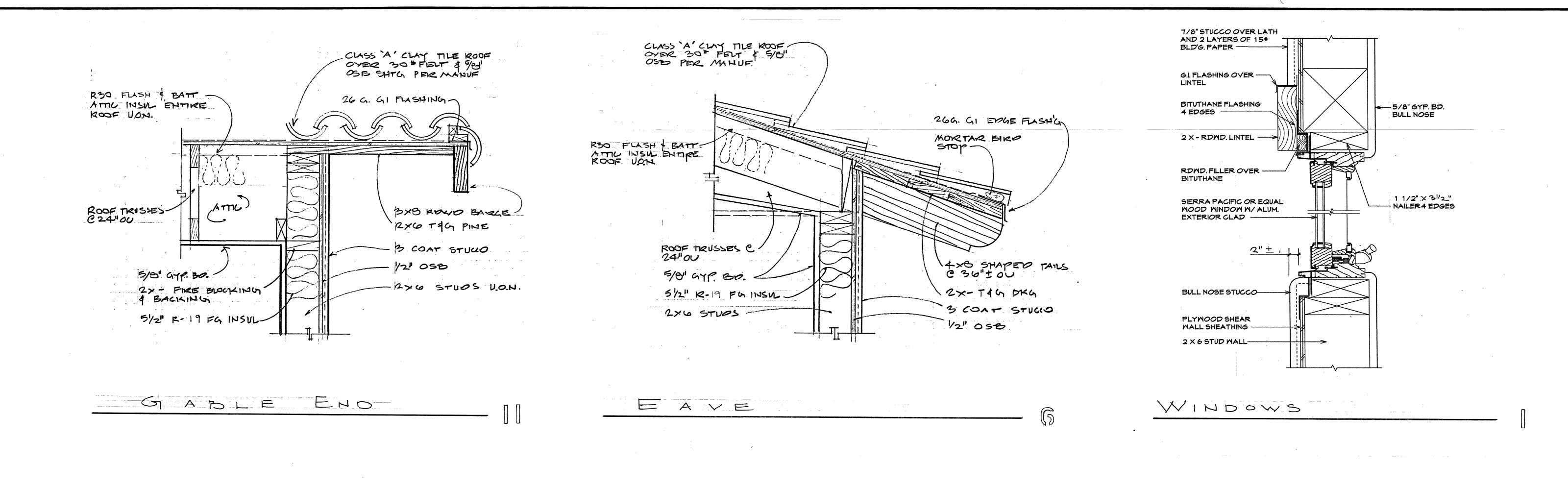
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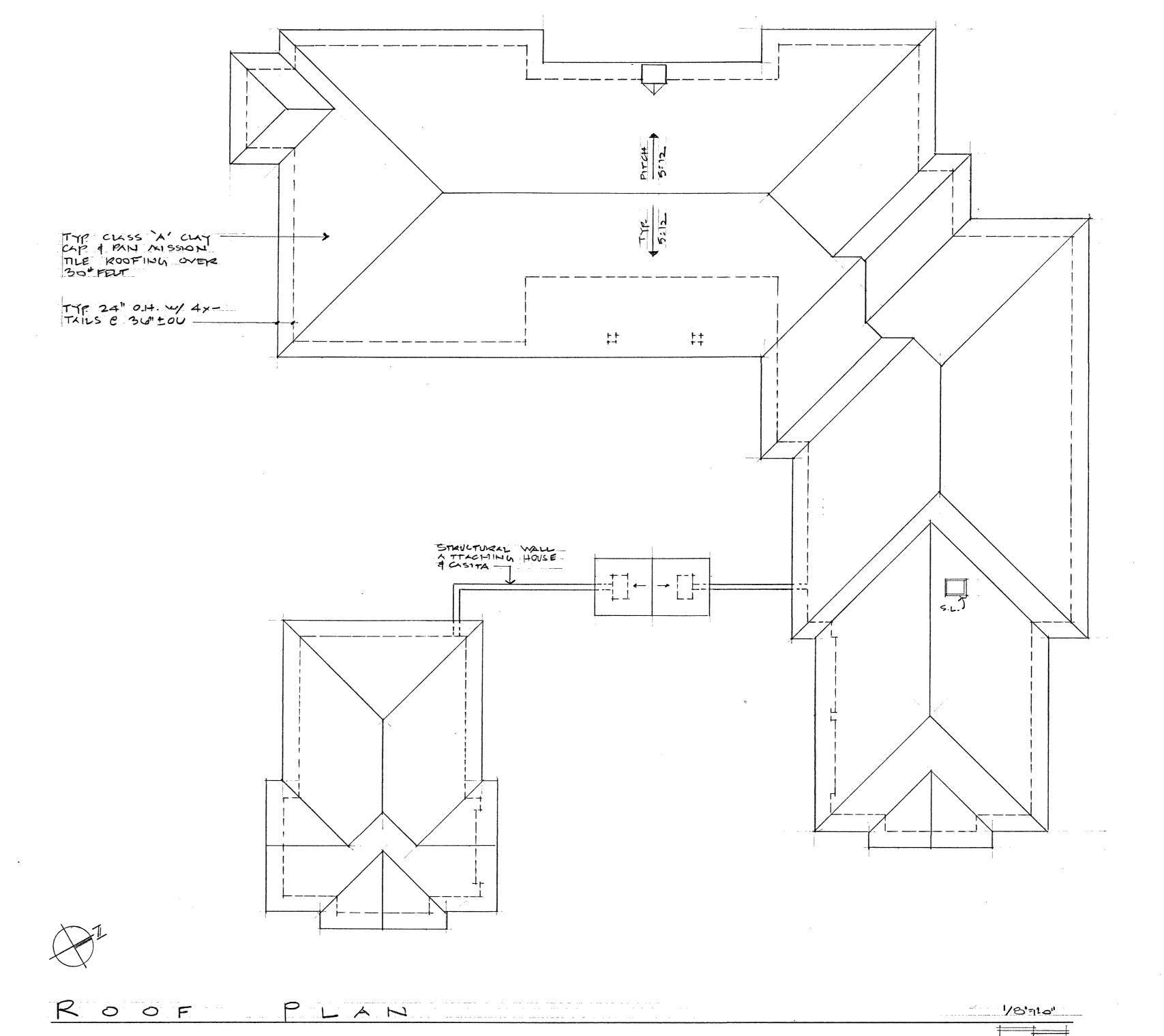












REVISIONS BY

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