

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

In the matter of the application of:

SMITH & RADER (PLN190255)

RESOLUTION NO. 20-029

Resolution by the Monterey County Zoning
Administrator:

- 1) Finding the project exempt per CEQA Section 15303 consisting of construction of accessory (appurtenant) structures; and
- 2) Approving Design Approval (PLN190255), modified from DA180340, as follows:
 - a. Front property line along Second Street. Max 4-foot tall open wood fence to be consistent with the Spreckels Design Guidelines; and.
 - b. Front property line along Llano Street. Max 4-foot tall open wood fence to be consistent with the Spreckels Design Guidelines.
 - c. Side yard property line starting 4 feet tall from the sidewalk back to the setback line (20 feet) or the nearest structure whichever is less, then max 6-foot tall solid wood fence.

[PLN190255, SMITH & RADER, 99 Second Street, Spreckels, Greater Salinas Area Plan (APN: 177-061-003-000)]

The SMITH & RADER application (PLN190255) came on for public hearing before the Monterey County Zoning Administrator on July 30, 2020. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the proposed development and/or use.
EVIDENCE:
 - a) The proposed project is a Design Approval to allow a four foot high fence with open work pattern along Second Street, four foot high with open work pattern along Second Street solid fence along Llano Street; in order for the fence design to not detract from adjacent uses or the historic character of the District and to maintain the visual continuity of the existing streetscape.
 - b) An application for a Design Approval was submitted on July 2, 2019.
 - c) The property is located at 99 Second Street, Spreckels (Assessor’s Parcel Number 177-061-003-000), Greater Salinas Area Plan. The parcel is zoned “HDR/5.1-HR-D” High Density Residential, 5.1 acres per unit,

Historic Resources, Design Control, which allows for residential development with the issuance of a Design Approval. Therefore, the project is an allowed land use for this site.

- d) Applicants own a single family home on a corner lot in Spreckels. In November 2018, they submitted a Design Approval (DA) application for a fence and remodel with minor exterior changes to the residence (DA180340). Staff approved this application over-the-counter as submitted, including a solid wood fence up to 6 feet between properties and along Llano Street and reducing the height to 3 feet on Second Street (front).
- e) The town of Spreckels has guidelines for fence designs due to its historic nature, where even the newest homes which were constructed in 2008 are subject to those regulations. Policy S-2.1 of the Design Guidelines of the town of Spreckels, states, “New fences in front yards should not exceed four feet in height and should generally be constructed of wood slats in an open work pattern”. It was determined the structure is not historic and does not contribute to the historic nature of the HR district. Although the property is not considered a contributing parcel in the Historic town of Spreckels, it is zoned Historic Resources (HR) and Design Control (D) Zoning Districts and therefore, is subject to the Spreckels Design Guidelines. The fencing shall be consistent with the neighborhood character and fencing design standards provided under the above-mentioned guidelines.
- f) The property is zoned HDR/5.1-HR-D, High Density Residential, 5.1 units per acre, Historic Resources, Design Control District. Setbacks for structures in this zoning district include: Front-20 feet, Side-5 feet, and Rear-10 feet, with a 35-foot height limit. Although, the house faces Second Street, it is located on a corner lot at Llano and Second Street. According to Section 21.62.040.M of Monterey County Code, “In case of a lot abutting upon two or more streets, the main structure and accessory structures shall not be erected so as to encroach upon the front setback required on any of the streets.” After further review, staff determined that there are two front setbacks in his case and the 4-foot height limit would apply to both Llano Street and Second Street.
- g) There are a variety of fences within the Spreckels community. Photos of neighboring fences show a mixture of different heights and designs throughout the town. There are 3-foot high white fences with open slats surrounding the newer housing development as part of the design to tie in with the historic district. However, there are also a number 6-foot high solid fences around town (including some masonry walls). Some are very old fences, however, there are newer fences that have recently been constructed but staff could not find permits for those. Fencing in front yards is generally at three to four feet high along property lines extending back to the point the fence aligns with the houses, then goes up to six feet.
- h) 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 PLN190255.

2. **FINDING:** **CONSISTENCY** – The Project as approved, is consistent with the applicable plans and policies which designate this area as appropriate for development.
- EVIDENCE:**
- a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
- the 2010 Monterey County General Plan;
 - Greater Salinas Area Plan;
 - Monterey County Zoning Ordinance (Title 21)
 - Spreckels Design Guidelines
- Conflicts were found to exist. Communications were received during the course of review of the project indicating inconsistencies with the text, policies, and regulations in these documents.
- b) The fence, as currently constructed is not consistent with Spreckels Design Guidelines. When reconstructed as approved, it will become consistent. Condition #3 requires the fence to be revised as approved.
- c) The project was referred to the Spreckels Neighborhood Design Review (SNDR) Committee for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project is a Design Approval subject to review by the Zoning Administrator.
- d) The DA application for the design of the revised fence was referred to the Spreckels Neighborhood Design Review Committee (SNDR) on August 21, 2019. The SNDR stated they did not receive their package. However, fence had already been installed so they were able to visit the site to review the conditions. SNDR Committee members confirmed seeing the fence and opened the meeting to the public for comments. The applicants claimed they did not receive notification of the SNDR meeting and were not present. Staff confirmed that the plans were sent to the SNDR in a timely manner, and that no return-mail was received. Members of the SNDR stated the existing fence is not acceptable and should be removed immediately because it is not an open pattern and is too tall. All members agreed to continue the matter in order to see a revised consistent fence plan and have the owners attend the meeting. Staff stated that the revised plans showed the fencing that was already installed. The applicants were not going to make any further changes. SNDR stated that they felt the fence did not meet the Spreckels Design guidelines and stated that it go to Historic Resources Review Board (HRRB).
- e) On September 3, 2019, before returning to the SNDR, staff met with Supervisor Lopez and the project applicants. The history of the fence was discussed based on the memo submitted to the SNDR Committee, along with the recommendations from the SNDR Committee meeting. At the meeting it was discussed that:
- The materials of the existing fence could possibly be considered consistent with the neighborhood character. There are several fences in the Spreckels neighborhood that have solid wood fencing and heights up to six feet at the property lines.
 - One of the issues Mr. Takashima had was a line of sight hazard from an alleyway on the other side of his property. He claimed cars could not see the street because of the 6 foot side fence.

RMA-Code Compliance was asked to visit the site to determine if the side fencing posed a safety hazard for cars or pedestrians with regard to the alleyway. On September 10, 2019, it was determined by staff that the fence did not create safety hazard impacts for cars or pedestrians exiting the alleyway or at least no more than when cars are parked in the adjacent neighbor's driveway.

- f) Staff ultimately approved the Design Approval for the revised design of the fence (PLN190255), despite the fence design not being lowered along the shared property line and not being open construction. The Design Approval was approved administratively, and the neighbors within 100 feet of the property, received a pending approval notice in the mail, giving them an opportunity to appeal the Design Approval to the Zoning Administrator. Ultimately, the aggrieved neighbor (Mr. Takashima) submitted a timely "appeal" of this matter on September 30, 2019.
- g) Between meetings with Spreckels NDR and the HRRB, and unavailability between applicants and neighbors, staff had a tentative date to go to hearing in March. Then COVID hit. The appellant, Mr. Takashima, has been understanding of the turn of events and getting this matter to hearing.
- h) The project was referred to the Historic Resources Review Board (HRRB) for a recommendation. On December 12, 2019, HRRB offered the following comments:
 - Design Guidelines were created in 1999; and created as a community effort to maintain the historicity of the town of Spreckels. All new additions apply to these guidelines.
 - The house has been deemed a non-contributing structure; confirmed by historian.
 - Parcel has two front setbacks. The height of the fence on the two fronts are consistent; however, the solid fencing on both fronts are not consistent.

HRRB voted 3 to 2 that the project be revised so the proposed fence facing Second Street and Llano Street be at a maximum 4 feet tall and have an open pattern design consistent with the Spreckels Design Guidelines Policy S-2.1. The side yard fence within the front yard setback facing Llano Avenue remain a solid fence but tapered down to 4 feet in height from the sidewalk back to the setback line (20 feet) or the nearest structure (whichever is less) in order for the fence design to not detract from adjacent uses or the historic character of the District and to maintain the visual continuity of the existing streetscape. There was an original motion by the dissenting votes to recommend approval with a condition to amend the design of the front fence (Second Street) with an open work pattern, leave the four foot high solid fence along Llano Avenue, and reduce the side fence between the properties to four feet back to the edge of the houses. However, further discussions about being a corner lot pursuant to Section 21.62.040, the HRRB concluded that Llano Street was also a front setback and should have the open pattern design as well.

- i) The project planner conducted a site inspection on September May 10, 2019 and September 30, 2019 to verify that the project on the subject parcel conforms to the plans listed above.
 - j) 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 PLN190255.

- 3. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review.

EVIDENCE: a) California Environmental Quality Act Section 15303 consists of a Class 3 Categorical Exemption for new construction or conversion of small structures.

 - b) Subsection “e” specifically lists accessory (appurtenant) structures including fences.
 - c) Section 15300.2 CEQA Guidelines lists exceptions where an exemption may not apply: location, cumulative impact, significant effect, scenic highways, hazardous waste. Staff finds that there are no exceptions in this case based on the information provided in this report.
 - 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 PLN190255.

- 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 the subject property.

 - b) The project planner conducted a site inspection on July 15, 2019, to verify that there are no violations on the property.
 - c) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN190217.

- 5. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.

EVIDENCE: Section 21.44 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.

DECISION

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

- 1) Find the project Categorical exempt per section 15303(e) of the CEQA Guidelines consisting of accessory appurtenant structures; and
- 2) Approve Design Approval (PLN190255), modified from DA180340, as follows:
 - a. Front property line along Second Street. Max 4-foot tall open wood fence to be consistent with the Spreckels Design Guidelines,
 - b. Front property line along Llano Street. Max 4-foot tall open wood fence to be consistent with the Spreckels Design Guidelines, and

- c. Side yard property line starting 4 feet tall from the sidewalk back to the setback line (20 feet) or the nearest structure whichever is less, then max 6-foot tall solid wood fence.

in general conformance with and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 30th day of July, 2020 by:



Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON AUG 06 2020.

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 AUG 17 2020.

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 Department office in Salinas.

Monterey County RMA Planning

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

PLN190255

1. DESIGN APPROVAL - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: 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 permit is allowed unless additional permits are approved by the appropriate authorities. (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.

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 20-029) was approved by the Zoning Administrator for Assessor's Parcel Number 177-061-003-000 on July 30, 2020. The permit was granted subject to 3 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 Director of RMA - 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 grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. SPPD001- REVISED FENCE REQUIREMENT (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: In order to be consistent with the Spreckels Design Guidelines, specifically Policy S-2.1, for the town of Spreckels, “New fences in front yards should not exceed four feet in height and should generally be constructed of wood slats in an open work pattern”, the fence shall consist of the following pattern:

- a. Front property line along Second Street. Max 4-foot tall open wood fence to be consistent with the Spreckels Design Guidelines.
- b. Front property line along Llano Street. Max 4-foot tall open wood fence to be consistent with the Spreckels Design Guidelines.
- c. Side yard property line starting 4 feet tall from the sidewalk back to the setback line (20 feet) or the nearest structure whichever is less, then max 6-foot tall solid wood fence. (RMA Planning)

Compliance or Monitoring Action to be Performed: Upon Approval of the Design Approval, the applicants shall revise the fence design as approved and submit revised site plan reflecting the approved changes to the Monterey County RMA Planning prior to revising the existing fence.

GENERAL NOTES

- All work shall conform to the 2016 California Residential Code (CRC), Fire Code, Plumbing Code, Mechanical Code, Electrical Code and the Title 24 California Energy Code.
- Building address shall be posted in a visible location from the public right-of-way.
- The use of piping for electrical grounds is prohibited.
- Framing shall comply with Chapter 23.
- Nailing shall comply with table 2304.9.1 unless specifically noted otherwise.
- Concrete compressive strength shall be 2,500 PSI at 28 days minimum.
- Prior to submitting bids Contractors shall verify all dimensions and site conditions.
- Structural and framing lumber shall be Douglas Fir Larch unless noted otherwise. All joists, rafters, beams and posts shall be number 1 grade or better.
- Wood in contact with concrete or within 8" of finish grade shall be pressure treated Douglas Fir (P.T.D.F.) or foundation grade Redwood.
- Fasteners and connectors in/at preservative treated wood (anchor bolts, nails, screws etc.) excluding interior walls, shall be approved silicon bronze or copper, Stainless steel or hot dipped zinc coated steel.
- Contractor shall provide adequate temporary support and shoring as required where existing walls, beams, footings and headers are to be remove.
- Smoke detectors shall be installed in every bedroom, at the top of every stairwell and in all hallways leading to bedrooms. Smoke detectors shall be installed on the ceiling and or on the wall within 12" of the highest part of the ceiling.

PLUMBING AND MECHANICAL NOTES

- Clothes dryer moisture exhaust ducts shall terminate outside the building and have a back-draft damper. Exhaust duct is limited to 14' with two elbows. This shall be reduced 2' for every elbow in excess of two. Duct shall be 4" in diameter smooth metal.
- Gas line sizing diagram and pipe specifications will be submitted to the Building Department prior to rough framing inspection.
- Provide combustion air ventilation for gas burning appliances (gas or liquid) at the rate of 1 square inch per 1000 BTU capacity prior to installation.
- Provide 12" square (minimum) access panel or utility space for all plumbing fixtures with slip-joint connections.
- Plumbing vents to terminate 6" above roof and 36" from property line.
- 2x6 wall framing is required for plumbing lines 3" or greater, coordinate with Contractor.
- The water closet shall have a minimum clear width of 30" and a 24" minimum clearance in front of the water closet.
- Provide a minimum 12" square access panel or utility space for all plumbing fixtures with a slip joint connection.
- Toilets shall have a maximum flow of 1.28 gallons per flush, shower head flow shall not exceed 2.0 GPM, lavatory faucets shall not exceed 1.2 GPM, kitchen faucets shall not exceed 1.8 GPM. Water pressure shall not exceed 50 PSI.
- Rooms containing, bathtubs, showers, spas and similar bathing fixtures shall be provided with mechanical ventilation as per [CMC 402.5, CRC R303.3.1] and shall be provided a humidistat or other means of humidity control [CALGreen 4.506.1].

ELECTRICAL NOTES

- At least one 20 amp branch circuit shall be provided to supply bathroom receptacle outlets, and separately, laundry room receptacle outlets. Such circuits shall have no other outlets.
- All 120 volt receptacles installed in bathrooms, garages, outdoors, in an unfinished basement or accessory building, in the garage, at all kitchen countertops and within 6' of a wet bar sink shall be GFCI protected.
- Prior to the installation of any switches, outlets or fixtures the owner shall have a walk through the entire project with the Electrical Contractor to verify proper placement.
- Finish and color of outlet and switch covers shall match existing if applicable.
- All 125 volt, 15 and 20 ampere receptacle outlets shall be listed tamper-resistant Receptacles per CEC 406.11.
- Lighting in garages, laundry rooms and utility rooms shall be high efficacy luminaires and controlled by vacancy sensor [CAL Energy 150.0(k)5].
- Lighting for Bathrooms shall have at least one high efficacy luminaire. All other lighting shall be high efficacy or controlled by a vacancy sensor [CAL Energy 150.0(k)3A].
- At least half the rated lighting wattage installed in a kitchen shall be high efficacy luminaires [CAL Energy 150.0(k)3A].
- Lighting for other rooms shall be high efficacy or dimmable or controlled by a vacancy sensor [CAL Energy 150.0(k)7].
- All lighting attached to the residence or to or to other buildings on the same lot must be high efficacy, or controlled by a motion sensor and either a photocell or an astronomical time clock [CAL Energy 150.0(k)9].

PROJECT INFORMATION:

Owner: Michael Smith and Rosana Rader
99 Second Street
Spreckels, CA

A.P.N.: 177-061-003
Map of Spreckels
BLKS. I, J, K & L

Lot Area: 7,200 s.f.

Lot Coverage: Existing Residence/Garage 2,692 s.f. 37%

Floor Area Ratio: Existing Residence/Garage 2,692 s.f. 37%

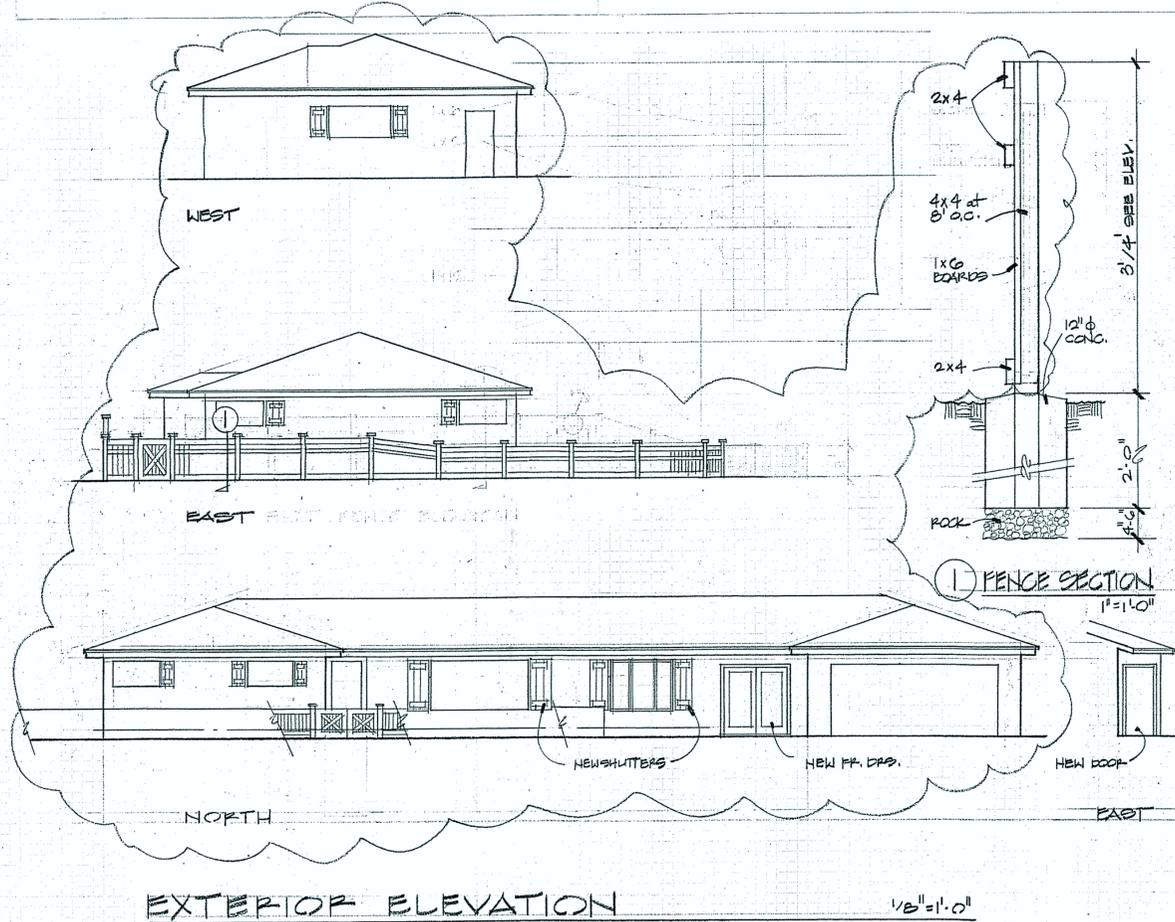
Zoning: HDR/5.1-HR-D

Tree removal: none

Grading: none

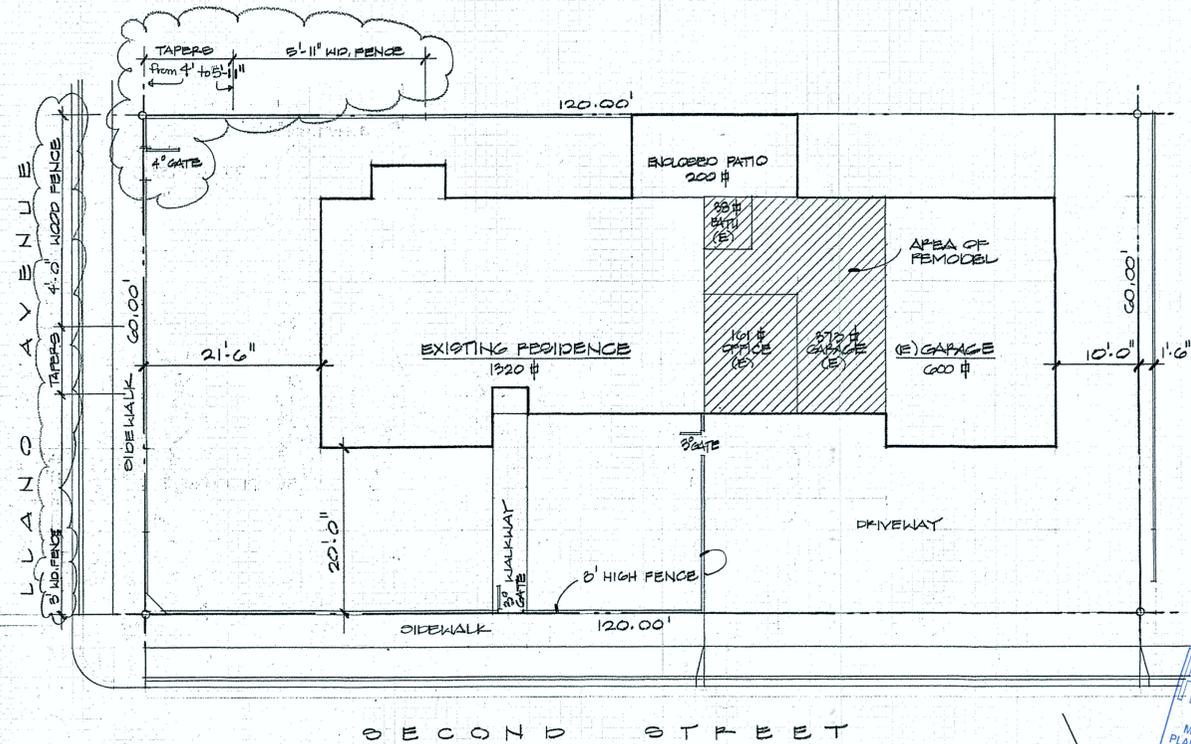
Occupancy/Building Type: R/3 -U VB

Scope of work: Remove 38 s.f. bathroom and 161 s.f. office from original garage space and then remodel original 22' x 26' garage into master suite. Update bath 2 with new fixtures. Remove 9' garage door and replace with pair 3' French doors. Add 2'-8" man door to 20' x 30' garage. Install 71' of 5'-11" wood fence on rear and side property line, 10' section of wood fence tapering from 5'-11" to 3' and 102' of 3' wood fence. Fence will have 2 - 3' gates and on 6' gate (pair of 3' gates).



EXTERIOR ELEVATION

1/8" = 1'-0"



SITE PLAN

1" = 10'-0"



REVISIONS	BY
PLAN CHANGE 6-18-19	OBJ

PROPOSED REMODEL FOR:
MICHAEL SMITH and ROSANA RADER
99 SECOND STREET
SPRECKELS, CA

ANY HARTAT • SUSAN J BAILEY
RESIDENTIAL DESIGN • ADDITIONS • REMODELS • NEW

P.O. Box 761 • Twin Hills, CA 95383 209 866-6452
831 879-1434
Homebody Remodeling

Date 10-12-18
Scale AS NOTED
Drawn OBJ
Job 112-18
Sheet 1 of 2 Sheets

PROJECT FILE NO. PLN190255 PHOTOGRAPHS



Date: 6/18/19 Site Address: 99 Second St. Planner: _____
Description: modify fence design for formerly approved
plan, color change & add shutters.

PROJECT FILE NO. _____ PHOTOGRAPHS



Date: _____ Site Address: _____ Planner: _____
Description: _____

RECEIVED
JUL 02 2019
MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY
LAND USE DIVISION

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