



Legislation Details (With Board Report)

**File #:** ZA 20-006      **Name:** PLN180375 - GONZALEZ  
**Type:** Zoning Administrator      **Status:** Agenda Ready  
**File created:** 3/2/2020      **In control:** County of Monterey Zoning Administrator  
**On agenda:** 3/12/2020      **Final action:**  
**Title:** PLN180375 - GONZALEZ  
Public hearing to consider a variance to exceed the maximum allowable lot coverage of 5% by approximately 3.75%, for a total of 9%, which will allow a 1,104 square foot detached garage/storage building to be constructed on a property that currently is over the 5% lot coverage limitation at 5.25%.  
Project Location: 36370 Mile End Road, Soledad  
CEQA Action: Categorically Exempt per section 15303(e) and 15305(a) of the CEQA Guidelines

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Exhibit A - Project Data Sheet, 3. Exhibit B - Resolution, 4. Exhibit C - Vicinity Map, 5. Exhibit D - AAC Minutes, 6. Exhibit E - Lot Coverage Comparison, 7. Exhibit F - Lot Acreage Comparison, 8. Exhibit G - Zoning Plan, 9. RESza\_20-007\_PLN180375\_031220

Date	Ver.	Action By	Action	Result
3/12/2020	1	County of Monterey Zoning Administrator		

**PLN180375 - GONZALEZ**

Public hearing to consider a variance to exceed the maximum allowable lot coverage of 5% by approximately 3.75%, for a total of 9%, which will allow a 1,104 square foot detached garage/storage building to be constructed on a property that currently is over the 5% lot coverage limitation at 5.25%.

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RECOMMENDATION:

It is recommended that the Zoning Administrator:

- 1) Find the project is an accessory structure which qualifies for a Class 3 Categorical Exemption pursuant to section 15303(e) and Class 5 Categorical Exemption to section 15305 (a) of the California Environmental Quality Act and does not meet any of the exceptions under section 15300.2. 2) Adopt a resolution to approve a variance to exceed the maximum allowable lot coverage of 5% by approximately 3.75%, for a total of 9%, which will allow a 1,104 square foot detached garage/storage building to be constructed on a property that currently is over the 5% lot coverage limitation at 5.25%.

PROJECT INFORMATION:

**Owner:** Mike Gonzalez  
**APN:** 165-063-007-000  
**Zoning:** F/40  
**Agent:** Wesley Beebe  
**Parcel Size:** 0.70 acre  
**Flagged and Staked:** No

SUMMARY:

A Variance is requested to allow the construction of a 1,104 garage/storage building on a 0.70 acre parcel (30,492 square feet) zoned Farmlands. Because the property is a 0.70 acre lot, the maximum allowed 5% lot coverage (footprint coverage) is 1,525 square feet. The existing use of the property is residential having a two-story, single-family dwelling with an attached garage. The existing footprint coverage is 1,600 square feet, already exceeding the maximum allowed lot coverage by 75 square feet at 5.25 (5.25%) percent lot coverage. The proposed project would add 1,104 square foot of building footprint, which would make the lot coverage 9 percent.

Non-habitable accessory structures such as a barn, stables, storage structures and farm shops are listed as a Use Allowed in the Farmlands zoning designation, however, site development standards (minimum setbacks, height maximums and maximum lot coverage) for the specific zoning district would still need to be adhered to. The proposed garage/storage structure meets the minimum setback and maximum height standards, but it is over the maximum allowed lot coverage of 5 percent at a proposed 9 percent lot coverage.

Staff is recommending approval of the variance because the designated zoning, its purpose and limitations, are not consistent with the use of the of the property. The Farmlands zoning purpose is to provide a district to preserve and enhance the use of prime, productive and unique farmlands, while also providing the opportunity to establish necessary support facilities for those agricultural uses. The subject property is 0.70 acres, and is part of Ft. Romie Colony Subdivision which created a cluster of parcels ranging in size of 0.14 acres to 0.70 acres to 10-20 acres. The subject property is not viable for commercial agricultural use and is currently being used in a residential capacity. To require this property to adhere to a five percent lot coverage would deprive the parcels of privileges enjoyed by other properties in the vicinity. The variance would not grant a use not authorized within the Farmland zoning designation because this zoning allows single family development per Section 21.30.030. Following approval of the variance, only grading and construction permits will be required to construct the proposed 1,104 square-foot detached garage.

#### DISCUSSION:

On May 24, 2019 the applicant made an application for a Variance to exceed the maximum allowable lot coverage of 5%. Staff found that the existing parcel already exceeded the 5% lot coverage by 0.25% at an existing 5.25%. The property is located 1.70 miles west of Highway 101 and 2.5 southwest of the incorporated City of Soledad, part of the Central Salinas Valley Area Plan. The existing site contains a two-story, single-family dwelling with an attached garage. The proposed variance would allow a 1,104 square foot detached garage/storage building. The property is zoned Farmlands with a 40-acre minimum (F/40).

The lot was created as part of the Fort Romie Colony Subdivision (Map of Fort Romie Townsite, Fort Romie Colony, being portion of Lot 4 ex. Mission Soledad Ranch dated 1916). Fort Romie marked the site of the first colonization attempts by the Salvation Army. This particular lot (0.70 acre) and majority of the adjacent surrounding lots are made up of residential units, under an acre in size (approximately 0.14 to 0.70 acre), which is not typical of a Farmland zoning districts which typically have a 40 acre minimum lot size requirement. There are several other lots in the vicinity that range in size from 15 to 20 acres. However, these parcels still do not meet the 40 acre zoning minimum (**Exhibit F**). Pursuant to the Central Salinas Valley Land Use Plan section of the 2010 General Plan and the Sectional District Zoning Maps, the land use designation and zoning designation remains F/40 (**Exhibit G**).

It is possible that a rezoning would need to take place in the future for this concentrated area of residential units in Fort Romie Colony. Until that occurs, the applicant is asking for a variance to further exceed the 5% building site coverage. The typical residential building site coverage is about 25% to 35% in areas zoned Rural, Low and Medium Residential Density zoning. Since this lot is more characteristic of a residential

designation than a farming designation, staff can support this variance.

Three findings are required to grant a Variance pursuant to Section 21.72.040 of the Inland Zoning Ordinance, Title 21 of the Monterey County Code including the following:

- 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 grant of special privileges inconsistent with the limitations upon other property 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 regularly governing the parcel of property.

Special circumstances applicable to this lot include the size; a 0.70 acre lot, zoning; Farmlands with a 5 percent maximum lot coverage limitation, and surroundings; existing residential uses on small lots. Neighboring properties are utilizing similar garages, workshops and storage units (**Exhibit E**) that currently exceed the 5% building coverage, so this Variance would not constitute granting of a special privilege. Furthermore, all non-habitable accessory structures such as a barn, stables, storage structures and farm shops are a Use Allowed in the Farmlands zoning designation, so the use is authorized in the existing zoning designation.

#### Development Standards

The development standards for the Farmland (F) zoning district are identified in MCC Section 21.30.060. Special required setbacks in the F district for accessory structures (non-habitable) units are 50 feet (front), 6 feet (rear), and 6 feet (sides). Corresponding maximum structure height is 35 feet. The proposed height for the garage/workshop unit is 15 feet. The allowed site coverage maximum in the F district is 5%, except for commercial greenhouse operations, which are permitted a coverage of fifty (50) percent. The property is approximately 30,492 square feet in area, which would allow site coverage of approximately 1,525 square feet. The proposed garage/storage (1,104 sq. ft) unit, along with the existing two-story single-family dwelling and attached garage, would have a footprint coverage of approximately 2,704 square feet or 9%. The garage/storage unit will be located 20 feet from the from the side and rear setbacks and 132' from the front setback.

Based on the above discussion and staff review of the site conditions, staff believes that the necessary findings can be made for the granting of the variance and therefore recommends that the variance be granted subject to the proposed findings and evidence and recommended conditions of approval.

The project was referred to the Monterey County Agricultural Advisory Committee (AAC) on September 26, 2019. The AAC unanimously recommended approval with no conditions for the project (**Exhibit D**).

#### CEQA

California Environmental Quality Act (CEQA) Guidelines Section 15303(e) categorically exempts accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences and Section 15305 (a) categorically exempts minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. The project is an accessory structure (garage/storage)

unit and the average slope of the proposed site is under 20% and a Variance which constitutes a minor alteration to land use limitations. Therefore, the proposed development is consistent with the parameters of a Class 3 and Class 5 categorical exemption. There are no exceptions pursuant to Section 15300.2. No evidence of significant adverse environmental effects were identified during staff review of the development application.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

Environmental Health Bureau  
RMA-Public Works  
RMA-Environmental Services  
Mission Soledad Rural Fire Protection District

The proposed project was not reviewed by the Central Salinas Valley Land Use Advisory Committee (LUAC) since there is no LUAC for this area.

Prepared by: Son Pham-Gallardo, Associate Planner, 831-755-5226

Reviewed by: Craig Spencer, RMA Planning Services Manager

Approved by: John M. Dugan, FAICP, RMA Deputy Director of Land Use and Community Development

The following attachments are on file with the RMA:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution, including:

- Recommended Conditions of Approval
- Site, Floor Plans & Elevations

Exhibit C - Vicinity Map

Exhibit D - Agricultural Advisory Committee Minutes

Exhibit E - Lot Comparison

Exhibit F - Lot Acreage Comparison

Exhibit G - County of Monterey Zoning Plan

cc: Front Counter Copy; Craig Spencer, RMA Services Manager; Don Jensen Applicant/Owner; Mark Norris, Architect; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Project File PLN180375