

When recorded, return to:

CITY OF SALINAS
Community Development Department
65 West Alisal Street, Salinas, CA 93901
Attn: Thomas Wiles, Senior Planner

SPACE ABOVE FOR RECORDER'S USE ONLY

Title of Document:

**PLANNED UNIT DEVELOPMENT PERMIT NO. 2020-001
and RESUBDIVISION 2020-004**
City of Salinas
Community Development Department

WHEREAS, the Salinas City Council, at a public hearing duly noticed and held on November 17, 2020, found that the location of the Planned Unit Development is in accord with the objectives of the Zoning Code and the purposes of the district in which the site is located; The Planned Unit Development and the proposed conditions under which it would be developed or maintained are consistent with the Salinas General Plan and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the Planned Unit Development, nor detrimental to properties or improvements in the vicinity or to the general welfare of the City; and the Planned Unit Development does not represent an exception to the standards of the Zoning Code but rather an alternative resulting in an equal or superior design in comparison to development which strictly complies with base property development regulations; and pursuant to Salinas City Code Sections 31-603.3 and 31-603.4, the Salinas City Council has also determined that the proposed subdivision, together with its provisions for design and improvements, is consistent with applicable general, specific, or precise plans and zoning ordinances adopted by the City of Salinas, that both the Planned Unit Development Permit and Resubdivision have been granted in combination pursuant to Zoning Code Section 37-60.970(b), and both have been evaluated in accordance with the California Environmental Quality Act, as amended; and that the Salinas City Council has reviewed and considered the Planned Unit Development Permit and the Resubdivision Exempt from CEQA.

NOW, THEREFORE, the Salinas City Council hereby grants and issues Planned Unit Development Permit No. 2020-001 pursuant to *Division 26: Planned Unit Development Permits*, of Chapter 37 of the Salinas City Code and Resubdivision 2020-004 pursuant to Chapter 31 of the Salinas City Code and upon the following terms and conditions and not otherwise, to wit:

ISSUED TO: Ercole and Michelle Borgomini (Property Owners)

FOR USE: Subdivide a 9,000 square-foot lot with two (2) existing detached single-family dwelling units into two (2) lots of 4,200 and 4,800 square-feet each with alternative development standards.

ON PROPERTY LOCATED AT: 115 and 119 West San Luis Street

ASSESSOR'S PARCEL NO.: 002-332-027-000

ZONING DISTRICT: Commercial Office/Residential – Central City Overlay – Downtown Neighborhood Area (CO/R-CC-DN)

ENVIRONMENTAL REVIEW ACTION & DATE: Planned Unit Development Permit 2020-001 is exempt per CEQA Section 15332 (*In-Fill Development Projects*) and Resubdivision 2020-004 is exempt per CEQA Section 15315 (*Minor Land Divisions*), November 17, 2020.

EXPIRATION DATE: None, once properly established.

RIGHT TO OPERATE/DEVELOP

1. The Permittee shall have the right to subdivide a 9,000 square-foot lot with two (2) existing detached single family dwelling units into two (2) lots of 4,200 and 4,800 square-feet with alternative development standards, including minimum required front yard, side yard, corner side, and rear yard setbacks, and usable open space as described below:

- A. 115 West San Luis Street: 4,200 square-foot interior lot containing an existing 1,008 square-foot single-family detached dwelling unit, an existing 537 square foot proposed to be demolished, and a proposed 732 square-foot ADU; and
- B. 119 West San Luis Street: 4,800 square-foot corner lot containing an existing 1,625 square-foot single-family detached dwelling unit, an existing 238 square foot garage proposed to be demolished, and a proposed 420 square-foot ADU.

On the above-described property in accordance with the following exhibits incorporated herein by reference and made a part of this Permit:

Exhibit "A" - Vicinity Map

Exhibit "B" – PUD Development Plan (Sheet 1 of 1)

Exhibit "C" - Existing Site Plan (Sheet A1)

Exhibit "D" - Proposed Site Plan (Sheet A2)

Exhibit "E" - Existing Residences (Sheet A4)

Exhibit "F" - Proposed Accessory Dwelling Units (Sheet A6)

Exhibit "G" - Conceptual Landscape Plan

Exhibit "H" - Parcel Map dated July 2020 (Sheet 1 of 2)

Exhibit "I" - Parcel Map dated July 2020 (Sheet 2 of 2)

Exhibit "J" - Engineer's Report dated September 25, 2020

- 2. Prior to issuance of building permits, Resubdivision 2020-004 shall be approved and recorded with the Monterey County Recorder's Office.
- 3. Prior to recordation of the Parcel Map, the existing 238 square-foot and 537 square-foot

detached garages shall be demolished pursuant to applicable City regulations because the garages do not conform with the proposed lot lines.

4. Prior to recordation of the Parcel Map, an encroachment permit shall be applied for and issued to remove the existing driveway apron and restore the parkway with planting to match the existing neighborhood. The Applicant or successor-in-record must repair any damaged curb/gutter and sidewalk as part of the encroachment permit. The Applicant or successor-in-interest shall remove any weeds from the curb/gutter sidewalk. The Applicant or successor-in-interest shall prevent the use of herbicides. Development shall plant, water and maintain the parkway strip along Church Street.
5. Approval for the Parcel Map shall be granted to Ercole and Michelle Borgomini, to subdivide into two parcels that certain real property described as "THE WESTERLY 90 FEET OF LOTS "O" AND "P" IN BLOCK 10 AS PER A. RIKER'S MAP OF PART OF SALINAS CITY, NOW ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY OF MONTEREY, SAID LOTS BEING ON THE SOUTHEAST CORNER OF SAN LUIS AND CHURCH STREET, IN SAID SALINAS CITY, AND THE PREMISES HEREBY CONVEYED HAS A FRONTAGE OF ONE HUNDRED (100) FEET ON SAID CHURCH STREET AND A FRONTAGE OF NINETY (90) FEET ON SAID SAN LUIS STREET AND IS OF A UNIFORM DEPTH NINETY (90) FEET FROM SAID CHURCH STREET SITUATE IN THE CITY OF SALINAS, COUNTY OF MONTEREY, STATE OF CALIFORNIA", provided that:
 - a. The owner has caused the installation of all lot corners and survey monuments as required by the Salinas Subdivision Ordinance and in accordance with the approved Parcel Map with a certification attached thereto attesting to such installation by a licensed land surveyor or registered civil engineer.
 - b. The owners specifically agree to do the following at their own expense:
 1. In accordance with Exhibit "J" of the Engineer's Report, file with the City Development and Engineering Services Department - for ultimate recordation by the Monterey County Recorder - a final parcel map showing this approved subdivision within twenty-four (24) months from the date of approval per Salinas Municipal Code Section 31-501.10.
 2. Pay all costs for engineering and inspection of the subdivision incurred by the City.
 3. Construct all improvements as required to serve this subdivision.
 4. Obtain encroachment permits as required by the City prior to commencing work within the public right-of-way.
 5. Comply with City regulations concerning improvement of and construction on said property.
 6. Pay all fees as prescribed by current City Ordinances and policies at the time of development.
 7. This approval shall, upon acceptance, bind and inure to the heirs, administrators and assigns of the owner.

8. All site improvements and buildings are subject to separate approval through the applicable Development Review process and are not approved as a part of the approval of this Parcel Map.
9. All on-site structures shall be in compliance with the California Building Code (CBC) prior to recordation of the Parcel Map.
10. This Parcel Map shall comply with all applicable development standards of the City of Salinas Zoning Code.
11. Prior to recordation of the Final Parcel Map, the Applicant or successor-in-interest shall meet and comply with the setbacks, allowable openings, and construction requirements of the California Building Code.
12. Final parcel map shall be submitted to the Salinas Development and Engineering Services Department with required notations such as: signature blocks for Community Development Department Planning Manager's Statement, City Engineer's Statement, Owner's Certificate (with notary block), Surveyor's Statement, County Recorder's Statement, Certificate of Acceptance; miscellaneous items such as legend, basis of bearings; and items listed in Section 31-501.1 of the Salinas Subdivision Ordinance.

- c. Per Note 6 of Sheet Two of the subject map (Exhibit "I"), the direction of Church Street is determined using information from CR 1343 and found monuments along the Southerly line of Lots "D" and "M". The angle formed by Auburn Street and Church Street is different from record by 00-00-15 without enough information as to why. Holding the record angle per CR 1343 shall be required (see Exhibit "J").
- d. Per Note 6 of Sheet Two of the subject map (Exhibit "I"), the direction of line along the South side of Lots "D" and "M" is only controlled by one (1) monument and the bearing is slightly different than record. We recommend using the record bearing/record angle from 17 PM 93 and producing it through the record distance to Church Street. By doing so, the monument shown as being "off" is being documented using record data to make that determination (see Exhibit "J").
- e. These locations should be monumented as evidence of the boundary determination of the subject map. This map and future surveys in this block will benefit from monuments in these locations (see Exhibit "J").
- f. Revised Sheet 1 City Engineer's Statement to identify Adriana Robles as the "Interim City Engineer (License No. 69142)" (see Exhibit "J").
- g. Per Exhibit "J", following approval of the Parcel Map the Development or successor-in-interest shall indemnify the City of Salinas as provided in Government Code Section 66474.9. All property corners shall be monumented in accordance with City Code and Subdivision Map Act/Land Surveyor's Act requirements. The Developer's surveyor shall provide the following to process the Parcel Map with the Monterey County Recorder:

1. Title Report;
2. Parcel Map Guarantee;
3. Monterey County Tax Assessor Clearance Letter;
4. Monterey County Recording Fee; and
5. City of Salinas Map Check Fee.

6. Accessory Dwelling Units (ADU) shall be permitted on each lot pursuant to all applicable City of Salinas and/or State of California regulations.

7. This Planned Unit Development Permit authorizes the following Development Standards:

	<u>CO/R (R-M-3.6) District</u>	115 West San Luis Street	119 West San Luis Street
		Proposed PUD	Proposed PUD
Lot Size s.f. min.	3,600	4,200	4,800
Lot area per unit	N/A	N/A	N/A
Lot width ft. min.	40	42	48
Corner Lots ft. min.	45	N/A	48
Lot depth ft. min.	70	100	100
Lot frontage ft. min.	35	42	48
Yards			
Front ft. min.	15	15 SFD	11 SFD
Side ft. min.	5	3 SFD 5 ADU	4 SFD 5 ADU
Corner Side ft. min.	15	N/A	8 SFD 15 ADU
Rear ft. min.	10	10 SFD 5 ADU	10 SFD 5 ADU
Distance between structures ft. min.	6	10	10
Driveway length ft. min.	20	20	20
Height ft. max.	30	30 SFD +/-14.3 ADU	30 SFD +/-13 ADU
Nonresidential FAR max.	.40	.40	.40
Usable open space s.f. min. per dwelling unit (650 s.f. corner lot)	800	800	500

8. The City Planner may conduct a review of this Permit after inauguration, and may require modifications, if appropriate. The City Planner may also schedule a review by the Salinas City Council, at a public hearing, if considered necessary. In the event that a public hearing is necessary, the Permittee shall reimburse the City of Salinas for all costs and expenses required to prepare for and conduct said hearing.

NPDES REQUIREMENTS

9. The development shall conform to all National Pollutant Discharge Elimination System (NPDES) and Low Impact Development (LID) requirements and standards in effect and required by the City Engineer when building permits are issued. The project will require a Storm Water Pollution Prevention Plan (SWPPP) that identifies Best Management Practices (BMPs) to be incorporated into the project (see attached Exhibit "J").

PARKING REQUIREMENTS

10. All off-street parking and loading areas shall be graded, paved, drained, landscaped, striped, and maintained in accordance with *Division 18: Off-Street Parking and Loading Regulations*, of the Salinas City Code. Off-street parking for the subject lots shall be provided pursuant to all City and State regulations. Per Government Code Section 66852.2(d), because the ADU's are located within one-half mile walking distance of public transit, no off-street parking is required. In addition, per Government Code Section 66852.2(a)(1)(D)(xi), when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, the local agency (City of Salinas) shall not require that those off-street parking spaces be replaced.

ARCHITECTURE, BUILDING MATERIALS AND COLORS

11. Architecture, building colors and materials of subsequent development, including ADU's, shall be consistent with the primary dwelling unit(s). Prior to issuance of a building permit, all exterior building materials and colors shall be identified on the building plans, and a colors and materials board (8 ½" X 11" maximum size and no greater than ½" in thickness) and brush out boards for each paint color (8 ½" X 11" maximum size and no greater than 1/16" in thickness) shall be submitted by the Applicant for review and shall be approved by the Community Development Department.

LANDSCAPING

12. All landscaping shall comply with *Article V, Division 4: Landscaping and Irrigation*, of the Salinas Zoning Code, including, but not limited to, standards, drought resistant plants and turf, irrigation, parking lot landscaping and installation and maintenance.
13. Two (2) street trees shall be planted in accordance with Recreation-Park standards along the right of way. If the site(s) cannot accommodate additional trees, the street tree impact fee shall be paid to the City of Salinas (see Exhibit "J").

MAINTENANCE

14. All parking areas, driveways, other paved surfaces, accessways and grounds shall be regularly maintained and kept free of weeds, litter, and debris. All traffic signs and pavement markings shall be clear and legible at all times. All landscaped areas shall be maintained free of weeds, trash, and debris, and all plant material shall be continuously maintained in a healthy, growing condition. All exterior building and wall surfaces shall

be regularly maintained, and any damage caused by weathering, vandalism, or other factors shall be repaired in conformance with the terms and conditions of this Permit.

PUBLIC IMPROVEMENTS

15. All existing damaged and hazardous sidewalks, and unused driveways shall be reconstructed to City standards prior to issuance of a Certificate of Occupancy.
16. Public improvements to serve the development shall be reviewed and approved by the City Engineer and shall be installed in accordance with City standards. All utilities shall be installed underground with details to be included on the final improvement plans.

UTILITIES/EQUIPMENT SCREENING

17. All utility lines shall be placed underground and all power transformers shall be placed underground where permitted by the utility company. Where transformers must be pad-mounted above ground, they shall be located away from the general public view or shall be effectively concealed by landscaping or a screen fence of a design approved by the utility company and the City Planner.
18. All mechanical equipment and appurtenances (i.e. gas, water meters, electrical boxes, HVAC systems, refrigeration equipment, etc.), building or ground mounted, shall be screened from public view and adjacent properties. Roof vents shall be painted to blend with roof materials. Details shall be shown on the final construction and/or land plans and are subject to the approval of the City Planner.

PERMIT NOT TO SUPERSEDE OTHER REQUIRED LICENSING OR PERMITS

19. The issuance of this Permit shall not relieve the Permittee of any requirement to obtain necessary permits or licensing from city, county, regional, state or federal agencies.
20. This Permit may be subject to water and sanitary sewer allocations. The Permittee will proceed at their own risk as water and sanitary sewer allocation may not be available at the time requested.

MODIFICATION OF APPROVED USE AND PLANS

21. Any modification to the terms and conditions of this Permit are subject to the issuance of a new Permit. The City Planner may approve minor modifications to this Permit if the City Planner finds the modification to be in substantial compliance with the original approval.

VIOLATION; REVOCATION

22. Use of the property shall be conducted in such a way that it does not constitute a nuisance to the use and enjoyment of surrounding properties or the City. Any permittee, person, firm, corporation, whether as principal, agent, employee or otherwise, violating, causing or maintaining the violation of any of the provision of this Permit shall be guilty of a

misdemeanor or an infraction, as charged. Alternatively, in the discretion of the City Attorney, violations of this Permit may be prosecuted administratively pursuant to the City's Administrative Remedies Ordinance. Upon determination by the City Planner that there are reasonable grounds for revocation of this Permit, a revocation hearing shall be set to be heard before the Salinas City Council in accordance with *Article VI, Division 18: Enforcement and Penalties*, of the Salinas Zoning Code or such codes as may be subsequently adopted.

SUBSTANTIAL ACTION TIME LIMIT

23. This Permit shall expire two years after its approval date unless:
 - a. The Resubdivision (Parcel Map) shall be approved and recorded with the County of Monterey; and
 - b. Building permits have been issued on each of the subject properties and construction diligently pursued; or
 - c. The City Planner determines that other substantial action has been commenced to carry out the terms and intent of this Permit.

PERMIT VALIDATION

24. Pursuant to Zoning Code Section 37-60.1040, this Permit shall be null and void and all terms and conditions shall have no force or effect unless this Permit is signed by the Permittee(s) and returned to the City of Salinas Community Development Department within 90 days of approval. ***It is the applicant's responsibility to track the 90-day expiration date. No notice will be sent.***

STANDARD CONDITIONS

25. Pursuant to **Salinas City Code Section 1-8.1: Civil action enforcement**, and **Section 1-8.2: Liability for costs**, permittee shall reimburse the City of Salinas for all costs and expenses (including but not limited to fees and charges of architects, engineers, attorneys, and other professionals, and court costs) incurred by the City in enforcing the provisions of this Permit.
26. The applicant(s) shall defend, indemnify, and hold harmless the City of Salinas or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of this project/use. For Tentative Maps, this shall also apply when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the applicant(s) of any such claim, action, or proceeding. The City shall cooperate in the defense. Nothing contained in this condition shall prohibit the City from participation in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.
27. Notwithstanding any of the provisions in this permit, all improvements and uses shall comply with all other ordinances and regulations of the City of Salinas and all local, state

and federal laws and regulations.

28. No further development other than that shown on this permit or attached exhibits shall be allowed unless or until an amendment to this permit has been approved. Requests for a minor modification of an approved permit may be granted by the City Planner provided the modification is substantially in compliance with the original approval and conditions.

NOTICE OF CHALLENGE LIMITATIONS

29. Code of Civil Procedure Section 1094.6 requires all Court challenges to the decision to grant this Permit be initiated within 90 days of the final decision of the City in this matter.

EXECUTIONS

THIS PLANNED UNIT DEVELOPMENT PERMIT 2020-001 and RESUBDIVISION 2020-004 was approved by action of the Salinas City Council on November 17, 2020, and shall become effective immediately:

Effective Date: November 17, 2020

Megan Hunter
Community Development Department Director

(All Signatures Listed Below on Pages 9 through 10 Must Be Notarized)

This PLANNED UNIT DEVELOPMENT PERMIT and RESUBDIVISION are hereby accepted upon the express terms and conditions hereof, and the undersigned permittee agrees to strictly conform to and comply with each and all of this permit's terms and conditions.

Dated: _____

Ercole Borogomini
Applicant and Property Owner

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF MONTEREY

On _____ 202____, before me, _____, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s)

whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Dated: _____

Michelle Borgomini
Applicant and Property Owner

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF MONTEREY

On _____ 202____, before me, _____, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____