

When recorded, return to:

CITY OF SALINAS  
Community Development Department  
65 West Alisal Street, Salinas, CA 93901  
Attn: Bobby Latino, Associate Planner

SPACE ABOVE FOR RECORDER'S USE ONLY

Title of Document

## **CONDITIONAL USE PERMIT NO. 2020-001**

### **City of Salinas**

### **Community Development Department**

**WHEREAS**, the Salinas Planning Commission, at a public hearing duly noticed and held on June 16, 2021, found that the proposed location of the structure is in accord with the objectives of the Salinas Zoning Code and the purposes of the zoning district in which the site is located; that the location of the structure and the proposed conditions under which it would be operated and maintained will be 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 neighborhood of such use, nor detrimental to properties or improvements in the vicinity or the general welfare of the City of Salinas; that the structure will comply with the provisions of the Salinas Zoning Code, including the specific conditions required for the proposed structure; the proposed addition will not adversely impact the character of the existing residential neighborhood; the proposed addition will be compatible with scale, bulk, height, and location of existing single-family detached dwellings located on the neighboring block face; and that this conditional use has been evaluated in accordance with the California Environmental Quality Act, as amended; and that the Salinas Planning Commission has reviewed and considered an exemption from the California Environmental Quality Act.

**NOW, THEREFORE**, the Salinas Planning Commission hereby grants and issues Conditional Use Permit No. 2020-001 pursuant to *Article VI, Division 8: Conditional Use Permits*, of Chapter 37 of the Salinas City Code and upon the following terms and conditions and not otherwise, to wit:

**ISSUED TO PROPERTY OWNER:** Eduardo, Helia, and Nefte Couttolenc

**FOR USE:** Residential Design Review to convert an existing attic space into a second story addition within an existing detached single-family dwelling unit.

**ON PROPERTY LOCATED AT:** 1054 University Avenue

**ASSESSOR'S PARCEL NO.:** 016-052-005-000

**ZONING DISTRICT:** R-L-5.5 (Residential Low Density)

**ENVIRONMENTAL REVIEW ACTION & DATE:** Exempt per Section 15301 (Existing Facilities) of the CEQA Guidelines; June 16, 2021.

**EXPIRATION DATE:** None, once properly established.

#### **RIGHT TO OPERATE/DEVELOP**

1. The Permittee shall have the right to convert 965 square feet of an existing 1,099 square foot attic into a second story addition within an existing detached single-family dwelling unit 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" Project Details (Sheet A0.1)**  
**Exhibit "C" Existing Site Plan (Sheet A1.0)**  
**Exhibit "D" Proposed Site Plan (Sheet A1.1)**  
**Exhibit "E" Existing First Floor Plan (Sheet A2.0)**  
**Exhibit "F" Proposed First Floor Plan (Sheet A2.1)**  
**Exhibit "G" Existing Attic Floor Plan (Sheet A2.0A)**  
**Exhibit "H" Proposed Second Floor Plan (Sheet A2.1A)**  
**Exhibit "I" Existing Exterior Elevations (Sheet A2.0B and A2.0C)**  
**Exhibit "J" Proposed Exterior Elevations (Sheet A2.1B and A2.1C)**  
**Exhibit "K" Proposed Building Sections (Sheet A2.1D)**  
**Exhibit "L" Color and Materials Board**

#### **LIMITATIONS ON USE**

2. 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 Planning Commission, 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.

#### **MAXIMUM DWELLING UNIT SIZE**

3. Prior to issuance of a building permit and subject to confirmation at the time of final inspection, existing partition walls shall be removed as shown on the project plans. In accordance with Zoning Code Section 37-50.110(f)(2)(B), no more than 4,194 square feet (3,194 existing area + 1,000 = 4,194) of floor area is permissible. Therefore, a total of 134 square feet of attic space shall be demolished to conform with the maximum allowed second story addition area.

## **PRIVACY CONSIDERATIONS**

4. Prior to issuance of a building permit and subject to confirmation at the time of final inspection, in accordance with Zoning Code Section 37-50.110(f)(4)(B), placement of windows shall be staggered, frosted, louvered, or placed above eye level at the top third of the wall as to not create a direct line sight into living space or the backyard of adjacent properties.

## **FRONT FAÇADE/PORCH**

5. Prior to issuance of a building permit and subject to confirmation at the time of final inspection, the front façade shall include a covered porch, that extends five-feet in front of the street façade and incorporates a two-foot high wrought iron rail on top with round/tapered columns at the front in accordance with Exhibits “J” Proposed Exterior Elevations.

## **FIRE PROTECTION REQUIREMENTS**

6. All applicable requirements of the Salinas Fire and Titles 19, 24 and 25 of the California Administrative Code must be met and may include, but not be limited to, provisions for fire alarm systems, fire extinguishers, sprinkler systems, emergency vehicle access and installation of fire hydrants.

## **PARKING REQUIREMENTS**

7. A minimum of two (2) garaged on-site parking spaces shall be provided in accordance with *Article V, Division 2: Parking, Loading, and Outdoor Lighting*.
8. All off-street parking and loading areas shall be graded, paved, drained, landscaped, striped, and maintained in accordance with Article V, Division 2: Parking, Loading, and Outdoor Lighting of the Salinas City Code.

## **BUILDING MATERIALS AND COLORS**

9. Prior to the issuance of a building permit, the materials and colors shall be identified on the plans in accordance with the Colors and Materials Board attached as Exhibit “L”.

## **PERMIT NOT TO SUPERSEDE OTHER REQUIRED LICENSING OR PERMITS**

10. 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

11. 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

12. 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, any violation of this Permit may be prosecuted administratively pursuant to the City's Administrative Remedies Ordinance and/or other applicable laws, regulations or codes. 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 Planning Commission 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

13. This Permit shall expire one year after its effective date unless:
  - a. A building permit has been issued and construction diligently pursued; or
  - b. The City Planner determines that substantial action has commenced to carry out the terms and intent of the Conditional Use Permit.

## PERMIT VALIDATION

14. Pursuant to Zoning Code Section 37-60.530, 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 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

15. 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.

16. 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. 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.
17. 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.
18. 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**

19. 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 CONDITIONAL USE PERMIT** was approved by action of the Salinas Planning Commission on June 16, 2021, and shall become effective on the following date unless appealed to the City Council of the City of Salinas in accordance with Article VI, Division 17: Appeals:

Effective Date: June 19, 2021

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Courtney Grossman  
Planning Manager, City of Salinas

(Signatures Listed Below on Pages 6 through 8 Must Be Notarized)

**THIS CONDITIONAL USE PERMIT** is 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: \_\_\_\_\_

\_\_\_\_\_  
Eduardo Couttolenc  
Permittee / 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, \_\_\_\_\_, Notary Public, 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: \_\_\_\_\_

Helia Couttolenc  
Permittee / Property Owner

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Signature \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Nefte Couttolenc  
Permittee / Property Owner

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Signature \_\_\_\_\_

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