Variance

Division of Planning, Engineering, and Environmental Compliance
City of Monterey

Introduction
A Variance is a request to deviate from adopted development standards. They are intended to resolve unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site. [1]

When can I apply for a Variance?
Variances may be granted for fences, walls, landscaping, screening, minimum site area, minimum site dimensions, minimum yards, setbacks, height of structures, distances between structures, open space requirements, signs, or performance standards. A Variance cannot be issued for an increase in allowed density or for a land use that is otherwise not permitted in a Zoning District.

Zoning Administrator vs. Planning Commission Review
Certain applications may be reviewed at a small public hearing before the Zoning Administrator while others require the full consideration of the seven-member Planning Commission. In general, the Zoning Administrator considers Variance applications for single-family residential setbacks; fence heights; accessory building setbacks, lot coverage, and height; front yard paving and parking; and building projections. All other Variance applications require full Planning Commission review. Please contact the Zoning Administrator to see which level of review is required for your project.

Environmental Review
The California Environmental Quality Act (CEQA) requires that the City review all projects for their potential impact on the environment. The required level of review and accompanying reports varies greatly by the type of project, its location, and other criteria. While some projects may be exempt from formal environmental review, others may require extensive study and the production of an Environmental Impact Report (EIR). Following a cursory review of an application, City staff will notify the applicant of the level of environmental review that will be required. Depending on the level of review required, an applicant may be asked for various technical studies such as traffic reports, archaeology reports, arborist reports, storm water plans, etc. Or, you may be asked for more specific information on the plans to clarify, reveal, or eliminate a potential environment impact. The conclusions of this environmental review will be forwarded to the Planning Commission for final action along with the project.

Process
An application must be determined to be *complete* by City staff prior to consideration by the Zoning Administrator or Planning Commission - Incomplete applications will not be scheduled for a hearing. Once complete, the application is generally scheduled for hearing within 30 days on a first-come, first-served basis. At the hearing, the Zoning Administrator or Planning Commission may choose to approve the application, approve it with conditions, deny the application, or continue it for redesign. If the application is denied by the Zoning Administrator, it may be appealed to the Planning Commission. If denied by the Planning Commission, it may be appealed to the City Council. If it is continued, the resubmittal will be reviewed by staff for completeness prior to being rescheduled for a future hearing. If not appealed, all decisions are final 10 days after the hearing.

Other Requirements
Approval of a Variance allows deviation from the Zoning Ordinance only and does not exempt a project from other codes or requirements, such as the Uniform Building Code. Please consult with a design professional or the Permits and Inspection Services Division for more specific requirements or implications of the project.

[1] Monterey Municipal Code Section 38-156

Findings

The Zoning Administrator or the Planning Commission must make clear and substantive findings when approving a Variance. Failure to make defensible Findings will result in denial of the application.

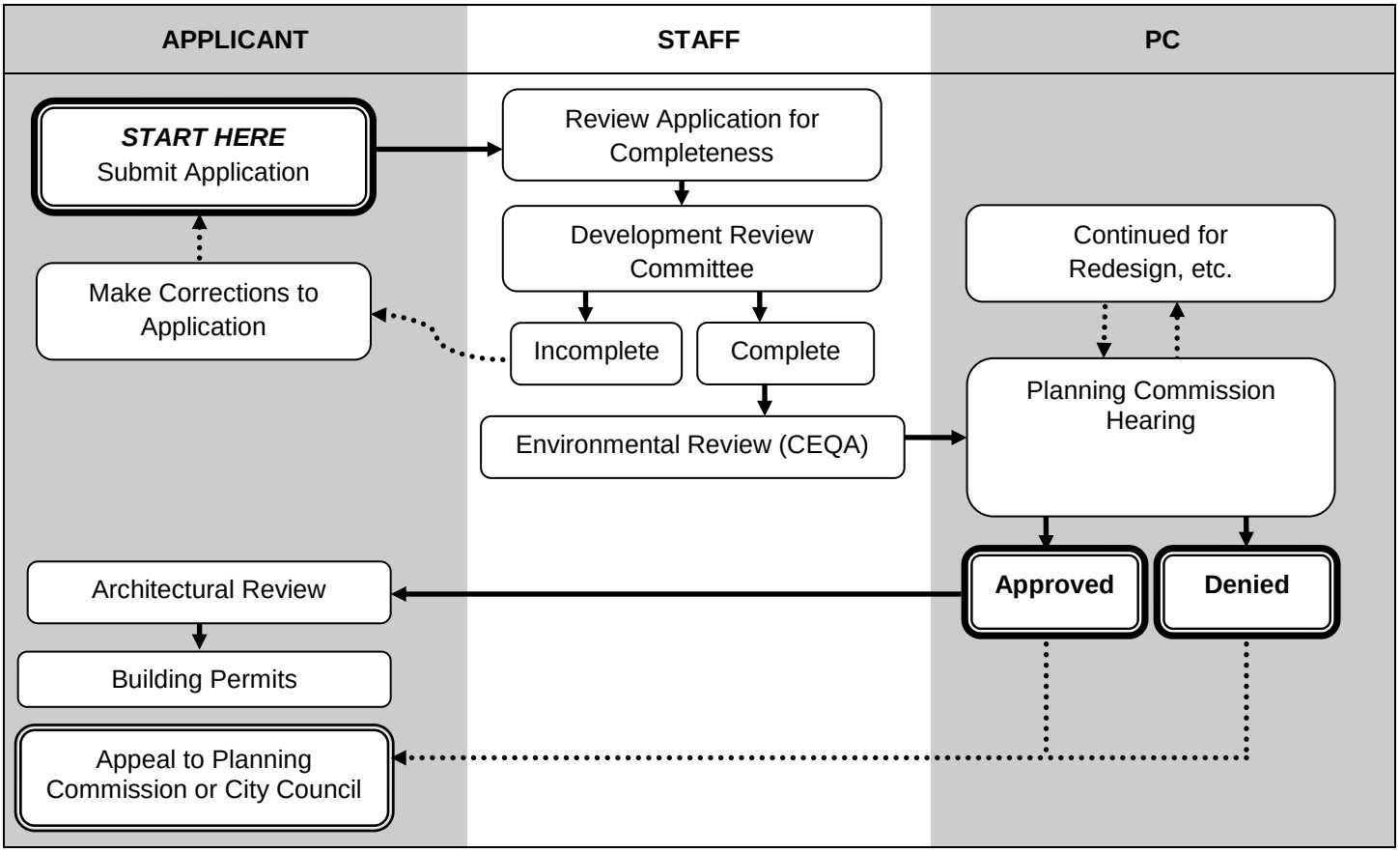
These findings are as follows:

1. That, because of special circumstances or conditions applicable to the subject property (including size, shape, topography, location, or surroundings), strict application of the requirements of this ordinance deprive such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;
2. That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare; and
3. That granting the application is consistent with the purposes of this ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.

Fees[2]

- ❑ Master (multiple variances for commercial or multifamily projects) $1,410
- ❑ Major (one variance for commercial or multi-family sites) $980
- ❑ Minor (one variance for single-family residential uses) $820

TYPICAL VARIANCE REVIEW PROCESS



[2] Fees are current per February 16, 2011.

SUBMITTAL CHECKLIST

Every application must include both Application Forms and Plans.
The specific requirements are described below[3].

APPLICATION FORMS

1. Project Application Form –
   - ❑ The wet signature of the owner is required.
   - ❑ This form is two-sided.
   - ❑ Also available at http://www.monterey.org/commdevelop/planning/projectapplic.pdf

2. Draft Green Building Program Schedule - Please contact the Permits and Inspection Services Division at (831) 646-3891 if you have any questions.
   - ❑ Available at http://www.monterey.org/building/greenbuilding/

3. Variance Explanation Letter
   - ❑ Provide a written letter that addresses all of the three required Findings and explains how the requested Variance is consistent with each Finding.

PLANS

4. General Requirements
   - ❑ Two (2) full-sized plan sets (24" x 36"); One (1) reduced-size set (11"x17").
   - ❑ Use a minimum 1/8"=1' scale for Site Plans and 1/4" = 1' scale for all others.
   - ❑ Electronic files – Plans may be submitted electronically in PDF form. Please contact a Planner for specific information at (831) 646-3886.

5. Cover Sheet
   - ❑ Project address and Assessor's Parcel Number.
   - ❑ Applicant's name, address, and daytime telephone number.
   - ❑ Owner's name, address, and daytime telephone number.
   - ❑ Architect/Designer/Engineer's name, address, telephone number, and stamp (if necessary).
   - ❑ Project description - Provide a brief narrative of the proposed scope-of-work and describe the type of development proposed (commercial addition, remodel, core and shell, condominium, mixed-use, etc.).
   - ❑ Project location/vicinity map with North arrow.
   - ❑ Sheet index with sheet number and sheet titles.
   - ❑ Employee and/or Resident Parking Plan – If full parking is not provided on site, please describe any provisions for off-site parking of employees or residents.

6. Project Data Sheet – *Calculate project data and place data on the plans.*
   - ❑ Complete Project Data Sheet (attached) for existing and proposed site development and conditions as applicable to the project and place data table on the cover sheet, or near the front, of the plans.
     - ○ Calculate all applicable project data relative the project being considered
     - ○ Include a summary of all proposed demolition, if applicable, including the exterior linear feet and the percentage of area involved in the demolition.
     - ○ Demonstrate conformance, or lack thereof, with the applicable land use regulations and development standards as noted in the Zoning Code, such as but not limited to minimum yards, gross floor area, height of structure(s), lot coverage, minimum site landscaping, and size, type, and number of off-street parking stalls.
   - ❑ Calculate existing building areas to be demolished as well as all linear feet of demolition proposed

7. Site plans – *Provide existing and proposed site plans.*
   - ❑ Show and dimension all property lines and required yard setbacks Show the following site features and indicate their status (to be added, removed, relocated, or unchanged).
     - ○ All existing structures (house, garage, shed, gazebo, hot tub, patio cover, trellis, etc.),
     - ○ Impervious surfaces (driveways, parking areas, walkways, or patios),
     - ○ Adjacent off-site improvements (sidewalk, curb, gutter, or street trees),
     - ○ All landscape areas, fences, retaining walls, and manufactured slopes,

[3] At the discretion of the Chief of Planning, Engineering and Environmental Compliance, submittal of any submittal items may be waived if the project can be sufficiently described and considered without such information. Please inquire prior to submittal of an application.

- On-site trees and large shrubs (over 6” in diameter as measured 4.5’ above the ground) and indicate their status (to be preserved, removed, or relocated). If property is vacant, show all trees over 2” in diameter as measured 4.5’ above the ground;
- Existing and/or proposed floor elevation of the first floor and garage.

❑ A Topographic Survey prepared by a licensed surveyor is required for all projects that involve new work within 3 feet of a required front, rear, or side yard setback, or within 3’ of the maximum height. Include spot elevations at property corners, at building corners, and at driveway corners, and include slope contours, as appropriate.

❑ Shade all areas of slope on the property greater than 25%.

❑ Identify all on-site and immediate off-site stormwater drainage facilities.

8. Floor plans – *Provide existing and proposed floor plans.*
   - ❑ Label and identify the use of each room.
   - ❑ Doors and windows – show operation and size.
   - ❑ Fixtures - all plumbing fixtures, appliances, ranges, water heaters, etc.
   - ❑ Show second-story outline on first story.
   - ❑ Show finish floor elevations at each floor level change.

9. Roof plan
   - ❑ Show roof slope and overhangs.
   - ❑ Show all rooftop equipment and note type –mechanical, hvac, solar, etc.
   - ❑ Identify roof material.

10. Elevations – *Provide existing and proposed elevations.*
    - ❑ Show all exterior finish materials
    - ❑ Identify roof slopes
    - ❑ Doors and windows – show operation and size
    - ❑ Show the following spot elevations:
      - Base of foundation at each corner
      - Finish floor of first and second floor
      - Plate height of first and second floor
      - Fascia
    - Ridge of roof
    - Rooftop equipment height
    - Maximum height and elevation of structure

11. Stormwater Facilities – New development projects are required to comply with Monterey Regional Storm Water Management Program, including a requirement that property owners enter into a legal agreement or covenant with the City to provide verification of maintenance of any necessary storm water facilities. The following information is required to determine compliance with stormwater standards:
    - ❑ Provide a separate site plan identified as a “Stormwater/Drainage Plan”.
      - Describe all drainage across, into, and leaving the site. Include all applicable easements.
      - Describe all proposed grading, including cut/fill, etc.
      - Include documentation of pre- and post-development stormwater flows.
      - Identify all on-site and off-site retention/detention ponds and include their capacity, flow rates, etc.
      - Include a narrative of proposed *Best Management Practices* to be employed during construction.

    For additional information and/or clarification, please contact the Engineering Office at (831) 646-3895.

12. Environmental documentation – Environmental documentation may be necessary to examine potential environmental impacts of a proposed project, and may include, but not be limited to, the following typical reports and analyses:
    - ❑ Air quality report,
    - ❑ Arborist report,
    - ❑ Archaeology report,
    - ❑ Biological report,
    - ❑ Storm Water Management Plan,
    - ❑ Traffic study, and,
    - ❑ Other reports/analyses, as necessary.

    For additional information and/or clarification, please contact the Planning Office at (831) 646-3886.

13. Other information – The following information may be required:
    - ❑ Building Sections – a minimum of two are required for two-story additions.
    - ❑ Engineer Verification Letter: If the project includes a new second-story over an existing one-story building and the plan does not include demolition of the existing building, a signed letter from a licensed Civil or Structural Engineer must be submitted that clearly states that the existing building is structurally able to support the second story without demolition.

    For additional information and/or clarification, please contact the Planning Office at (831) 646-3886.

If you have any questions regarding the above submittal requirements or the Variance process, please contact the Planning, Engineering, and Environmental Compliance Division (PEEC) at (831) 646-3885.