

FINAL

**MONTEREY COUNTY ZONING ADMINISTRATOR
March 13, 2003
MINUTES**

A. ROLL CALL:

Present: Laura Lawrence, Environmental Health; Bryce Hori, Public Works, Al Mulholland, Water Resources, Lynne Mounday, Zoning Administrator; Linda Rotharmel, Secretary

B. PUBLIC COMMENT: None

C. APPROVAL OF MINUTES: The Minutes for the February 27, 2003, meeting were approved.

D. DESIGN APPROVALS:

E. SCHEDULED ITEMS:

1. TRAINER BEN & LAURIE (DA020297)

Design Approval to allow the construction of a 1,468 sq. ft. habitable area, 506 sq. ft. covered porch, 473 sq. ft. open deck to upper level, and 956 sq. ft. habitable area, 168 sq. ft. covered walkway & porches to lower level addition to an existing one-story single family dwelling, and 879 sq. ft. new swimming pool & spa, 889 sq. ft. pool deck, 2,100 sq. ft. new detached horse barn with game room. Materials and colors to match the existing residence. The property is located at 26165 Rinconada Drive, Carmel Valley (Assessor's Parcel Number 416-361-032-000 & 416-361-033-000), east off of Los Laurels Grade between Highway 68 and Carmel Valley Road, Toro Area.

The Zoning Administrator described the project. The Toro Land Use Advisory Committee recommended denial of the project. Staff recommended approval.

Anthony Lombardo, representative for the applicants, stated the requests are within the requirements of the Zoning Ordinance. He showed various photos of other homes in the neighborhood and stated that the Trainer's offered compromises to include moving the second story addition towards Rinconada, relocate specimen oak trees to provide additional screening of the house, and paint the house in an earthen or darker tone. He summarized that the home, as proposed, is consistent with the neighborhood.

Lloyd Lowery with Nolan, Hamerly, Etienne and Hoss, represents nine of the eleven immediately neighboring properties. He submitted a letter to be incorporated into the record and paraphrased its contents. He stated the project is located in a Visual Sensitivity Area and

that there will be substantial adverse visual impact, if viewed from a common public viewing area.

Don Goodhue, resident of the area almost 20 years spoke of how special the area is with its character of privacy. He stated that Toro Road is a public road and it is visible from Toro Road.

Michael Higgs, one of the closet neighbors, spoke of the character of the neighborhood and that the project is not compatible with anything else that is built in the area.

Jackie Marsh, you pass by her house to get to the proposed project and the neighborhood. She doesn't object to the proposed project and spoke of a previous owner in the neighborhood having a horse boarding facility with barns, arenas and round pens and that the present property owner plans to resurrect the horse boarding facility.

Ken Wolleson, lives next door to the proposed project and submitted a parcel map. He stated the CCR's state that flat roofs are acceptable if they are out of view to neighbors, roadways, or are covered to blend with the surroundings. The neighborhood is surrounded by scenic easements, boarder scenic easements, and County designated scenic easements onto individual lots. He stated the project is not compatible with the neighborhood.

Gregg Collins, new to the neighborhood, summarized that what attracted him to the neighborhood was the views, privacy and homes tucked well within the tree lines.

Bobby Collins, a realtor, just purchased the home across from the proposed project. She stated that the character of the neighborhood is what led her to buy in the area. She has spoken to the neighbors and stated that the proposed project would impact other homes and was unable to support the project because it could set a precedent.

The Zoning Administrator discussed the CCR's and stated the County doesn't enforce them, but the County is empowered to record under the Subdivision Map Act the final maps that are approved by the Board of Supervisors. The specific conditions, covenants, and restrictions that apply to the County would be enforceable. He further went on to state that he is looking at design characters, the character of the neighborhood, structures above the tree line, and color and design and to accommodate the needs of the applicants and the neighborhood. Bryce Hori stated that Rinconada Road is a private road and Toro Road is a public road.

Bill Sullivan, neighbor, who has lived in the neighborhood approximately 14 years, stated the neighborhood is unique in that no one sees his house and he sees no one else's house, just parts of the driveway.

Lou Lozano, owner of adjacent property to the southeast, showed a photo and stated that the proposed project would be ridgeline development. The Zoning Administrator stated that the project is not ridgeline development. His concern was one of preserving the privacy and nature of the neighborhood.

After discussion the Zoning Administrator continued the Design Approval Request to March 27, 2003.

2. SUAREZ STAN (PLN020015)

Continued from 2/13/03. Use Permit for an office and shop for truck repair and maintenance (13,700 square feet), building for repair and storage of pallets (5,000 square feet) and a truck yard. The project also includes a well and septic system and grading. The property is located at 32740 Camphora Gloria Road, Soledad (Assessor's Parcel Number 257-031-014-000), east of US Highway 101, Central Salinas Valley area.

Patrick Kelly described the project and addressed the concerns of the City of Soledad about the appropriateness of the use on the site. The revised conditions of approval carried from the previous hearing are: Additional condition prior to Issuance of Building Permits is a truck parking and maneuvering site plan shall be submitted to the Planning and Building Inspection Department for review. All areas necessary for truck maneuvering and parking shall be surfaced with decomposed granite. The required retention basin shall be modified as necessary to accommodate runoff from the areas required to be surfaced with decomposed granite, in accordance with a drainage plan to be reviewed by the Water Resources Department. Conditions #10 and #23 should be deleted, along with #11. Conditions #22, 28 and 29 were modified. Condition 22 should read "detention" instead of "retention" facility. Condition 28 was clarified to be "between the northeast property line and the truck service building." Condition #29 was also clarified to "for the full extent of the driveway and truck maneuvering area" and "five gallon" size instead of 36 inch box size for the evergreen trees.

Anthony Lombardo, representing Mr. Suarez, stated his concerns with screening and fully supported the application going forward. He commented on Condition #5, the area of granite or semi-paving in the truck parking area. His concern was the cost involved. Bryce Hori suggested that the applicant submit a plan for the review and approval of the Department of Public Works with recommended measures to prevent the tracking of mud onto Camphora Gloria Road. Mr. Lombardo supports Staff recommendation as amended and agreed to the Conditions as amended.

Bill Farrell, representing the City of Soledad, clarified that the property was zoned F/40 (Farmlands/40 acre). He presented objections of the truck yard to include the kind of uses which are dependent on the farm aren't directly serving the property and should be located in the City's Industrial Park. He stated from the Staff Report on page 3, the use of the

agricultural land and defined that agricultural support service as a necessary and accessory facility principally established to serve the on-site farming or ranching activities which rely on the on-site agricultural as a major means of support. He stated objections to include that immediately adjacent to the proposed project property, to the north, is another truck yard, contiguous to this use and an eye sore. He further stated that there is industrial land available in the industrial park to entertain this kind of use.

Jose Charles spoke in favor of the project. Mr. Suarez is providing jobs for 80 employees. He is a consultant for Barlocker Insurance. He has negotiated for Dole, Bud Antle and T&A. Mr. Suarez is hauling for Dole, T&A, and Weyerhaeuser and encourages approval of the project. He stated that Rhen Trucking is 100 feet from Suarez and has been there for years.

Santiago Rios, his property is north of freeway from where Mr. Suarez is intending to build his operation and he is in favor of the project.

Jaime Ayala, he has two businesses near the proposed project. He deals in video rentals and several of his customers work for Suarez.

Jose Suarez, shop manager/supervisor for the shop for Stan Suarez Trucking, Inc. He stated that Suarez provides a lot of services for the local companies in the area, Dole, Fresh Express, Natural Selections, and said it would be a plus for the community as far as economically and agriculturally. They provide a lot of transportation for these companies and provide employment for local members of the community and residences of the area. He is in favor of the project.

Claudia Pimentel interpreted for Mr. Ramirez, a Spanish speaker. She said that Mr. Ramirez has been employed by Stan Suarez Trucking for several years. He is a resident of the City of Soledad. He likes his job and was willing to be there as long as Mr. Suarez provides work for him and like him and many locals he's interested in the approval of this project. Ms. Pimentel, controller for Stan Suarez Trucking, stated on her behalf that Suarez Trucking provides agricultural support for many local agricultural companies and jobs for many locals and urges approval of the project.

The Zoning Administrator deleted Condition #5 and replaced it with a condition that the applicant shall submit a plan for the review and approval of the Director of Public Works with recommendations for adequately maintaining the frontage roadway.

After discussion the Zoning Administrator adopted the Mitigated Negative Declaration as recommended to Staff and approved the project subject to the Findings and Evidence and amended conditions.

3. ASPINWALL WILLIAM W (PLN020498)

Variance for reduction of the required 30 foot front setback to allow the construction of a two-story addition (with first floor 401 square foot garage and a 384 square foot billiards room, on second floor) to an existing two-story single family residence: a 117 square foot roofed breeze way; and design approval. The property is located at 50 El Potrero, Carmel Valley (Assessor's Parcel Number 189-464-001-000), at the intersection of La Mital and El Potrero, Carmel Valley Village area.

The Zoning Administrator continued the project due to the fact that it was inaccurately advertised in paper, to March 27, 2003.

4. COLLIER ROBERT (PLN010126)

Combined Development Permit consisting of a Coastal Administrative Permit to allow a change of use within an existing commercial building; a Coastal Development Permit to allow a residential unit on the existing second floor of a commercial building; a Variance to allow exterior modifications not in keeping with the Moss Landing design standards to an existing commercial building; and Design Approval. The project is located at 7951 Moss Landing Road, Moss Landing (Assessor's Parcel Number 133-211-008-000), northeast of the intersection with Sandholt Road, Coastal Zone.

Timothy Johnston described the project. Staff recommends approval of the Coastal Administrative Permit to change the use and allow the second story residential unit. Staff is unable to support the application for Variance, because Staff was unable to make the Findings to support the Variance request. He stated the building and structural design did not conform to Early American style. There was discussion of making the changes in different phases. Photos were shown of other businesses in the area. The project has design problems, the weathered copper sign proposal was never revealed and is in contrast with the sign regulations for Moss Landing, which are strictly defined as having to be either wood or stone. The North County Coastal Land Use Advisory Committee recommended approval of the project.

Melanie Mayer-Gideon for the applicant, spoke on the issues presented. She spoke of the design issues and that the Coastal Plan, instead of Title 20, suggests that wood siding would be appropriate, but it doesn't require it. In the Coastal Plan it recognizes that there are already pre-existing buildings of different use and siding in place and the design standards are not exclusive to a Western look. She stated that the Standard is Early American, including port and commercial fishing. She stated that there was a letter in the packet from Roy-Ami Hamlia and Nathan Sawyer, who served on the Advisory Committee that put together the local Coastal Plan, speaking to the fact that they never intended every building to have the Western motif style in Moss Landing. She noted Ordinance 20.98.060, deals with non-conforming use, has a section which allows maintenance and repair of existing

non-conforming use buildings. Conditions #5 and 6 talk about open space easement for protection of the wetlands and the water ways that are within the property boundaries. She accepts there needs to be an easement in the area and that the area needs to be protected, however there are some exceptions: Under 20.144.040, “there is an exemption for permanent structures already on Moss Landing Road, west of the MOCO Slough, which are located within the 100 foot setback may be replaced.” The building is within the 100 foot setback. She would like to see a modification to this condition, that since there are already structures within 100 feet and the 100 foot setback would cut into the main structure, that it be changed that the open space conservation easement be to the high tide mark or the extent of wetland vegetation, whichever is greater. Condition #10 should not apply to this project because it is not going to be a substantially improved structure, but understand that it can be dealt with later. Condition #10 “The lowest floor and attendant utilities, for any substantially improved structure, shall be elevated to a minimum of 8 feet mean sea level (NGVDD 1929). To provide for the flood proofing and certification of the lowest floor elevation, a reference marker set to the elevation of the lowest floor shall be established at the building site by a licensed land surveyor prior to start of construction. An elevation certificate for the finished floor shall be completed by a registered civil engineer or licensed surveyor and provided to the County Water Resources Agency prior to the inspection and approval of the building foundation by the building inspector. Mr. Mulholland, Water Resources, stated that it is a FEMA regulation that anything that exceeds 50% of the appraised value of the property. He stated he had a Memo from Shaunna Juarez from Water Resources dated 3/5/03, stating that the information provided to them isn’t enough to make a determination and asked for clarification. Condition should stay in place and allow Administrative Condition satisfaction or compliance take it up. It doesn’t need to be dealt with before hearing, but Water Resources still need the information requested.

Robert Collier, applicant, stated that the building is unfinished and began the stucco process because of the emersion of water into the building.

Mr. Johnston spoke regarding comments and observations about the eclectic styles that exist and stated Staff is concerned with the regulations that prescribe to each specific zoning district. There are different zoning districts in Moss Landing that have different guidelines. The Moss Landing Commercial district is the only one with these specific guidelines. There was discussion regarding design changes and blending it in with the rest of the buildings in the area, because it is a focal point of the corner of Sandholt Road and Moss Landing Road, right off of Highway 1, and a very prominent building, it needs to blend in. He mentioned the sign is in violation, the awnings have been put up without permits, and that the project remains in violation until it’s brought into conformance with the design criteria and Condition #2 requires that a design be approved by the Director of Planning and Building Inspection prior to removing the violation. Mr. Johnston will consult with County Counsel regarding a condition that requires the applicant to submit a plan subject to the approval of

the Director of Planning and Building Inspection for the façade changes and a full disclosure was requested.

After discussion the Zoning Administrator continued the Combined Development Permit application to March 27, 2003, to come up with a condition that would amortize some of the improvements needed and give Mr. Collier the opportunity to do full disclosure.

OTHER ITEMS: None

F. ADJOURNMENT: 12:55 p.m.

ATTEST:

LYNNE MOUNDAY
Zoning Administrator

/lmr