

MONTEREY COUNTY PLANNING COMMISSION

Meeting: April 24, 2013	Time: 9:00 am	Agenda Item No.: 2
Project Description: Consider a fee waiver for an Administrative Permit for the conversion of an existing garage into a detached accessory structure.		
Project Location: 10362 McDougal Street, Castroville		APN: 030-122-011-000
Planning File Number: REF130029		Agent: Bill Meade
Planning Area: Central Salinas Valley Area Plan		Flagged and staked: No
Zoning Designation: : MDR-C [Medium Density Residential]		
CEQA Action: Categorically Exempt per Section 15378(a)		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Planning Commission approve the waiver of the Administrative Permit fees.

PROJECT OVERVIEW:

On May 18, 2004, the County of Monterey Planning Division posted a Notice of Violation on the property at 10361 McDougall Street, Castroville for an occupied garage; abandoned vehicles and maintaining a public nuisance. On January 6, 2010, a compliance order was issued declaring the single family dwelling and illegally converted garage into a habitable accessory unit as substandard housing based on the deteriorated condition of the units. The planning review process determined that an Administrative Permit was required for the conversion of the garage into an accessory dwelling unit under the provisions of the Castroville Community Plan. The purpose of the fee waiver is to provide the prospective buyer an incentive to purchase the house with the intention of refurbishing the units to meet current standards thereby increasing available housing in the area. The potential buyer, Bill Mead, therefore requests this fee waver as an incentive to make the purchase of the unit affordable thereby reducing the cost of reconstituting the structures in a manor consistent with County regulations.

On March 19, 2010, the applicant, Bill Meade, submitted a fee waiver request to the County (**Exhibit A**) requesting a fee waiver for the Administrative Permit fees of \$4,287.85 to correct the violation for CE040237. The Zoning Ordinance requires the Administrative Permit to allow the conversion of the detached garage into an accessory dwelling. The fees are based on the current Monterey County Land Use Fee schedule (**Exhibit B**) for an Administrative Permit.

On August 29, 2000, the Board of Supervisors adopted the following criteria (**Exhibit C**) giving the Director of Planning the authority to waive application and appeal fees for discretionary permit applications:

1. Small Day Care Centers (less than 12 children);
2. Inclusionary portions of proposed residential developments;
3. Special Handling affordable housing projects;
4. Persons age 62 or over on a fixed, very low income;
5. Reclassification applications to bring property into conformance with the General Plan;
6. County or other government agencies;
7. Permit fees for repair or reconstruction when the Board of Supervisors declares a disaster;
8. Community facilities by non-profits meeting certain criteria; and

9. General Plan Amendments where the land is inaccurately or inappropriately designated.

Because the request for the fee waiver does not meet the above mentioned criteria, the request is subject to consideration by the Planning Commission per the Fee Waiver Policy adopted by the Board of Supervisors on August 29, 2000.

According to the Fee Waiver Policy, all fees shall be paid at the time of filing the application. In this circumstance, the filing of the application has not occurred. The Request for a Fee Waiver may follow one of two processes:

- a. Process Waiver and Application Concurrently
- b. Process Waiver before Application

The applicant has requested that the fee waiver be processed prior to submitting the application and will wait until action is taken by the Planning Commission on the fee waiver and, if required, the fees will be paid.

All agencies and departments that would receive a share of the Code enforcement fees have agreed to waive their fees for the Administrative Permit. This is being considered in order to not penalize the perspective buyer who is not involved in the original violation. The agent is aware of the liability of Code enforcement fees that would be due to the County at the time the applicant applies for the permit, regardless of whether or not the fee waiver request is approved.

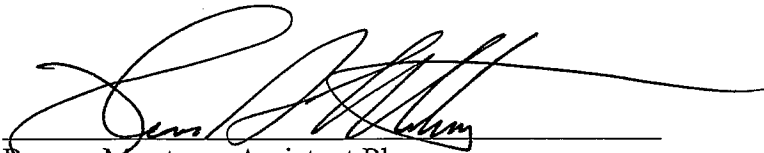
OTHER AGENCY INVOLVEMENT:

RMA - Public Works Department
Environmental Health Division
Water Resources Agency
County Counsel

The above agencies and departments have reviewed this Fee Waiver Request.

The Fee Waiver Request was not referred to a Land Use Advisory Committee (LUAC) for review because a LUAC because no application has been submitted to clear the violation.

Note: The decision on this project is not appealable.



Ramon Montano, Assistant Planner
(831) 755-5237, montanor@co.monterey.ca.us

April 27, 2010

cc: Front Counter Copy; Planning Commission Members (10); County Counsel; Public Works Department; Environmental Health Division; Water Resources Agency; Mike Novo, RMA Director of Planning; Laura Lawrence, Planning Services Manager; Bob Schubert, Senior Planner; Ramon Montano, Project Planner; Carol Allen, Senior Secretary; Bill Meade, Agent; The Open Monterey Project; LandWatch; Planning File REF130026.

Attachments: Exhibit A Fee Waiver request REF130026
Exhibit B Monterey County Land Use Fees (Page 1)
Exhibit C Fee Waiver Policy
Exhibit D Draft Resolution

This report was reviewed by Bob Schubert, Senior Planner




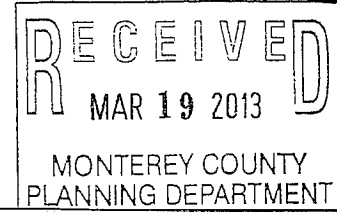
EXHIBIT A



MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

168. Alisal St., Second Floor, Salinas CA. 93901
 (831) 755-5025: (831) 757-9516
<http://www.co.monterey.ca.us/planning>



FEE WAIVER REQUEST

Property Owner: Bill Meade
Address: 533 Cedar Dr
City/State/Zip: Watsonville, CA 95076
Phone: 831-722-3253
Email: billmeade@charter.net

Agent: Same as owner
Address: _____
City/State/Zip: _____
Phone: _____
Email: _____

Assessors Parcel Number: 030-122-011-000
Description of Project: Present second unit (converted garage)
would be continued as apartment use.

Fee Waiver Justification: Fee Waiver supported by Mike Nava
to help buyer justify remodel of property

(attach additional information if needed)

Department use only	
Given out: <u>[Signature]</u>	By: _____
Received: <u>[Signature]</u>	By: _____
Referred to other agencies: _____	_____
Fee waived by Director?	<input type="checkbox"/> Yes <input type="checkbox"/> No Date: _____
Basis for Waiver	
Amount of Fees Waived: Planning & Building <u>\$2151.94</u>	
Health	<u>\$551.96</u>
WRA	<u>\$975.90</u>
PWD	<u>\$424.69</u>
<input type="checkbox"/> Entered into Tracking Spreadsheet (Admin. Secretary)	

Note: Rev e-mails exchanged from BMA-Director of Planning Dept.
 Mike Nava

EXHIBIT B

MONTEREY COUNTY LAND USE FEES

MONTEREY COUNTY LAND USE FEES
(effective 07/01/2012)

Permit Type	PLAN	Doc. Mgt (3)	Technology Fee (8)	PWD	WRA	EH	CC	GPU (6)	Total FY10	Notes
Administrative Permit - General	2,151.94	21.52	129.12	434.69	975.90	551.96	182.91	128.92	4,576.96	
Administrative Permit - Senior Citizen Unit	1,129.77	11.30	67.79	434.69	975.90	464.82	182.91	95.64	3,362.82	
Administrative Permit - Signs	1,129.77	11.30	67.79	217.35	0.00	0.00	182.91	45.90	1,655.02	
Airport Land Use Commission Application Review	645.58	6.46	38.73	0.00	0.00	0.00	0.00	19.37	710.14	
Appeal of Fee Determination	645.58	6.46	0.00	0.00	0.00	0.00	146.33	0.00	798.37	
Appeals	3,916.54	39.17	0.00	434.69	365.83	244.25	146.33	0.00	5,146.81	
Appeals of Administrative Determinations	2,507.01	25.07	0.00	0.00	0.00	0.00	146.33	0.00	2,678.41	
Application Request/Appointment	484.19			0.00	0.00	0.00	0.00	0.00	484.19	
Big Sur Viewshed Acquisition	1,613.96	16.14	96.84	108.68	244.25	828.49	0.00	83.86	2,992.22	
BP for Additions to existing commercial/industrial	806.98		48.42	217.35	487.42	551.96	0.00	61.91	2,174.04	
BP for Additions to existing residential structures	645.58		38.73	217.35	487.42	276.53	0.00	48.81	1,714.42	
BP for Ground Mounted Solar and Significant Demolition	161.40		9.68	0.00	0.00	0.00	0.00	4.84	175.92	
BP for Minor Review (Dwelling Addition under 500 sf.)	161.40		9.68	0.00	0.00	0.00	0.00	4.84	175.92	
BP for New commercial & industrial development	968.37		58.10	217.35	487.42	551.96	0.00	66.75	2,349.95	
BP for New SFD	806.98		48.42	217.35	731.66	276.53	0.00	60.98	2,141.92	
Certificate of Compliance a) 1-2 Lots	1,613.96	16.14	96.84	0.00	0.00	319.57	1,097.49	90.93	3,234.93	
Certificate of Compliance b) each additional lot above two (2)	484.19	4.84	29.05	0.00	0.00	116.20	365.83	28.99	1,029.10	
Certificate of Correction	645.58	6.46	38.73	163.54	0.00	0.00	0.00	24.27	878.58	
Coastal Administrative Permit	2,151.94	21.52	129.12	434.69	975.90	1,103.95	182.91	145.48	5,145.51	
Coastal Administrative Permit - Senior Unit	1,129.77	11.30	67.79	434.69	975.90	1,103.95	182.91	114.82	4,021.13	
Coastal Administrative Permit - Signs	1,129.77	11.30	67.79	108.68	0.00	0.00	182.91	42.84	1,543.09	
Coastal Development Permit - General	4,841.87	48.42	290.51	650.97	975.90	1,103.95	914.58	254.82	9,080.82	
Coastal Development Permit - Signs	2,259.54	22.60	135.57	217.35	0.00	0.00	182.91	79.79	2,897.76	
Coastal Development Permit - Tree Removal	2,259.54	22.60	135.57	0.00	244.25	0.00	182.91	80.60	2,925.47	
Coastal Implementation Plan Amend - Extraordinary Project	16,139.56	161.40	968.37	5,379.85	7,318.75	7,204.70	1,829.15	1,136.16	40,137.94	Extraordinary Proj/ Hourly Rate
Code Enforcement activities(per hour)	126.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	126.97	
Conditional Certificate of Compliance	3,227.91	32.28	193.67	650.97	0.00	551.96	548.75	149.39	5,354.93	P&BI & CC: fee per lot
Conformance Determination (Specific Plan) - Director	1,129.77	11.30	67.79	0.00	0.00	0.00	548.75	50.36	1,807.97	
Conformance Determination (Specific Plan) - Hearing	3,222.53	32.23	193.36	0.00	0.00	0.00	548.75	113.14	4,110.00	
Corner Record	0.00	0.00	0.00	11.84	0.00	0.00	0.00	0.36	12.20	
Design Approval Requiring Public Hearing	806.98	8.07	48.42	0.00	0.00	0.00	182.91	29.70	1,076.08	
Design Approval, Director's Approval	484.19	4.84	29.05	0.00	0.00	0.00	0.00	14.53	532.61	

EXHIBIT C

FEE WAIVER POLICY

*Before the Board of Supervisors in and for the
County of Monterey, State of California*

Resolution 2000- 342

Resolution Amending the Monterey)
County Master Fee Resolution to)
Clarify the Fee for Appeals on)
Land Use Issues and Establish)
Criteria for the Waiver of Fees in)
Specific Circumstances.)

Whereas: Chapter 1.40 of the Monterey County Code establishes the Monterey County Master Fee Resolution (the Resolution) as the vehicle for setting and amending fees; and,

Whereas: The Board wishes to clarify the appeal fee for land use issues and to establish criteria and authority for the Director of Planning and Building Inspection to waive fees in specific cases; and,

Whereas: The Board has received a report and recommendations from the County Administrative Office and Planning and Building Inspection; and,

Whereas: The Board has held a public hearing as required by law and heard from all interested parties;

NOW, therefore, be it resolved that the Board clarifies that the appeal fee for appeals to the Planning Commission or Board of Supervisors on land use issues is \$671.00.

Be it further resolved that the Director of Planning and Building Inspection may waive application and appeal fees for discretionary permit and building permit applications for:

1. Small day care centers (less than twelve children).
2. Inclusionary portions of proposed residential developments.
 - a. Special Handling affordable housing projects, as detailed in the adopted Special Handling criteria (25% affordable housing). Amount of fees waived is based on the percentage of affordable housing provided, and may include additional fees beyond the original application fees.
 - b. Persons age 62 or over on a fixed, very low income as defined by Housing and Urban Development.

- c. Reclassification applications to bring property into consistency with existing General Plan land use designations.
 - d. County or other government agencies.
 - e. Permit fees for the repair or reconstruction of property and structures damaged or destroyed by an act or event that has been declared a disaster by the Board of Supervisors where insurance is inadequate to pay the applicable fees.
8. Development, enhancement, expansion or modification of needed community facilities by non-profit organizations and community groups meeting the following criteria:
- a. The proposed project is available for use by the general public; and
 - b. Provides a scope of benefit beyond the residents of the immediate vicinity; and,
 - c. Is of obvious public benefit. Evidence of public benefit includes, but is not limited to, projects that:
 - i. Meet a public need previously identified or recognized by the Board of Supervisors;
 - ii. Provide a public facility not presently available in the community;
 - iii. Have generated obvious, substantial community support; or,
 - iv. Would either reduce County costs or increase County revenue.
9. General Plan amendments for parcels with inappropriate or inaccurate land use designations provided the property has been field checked and verified that it is inaccurately or inappropriately designated.

Requests Not Conforming to Policy:

The Planning Commission shall consider all requests for fee waivers not meeting the above criteria.

Appeal of Director's Decision:

The Planning Commission shall consider all appeals of decisions of the Director on fee waiver requests.

Payment of Fees:

All fees shall be paid at the time of the filing an application or an appeal. Should the fees subsequently be waived, the fees shall be refunded.

On motion of Supervisor PENNYCOOK, seconded by Supervisor SALINAS, and carried by those members present, the Board hereby adopts this resolution amending the Monterey County Master Fee Resolution to clarify the fee for appeals on land use issues and establish criteria for the waiver of fees in specific circumstances.

PASSED AND ADOPTED this 29th day of August,, 2000, by the following vote, to-wit:

AYES: Supervisors Salinas, Pennycook and Calcagno.

NOES: None.

ABSENT: Supervisors Johnsen and Potter.

I, SALLY R. REED, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page -- of Minute Book 70, on August 29, 2000.

DATED: August 29, 2000

SALLY R. REED, Clerk of the Board
of Supervisors, County of Monterey, State of
California

By: Nancy Lukenbell

Deputy

EXHIBIT D

MONTEREY COUNTY PLANNING COMMISSION

COUNTY OF MONTEREY, STATE OF CALIFORNIA

Resolution No.

Planning Commission Resolution No.)
requesting a fee waiver for the fees for an)
Administrative and violation fees for)
CE040237 to clear a violation for the illegal)
conversion of an existing garage into of a)
second accessory unit without permits and)
reconstruct or refurbishing of the main house)
to be considered a substandard housing unit.)
The property is located at 10361 McDougall)
Street, Castroville (Assessor's Parcel Number)
030-122-011-000), Castroville Community)
Plan. The request for the fee waiver is subject)
to consideration by the Planning Commission)
per the Fee Waiver Policy adopted by the)
Board of Supervisors on August 29, 2000.)

WHEREAS, on May 18, 2004, the County of Monterey Planning Division posted a Notice of Violation on your property at 10361 McDougall Street, Salinas for an occupied garage; junk vehicles and maintaining a public nuisance; and

WHEREAS, on January 6, 2010 a compliance order was issues declaring the single family dwelling and illegally converted garage into a habitable accessory unit as substandard housing based on the deteriorated condition of the units. The planning review process determined that an Administrative Permit is required for the conversion of the garage into an accessory dwelling unit per the Castroville Community Plan. The purpose of this of the waiver is to provide the prospective buyer an incentive to purchase the house with the intention of refurbishing the units to meet current standards thereby increasing available housing in the area. The Buyer Mr. Bill Mead for therefore requests this fee waver as incentive to make the purchase the unit affordable thereby reducing the cost of reconstituting the structures in a manor consistent with all County regulations

WHEREAS, on March 19, 2010 the applicant Bill Meade submitted a fee waiver request to the County requesting a fee waiver for the Administrative Permit fees of \$4,287.85 to correct the violation for CE040237. The fees are based on the current Monterey County Land Use Fee schedule for an Administrative Permit.

WHEREAS, the RMA-Planning Department discussed the fee waiver request to all applicable County Departments. These County Departments recommended that the fee waiver be approved

because by removing the Base fee for the Administrative Permit the remaining code enforcement fees shall be collected in its place; and

WHEREAS, the RMA-Planning Department referred the Fee Waiver Request to the Monterey County Planning Commission based on the Planning Commission's authority to waive permit fees when the request does not meet the criteria of the Fee Waiver Policy adopted by the Board of Supervisors on August 29, 2000 for the RMA-Planning Director authorized fee waivers; and

WHEREAS, on April 24, 2013, the Monterey County Planning Commission conducted a public hearing for Bill Meade Fee Waiver Request (REF130029) for the Administrative Permit fees where the Monterey County Planning Commission received the staff report for the Fee Waiver Request.

DECISION

THEREFORE, it is the decision of the Monterey County Planning Commission that the waiver for the Administrative Permit fees for REF130026/Bill Meade be approved.

PASSED AND ADOPTED on this _____, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

MIKE NOVO, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE