

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: May 29, 2014	Agenda Item No.: 5
Project Description: CONTINUED FROM MAY 8, 2014. Consider After-the-fact Variance for the reduction in front setback from fifty (50) feet to six feet nine inches (6 feet 9 inches) for a two-story accessory structure to clear a code enforcement action.	
Project Location: 1260 North Highway 101, Aromas	APN: 141-013-010-000
Planning File Number: PLN130891	Owner: Pensco Trust Company Custodian Applicant: Antonio Flores Agent: Steve Mickel
Planning Area: North County Area Plan	Flagged and staked: No
Zoning Designation: RG/10 [Rural Grazing, 10 acres per unit]	
CEQA Action: Categorically Exempt per Section 15305 (a) of the CEQA Guidelines	
Department: RMA-Planning	

RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit C**) to:

- 1) Find the project Categorically Exempt per Section 15305 (a) of the CEQA Guidelines; and
- 2) Approve PLN130891, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**).

PROJECT OVERVIEW:

This is an after-the-fact variance application to allow a reduction in the front yard setback from fifty (50) feet to six feet nine inches (6 feet 9 inches). Approval of this variance would partially clear code enforcement case CE060213 related to the construction of a 1,644 square foot detached garage and home office in a location different from that shown on the issued permit (BP043135). A justification letter was submitted (**Exhibit F**) stating that because of existing special circumstances such as the creek floodway boundary, well setbacks, and a hillside, the most reasonable and least environmental impact to the land is the existing location. Staff finds that there are unique circumstances associated with the property that supports approval of the variance. A detailed discussion of the site and its physical features, as well as the setbacks required by Monterey County Code Title 15 and 21 are provided in **Exhibit B**.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

RMA-Public Works Department
Environmental Health Bureau
Water Resources Agency
Aromas Tri-County Fire Protection District

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by RMA-Planning have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

The project was referred to the North County Non-Coastal Land Use Advisory Committee on April 2, 2014. The Committee did not have a quorum, however the project was heard by the members present, the applicant was present, and notice was given to the public. There were no objections to the proposed variance.

Note: The decision on this project is appealable to the Planning Commission.



Grace Bogdan, Assistant Planner
(831) 796-6414, bogdang@co.monterey.ca.us
May 22, 2014

cc: Front Counter Copy; Zoning Administrator; Aromas Tri-County Fire Protection District; RMA-Public Works Department; Environmental Health Bureau; Water Resources Agency; John Ford, RMA Services Manager; Grace Bogdan, Project Planner; Pensco Trust Company Custodian, Owner; Steve Mickel, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Planning File PLN130891

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Draft Resolution, including:
• Conditions of Approval
• Site Plan, Floor Plan and Elevations
Exhibit D Vicinity Map
Exhibit E Advisory Committee Minutes (North County Non-Coastal LUAC)
Exhibit F Variance Justification Letter

This report was reviewed by John Ford, RMA Services Manager.

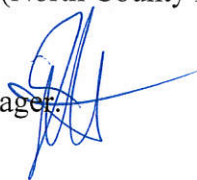


EXHIBIT A

Project Information for PLN130891

Application Name: Pensco Trust Company Custodian
Location: 1260 N Hwy 101, Salinas
Applicable Plan: North County
Primary APN: 141-013-010-000
Advisory Committee: North County Non-Coastal Advisory Committee
Coastal Zone: No
Permit Type: Variance
Final Action Deadline (884): 6/6/2014
Environmental Status: Categorical Exemption
Zoning: RG/10
Land Use Designation: Rural Grazing 10 - 160 Ac Min

Project Site Data:

Lot Size: 101309
Coverage Allowed: 5%
Coverage Proposed: 3%
Existing Structures (sf): 1820
Height Allowed: 35
Proposed Structures (sf): 855
Height Proposed: 23'4"
Total Sq. Ft.: 2675
FAR Allowed: N/A
Special Setbacks on Parcel:
FAR Proposed: N/A

Resource Zones and Reports:

Seismic Hazard Zone: V|UNDETERMINED
Soils Report #: N/A
Erosion Hazard Zone: High|Moderate|Low
Biological Report #: N/A
Fire Hazard Zone: High
Forest Management Rpt. #: N/A
Flood Hazard Zone: X (unshaded)|AE
Geologic Report #: N/A
Archaeological Sensitivity: high|low
Archaeological Report #: N/A
Visual Sensitivity: None
Traffic Report #: N/A

Other Information:

Water Source: domestic well
Grading (cubic yds.): 0
Water Purveyor:
Sewage Disposal (method): OWTD
Fire District: Aromas Tri-County FPD
Sewer District Name:
Tree Removal: 0

EXHIBIT B DISCUSSION

History

A building permit (BP043135) was issued for the construction of a 1,644 square foot two story non-habitable accessory structure in July 6, 2005. Between December 2005 and April 2006, construction commenced and RMA – Building Services conducted and approved various building inspections. On June 30, 2006, the Environmental Health Bureau staff revoked the septic system permit for non-compliance with the originally issued permit. A code enforcement case was opened in July of 2006 for in-progress construction of a two-story detached garage/home office not built in the location approved and permitted in plans, BP043135. Staff communicated with the previous property owner; however the previous owner never took corrective actions. BP043135 never had final inspection and expired, resulting in the entire structure being unpermitted. The property went into foreclosure and was purchased by the current property owner.

The current property owner submitted a building permit (13CP00423) in March of 2013 to partially clear CE060213. There were several meetings in the course of 2013 to resolve past issues with the property, previous building permit (BP043135) and code enforcement case (CE060213). It was determined that the two story garage and office was built in a location inconsistent with the previously issued building permit (BP043135) and the office space had been converted into living space. A building permit (13CP00423) was issued in October of 2013 to clear other violations on the property consisting of demolition of unpermitted structures, restoration of illegal cut at the rear of the property and relocation of a structure that was on the property line. At that time, County staff told the property owner and agent that a Variance would be required to keep the two story accessory structure at its current location, to allow a reduction in front yard setback from fifty (50) feet to six feet nine inches (6 feet 9 inches) from the property line.

Project Details

The two story accessory structure, as built, includes a first story garage and second story home office with a full bathroom and a new septic system. Accessory structures are allowed within the Rural Grazing zoning district subject to height, area and setback requirements. The variance application is requesting to maintain the building location with an insufficient front setback from the Highway 101 right of way. To approve a variance, multiple findings must be made and supported by evidence. The history of this parcel's code violations and past permits present a unique situation. This staff report is intended to clarify the thought process for review of the original building permit, the discrepancy in the location of where the project was actually constructed, and in combination with the unique site circumstances, why staff is recommending approval of this variance application to bring the property into compliance.

Special Circumstances

The parcel is located in a RG/10 [Rural Grazing, 10 acres per unit] zoning district, abutting Highway 101. The parcel was previously part of a large tract of land that stretched across the Highway 101 right of way to the west. The parcel was split when the state highway was constructed, leaving a small triangular remnant of land just over two acres in size in a RG/10 zoning designation. A private road provides access to the property at the northern corner. Carneros Creek bisects the property with a floodway boundary from the northwest to east that significantly restricts the developable area and additionally, the rear of the property contains a steep hillside up to the property located to the south.

Rural Grazing district standards require a fifty (50) foot front setback for accessory structures, which is measured from an edge of a public or private road right-of-way. By definition, Highway 101 created the front yard, but it does not have the same concerns as a property taking access off of roadways from which the front yard is measured. The setback for accessory structures is to protect sight distance for vehicles

entering the street, and aesthetics to prevent clutter along roadways. In this case the lot functions more as a flag lot with access from a private drive and no access to Highway 101. The front yard area along the highway does not function as a front yard but rather as a side or rear yard. These are special circumstances associated with this parcel that do not apply to other parcels in the area.

The proposed variance reduction is located at the west property line adjacent to the state right of way. For development standards this is treated as a front yard because Highway 101 is a public right of way. The building was constructed on a flat area of land and only six feet nine inches (6 feet 9 inches) from the property line. The adjacent right of way contains a drainage way and a steep embankment upwards to the highway. Because of the existing topography, the distance between the structure and the highway is over fifty (50) feet and is screened by existing natural vegetation (trees, brush, etc.) Functionally, the western property line is a side yard and any aesthetic concerns associated with the loss of a front yard setback are addressed by the added right of way in the Highway, the grade separation between the Highway and the lot, and with the presence of existing trees located within that right of way.

The shape, orientation, and physical constraints of this property are unique circumstances. The northern portion of the property is too constrained to provide sufficient setbacks for the accessory structure and septic system and maintain adequate setbacks from the existing domestic well and floodway. The general location of where the two story structure was built is the most suitable area on the lot for development. A larger setback would result in additional grading and tree removal.

The code violation exists because the accessory structure and septic system were constructed in a location different than the issued building permit. The physical site constraints including parcel shape, topography, location adjacent to the highway, trees and the creek boundary bisecting the property are all special circumstances applying to this property which do not apply to other properties in the area. The most suitable area to construct the structure is in the current location. Furthermore, if the variance was requested for this location before the original building permit was issued, the same special circumstances existed at that time to support the variance.

Special Privileges

As noted above, the front yard setback subject to the variance does not function as a front yard. Due to the location of the lot, adjacent to the highway, this area functions as a rear or side yard. Approval of a variance for reduction in front yard setback would not allow a structure to inappropriately be placed in a location that functions as a front yard. The western property line meets the definition of a front setback (the edge of public road right of way), however it is not how the property is oriented or used. These special circumstances associated with the property would allow the variance to be approved without granting a special privilege. A special privilege would be to allow placement of an accessory structure in a front yard that functions as a front yard. In this particular case the circumstances are different because this area functions as a rear or side yard which would allow the structure to have the setback as requested. Under these circumstances granting this variance would not be a special privilege.

Environmental Review

California Environmental Quality Act (CEQA) Guidelines Section 15305 (a) categorically exempts setback variances that do not result in the creation of any new parcel, or change in land use or density. This project is a variance for a two story non-habitable accessory structure that would not result in a change of land use or density, or the creation of a new parcel; therefore this project meets the CEQA exemption.

Recommendation

Given the unique characteristics of this project site (Carneros Creek, steep slope, triangular shape) and the setbacks for both the zoning district and onsite water treatment system, staff recommends that the Zoning Administrator adopt a resolution (**Exhibit C**) to find the project Categorical Exempt per Section 15305 (a) of the CEQA Guidelines; and approve PLN130891, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**).

**EXHIBIT C
DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the
County of Monterey, State of California**

In the matter of the application of:

PENSCO TRUST COMPANY CUSTODIAN (PLN130891)

RESOLUTION NO. ----

Resolution by the Monterey County Hearing Body:

- 1) Finding the project Categorical Exempt per Section 15305 (a) of the CEQA Guidelines; and
- 2) Approving an after-the-fact variance for the reduction in front setback from fifty (50) feet to six feet nine inches (6 feet 9 inches) for a two-story accessory structure to clear a code enforcement action.

[PLN130891, Pensco Trust Company Custodian, 1260 North Highway 101, Aromas, North County Area Plan (APN: 141-013-010-000)]

A variance application (PLN130891) came on for public hearing before the Monterey County Zoning Administrator on May 29, 2014. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is an after-the-fact variance for the reduction in front setback from fifty (50) feet to six feet nine inches (6 feet 9 inches) for a two-story accessory structure to clear a code enforcement action.

 EVIDENCE: The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN130891.

2. **FINDING:** **CONSISTENCY** – The approval of the variance, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

 EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - North County Area Plan;
 - Monterey County Zoning Ordinance (Title 21);A variance is required because the project does not meet the development standards in Monterey County Zoning Ordinance (Title 21) for the Rural Grazing Zoning District. No other inconsistencies were found in review of the 2010 Monterey County General Plan or North

- County Area Plan. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
- b) The property is located at 1260 North Highway 101, Aromas (Assessor's Parcel Number 141-013-010-000), North County Area Plan. The parcel is zoned RG/10 [Rural Grazing, 10 acres per unit], which allows non-habitable accessory structures. Therefore, the project is an allowed land use for this site.
 - c) The project planner conducted a site inspection on February 11, 2014 to verify that the project on the subject parcel conforms to the plans listed above.
 - d) The project was referred to the North County Non-Coastal Land Use Advisory Committee (LUAC) for review pursuant to the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338 because it is a variance application. The North County Non-Coastal Land Use Advisory Committee heard the project on April 2, 2014. The committee did not have a quorum, however the project was heard by the members present, the applicant was present, and notice was given to the public. There were no objections to the proposed variance.
 - e) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN130891.

3. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Aromas Tri-County Fire Protection District, RMA-Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Recommended conditions have been incorporated.
 - b) The parcel is zoned RG/10 [Rural Grazing, 10 acres per unit], which allows non-habitable accessory structures. Therefore, the project is an allowed land use for this site.
 - c) The site is supported by an existing well located on-site and an onsite wastewater treatment system.
 - d) Staff conducted a site inspection on February 11, 2014 to verify that the site is suitable for this use.
 - e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN130891.

4. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by the RMA - Planning, Aromas Tri-County Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) The variance for reduction in front yard setback for an existing two story structure will not be detrimental to health and safety because functionally, the location of the structure is not in a front yard. The location of the structure is in the rear of the property surrounded by hillside and existing vegetation and trees.
 - c) All necessary public facilities are available. The site is supported by an existing well located on-site and an onsite wastewater treatment system.

5. **FINDING:** **CODE VIOLATIONS** - The subject property is not in compliance with all rules and regulations pertaining to the development standards of Monterey County's zoning ordinance. Violations exist on the property. The approval of this variance will correct the violations and bring the property into compliance.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning and Building Services records and is aware of a violation on the subject property that was opened in July of 2006 (CE060213) for in-progress construction of a two-story detached garage/home office built in a different location than shown on permitted in plans, BP043135.
 - b) A building permit (BP043135) was issued in 2005 for the construction of 1,644 square foot two story structure. After multiple building inspections were conducted and approved by RMA – Building Services, the Environmental Health Bureau revoked their permit during a site inspection due to building and septic system location inconsistent with the issued permit (BP043135).
 - c) A code enforcement case, CE060213, was opened in 2006 for in-progress construction of a two-story detached garage/home office constructed in a different location than shown on approved plans, BP043135.
 - d) The property went into foreclosure and was bought by the current property owner in 2012.
 - e) The current property owner submitted a building permit (13CP00423) in March of 2013 to clear CE060213.
 - f) The project planner conducted a site inspection on July 29, 2013 to review the violations on the property.
 - g) Building permit 13CP00423 was issued in October of 2013 to clear other violations on the property consisting of demolition of unpermitted structures, correct illegal cut at the rear of the property and relocation of a structure that was on the property line.
 - h) The proposed variance corrects an existing violation by granting a reduction in front yard setback (CE060213). When implemented, the project will bring the subject property into compliance with all rules and regulations pertaining to the property and will remove the existing violations.
 - i) Zoning violation abatement costs, if any, have been paid. A condition is

included to assure that all zoning abatement costs, if any, have been paid.

- j) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN130891.

6. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15305 (a) categorically exempts setback variances that do not result in the creation of any new parcel, or change in land use or density.
 - b) This project falls within the limits described in CEQA Guidelines Section 15305 (a) because it is a variance for a two story non-habitable accessory structure that would not result in a change of land use or density, or the creation of a new parcel.
 - c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project will not contribute to a cumulative impact of successive projects over time, have a significant effect on the environment, result in damage to scenic resources, cause a substantial adverse change to a historical resource, nor is it located on a hazardous waste site.
 - d) Staff conducted a site inspection on February 11, 2014 to verify that the site is suitable for this use.
 - e) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN130891.

7. **FINDING:** **VARIANCE (SPECIAL CIRCUMSTANCES)** – The variance is granted because of special circumstances applicable to the subject property, including the size, shape, topography, location and surroundings. The strict application of development standards in the Monterey County Codes is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under and under identical zoning classification.

- EVIDENCE:**
- a) The property has a zoning designation of RG/10 [Rural Grazing, 10 acres per unit].
 - b) Non-habitable accessory structures are allowed in the rural grazing district (Section 21.32 MCC). Development standards for the rural grazing district are identified in Section 21.32.060 MCC. Required setbacks for a non-habitable accessory structure are 50 feet (front), 6 feet (rear), and 6 feet (sides). The property is triangular in shape with a front setback from Highway 101 along the west property line making the south property line the rear and the east property line a side yard.
 - c) The parcel was previously part of a large tract of land that stretched across the Highway 101 right of way to the west. The parcel was split when the state highway was constructed, leaving a small triangular remnant of land just over two acres in size in a RG/10 zoning designation. A private road provides access to the property at the northern corner. Carneros Creek bisects the property with a floodway

- boundary from the northwest to east that significantly restricts the developable area and additionally, the rear of the property contains a steep hillside up to the southern property line.
- d) The proposed structure requires a septic system that is subject to additional setbacks pursuant to Section 15.20.070 of MCC. These regulations require a one hundred (100) foot setback from any domestic water supply and bodies of water. This further restricts the property as there is an existing domestic well and a floodway boundary for Carneros Creek on the northern portion of the property, which deems the entire northern area of the site insufficient for a septic system. A structure with septic system cannot be located in this area.
 - e) There are numerous special circumstances present on this property. The parcel is a triangular shaped, undersized lot that is bisected by a floodway boundary and contains a steep hillside.
 - f) The location along Highway 101 constitutes a front yard setback for the property; however it does not function as a front yard. No access is available from Highway 101, and the actual right of way has fifty (50) feet of space between the travel lane and the property line. The parcel functions more like a flag lot given that access is provided by a private road accessing the lot at the northwest corner. The area that the zoning ordinance defined as the front setback functions as a side or rear setback.
 - g) There are neighboring parcels that were also created from the construction of Highway 101 of similar size and shape; however this parcel is smaller than others and is the only parcel that is restricted by Carneros Creek floodway boundary, and has access from a private road at the corner of a triangularly shaped lot. These factors combine to support the finding that there are special circumstances associated with the subject site.

8. **FINDING:** **VARIANCE (SPECIAL PRIVILEGES)** – The variance does not constitute a grant of privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

EVIDENCE:

- a) The property has a zoning designation of RG/10 [Rural Grazing, 10 acres per unit].
- b) A variance for a reduction in front yard setback for an existing accessory structure does not result in a special privilege. The front yard setback subject to the variance does not function as a front yard. Due to the location of the structure and the orientation of the lot, it functions as a side yard. The variance for reduction in front yard setback would not grant a special privilege to the property owner because the structure will not be located in an area that functions as a front yard. The western property line meets the definition of a front setback pursuant to MCC section 21.06.1030, however it is not how the property is oriented or used. Highway 101 establishes the area along the western property line to be the front property line. There is no access to Highway 101, and the topography and trees visually separate the site from the highway. In addition there is fifty (50) feet between the travel lane and the site. Based upon these facts the western property line functions as a side or

rear yard which has a minimum dimension of six (6) feet. The structure is in compliance with this dimension and so the reduction in the requirement of the front setback with these special circumstances would not constitute a special privilege.

- c) The project planner conducted a site inspection on February 11, 2014 to verify the circumstances related to the property.
- d) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN130891.

9. **FINDING:** **VARIANCE (AUTHORIZED USE)** – The variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

- EVIDENCE:**
- a) The property has a zoning designation of RG/10 [Rural Grazing, 10 acres per unit].
 - b) The project consists of a two story accessory structure, with a first floor garage and second story office space. The rural grazing zoning designation allows non-habitable accessory structures. Therefore, this is an allowed use for the site.

10. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission.

- EVIDENCE:**
- a) Section 21.80.040.B of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Planning Commission.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

1. Find the project Categorically Exempt per Section 15305 (a) of the CEQA Guidelines;
2. Approve an after-the-fact variance for the reduction in front setback from fifty (50) feet to six feet nine inches (6 feet 9 inches) for a two-story accessory structure to clear a code enforcement action.

PASSED AND ADOPTED this xxxx day of xxxx, 2014 upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jacqueline Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE [DATE]

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 4-1-2014

Monterey County RMA Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN130891

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This After-the-fact Variance (PLN130891) for the reduction in front setback from fifty (50) feet to six feet nine inches (6 feet 9 inches) for a two-story accessory structure to clear a code enforcement action. The property is located at 1260 North Highway 101 (Assessor's Parcel Number 141-013-010-000), North County Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

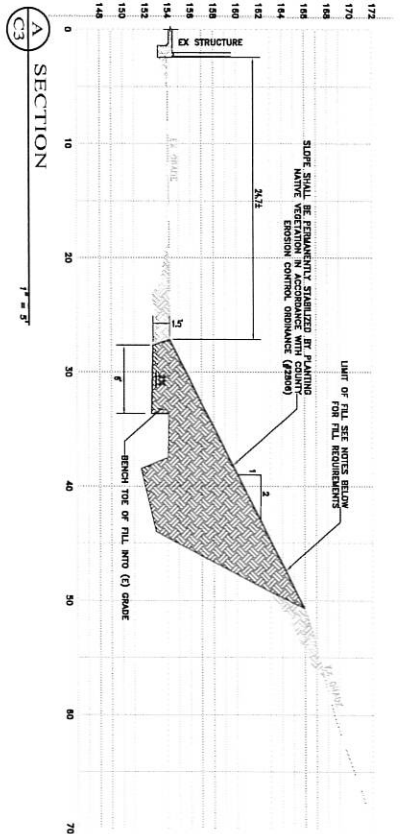
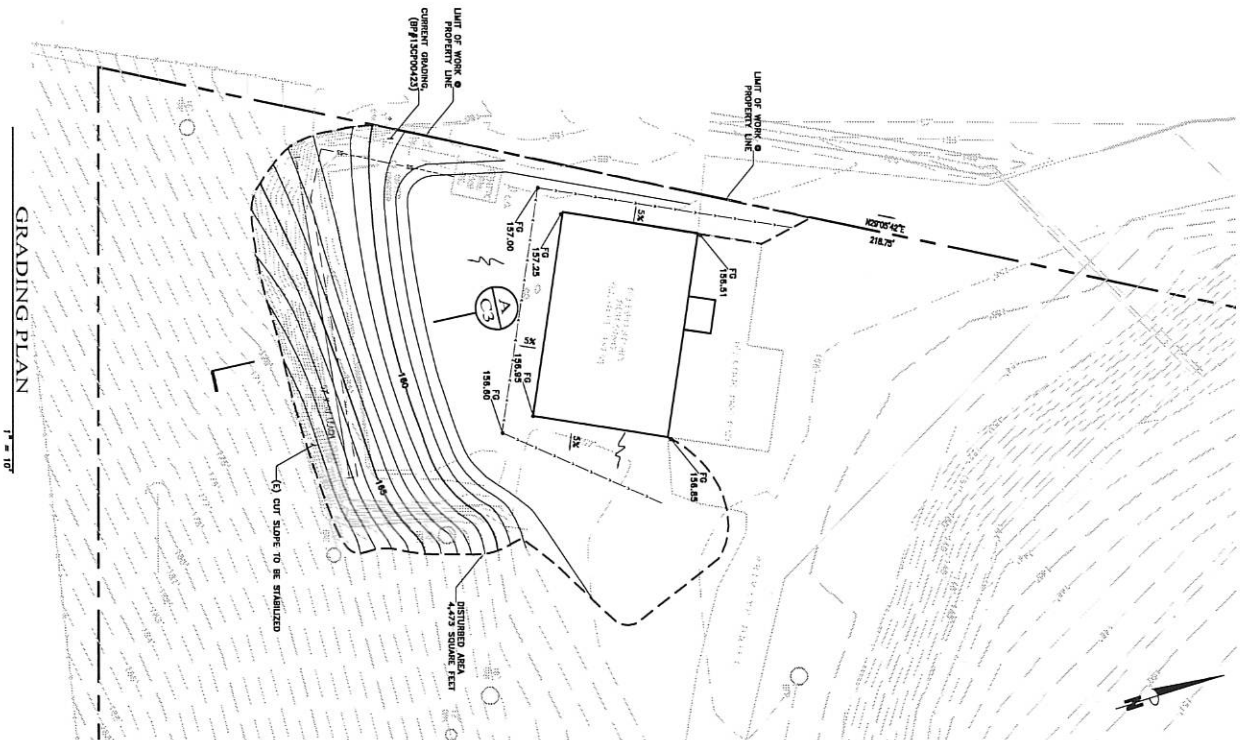
2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Variance (Resolution Number ***) was approved by the Zoning Administrator for Assessor's Parcel Number 141-013-010-000 on May 29, 2014. The permit was granted subject to three conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

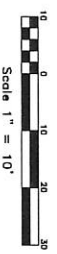
Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.



FILL NOTES:

- FILL MATERIAL:**
1. ALL SOILS TO BE USED AS FILL SHOULD CONTAIN LESS THAN 3% ORGANIC AND BE FREE OF BEANS AND CORNALS OVER 6 INCHES IN MAXIMUM DIMENSION.
 2. ANY IMPORTED SOIL TO BE USED AS ENGINEERED FILL SHALL MEET THE FOLLOWING REQUIREMENTS:
 - (a) BE GRANULAR (SANDY) IN NATURE AND HAVE SUFFICIENT FINES TO ALLOW FOR EXCAVATION OF THE FOUNDATION TRENCHES.
 - (b) BE FREE OF ROCK AND CORNALS IN EXCESS OF 6 INCHES
 - (c) HAVE AN EXPANSION POTENTIAL NOT GREATER THAN LOW (E-C-20)
 - (d) HAVE A SOLIDITY CONTENT LESS THAN 15% P.W.
 3. IMPORTED FILL MATERIAL SHOULD BE APPROVED BY THE GEOTECHNICAL CONSULTANT PRIOR TO IMPORTING.
- FILL PLACEMENT:**
1. MATERIAL TO BE COMPACTED OR REWORKED SHOULD BE MOISTURE CONDITIONED OR BLENDED TO ACHIEVE NEAR CONDITIONS, AND THE FILL SHOULD BE COMPACTED BY MECHANICAL MEANS IN SUFFICIENT HORIZONTAL LAYER LIFTS NOT EXCEEDING 8 INCHES IN THICKNESS.
 2. ALL FILL SHOULD BE PLACED AND ALL GRADING PERFORMED IN ACCORDANCE WITH APPLICABLE CODES AND THE REQUIREMENTS OF THE REGULATING AGENCY. (SEE GRADING & DRAINAGE NOTE #24, SHEET C1)



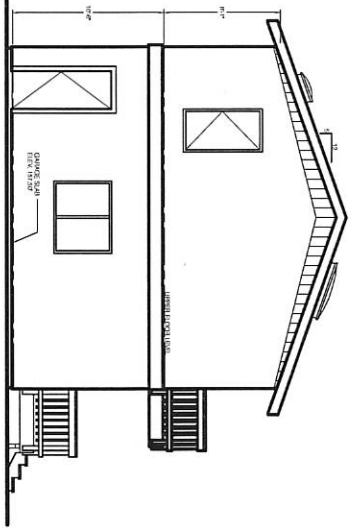
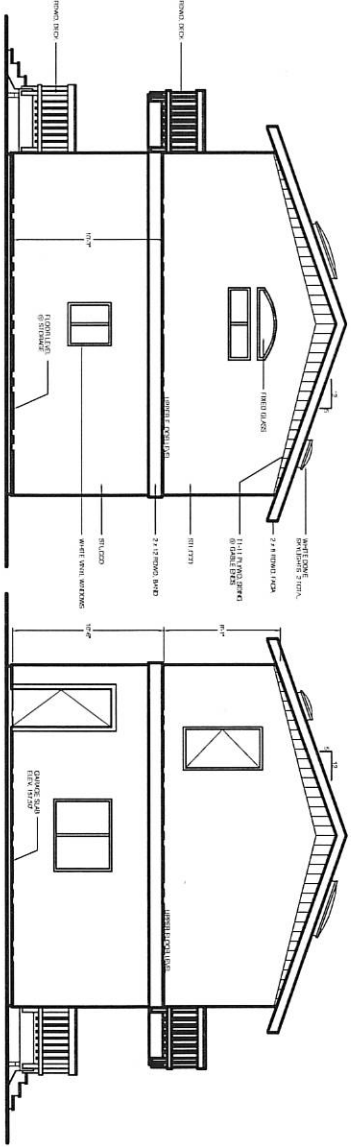
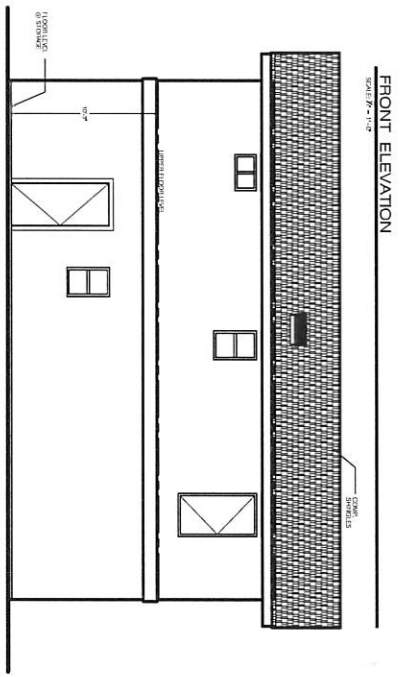
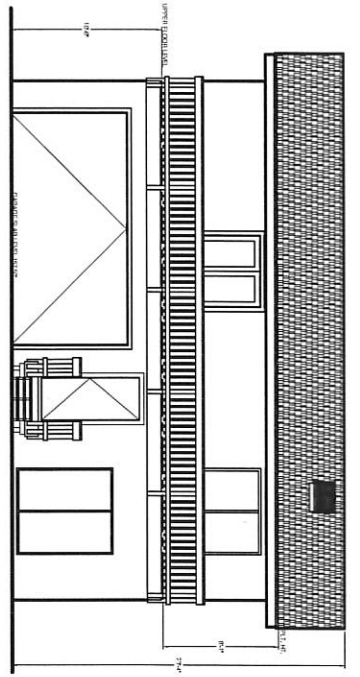
SCALE	1"=10'
DATE	01-03-2014
DESIGN BY:	FLC
DRAWN BY:	FLC
CHECKED BY:	FLC
SHEET NUMBER:	

SITE PLAN
FLORES RESIDENCE
 APN: 141-013-010
 1260 HWY. 101 - AROMAS, CA 95004
 PREPARED FOR: ANTONIA FLORES

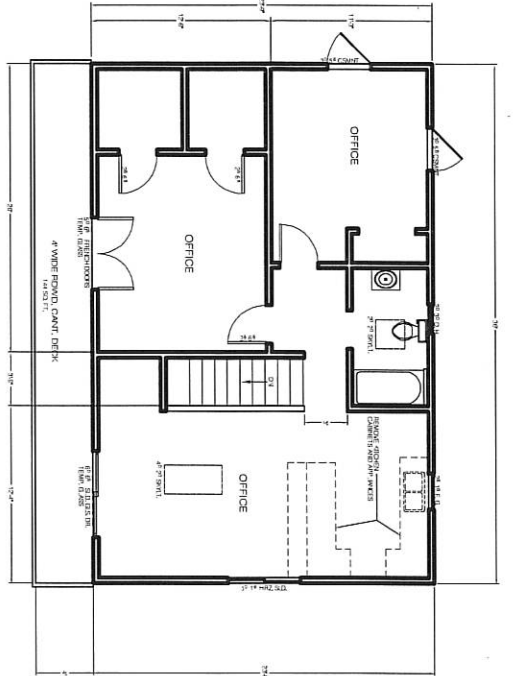


C3 Engineering
 Civil Engineering Land Development Drafting
 120 Donatello Place, Suite C, Menlo Park, CA 94024
 Phone: (650) 647-1192 Fax: (650) 647-1194
 mail@c3engineering.net

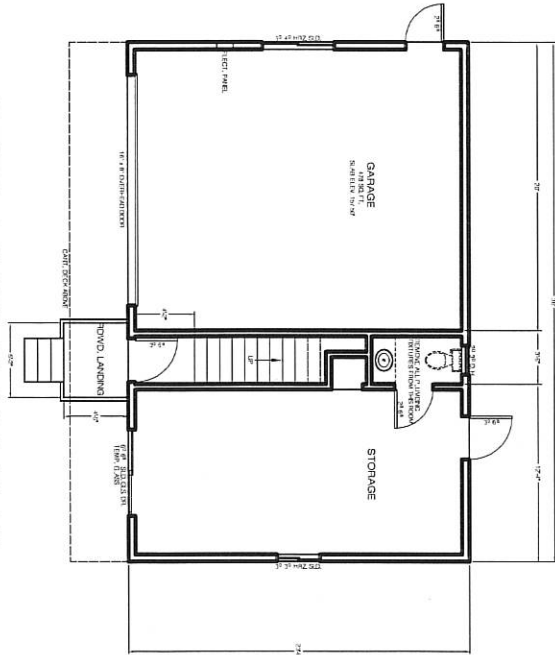
REV.	DATE	DESCRIPTION	BY



EXISTING ELEVATIONS

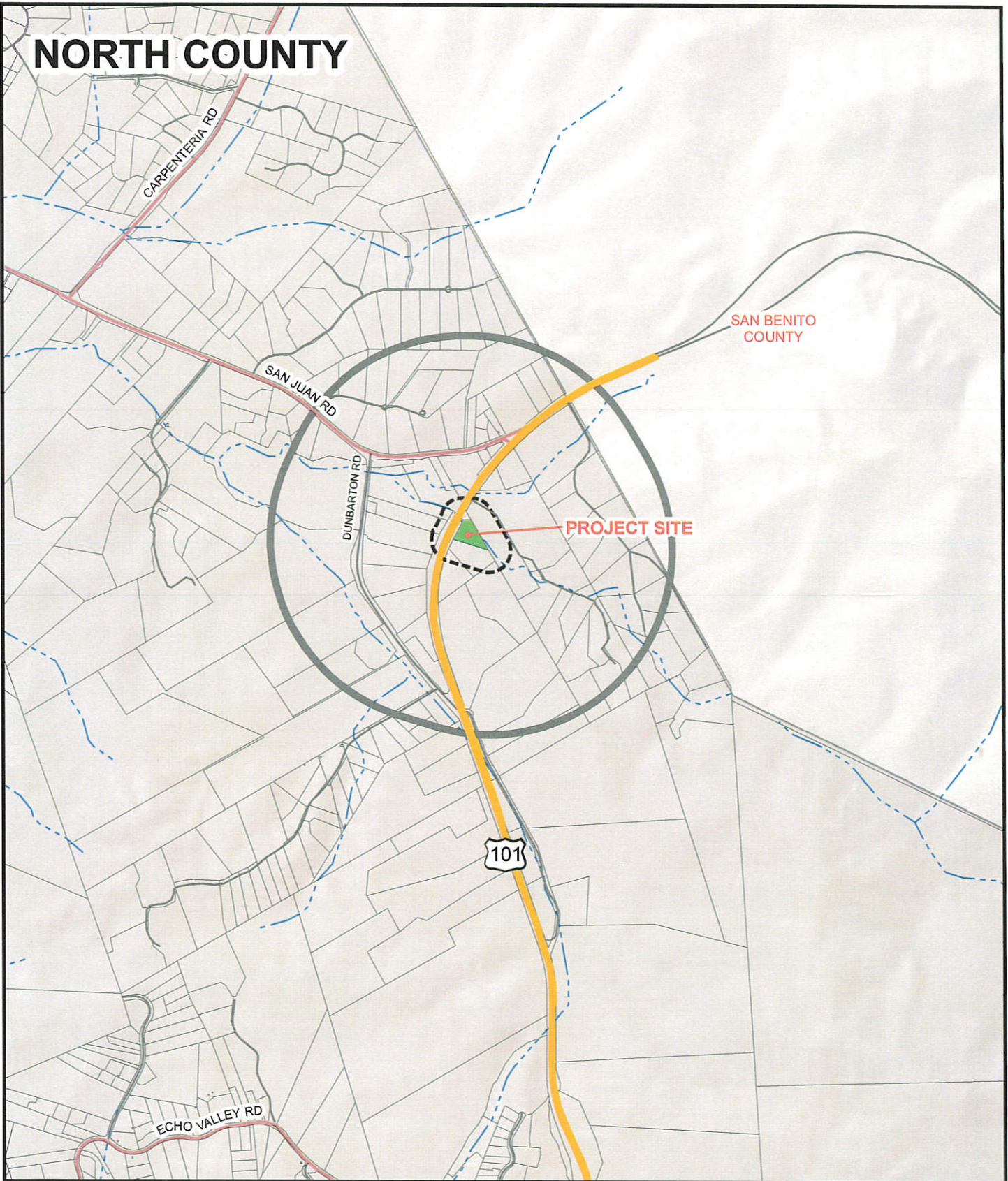


BUILDING AREA
 TOTAL FLOOR AREA: 684 SQ. FT.
 OVERALL DIMENSIONS: 40.00 FT. X 17.10 FT.
 TOTAL EXISTING INTERIOR AREA: 1176 SQ. FT.



2 STORY BUILDING




NORTH COUNTY

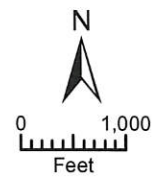


APPLICANT: PENSICO TRUST COMPANY CUSTODIAN

APN: 141-013-010-000

FILE # PLN130891

 2500' Limit  300' Limit  Water



PLANNER: BOGDAN

MINUTES
North County Non-Coastal Land Use Advisory Committee
Wednesday, April 2, 2014

1. Meeting called to order by _____ at _____ pm

** NO QUORUM PRESENT **

2. Roll Call

Members Present: Don Guen, Emily Tafuya (2)

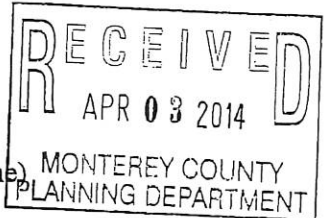
Members Absent: John Robinson (1)

3. Approval of Minutes:

A. September 18, 2013 minutes

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)



Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

4. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

Item one is a good thing and needed for the community. And adds a positive Redundancy. And helps comply with public safety fire issues.

Item (2) neither members can see any reason that the variances can't be granted. ~~and~~ ~~now~~ no one from the surrounding area came to the meeting. the owner was here. and 300 ft notices were given

NOCO RYAC

4/2/2014

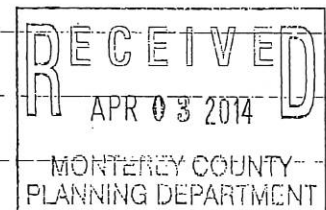
Antonio Flores Property Owner
for 1260 Highway 101
(PLN 130891)

Mark Bloom Cal Water

Mike Jones CA WATER

Steve Mason Monterey Co. Planning

Maurice S. Francis Califon Water serv Co
Project pm 408 367 8246



March 23, 2014

Tony Flores. – Applicant
Pensco Trust Company Custodian
1260 Highway 101 Aromas, CA

Director of Planning and Building Inspection
County of Monterey
RMA, Planning Department
168 West Alisal St., 2nd Floor
Salinas, CA 93901

RE: PLN130891 - Variance Justification letter
Per Monterey County Zoning (Section 21.72.040)
APN: 141-013-010-000

Dear Director,

The Project is seeking a variance for a front yard setback reduction. The required front set back is 50 feet. The Project proposes a setback of 6 feet 9 inches. The reason we are seeking a variance are as follows:

A. Because of special circumstances, the most reasonable and least environmental impact from the creek floodway boundary, well setbacks and hillside is the existing site.

The building envelope on the property is limited by the following: 1) There is a creek with a 100 year floodway boundary rendering one third or more of the acreage unbuildable. 2) The existing well also requires setbacks. 3) The back side of the property is on ground with a 30-degree slope.

The Project proposes to allow the existing two-story structure to encroach the front set back by 43 feet. A strict application of Title 20, would deprive the subject property of privileges it now holds.

B. A variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

C. The proposed Project is an authorized use within the current zoning designation. The Project does not propose a use or activity which is not otherwise expressly authorized by zoning regulation governing the parcel of property.

Based on evidence of physical constraints of the natural site and the discussion set forth above, we respectfully ask that you permit our request for a front yard setback variance.

Sincerely,

Tony Flores - Applicant