

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: December 14, 2006 Time: 8:20 A.M	Agenda Item No.: 8
Project Description: Combined Development Permit to clear Code Enforcement case (CE010061) consisting of: (1) an Administrative Permit to replace a mobile home existing prior to Use Permit requirements with a 576 square foot mobile home, and (2) an Administrative Permit to deviate from the regulations for manufactured dwelling units installed on a permanent foundation.	
Project Location: 2950 San Juan Road, Aromas	APN: 141-014-007-000
Planning File Number: PLN050676	Name: Luis & Leticia Chavez and Maria A. Briones, Property Owners
Plan Area: North County Area Plan	Flagged and staked: No
Zoning Designation: RDR/5.1 [Rural Density Residential/5.1 acres per unit]	
CEQA Action: Categorically Exempt per Section 15302	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator approve the Combined Development Permit based on the Findings and Evidence (**Exhibit B**) and subject to the recommended Conditions (**Exhibit C**).

PROJECT OVERVIEW:

The property is zoned Rural Density Residential/5.1 acres per unit. The parcel is one acre and allows one single family dwelling. There are currently two single family dwellings on the property – one single-wide mobile home and one triple-wide manufactured dwelling. Staff’s research has found that both single family dwellings were legally placed on the property. The shed attached to the single-wide mobile home was built without permits. A condition has been incorporated to remove the 16 foot by 8 foot attached shed. The property use is of a legal non-conforming nature as to density. The Combined Development Permit does not allow intensification of the level of density legally established on the property.

The Combined Development Permit (PLN050676) will allow clearance of Code Violation Case No. CE010061. There is currently a Code Violation on the property because the single-wide mobile home was replaced without first securing the necessary permits. The Combined Development Permit consists of two Administrative Permits. An Administrative Permit is required to replace a mobile home existing prior to Use Permit requirements. A second Administrative Permit is required for a mobile home older than 10 years to be placed on a permanent foundation. The replacement mobile home was built in 1975 and, therefore, more than 10 years of age. The single-wide mobile home does not currently conform to setback regulations. However, a condition has been incorporated to bring the structure into compliance with setback regulations.

No unresolved issues remain.

OTHER AGENCY INVOLVEMENT:

- ✓ Aromas Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above agencies and departments have reviewed this project. Conditions recommended by the Aromas Fire Protection District and Water Resources Agency have been incorporated into the condition compliance reporting plan (**Exhibit C**).

The project was not referred to the North County Non-Coastal Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project does not involve slope restrictions, does not involve ridgeline/viewshed development, and is exempt from CEQA. Additionally, the project does not involve a Lot Line Adjustment or a variance.

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

Jennifer Savage
(831) 755-5149, savagej@co.monterey.ca.us
November 20, 2006

cc: Zoning Administrator; Aromas Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Jacqueline R. Onciano, Planning & Building Services Manager; Jennifer Savage, Planner; Carol Allen, Luis Chavez, Applicants; Planning File PLN050676.

Attachments: Exhibit A Project Data Sheet
 Exhibit B Recommended Findings and Evidence
 Exhibit C Recommended Conditions of Approval
 Exhibit D Site Plan, Elevations, Floor Plans

This report was reviewed by Jacqueline R. Onciano, Planning and Building Services Manager.

EXHIBIT A

Project Information for PLN050676

Project Title: CHAVEZ LUIS & LETICIA &

Location: 2950 SAN JUAN RD AROMAS

Primary APN: 141-014-007-000

Applicable Plan: North County Area Plan

Coastal Zone: No

Permit Type: Combined Development Permit

Zoning: RDR/5.1

Environmental Status: Exempt

Plan Designation: RUR DEN RES 5.1 A

Advisory Committee: N/A

Final Action Deadline (884): 1/13/2007

Project Site Data:

Lot Size: 43,560

Coverage Allowed: 25%

Coverage Proposed: 5.7%

Existing Structures (sf): 1,928

Height Allowed: 30 FT

Proposed Structures (sf): 576

Height Proposed: 12 FT

Total Sq. Ft.: 2,504

FAR Allowed: N/A

FAR Proposed: N/A

Resource Zones and Reports:

Environmentally Sensitive Habitat: Yes

Erosion Hazard Zone: HIGH

Biological Report #: N/A

Soils Report #: N/A

Forest Management Rpt. #: N/A

Archaeological Sensitivity Zone: LOW

Geologic Hazard Zone: IV

Archaeological Report #: N/A

Geologic Report #: N/A

Fire Hazard Zone: HIGH

Traffic Report #: N/A

Other Information:

Water Source: INDIVIDUAL WELL

Sewage Disposal (method): SEPTIC

Water Dist/Co: N/A

Sewer District Name: N/A

Fire District: AROMAS FPD

Grading (cubic yds.): 0.0

Tree Removal: NONE

EXHIBIT B

RECOMMENDED FINDINGS AND EVIDENCE

1. FINDING: CONSISTENCY – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, North County Area Plan, North County Planning Area Inventory and Analysis, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for development.

- EVIDENCE:**
- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. 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 2950 San Juan Road, Aromas (Assessor's Parcel Number 141-014-007-000), North County Area Plan. The parcel is zoned Rural Density Residential ("RDR/5.1"). The subject property, as conditioned, complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.
 - (c) The project planner conducted a site inspection on December 29, 2005 to verify that the project on the subject parcel conforms to the plans listed above.
 - (d) The subject property is legal non-conforming as to density and side setbacks. However, staff research revealed that the two single family dwellings appear to have been legally placed on the property. The Use Permit allows the single wide mobile home to be replaced in the same location although the location does not meet the current side setback requirements.
 - (e) The project was not referred to the North County Non-Coastal Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project does not involve slope restrictions, does not involve ridgeline/viewshed development, and is exempt from CEQA. Additionally, the project does not involve a Lot Line Adjustment or a variance.
 - (f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN050676.

2. 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 Department, Aromas Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - (b) Materials in Project File PLN050676.

- 3. FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review.
- EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15302, categorically exempts reconstruction of existing structures where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.
(b) No adverse environmental effects were identified during staff review of the development application or during a site visit on December 29, 2005.
(c) See preceding and following findings and supporting evidence.
- 4. FINDING: NO VIOLATIONS** - The subject property, as conditioned, is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance.
- EVIDENCE:** This Combined Development Permit is intended to correct the Code Violation CE010061 that exists on the subject property. Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is aware of only Code Violation CE010061.
- 5. 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:** Preceding findings and supporting evidence.
- 6. FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.
- EVIDENCE:** Section 21.80.040.B Monterey County Zoning Ordinance (Title 21).

EXHIBIT C Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: Chavez File No: PLN050676 Approved by: Zoning Administrator	APN: 141-014-007-000 Date: December 14, 2006
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		PD001 - SPECIFIC USES ONLY This Combined Development Permit (PLN050676), to clear Code Enforcement case (CE010061), consists: (1) an Administrative Permit to allow the replacement of a mobile home existing prior to Use Permit requirements with a 576 square foot mobile home, and (2) an Administrative Permit to allow a replacement mobile home older than ten years. The property is located at 2950 San Juan Road, Aromas (Assessor's Parcel Number 141-014-007-000), North County Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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 the RMA - Planning Department. 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	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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		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 Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 050676) was approved by the Zoning Administrator for Assessor's Parcel Number 141-014-007-000 on December 14, 2006 . The permit was granted subject to 13 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD – NON-STANDARD CONDITION (1) The 16 foot by 8 foot attached storage structure must be removed from the property prior to final inspection. A demolition/building permit is required to remove the attached storage structure. The applicant or owner shall apply and receive the appropriate demolition permit from the Monterey County RMA – Building Services Department. (RMA - Planning Department)	Apply and receive the appropriate demolition/building permit from Monterey County RMA – Building Services Department.	Owner/ Applicant/ Engineer	Prior to the issuance of grading or building permits	
			Remove the 16 foot by 8 foot storage structure attached to the single-wide mobile home.	Owner/Applicant	Prior to final inspection	

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4.		PD – NON-STANDARD CONDITION (2) The single-wide mobile home shall be located so that it meets all setback regulations in Section 21.16.060.C.1, Monterey County Zoning Ordinance Title 21. The applicant or owner shall reflect compliance with all setbacks of Section 21.16.060.C.1 in the site plans submitted at the time of application for building and grading permits. (RMA - Planning Department)	Site plans for building and grading permit applications shall reflect that the single-wide mobile complies with all setback regulations in Section 21.16.060.C.1, Monterey County Zoning Ordinance Title 21.	Applicant/ Owner	At the time of application for building and/or grading	
			The single-wide mobile home shall be located so that it meets all setback regulations in Section 21.16.060.C.1, Monterey County Zoning Ordinance Title 21.	Applicant/ Owner	Prior to final inspection	
5.		FIRE001 - ROAD ACCESS Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. (Aromas Fire Protection District)	Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	
6.		FIRE007 - DRIVEWAYS Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base	Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	

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		shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (Aromas Fire Protection District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	
7.		FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final	

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		<p>own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Aromas Fire Protection District)</p>			building inspection	
8.		<p>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Remove combustible vegetation from within a minimum of 100 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Aromas Fire Protection District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	Prior to final building inspection	

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9.		FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS) Remove combustible vegetation from within a minimum of 100 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Aromas Fire Protection District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
10.		FIRE025 - SMOKE ALARMS – (SINGLE FAMILY DWELLING) Where a household fire warning system or combination fire/burglar alarm system is installed in lieu of single-station smoke alarms required by the Uniform Building Code the alarm panel shall be required to be placarded as permanent building equipment. (Aromas Fire Protection District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire alarm system acceptance test.	Applicant or owner	Prior to final building inspection	
11.		FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE) All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Aromas Fire Protection District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
12.		WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building	

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		Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)			inspection/occupancy	
13.		WR41 - NOTICE OF WATER CONSERVATION REQUIREMENTS A notice shall be recorded on the deed for each lot stating: “All new construction shall incorporate the use of low water use plumbing fixtures and drought tolerant landscaping, in accordance with County Water Resources Agency Ordinance No. 3932.” Prior to recordation of the final map, a copy the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency)	Submit a recorded notice to the Water Resources Agency for review and approval. (A copy of the County’s standard notice can be obtained at the Water Resources Agency.)	Owner/Applicant	Recordation of the notice shall occur concurrently with the final map	

