

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: January 30, 2014 Time: 1:30 p.m.	Agenda Item No.: 1
Project Description: Variance to reduce the accessory non-habitable structure front setback from 50 feet to 32 feet, and a Design Approval to allow the demolition of an existing 500 square foot barn and the construction of a 1,964 square foot barn with a 596 guesthouse. The project includes approximately 100 linear feet of retaining wall, approximately 300 cubic yards of associated grading and the removal of two Eucalyptus trees.	
Project Location: 142 San Benancio Road, Salinas	APN: 416-261-032-000
Planning File Number: PLN130425	Owner: Andres & Kay Fernandez Agent: Jeff Crockett
Planning Area: Toro Area Plan	Flagged and staked: Yes
Zoning Designation: : "RC/40-D" [Resource Conservation, 40 acres per unit with a Design Control Overlay]	
CEQA Action: Categorically Exempt per Section 15303(e) of the CEQA Guidelines	
Department: RMA - Planning Department	

RECOMMENDATION:

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

- 1) Find the project Categorically Exempt per Section 15303(e) of the CEQA Guidelines; and
- 2) Approve PLN130425, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**).

PROJECT OVERVIEW:

The project consists of the demolition of an existing horse barn to allow the construction of a 1,964 square foot barn with loft area, and a 596 guesthouse located at the rear of the proposed barn. The project includes the removal of two eucalyptus trees. The two eucalyptus trees proposed for removal are not landmark (24 inches-in-diameter at breast height), nor are they a native species protected by County policies or regulations.

The property is zoned RC/40-D or "Resource Conservation, 40 acres per unit with a Design Control Overlay," which for accessory structures requires a fifty (50) foot front yard setback, six (6) foot side yard setback, and a six (6) foot rear yard setback. A Variance is required to reduce the accessory non-habitable structure front setback from the required 50 feet to 32 feet. An existing 500 square foot horse barn is located 30 feet from the private road easement that extends through the entire length of the subject property. The proposed barn and guesthouse will be located 32 feet from the private road easement, approximately in the same location as the existing barn.

To allow for the granting of a Variance request, the Zoning Administrator must make the following findings:

- That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance requirements is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.
 - The 1.9 acre property is narrow-shaped where only the northern portion of the property, where the existing dwelling is located, is able to meet required setbacks. A 30 foot wide private road easement runs down the middle of the property, the entire length of the property, separating an approximately 0.42 acre portion of the property (Assessor's Parcel Number 416-261-031-000). The property contains slopes over 25

percent on portions of the west to south-west areas of the property. The proposed location is considered the most conservative reduction to required front setbacks, and locates proposed development away from slopes over 25 percent.

- The Variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.
 - The subject property is surrounded by properties with Low Density Residential (LDR) and Resource Conservation (RC) Zoning Districts which allow accessory uses, such as guesthouses and barns, appurtenant to a main dwelling. Within the vicinity of the project, as many as six similar accessory structures have been approved. Denial of this Variance request would deprive the property owners to enjoy the same privileges enjoyed by others in the vicinity and under the same zoning classification.
- A Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel or property.
 - The Variance request is tied to a residential use, which is authorized by the residential zone governing the subject parcel.

The proposed barn and guesthouse has been designed with charcoal gray asphalt composition roofing, board and batten siding with semi transparent stain and brown/gray stone veneer accent. The design of the proposed structure is consistent with the rural character of the area. The project is consistent with the 2010 Monterey County General Plan, Toro Area Plan and Title 21 of the Monterey County Zoning Ordinance. Staff recommends that the proposed project should be approved.

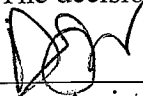
OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- √ RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ Monterey County Regional Fire Protection District

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by the Environmental Health Bureau and RMA – Public Works have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit B**).

The project was referred to the Toro Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project requires a Variance. On November 25, 2013, the Toro LUAC unanimously recommended approval of the project (a vote of 5 ayes, 4 absent).

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



Dan Lister, Assistant Planner
(831) 759-6617, listerdm@co.monterey.ca.us
December 6, 2013

cc: Front Counter Copy; Zoning Administrator; Monterey County Regional Fire Protection District; RMA-Public Works Department; Environmental Health Bureau; Water

Resources Agency; Wanda Hickman, Planning Services Manager; Dan Lister, Project Planner; Bob Schubert, Senior Planner; Andres and Kay Fernandez, Owner; Jeff Crockett, Agent; The Open Monterey Project; LandWatch; Planning File PLN130425.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Draft Resolution, including: <ul style="list-style-type: none">• Conditions of Approval; and• Site plan, Floor plan and Elevations
	Exhibit C	Vicinity Map
	Exhibit D	Advisory Committee Minutes (LUAC)
	Exhibit E	Justification Letters (variance)

This report was reviewed by Bob Schubert, Senior Planner. 

EXHIBIT A
PROJECT INFORMATION FOR PLN130425

Project Title:	Fernandez	Primary APN:	416-261-032
Location:	142 San Benancio Road, Salinas	Coastal Zone:	No
Applicable Plan:	Toro Area Plan	Zoning:	RC/40-D
Permit Type:	Variance	Plan Designation:	Resource Conservation
Environmental Status:	Exempt	Final Action Deadline:	
Advisory Committee:	Toro		

Project Site Data

Lot Size:	82,764sf	Coverage Allowed:	25%
Existing Structures:	2,632sf	Coverage Proposed:	4.6%
Proposed Structures:	2,560sf	Height Allowed:	35'
		Height Proposed:	15'
Total Square Feet:	4,692sf		

Resource Zones and Reports

Environmentally Sensitive Habitat:	No	Erosion Hazard Zone:	Low
Botanical Report #:	N/A	Soils/Geo. Report #	N/A
Forest Mgt. Report #:	N/A	Geologic Hazard Zone:	VI
		Geologic Report #:	N/A
Archaeological Sensitivity Zone:	High	Traffic Report #:	N/A
Archaeological Report #:	LIB130197		
Historical Report #:	LIB130196		
Fire Hazard Zone:	Very High		

Other Information

Water Source:	Well	Sewage Disposal:	Septic
Fire District:	Monterey County Regional FPD	Grading (cubic yards):	300
Tree Removal (Count/Type):	Two eucalyptus		

EXHIBIT B
DRAFT RESOLUTION

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

In the matter of the application of:

FERNANDEZ (PLN130425)

RESOLUTION NO. _____

Resolution by the Monterey County Zoning
Administrator:

- 1) Finding the project Categorically Exempt per Section 15303(e) of the CEQA Guidelines;
and
- 2) Approving a Variance to reduce the accessory non-habitable structure front setback from 50 feet to 32 feet, and a Design Approval to allow the demolition of an existing 500 square foot barn and the construction of a 1,964 square foot barn with a 596 guesthouse. The project includes approximately 100 linear feet of retaining wall, approximately 300 cubic yards of associated grading and the removal of two Eucalyptus trees.

[PLN130425, Fernandez, 142 San Benancio Road,
Salinas, Toro Area Plan (APN: 416-261-032)]

The Fernandez application (PLN130425) came on for public hearing before the Monterey County Zoning Administrator on January 30, 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 a Variance to reduce the accessory non-habitable structure front setback from 50 feet to 30 feet, and a Design Approval to allow the demolition of an existing 500 square foot barn and the construction of a 1,964 square foot barn with a 596 guesthouse. The project includes approximately 100 linear feet of retaining wall, approximately 300 cubic yards of associated grading and the removal of two Eucalyptus trees.

 EVIDENCE: 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 PLN130425.

2. **FINDING:** **CONSISTENCY** – The Project, 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 (GP);
- Toro Area Plan (AP);
- Title 21 of the Monterey County Zoning Ordinance (MMC).

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 142 San Benancio Road, Salinas (Assessor's Parcel Number 416-261-032-000), Toro Area Plan. The parcel is zoned "RC/40-D" [Resource Conservation, 40 acres per unit with a Design Control Overlay] which identifies a barn (accessory structure) and guesthouse as an allowed use (Section 21.36.030 MMC). Therefore, the project is an allowed land use for this site.
- c) The project is located within a Design Control Overlay (D) District which provides regulations to protect the visual integrity of a neighborhood or area (Section 21.44 MCC). The proposed barn and guesthouse has been designed with charcoal gray asphalt composition roofing, board and batten siding with semi transparent stain and brown/gray stone veneer accent. The design of the proposed structure is consistent with the rural character of the area, and consistent with the Design Control regulations.
- d) Guesthouse: The proposed guesthouse is consistent with Regulations for Guesthouses Section 21.64.020.C of the Monterey County Zoning Ordinance. The proposed guesthouse will located at the rear of the proposed barn. The height of the proposed 596 square foot guesthouse doesn't exceed the maximum height of 15 feet (Section 21.64.020.C.11 MCC). A standard condition has been applied to the project requiring that the regulations for guesthouses be recorded as a deed restriction on the property (Section 21.64.020.C.8 MCC).
- e) The project planner conducted a site inspection on June 14, 2013 to verify that the project on the subject parcel conforms to the plans listed above.
- f) The project was referred to the Toro Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project requires a Variance. On November 25, 2013, the Toro LUAC unanimously recommended approval of the project (a vote of 5 ayes, 4 absent).
- g) 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 PLN130425.

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 Department, Monterey County Regional Fire Protection District, 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. Conditions recommended have been incorporated.

b) Staff identified potential impacts to Cultural Resources. The following reports have been prepared:

- "Preliminary Archaeological Assessment" (LIB130197) prepared by Archaeological Consulting, Salinas, CA, dated May 23, 2013; and prepared.
- "Phase One Historic Assessment for 142 San Benancio Road, Salinas, CA" (LIB130196) prepared by Past Consulting LLC, Pacific Grove, CA, dated May 27, 2013.

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- c) Historic Assessment: According to the Phase One Historic Assessment prepared by Past Consulting LLC (LIB130196), the horse barn is not historic. It appears that the horse barn was originally a shed that has been modified for equestrian use. The horse barn is not significant according to criteria in the National, California or Monterey County Register of Historic Resources.
- d) Archaeological Report: An archaeological report was required because the subject property is located in a high sensitivity area for cultural resource (Section 21.66.050.C, MCC). The report prepared by the Archaeological Consulting (LIB130197) states the site is "negative" of archaeological resources.
- e) Staff conducted a site inspection on June 14, 2013 to verify that the site is suitable for this use.
- 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 PLN130425.

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 Department, Monterey County Regional 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) Necessary public facilities are available for the development. The property has an existing well and septic system that
 - c) Staff conducted a site inspection on June 14, 2013 to verify that the site

is suitable for this use.

- d) 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 PLN130425.

5. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on June 14, 2013 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN130425.

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 15303(e) categorically exempts accessory structures.
 - b) The proposed barn and guesthouse are accessory structures appurtenant to the main dwelling which is consistent with said exemption.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on June 14, 2013.
 - d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project.
 - e) Staff conducted a site inspection on June 14, 2013 to verify that the site is suitable for this use.
 - 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 PLN130425.

7. **FINDING:** **VARIANCE** - Variances shall only be granted based upon the following Findings:

- 1. That because of special circumstances applicable to the subject property, including the size, shape, topography, location or 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;
- 2. That the variance shall not constitute a grant of privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated;
- 3. A 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 "RC/40-D" [Resource Conservation, 40 acres per unit with a Design Control Overlay].
 - b) An accessory structure is an allowed use in the Resource Conservation (RC) Zoning District (Section 21.36.030(E) MCC). Development standards for the RC Zoning District are identified in Section 21.36.060 of the Zoning Ordinance. The required setbacks for an accessory structure in the RC Zoning District is fifty (50) foot front yard setback, six (6) foot side yard setback, and a six (6) foot rear yard setback. A Variance is required to reduce the accessory non-habitable structure front setback from the required 50 feet to 32 feet. An existing 500 square foot barn is located 30 feet from the private road easement that that extends through the entire length of the subject property. The proposed barn and guesthouse will be located 32 feet from the private road easement, approximately in the same location as the existing barn.
 - c) The 1.9 acre property is narrow-shaped where only the northern portion of the property, where the existing dwelling is located, is able to meet required setbacks. A 30 foot wide private road easement runs down the middle of the property, the entire length of the property, separating an approximately 0.42 acre portion of the property (Assessor's Parcel Number 416-261-031-000). The property contains slopes over 25 percent on portions of the west to south-west areas of the property. The proposed location is considered the most conservative reduction to required front setbacks, and locates proposed development away from slopes over 25 percent. A total of 15 properties share the private road easement and none of these properties share the same constraints as the subject property.
 - d) The subject property is surrounded by properties with Low Density Residential (LDR) and Resource Conservation (RC) Zoning Districts which allow accessory uses, such as guesthouses and barns, appurtenant to a main dwelling. Within the vicinity of the project, as many as six similar accessory structures have been approved in the immediate vicinity of the subject parcel:
 - DA010524 (Assessor's Parcel Number: 416-212-009-000): 2,508 square foot horse barn;
 - ZA04056 (Assessor's Parcel Number: 416-261-033-000): Guesthouse;
 - ZA07337 (Assessor's Parcel Number: 416-261-040-000): Guesthouse;
 - ZA03254 (Assessor's Parcel Number: 416-261-026-000): Guesthouse;
 - BPH029901 (Assessor's Parcel Number: 416-261-021-000): Storage Barn; and
 - 13CP01138 (Assessor's Parcel Number: 416-212-015-000): 4,050 square foot Barn/Workshop.Denial of this Variance request would deprive the property owners to enjoy the same privileges enjoyed by others in the vicinity and under the same zoning classification.
 - e) The project planner conducted a site inspection on June 14, 2013 to verify the circumstances related to the property.

- f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN130425.

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

EVIDENCE: a) Section 21.80.040(A) 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 15303(e) of the CEQA Guidelines;
2. Approve a Variance to reduce the accessory non-habitable structure front setback from 50 feet to 32 feet, and a Design Approval to allow the demolition of an existing 500 square foot barn and the construction of a 1,964 square foot barn with a 596 guesthouse. The project includes approximately 100 linear feet of retaining wall, approximately 300 cubic yards of associated grading and the removal of two Eucalyptus trees. The project is in general conformance with the attached sketch, subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 30th day of January, 2014.

Jacqueline Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

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 _____.

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 the Monterey County Planning Department and 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.

Monterey County Planning Department

DRAFT Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan

PLN130425

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This permit (PLN130425) allows a Variance to reduce the accessory non-habitable structure front setback from 50 feet to 32 feet, and a Design Approval to allow the demolition of an existing 500 square foot barn and the construction of a 1,964 square foot barn with a 596 guesthouse. The project includes approximately 100 linear feet of retaining wall, approximately 300 cubic yards of associated grading and the removal of two Eucalyptus trees. The property is located at 142 San Benancio Road, Salinas (Assessor's Parcel Number 416-261-032-000-000), Toro 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 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 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)

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: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Variance and Design Approval (Resolution Number ____) was approved by the Zoning Administrator for Assessor's Parcel Number 416-261-032-000 on January 30, 2014. The permit was granted subject to 9 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)

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 Department.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered." When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

5. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire January 30, 2017 unless use of the property or actual construction has begun within this period. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

6. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of RMA - Planning, prior to the issuance of building permits. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits, the Owner/Applicant shall submit two copies of the lighting plans to RMA - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

7. PD019(A) - DEED RESTRICTION-GUESTHOUSE (INLAND)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a deed restriction stating the regulations applicable to a GUESTHOUSE (Inland) as follows:

- Only 1 guesthouse shall be allowed per lot.
 - Detached guesthouses shall be located in close proximity to the principal residence.
 - Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.
 - The guesthouse shall not have cooking or kitchen facilities, including but not limited to microwave ovens, hot plates and toaster ovens.
 - The guesthouse shall have a maximum of 6 linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of 8 square feet of cabinet space, excluding clothes closets.
 - The guesthouse shall not exceed 600 square feet of livable floor area.
 - The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.
 - Subsequent subdivisions which divide a main residence from a guesthouse shall be prohibited.
 - The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.
 - The guesthouse height shall not exceed 15 feet nor be more than one story.
- (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall submit the signed and notarized document to the Director of RMA-Planning for review and signature by the County.

Prior to occupancy or commencement of use, the Owner/Applicant shall submit proof of recordation of the document to the RMA-Planning.

8. EHSP01 ONSITE WASTEWATER TREATMENT SYSTEM DESIGN

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Environmental Health has determined that adequate area exists for the expansion of the existing leach field. Submit plans for review and approval indicating the location, design layout and size specifications that meets standards found in Monterey County Code Chapter 15.20, Sewage Disposal Ordinance, and the Central Coast Basin Plan, Regional Water Quality Control Board.

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, submit plans and application for a septic permit for the expansion of the existing leach field for review and approval by the Environmental Health Bureau.

9. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule.

Compliance or Monitoring Action to be Performed: Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. Owner/Applicant shall submit proof of payment to the DPW.

DRAWN	CHECKED	DATE	SCALE	JOB NO.	SHEET	OF	SHEETS
✓ 10		08-30-13		013-188/014		10	10
					A-1		

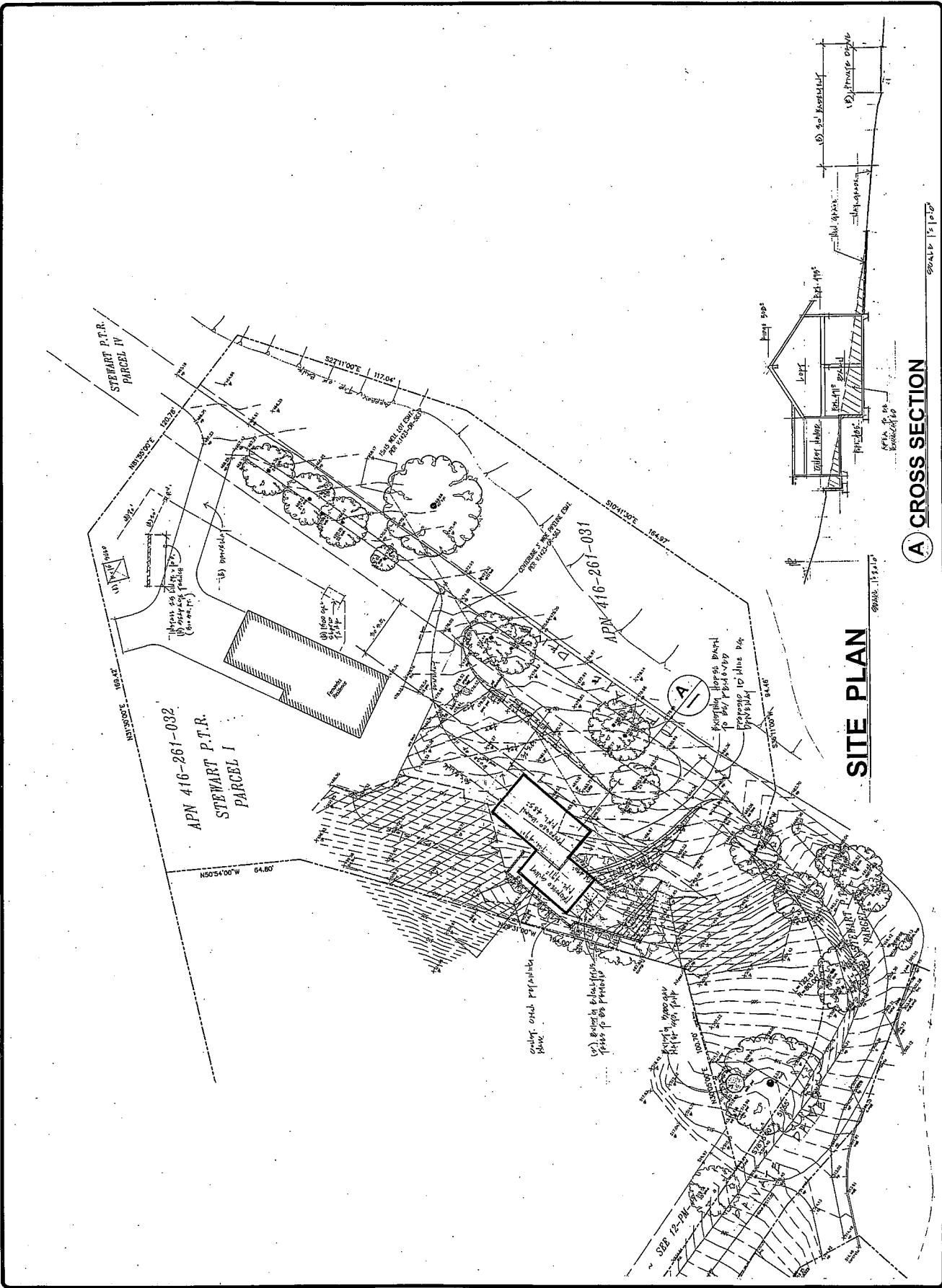
1041 3446

REVISION	BY

FERNANDEZ
 BARN / GUEST HOUSE
 142 SAN BENANCIO RD.
 SALINAS

142 SAN BENANCIO RD.
 SALINAS

DATE	SCALE	JOB NO.	SHEET



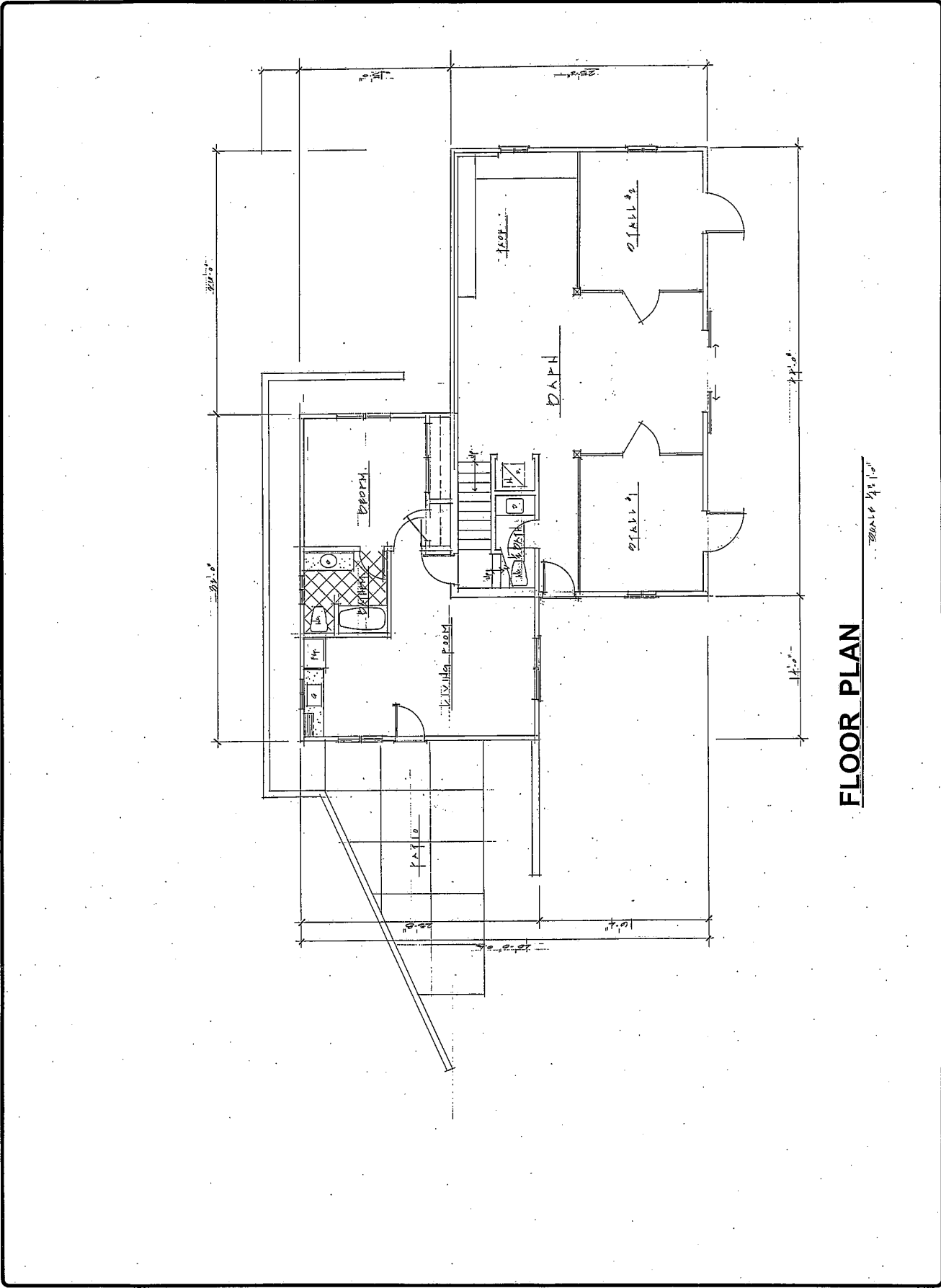
A CROSS SECTION

NO.	REVISIONS	BY

FERNANDEZ
 BARN / GUEST HOUSE
 142 SAN BENANCIO RD.
 SALINAS, CA.

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 DATE
 SCALE
 JOB NO.
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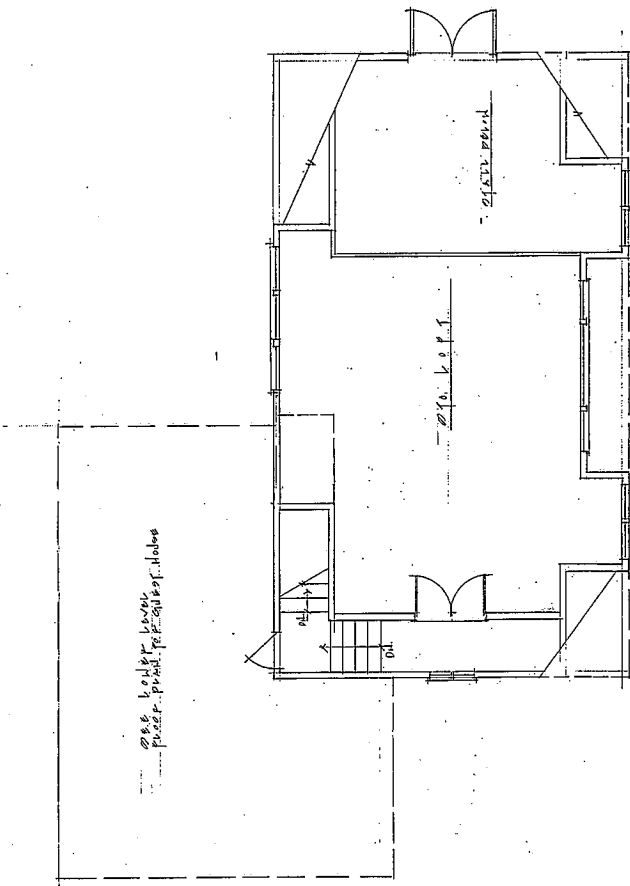
NO.	REVISIONS	BY



REVISIONS	BY

FERNANDEZ
 BARN / GUEST HOUSE
 142 SAN BENANCIO RD.
 SALINAS, CA

DRAWN	CHECKED	DATE	SCALE	JOB NO.	SHEET	A4	OF 5 SHEETS

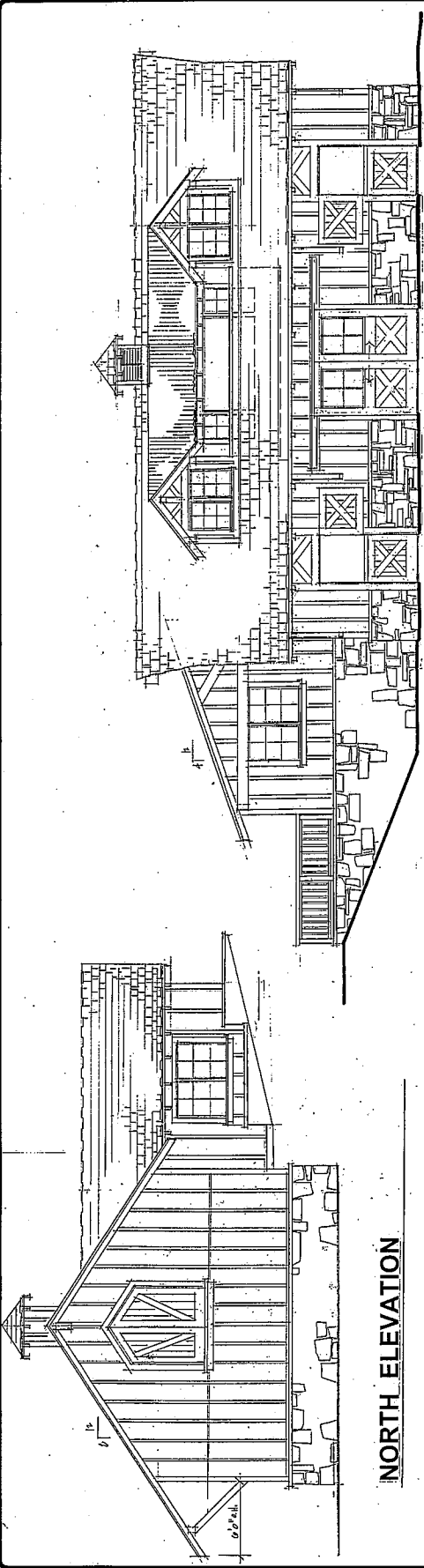


UPPER LEVEL FLOOR PLAN

REVISIONS	BY

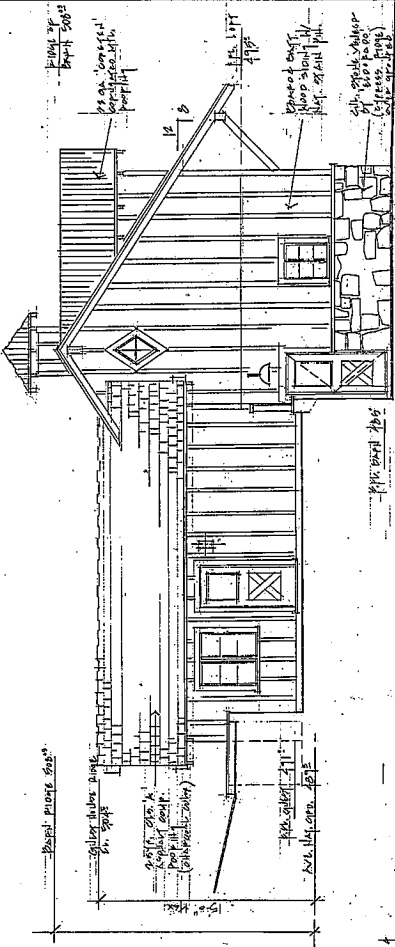
FERNANDEZ
 BARN / GUEST HOUSE
 142 SAN BERNARDINO RD.
 SALINAS, CA.

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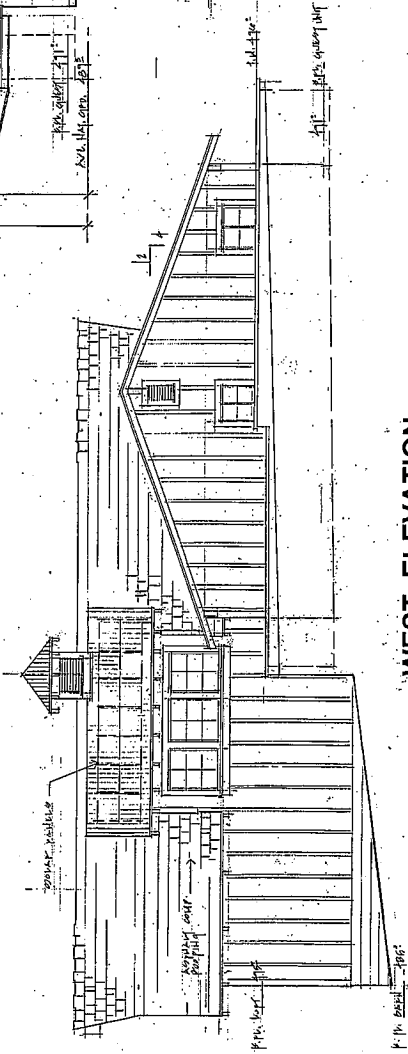


NORTH ELEVATION

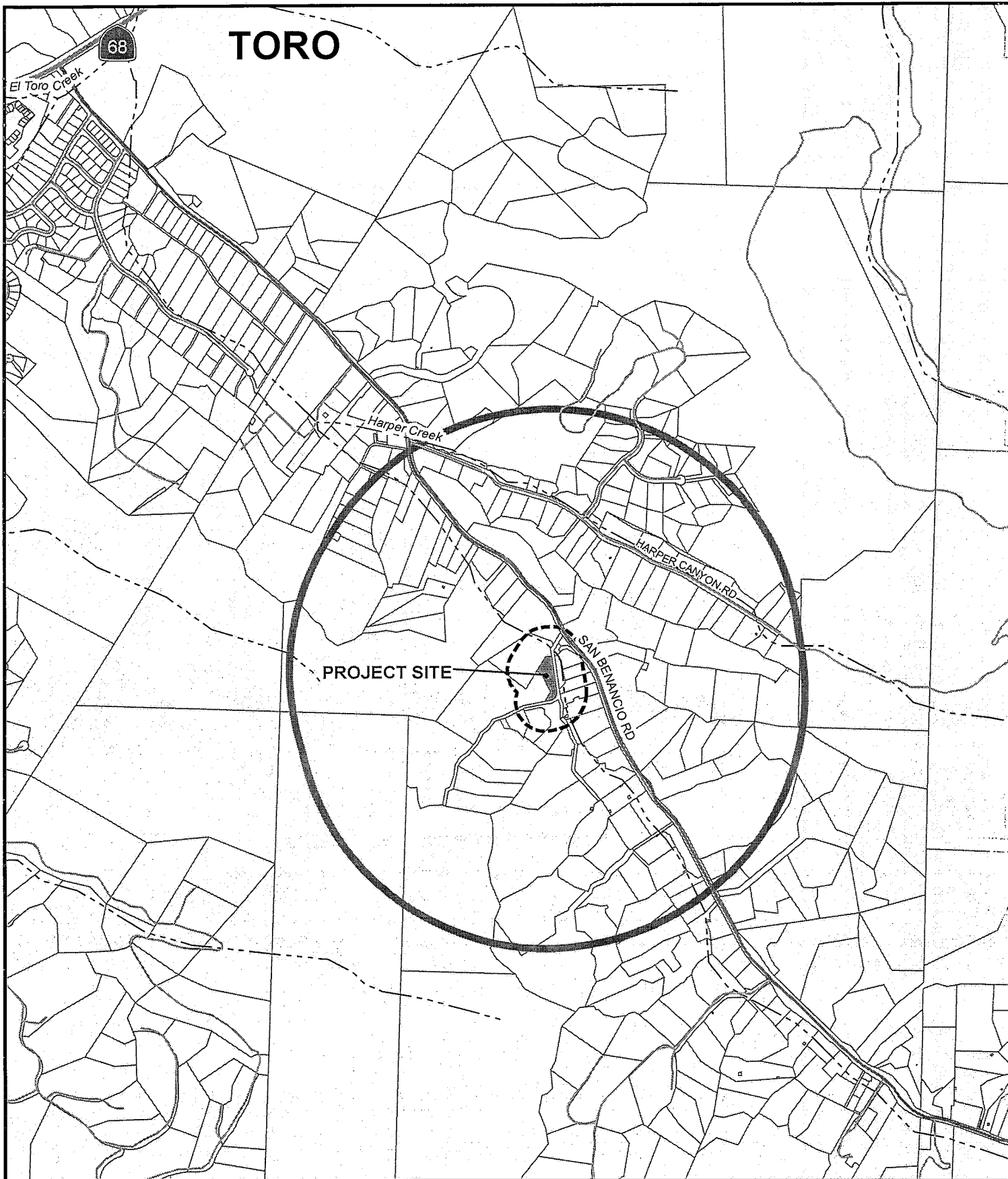
EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



APPLICANT: FERNANDEZ

APN: 416-261-032-000

FILE # PLN130425



2500' Limit



300' Limit

--- Water



City Limits



0 1,000
Feet



PLANNER: LISTER

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA 93901
(831) 755-5025

Advisory Committee: **Toro**

Please submit your recommendations for this application by: **November 25, 2013**

Project Title: FERNANDEZ ANDRES DAVE & KAY LEE TRS

File Number: PLN130425

Planner: LISTER

Location: 142 SAN BENANCIO RD SALINAS

Project Description:

Variance to allow development within the required front setback. The project includes the demolition of an existing 500 square foot barn that encroaches into the front setback and the construction of a 1,964 square foot barn with a 596 guesthouse, approximately 100 linear feet of retaining wall, and approximately 300 cubic yards of grading, and Design Approval. The property is located at 142 San Benancio Road, Salinas (Assessor's Parcel Number 416-261-032-000), Toro Area Plan.

Was the Owner/Applicant/Representative present at meeting? Yes X No _____

Property owners Andres Dave and Kay Lee Fernandez were present. Also present was their construction designer and builder, Jeff Crockett.

Was a County Staff/Representative present at meeting? Planner, Ramon Montano (Name)

PUBLIC COMMENT: There were no members of the public at the LUAC meeting

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)

ADDITIONAL LUAC COMMENTS

The site visit demonstrated a rather long but narrow lot with existing ranch house and older horse barn. The lot is bordered on one side by a hillside and the property line, and on the other side, proximity to the shared driveway with neighbors. Although numbered #142 San Benancio Rd., the lot is not on San Benancio Rd. It is located down a rural residential road off of San Benancio Rd. and cannot be seen from San Benancio Road.

A historical report was completed and nothing of historical significance found. The existing horse housing structure is to be removed and the wood saved and reused. Plans for the barn were shown to the committee. Plans revealed an attractive classic barn structure. An attached guest house is to be put behind the barn to minimize height. A few eucalyptus trees are to be removed but no Oaks.

Mike Weaver presented the lot layout from a map obtained from the Assessor's website. The lot is long and narrow. The house takes up one end of it. Weaver pointed out that the house was built circa 1959. Because of the lot configuration the proposed barn site is logical. And fits in with the surrounding area.

The building plans were displayed, explained, and all LUAC committee comments were favorable.

RECOMMENDATION:

Motion by: Mike Weaver (LUAC Member's Name)

Second by: Lauren Keenan (LUAC Member's Name)

☒ Support Project as proposed

☐ Recommend Changes (as noted above)

☐ Continue the Item

Reason for Continuance: _____

Continued to what date: _____

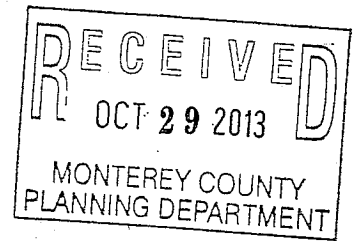
AYES: Weaver, Baker, Rieger, Keenan, Kennedy (5)

NOES: None

ABSENT: Varney, Mueller, Bean, Vandergrift (4)

ABSTAIN: None

Andrew and Kay Fernandez
142 San Benancio Road
Salinas, CA 93908
831-970-5751 (Andrew's Cell)
831-596-7811 (Kay's Cell)



Daniel Lister
County of Monterey – Planning Department
168 W Alisal Street, 2nd Floor
Salinas, CA 93901

October 11, 2013

Re: PLN #130289 Variance Justification Letter

Dear Mr. Lister;

Thank you for considering a set back variance as part of our barn-building project. There are several limiting factors about our property that make a set back variance an important part of our planning process. The potential building envelope on our property is limited by the following:

- There is an ephemeral creek that splits the property rendering one third of the acreage unbuildable.
- An access road right of way passes through the approximate middle of the property, which requires setbacks.
- A well lot and water line easement, which also requires setbacks.
- The back part of the property is on ground with greater than 25-degree slope.

A set back variance will allow us to place the new barn construction in essentially the same area as the existing barn. The old barn has extensive wood rot and a rusted roof. Also, the old barn does not have a floor, insulated walls, electricity, water, etc.

We believe, that upon review, you will find that a set back variance will not adversely effect the neighborhood nor be a precedent setting change.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Fernandez".

A handwritten signature in black ink, appearing to read "Kay Fernandez".

Andrew and Kay Fernandez