

MONTEREY COUNTY PLANNING COMMISSION

Meeting: February 12, 2014 Time: 10:00am	Agenda Item No.: 5
Project Description: Fee Waiver Request to waive permit fees for PLN130891 which includes an after-the-fact variance to clear code violations (CE060213) for the construction of a 1,644 square foot detached garage in a location inconsistent with the issued permit (BP043135). The property is located at 1260 North Highway 101, Aromas (Assessor's Parcel Number 141-013-010-000), North County Area	
Project Location: 1260 Highway 101, Aromas	APN: 141-013-010-000
Planning File Number: REF140007 (PLN130891)	Owner: Pensco Trust Company Custodian 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: Not a project under CEQA	
Department: RMA - Planning	

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit B**) to deny the Fee Waiver Request (REF140007), based on the findings and evidence.

PROJECT OVERVIEW:

A Fee Waiver Request was received on January 2, 2014 requesting that a variance fee for PLN130891 in the amount of \$5,120.29 be waived. A justification letter was attached to the Fee Waiver Request (**Exhibit C**) which states the current property owner bought the property with the existing violations, that he has been working in good faith to clear the violations, and the cost has exceeded \$3,000.

The Fee Waiver Request is inconsistent with the Fee Waiver Policy Resolution Numbers 2000-342 and 12-643 adopted by the Board of Supervisors because the project is not a daycare facility, inclusionary/affordable housing development; owned by non-profit organization, part of a government agency project, due to an emergency, or a zoning/general plan amendment correction.

Staff recommends denial of the Fee Waiver Request because it is not consistent with the Board of Supervisors Policy (Resolution Numbers 2000-342 and 12-643), the property owner had knowledge of the violations prior to purchasing the property. It is not appropriate to waive fees for code enforcement actions and waiving fees should be associated with truly unique circumstances.

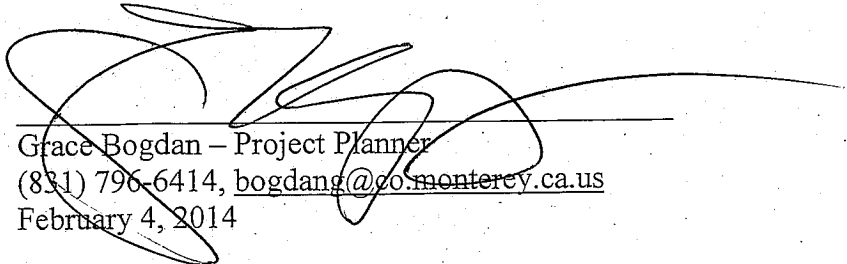
See **Exhibit B** for further discussion.

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

- √ RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency
- Aromas Tri-County FPD

Agencies that submitted comments are noted with a check mark ("√").

Note: The decision on this project is appealable to the Board of Supervisors.



Grace Bogdan – Project Planner
(831) 796-6414, bogdang@co.monterey.ca.us
February 4, 2014

cc: Front Counter Copy; Planning Commission; Monterey County Regional Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; John Ford, Planning Services Manager; Grace Bogdan, Project Planner; Carol Allen, Senior Secretary; Tony Flores, Owner; Steve Mickel, Agent; The Open Monterey Project; LandWatch; Planning File PLN130891.

Attachments: Exhibit A Discussion
Exhibit B Draft Resolution, including:
• Site Plan (PLN130891), Assessor's Parcel Map and Photo
Exhibit C Fee Waiver Request & Justification Letter
Exhibit D Fee Waiver Policy

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




EXHIBIT A 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, 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. The 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 garage and office 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.

FEE WAIVER REQUEST

A Fee Waiver Request and Justification letter (**Exhibit C**) was received on January 2, 2014 requesting that the Variance fee for PLN130891 in the amount of \$5,120.29 be waived. The Fee Waiver Request and Justification letter cite two reasons for the fee waiver:

- 1) The two story building was constructed in 2005 and any issues with the location should have been caught at that time
- 2) To date, fees for RMA – Building Services permit and code violations have exceeded \$3,000.

FEE WAIVER POLICY:

Fee Waiver Requests consistent with the Fee Waiver Policy adopted by the Board of Supervisors August 29, 2000 and revised on July 10, 2012 (**Exhibit D**) can be approved by the RMA – Director of Planning. These projects consist of applications for daycare facilities, inclusionary/affordable housing development, non-profit organizations, government agency projects, emergencies, or a zoning/general plan amendment correction.

The proposed Fee Waiver Request is inconsistent with the Fee Waiver Policy (Resolution Numbers 2000-342 and 12-643) adopted by the Board of Supervisors because the project is not a type eligible for a fee waiver. The Fee Waiver policy does allow the Planning Commission to review requests that do not conform to the policy.

REVIEW BY COUNTY DEPARTMENTS:

The Fee Waiver Request was reviewed by the Environmental Health Bureau, Water Resources Agency and RMA - Public Works and Planning. RMA - Public Works and the Water Resources Agency support the fee waiver because there is no new development that would require review. The Environmental Health Bureau does not support the fee waiver because significant staff time was spent conducting site visits, consulting with applicant and attending meetings for this site.

RMA - Planning staff reviewed the justification letter and concludes that they do not justify a fee waiver approval. The Variance is requested to allow a two story structure to remain at a location in which it was not authorized. The original building permit (BP043135) approved the two story structure at a different location on the property in an area that complies with setbacks. The plans for the building permit clearly show the two story structure in a location different from where it was constructed. Building inspections were conducted by RMA - Building Services and Environmental Health Bureau, which found that the structure is in an improper location. There are two alternatives to address this existing violation:

- 1) Remove the building
- 2) Receive approval of a Variance to allow the two story structure to remain in this location and then obtain appropriate building permits

It is Monterey County's practice that code violations run with the land whether the property owner created the violations or not. The property owner has worked in good faith to clear the existing violations, but that alone would not be grounds to support a Fee Waiver Request. Many applicants work in good faith with the county and pay all necessary permit fees, (and in the case of code enforcement actions, double fees.) RMA staff has not charged the current property owner for code violation fees related to the building permit nor Variance, and is only requiring the permit fees as it would for any other entitlement. The variance fee of \$5,120.29 does not include the code violation charge, which would have totaled \$10,240.58. Additionally, RMA - Building Services has refunded \$2,436 of code violation fees related to building permit 13CP00423. Staff has spent significant time on building permit 13CP00423 and will spend additional time processing the required Variance.

STAFF RECOMMENDATION

Staff recommends denial of the fee waiver request. The property owner bought the property with knowledge of existing code violations and is asking for a fee waiver based on actions by a previous property owner, not based on hardship resulting from actions beyond his control. This is related to a code enforcement case which is the result of decisions by a previous property owner to construct a two story structure in the wrong location. The Variance application is not the only means of resolving this violation. Removal of the two story structure would also resolve the enforcement action. It is essentially conducting an illegal activity, asking for after the fact special privilege and then asking the county to pay for the cost.

In addition, it costs the county to process a Variance, or any other entitlement. Homeowners who request a Variance are expected to pay the processing fee. The applicant has requested the Fee Waiver because the cost of the Variance would deplete his funds. This is true of every application and applicant. The Fee Waiver policy focuses on circumstances which contribute to the needs of the larger public and not the individual. A Fee Waiver Request should not be granted to the benefit of an individual without truly unique circumstances.

It is argued that the two story structure has been there for a prolonged period of time. This is true but it is not a permitted structure. This has been an active code enforcement case since 2006. Based upon these factors staff does not find sufficient grounds to support a Fee Waiver Request and recommends the Planning Commission deny the request.

**EXHIBIT B
DRAFT RESOLUTION**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

Pensco Trust Company Custodian (REF140007)

RESOLUTION NO. _____

Resolution by the Monterey County Planning Commission to approve a Fee Waiver Request to waive permit fees for PLN130891 which includes an after-the-fact variance to clear code violations (CE060213) for the construction of a 1,644 square foot detached garage in a location inconsistent with the issued permit (BP043135).

[REF140007, Pensco Trust Company Custodian, 1260 N Highway 101, Aromas (APN: 141-013-010-000)]

A Fee Waiver Request (REF140007) came on for public hearing before the Monterey County Planning Commission on February 12, 2014. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **INCONSISTENCY** – This Fee Waiver Request is inconsistent with the Board of Supervisors Fee Waiver Policy, which gives the RMA – Director of Planning authority to approve. Therefore, given the Fee Waiver Request and department’s recommendations, the Planning Commission shall render a decision.
- EVIDENCE:** a) The proposed Fee Waiver Request to waive the Variance permit fee for PLN130891 in the amount of \$5,120.29 does not qualify for a RMA - Director of Planning approval. Pursuant to the Fee Waiver Policy Resolution Numbers 2000-342 and 12-643 adopted by the Board of Supervisors, the project is not a daycare facility, inclusionary/affordable housing development; owned by non-profit organization, part of a government agency project, due to an emergency, or a zoning/general plan amendment correction.
- b) The property is located at 1260 N 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 support facilities for grazing uses and residential uses. The project requires a Variance for reduction in front yard setback from a minimum of fifty (50) feet to six feet nine inches (6 feet 9 inches). The project requires review and approval by the Zoning Administrator.
- c) The project planner conducted a site inspection on July 29, 2013 to review the violations on the property.
- 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 REF140007.

2. **FINDING:**

CODE VIOLATIONS - The subject property is not in compliance with all rules and regulations pertaining to zoning site development standards and any other applicable provisions of the County's zoning ordinance due to the location of the two story garage and office being six feet nine inches (6 feet 9 inches) from the front yard property line.

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 not built on site approved and 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 not built on site approved and permitted in plans, BP043135.
- d) Building Permit BP043135 expired in April of 2007, resulting in the entire 1,644 square foot two-story structure having been built without final permit approval.
- e) The property went into foreclosure and was bought by the current property owner in 2012.
- f) The current property owner submitted a building permit (13CP00423) in March of 2013 to clear CE060213.
- g) The project planner conducted a site inspection on July 29, 2013 to review the violations on the property.
- h) 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.
- i) A Variance is required to maintain the two story garage and office at its current location, which would allow a reduction in front yard setback from fifty (50) feet to six feet nine inches (6 feet 9 inches) from the property line.
- j) 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 REF140007.

3. **FINDING:**

FEE WAIVER REQUEST - Projects that are consistent with the Fee Waiver Policy, Resolution Numbers 2000-342 and 12-643, (**Exhibit D**) adopted by the Board of Supervisors can be approved by the RMA - Director of Planning. This project does not conform to the Board of Supervisors Fee Waiver Policy, therefore the Fee Waiver Request and department's recommendations were heard before the Planning Commission on February 12, 2014.

- EVIDENCE:** a) A Fee Waiver Request (**Exhibit C**) was submitted on January 2, 2014

- requesting that a Variance fee for PLN130891 in the amount of \$5,120.29 be waived. A justification letter was attached to the request which states the current property owner bought the property with the existing violations. The property owner states that he has been working in good faith to clear the violations, and the cost has exceeded \$3,000.
- b) Fees have been paid in full related to Building Permit 13CP00423 that total \$6,751.01. RMA – Building Services has refunded \$2,436.87 of code violation fees related to 13CP00423.
 - c) The Fee Waiver Request was reviewed by the Environmental Health Bureau, RMA – Public Works and Planning and Water Resources Agency. RMA – Public Works and the Water Resources Agency support the fee waiver because there is no new development that would require review. The Environmental Health Bureau does not support the fee waiver because significant staff time was spent conducting site visits, consulting with applicant and attending meetings for this site. RMA – Planning does not support the Fee Waiver Request because the property owner bought the property with knowledge of existing code violations and is asking for a fee waiver based on actions by a previous property owner, not based on hardship.
 - d) Monterey County Code states that applications to remedy outstanding code violations shall be reviewed the same, whether the applicant for the permit was the owner of record at the time of such violation or the applicant is the current owner.
 - e) Based on review of the project and pursuant to the Fee Waiver Policy, Resolution Numbers 2000-342 and 12-643 (**Exhibit D**) adopted by the Board of Supervisors, the Variance fee does not qualify for a fee waiver.

4. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.

EVIDENCE: a) Section 21.80.040.C Monterey County Zoning Ordinance (Board of Supervisors).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby deny the Fee Waiver Request in the amount of \$5,120.29 for PLN130891, which includes an after-the-fact variance to clear code violations (CE060213) for the construction of a 1,644 square foot detached garage in a location inconsistent with the issued permit (BP043135).

PASSED AND ADOPTED this 12th day of February, 2014 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Director of Planning

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD 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.

GENERAL NOTES

1. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THESE PLANS AND THE LATEST EDITION OF THE HUNTER COUNTY DESIGN STANDARDS AND SPECIFICATIONS, STANDARD SPECIFICATIONS (SPECS) AND THE LATEST EDITION OF THE CALIFORNIA BUILDING CODE (CBC) AS THEY MAY APPLY AND THE PROJECT VESTIBULAR VESTIBULAR (V.V.) SECTION 21, 2012, OF OTHER REGULATIONS & ORDINANCES (N.C.).
2. THE CONTRACTOR SHALL FURNISH ALL MATERIALS, EQUIPMENT, AND SUPPLIES AND SHALL BE RESPONSIBLE FOR THE STATE OF CONSTRUCTION, IN THE MEANS. THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER OF THE START OF CONSTRUCTION.
3. IF IT IS THE CONTRACTOR'S RESPONSIBILITY TO SECURE ALL REQUIRED PERMITS PRIOR TO THE START OF CONSTRUCTION.
4. THE LOCATION AND SIZE OF UNDERGROUND UTILITIES AND ON OTHER STRUCTURES SHOWN HEREON WERE OBTAINED FROM A FIELD SURVEY (OF OTHERS) AND FROM RECORD DRAWINGS AND ARE SHOWN FOR INFORMATION PURPOSES ONLY. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES AND SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL UTILITIES WHICH MAY BE DISCOVERED WHILE WORKING ON THIS PROJECT. FOR ALL TRENCH EXCAVATION THE CONTRACTOR SHALL SHOW THE LOCATION AND DEPTH OF ALL UTILITIES WHICH MAY BE DISCOVERED WHILE WORKING ON THIS PROJECT. FOR ALL TRENCH EXCAVATION THE CONTRACTOR SHALL SHOW THE LOCATION AND DEPTH OF ALL UTILITIES WHICH MAY BE DISCOVERED WHILE WORKING ON THIS PROJECT.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS FOR LOCATING, SITE, DEPTH, ETC. FOR ALL UTILITIES AND TO CONDUCT WORK UNDERGROUND UTILITIES.
6. THE CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE LOCATIONS AT (909) 237-2400 PRIOR TO EXCAVATION TO VERIFY THE LOCATION OF UTILITIES.
7. CONTRACTOR IS RESPONSIBLE FOR COMPLIANCE WITH ANY CURRENTLY APPLICABLE SAFETY LAWS AND REGULATIONS FOR INFORMATION PURPOSES ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS FOR THE PROTECTION OF OCCUPATIONAL SAFETY AND HEALTH. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF OCCUPATIONAL SAFETY AND HEALTH. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF OCCUPATIONAL SAFETY AND HEALTH. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF OCCUPATIONAL SAFETY AND HEALTH.
8. EXISTING CURB, GUTTER, SIDEWALK, SWIRE LAYOUTS, AND OTHER PUBLIC UTILITIES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
9. THE CONTRACTOR SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS AND SAFETY OF ALL PERSONS AND PROPERTY DURING THE COURSE OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES WHICH MAY BE DISCOVERED WHILE WORKING ON THIS PROJECT.
10. CONCRETE, ASPHALT, SHIPING, ROOF-SHALES AND OTHER DELICIOUS MATERIAL SHALL BE DELIVERED TO THE CONTRACTOR'S OFFICE.
11. IF ANY ADDITIONAL RESOURCES OF HUMAN RESOURCES ARE REQUIRED DURING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES WHICH MAY BE DISCOVERED WHILE WORKING ON THIS PROJECT.
12. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THESE PLANS AND THE LATEST EDITION OF THE HUNTER COUNTY DESIGN STANDARDS AND SPECIFICATIONS, STANDARD SPECIFICATIONS (SPECS) AND THE LATEST EDITION OF THE CALIFORNIA BUILDING CODE (CBC) AS THEY MAY APPLY AND THE PROJECT VESTIBULAR VESTIBULAR (V.V.) SECTION 21, 2012, OF OTHER REGULATIONS & ORDINANCES (N.C.).
13. THE CONTRACTOR SHALL TAKE ALL NECESSARY MEASURES TO KEEP PUBLIC STREETS OPEN AND UNINTERRUPTED THROUGHOUT THE CONSTRUCTION PERIOD.
14. THE CONTRACTOR SHALL TAKE ALL NECESSARY MEASURES TO PROTECT ADJACENT PROPERTIES AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES WHICH MAY BE DISCOVERED WHILE WORKING ON THIS PROJECT.
15. ALL ROADS AND DRIVEWAYS SHALL HAVE REMAINING FACILITIES SUFFICIENT TO PREVENT EROSION OR ON ADJACENT TO THE ROADWAY OR ON DOWNHILL PROPERTIES.
16. ALL ROADS AND DRIVEWAYS SHALL BE MAINTAINED AND IN PLACE AT THE END OF EACH DAY AND CONTINUOUSLY THROUGH THE USE OF THE PROJECT DURING WINTER OPERATIONS (CONTRACT COUNTY ORDINANCE 2012-2013-1217820).
17. ALL ROADS AND DRIVEWAYS SHALL BE MAINTAINED AND IN PLACE AT THE END OF EACH DAY AND CONTINUOUSLY THROUGH THE USE OF THE PROJECT DURING WINTER OPERATIONS (CONTRACT COUNTY ORDINANCE 2012-2013-1217820).
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22. ALL ROADS AND DRIVEWAYS SHALL BE MAINTAINED AND IN PLACE AT THE END OF EACH DAY AND CONTINUOUSLY THROUGH THE USE OF THE PROJECT DURING WINTER OPERATIONS (CONTRACT COUNTY ORDINANCE 2012-2013-1217820).
23. ALL ROADS AND DRIVEWAYS SHALL BE MAINTAINED AND IN PLACE AT THE END OF EACH DAY AND CONTINUOUSLY THROUGH THE USE OF THE PROJECT DURING WINTER OPERATIONS (CONTRACT COUNTY ORDINANCE 2012-2013-1217820).
24. ALL ROADS AND DRIVEWAYS SHALL BE MAINTAINED AND IN PLACE AT THE END OF EACH DAY AND CONTINUOUSLY THROUGH THE USE OF THE PROJECT DURING WINTER OPERATIONS (CONTRACT COUNTY ORDINANCE 2012-2013-1217820).

BENCHMARK

THE BENCHMARK ELEVATION IS 1031.1 (AS OF 1989) FROM THE NORTH WEST CORNER OF THE STATION SHOWN IN THE PLAN OF THE BENCHMARK.

GRADING & DRAINAGE

1. CONSTRUCTION SHALL NOTIFY THE COUNTY 48 HOURS BEFORE STARTING ANY GRADING OPERATIONS.
2. ALL GRADING SHALL CONFORM TO THE COUNTY GRADING ORDINANCE (1992), THE EROSION CONTROL ORDINANCE (1992) AND THE GRADING SPECIFICATIONS IN THE SOIL CONSERVATION SERVICE (SCS) TECHNICAL GUIDE NO. 2-22, 2012. ALL SOIL GRADING SHALL BE COMPLETED WITHIN 60 DAYS OF THE START OF CONSTRUCTION.
3. IF IT IS THE CONTRACTOR'S RESPONSIBILITY TO SECURE THE REQUIRED PERMITS PRIOR TO THE START OF CONSTRUCTION.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES WHICH MAY BE DISCOVERED WHILE WORKING ON THIS PROJECT.
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24. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES WHICH MAY BE DISCOVERED WHILE WORKING ON THIS PROJECT.

PROJECT DATA

CONTRACTOR:
 JONES CONSTRUCTION INC.
 19 YERBA BUENA CT.
 MONTEREY, CA 93940

STRUCTURAL ENGINEER:
 ALVARADO CIVIL ENGINEERING
 625 PALM AVENUE
 MONTEREY, CA 93940
 TEL: 831-384-8885

CIVIL ENGINEER:
 ALVARADO CIVIL ENGINEERING
 625 PALM AVENUE
 MONTEREY, CA 93940
 TEL: 831-384-8885

OWNER:
 ANTONIA FLORES
 2051 WINDSOR DRIVE
 MONTEREY, CA 93940

SCOPE OF WORK:
 REDOBT REPAIRED 2 CAR GARAGE
 DEMOLISH AND REBUILD 3 SHEDS
 CONSTRUCT UTILITY CUT AT REAR OF 2 STORY

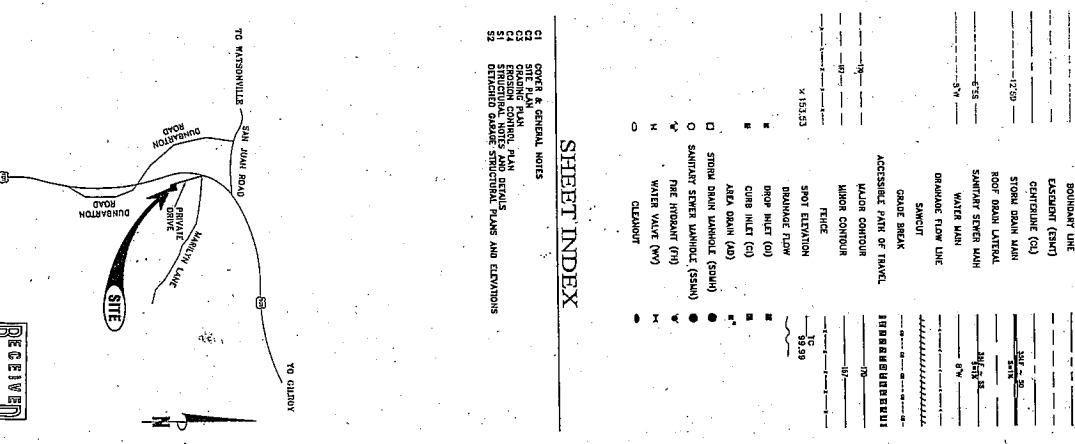
DETACHED GARAGE:
 480 SQ. FT.
 2 STORY BUILDING AREA (EXISTING)
 UPPER LEVEL OFFICES, BATH
 LOWER LEVEL GARAGE
 360 SQ. FT.
 1 STORY BUILDING AREA
 1200 SQ. FT. ± GARAGE
 HEIGHT: 22'-4"
 FINISH FLOOR: 112.50 ±
 FINISH CEILING: 112.50 ±
 FINISH GRADE: 112.50 ±

OTHER BUILDING AREAS:
 EXISTING UPPER LEVEL: 1142 SQ. FT.
 EXISTING LOWER LEVEL: 480-660 SQ. FT.
 EXISTING UTILITY: 1200 SQ. FT.
 EXISTING GARAGE: 1200 SQ. FT.

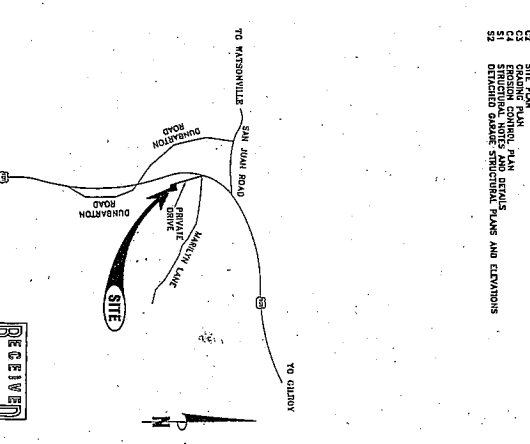
LOT COVERAGE:
 LOT SIZE: 101,200.44 SQ. FT. OR 2.3 ACRES
 EXISTING 2 STORY BUILDING: 625 SQ. FT. ONE LEVEL
 EXISTING 1 STORY BUILDING: 360 SQ. FT. ONE LEVEL
 EXISTING GARAGE: 1200 SQ. FT. ONE LEVEL
 EXISTING UTILITY: 1200 SQ. FT. ONE LEVEL
 EXISTING DRIVE: 2022.50 SQ. FT. ± GARAGE

CODES IN USE:
 INTERNATIONAL RESIDENTIAL CODE (IRC) 2010
 INTERNATIONAL BUILDING CODE (IBC) 2010
 CALIFORNIA RESIDENTIAL CODE (CRC) 2010
 CALIFORNIA BUILDING CODE (CBC) 2010
 CALIFORNIA ELECTRICAL CODE (CEC) 2010
 CALIFORNIA MECHANICAL CODE (CMC) 2010
 CALIFORNIA PLUMBING CODE (CPC) 2010
 CALIFORNIA GAS CODE (CGC) 2010
 CALIFORNIA FIRE CODE (CFC) 2010
 CALIFORNIA SAFETY CODE (CSC) 2010
 CALIFORNIA SOILS AND FOUNDATIONS CODE (CSF) 2010
 CALIFORNIA WIND DESIGN CODE (CWC) 2010
 CALIFORNIA SEISMIC CODE (CSC) 2010
 CALIFORNIA SLOPE STABILIZATION CODE (CSSL) 2010
 CALIFORNIA EROSION CONTROL CODE (CECC) 2010
 CALIFORNIA LANDFILL DESIGN AND CONSTRUCTION CODE (CLDCC) 2010
 CALIFORNIA WASTE MANAGEMENT CODE (CWMC) 2010
 CALIFORNIA WATER SUPPLY CODE (CWSC) 2010
 CALIFORNIA WATER POLLUTION CONTROL CODE (CWPC) 2010
 CALIFORNIA AIR QUALITY CONTROL CODE (CAQC) 2010
 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) 2010
 CALIFORNIA PUBLIC RESOURCES ACT (CPRA) 2010
 CALIFORNIA WATERWAYS ACT (CWA) 2010
 CALIFORNIA FISH AND WILDLIFE ACT (CFLWA) 2010
 CALIFORNIA HISTORIC PRESERVATION ACT (CHPA) 2010
 CALIFORNIA CULTURAL HERITAGE ACT (CCHA) 2010
 CALIFORNIA ANTI-CORRUPTION ACT (ACA) 2010
 CALIFORNIA GOVERNANCE ACT (CGA) 2010
 CALIFORNIA LABOR RELATIONS ACT (CLRA) 2010
 CALIFORNIA EMPLOYMENT RELATIONS ACT (CERA) 2010
 CALIFORNIA LABOR MARKET EMPOWERMENT ACT (CLMEA) 2010
 CALIFORNIA LABOR MARKET TRANSITION ACT (CLMTA) 2010
 CALIFORNIA LABOR MARKET REFORM ACT (CLMRA) 2010
 CALIFORNIA LABOR MARKET REFORM ACT (CLMRA) 2010

LEGEND



SHEET INDEX

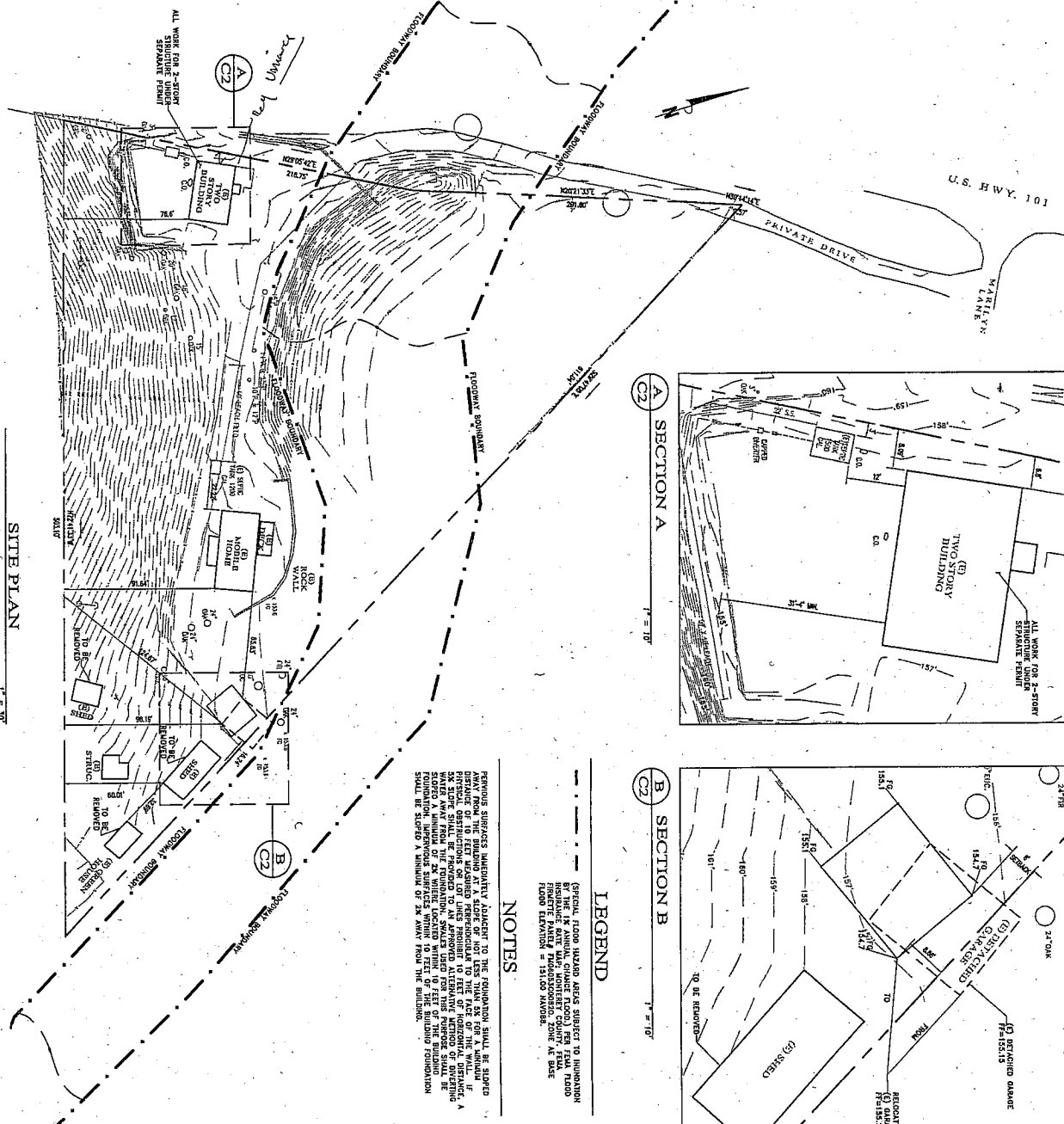


COVER SHEET & GENERAL PLAN
FLORES RESIDENCE
 APN: 141-013-010

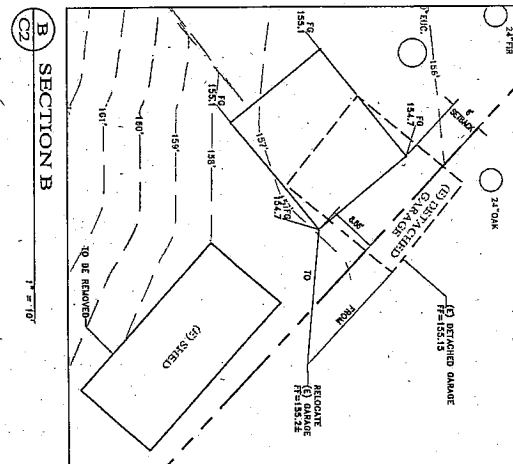
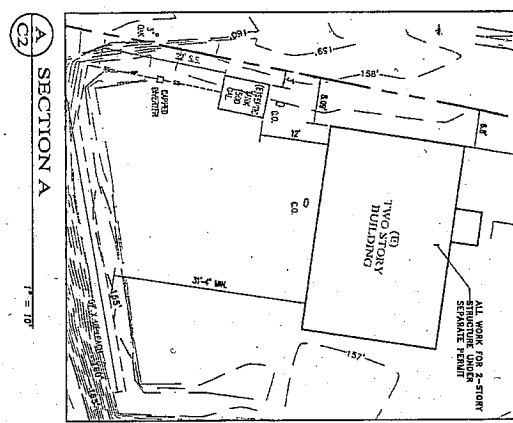
2600 HWY. 101 - AROMAS, CA 95004
 PREPARED FOR: ANTONIA FLORES

AC3 Engineering
 Civil Engineering, Land Development, Drafting
 126 Bonifacio Place, Suite C, Monterey, CA 93940
 Phone: (831) 847-1192 Fax: (831) 847-1154
 email: AC3Engineering.net

SCALE: 1"=40'
 DATE: 08-24-2013
 DESIGN BY: FLO
 DRAWN BY: FLO
 CHECKED BY: FLO
 SHEET NUMBER: C1
 PROJECT: 121212
 OF 4 SHEETS



SITE PLAN
 1" = 20'



NOTES

PERVIOUS SURFACES IMMEDIATELY ADJACENT TO THE FOUNDATION SHALL BE STIFFED TO PREVENT SETTLEMENT. THE STIFFING SHALL BE IN THE FORM OF A RIGID CURB OR OTHER EQUIVALENT. THE CURB SHALL BE 2 FEET HIGH AND 6 INCHES WIDE. THE CURB SHALL BE CONCRETE OR OTHER EQUIVALENT MATERIAL. THE CURB SHALL BE PLACED AT THE EXTERIOR FACE OF THE FOUNDATION WALL. THE CURB SHALL BE PLACED AT THE EXTERIOR FACE OF THE FOUNDATION WALL. THE CURB SHALL BE PLACED AT THE EXTERIOR FACE OF THE FOUNDATION WALL.

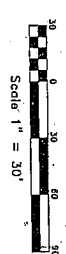
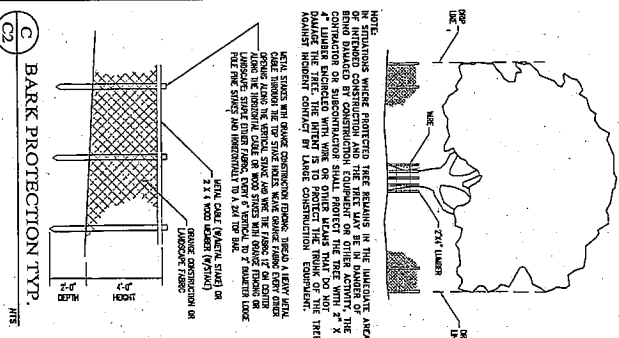
LEGEND

(S) SPECIAL HAZARD AREA SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD AREA FROM THE PROPOSED ARAE TRANSDUCENT ZONE AT BASE FLOOD ELEVATION = 151.00 NAVD83.

TREE PROTECTION NOTES

THE FOLLOWING ACTIVITIES ARE PROHIBITED WITHIN THE LIMITS OF THE PROTECTIVE CURB:

1. MATERIAL STORAGE OR STORAGE OF MATERIALS INTENDED FOR USE IN CONSTRUCTION OF THE PROJECT WITHIN THE LIMITS OF THE CURB, EXCEPT AS APPROVED BY THE ENGINEER.
2. THE PLACEMENT OF ANY CURB OR OTHER PROTECTIVE DEVICES WITHIN THE LIMITS OF THE CURB, EXCEPT AS APPROVED BY THE ENGINEER.
3. THE PLACEMENT OF ANY CURB OR OTHER PROTECTIVE DEVICES WITHIN THE LIMITS OF THE CURB, EXCEPT AS APPROVED BY THE ENGINEER.
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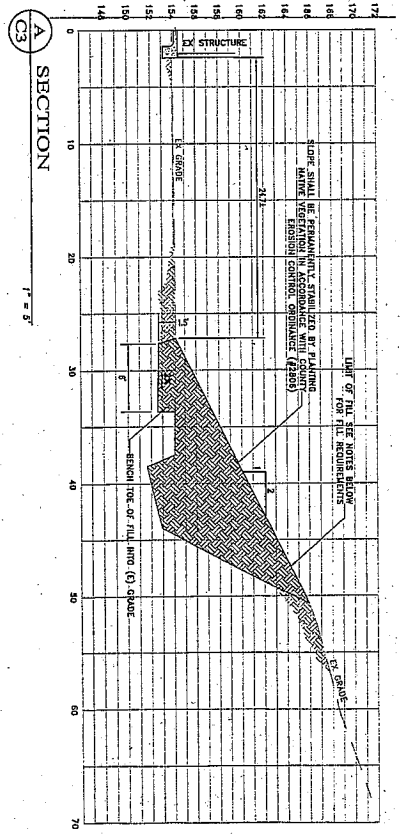
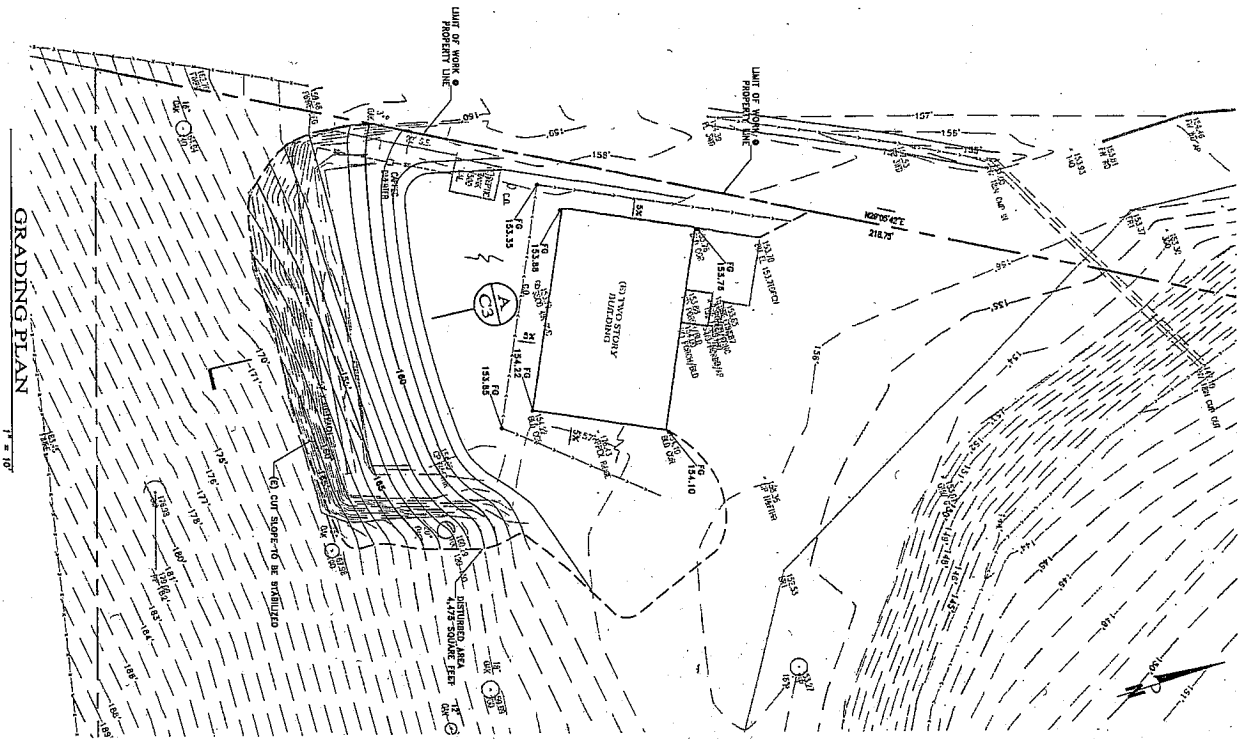
SITE PLAN
FLORES RESIDENCE
 APN: 141-013-010
 1260 HWY. 101 - AROMAS, CA 95004
 PREPARED FOR: ANTONIA FLORES



C3 Engineering
 Civil Engineering Land Development Drafting
 128 Bonifacio Place, Suite C, Monterey, CA 93940
 Phone: (831) 647-1192 Fax: (831) 647-1194
 mail@C3Engineering.net

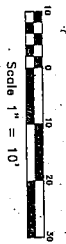
REV.	DATE	DESCRIPTION

C2
 PROJECT 112127



FILL NOTES:

1. ALL SOILS TO BE USED AS FILL SHOULD CONTAIN LESS THAN 3% ORGANIC AND BE FREE OF DEBRIS AND COBBLES OVER 8 INCHES IN MAXIMUM DIMENSION.
 2. ANY IMPORTED SOIL TO BE USED AS ENGINEERED FILL SHALL MEET THE FOLLOWING REQUIREMENTS:
 - (a) FREE OF ORGANIC, DEBRIS AND OTHER DESTRUCTIVE MATERIALS
 - (b) BE GRANULAR (SANDY) IN NATURE AND HAVE SUFFICIENT FINES TO ALLOW FOR EXCAVATION OF THE FOUNDATION TRENCHES.
 - (c) HAVE AN EXPANSION POTENTIAL NOT GREATER THAN LOW (P<40)
 - (d) HAVE A SOLUBLE SOLIDS CONTENT LESS THAN 100 PPM.
 3. IMPORTED FILL MATERIAL SHOULD BE APPROVED BY THE GEOTECHNICAL CONSULTANT PRIOR TO IMPORTING.
- FILL PLACEMENT**
1. ALL FILL SHOULD BE COMPACTED TO THE REQUIRED DENSITY BY MEANS OF MECHANICAL MEANS OR BY MEANS OF VIBRATING ROLLERS.
 2. THE FILL SHOULD BE COMPACTED TO THE REQUIRED DENSITY IN 6 INCH LIFT NOT EXCEEDING 8 INCHES IN THICKNESS.
 3. 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)



C3
 of 4 SHEETS
 PROJECT: 112127

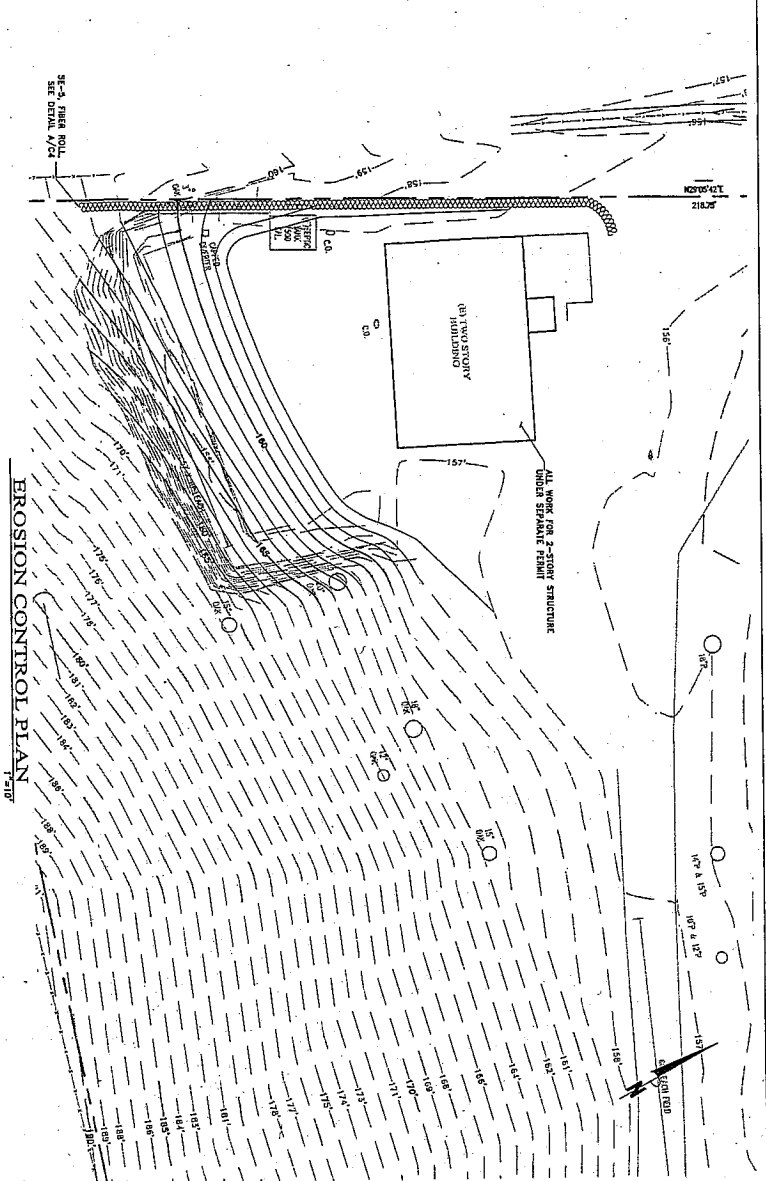
SITE PLAN
FLORES RESIDENCE
 APN: 141-013-010
 1260 HWY. 101 - AROMAS, CA 95004
 PREPARED FOR: ANTONIA FLORES



C3 Engineering
 Civil Engineering Land Development Drafting
 126 Bonifacio Place, Suite C, Monterey, CA 93940
 Phone: (831) 847-1182 Fax: (831) 847-1194
 email: c3engineering.net

REV.	DATE	DESCRIPTION	BY

THE USE OF THESE DRAWINGS AND SPECIFICATIONS SHALL BE RESTRICTED TO THE ORIGINAL USE FOR WHICH THEY WERE PREPARED. ANY REUSE, MODIFICATION OR REPRODUCTION, IN WHOLE OR IN PART, IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF C3 ENGINEERING.



EROSION CONTROL NOTES

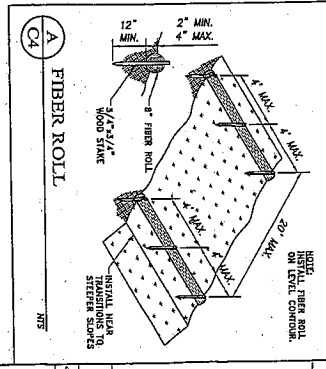
1. THE CONSTRUCTION SHALL USE AN APPROPRIATE MEANS TO MINIMIZE SOIL EROSION AND PREVENT STRONG LIGHT BUILT FROM FORMING. THE SPECIAL EROSION CONTROL PLAN, CONSTRUCTION PROCEDURES SHALL BE IN PLACE AT THE END OF EACH WORKING DAY. THE SPECIAL EROSION CONTROL PLAN, CONSTRUCTION PROCEDURES SHALL BE IN PLACE AT THE END OF EACH WORKING DAY.
2. THE CONSTRUCTION SHALL BE INSTALLED ON ALL SLOPES AND ALL OTHER AREAS OF THE PROJECT AS INDICATED BY THE CONSTRUCTION PLAN.
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10. THE CONSTRUCTION SHALL BE INSTALLED ON ALL SLOPES AND ALL OTHER AREAS OF THE PROJECT AS INDICATED BY THE CONSTRUCTION PLAN.

STORMWATER MANAGEMENT NOTES

- THE FOLLOWING STORMWATER MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE MONTEZUMA REGIONAL STORMWATER MANAGEMENT PLAN:
1. STORMWATER SHALL BE COLLECTED AND STORED IN A STORMWATER STORAGE TANK.
 2. STORMWATER SHALL BE TREATED IN A STORMWATER TREATMENT TANK.
 3. STORMWATER SHALL BE DISCHARGED TO THE STORMWATER COLLECTION SYSTEM.
 4. STORMWATER SHALL BE DISCHARGED TO THE STORMWATER COLLECTION SYSTEM.
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 10. STORMWATER SHALL BE DISCHARGED TO THE STORMWATER COLLECTION SYSTEM.

BMP'S

- EROSION CONTROL:
- EC-1 STABILIZATION OF EXISTING VEGETATION
 - EC-2 PRESERVATION OF EXISTING VEGETATION
 - EC-3 SLOPE PROTECTION
 - EC-4 SLOPE PROTECTION
 - EC-5 SLOPE PROTECTION
 - EC-6 SLOPE PROTECTION
 - EC-7 SLOPE PROTECTION
 - EC-8 SLOPE PROTECTION
 - EC-9 SLOPE PROTECTION
 - EC-10 SLOPE PROTECTION
- STORMWATER MANAGEMENT:
- SM-1 STORMWATER STORAGE/TREATMENT
 - SM-2 STORMWATER STORAGE/TREATMENT
 - SM-3 STORMWATER STORAGE/TREATMENT
 - SM-4 STORMWATER STORAGE/TREATMENT
 - SM-5 STORMWATER STORAGE/TREATMENT
 - SM-6 STORMWATER STORAGE/TREATMENT
 - SM-7 STORMWATER STORAGE/TREATMENT
 - SM-8 STORMWATER STORAGE/TREATMENT
 - SM-9 STORMWATER STORAGE/TREATMENT
 - SM-10 STORMWATER STORAGE/TREATMENT



EROSION CONTROL PLAN

FLORES RESIDENCE
 APN: 141-013-010

21260 HWY. 101 - AROMAS, CA 95004
 PREPARED FOR: ANTONIA FLORES

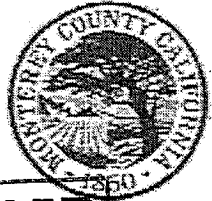
SCALE: 1" = 10'
 DATE: 02-23-2013
 DESIGN BY: FSI
 DRAWN BY: FSI
 CHECKED BY: FSI
 SHEET NUMBER: C4
 OF 4 SHEETS
 PROJECT: 112127



C3 Engineering

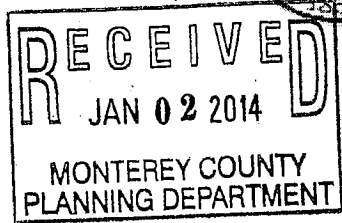
C3 Engineering Land Development Drafting
 1233 Bonifacio Plaza, Suite C, Monterey, CA 93940
 Phone: (831) 847-1192 Fax: (831) 847-1184
 info@c3engineering.net

REV.	DATE	DESCRIPTION	MADE BY



MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

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



FEE WAIVER REQUEST

Property Owner: Antonio Flores
 Address: 2051 Marsala Cir.
 City/State/Zip: Monterey CA 93940
 Phone: 831-236-8619
 Email: tonyflores831@gmail.com

Agent: Steve Mickel
 Address: 19 Yerba Buena Court
 City/State/Zip: Monterey, CA 93940
 Phone: 831-901-9599
 Email: mickelina@gmail.com

Assessors Parcel Number: 141-013-010-000
 Description of Project: Variance is required to clear violation CEO60213.

Fee Waiver Justification: Property purchased in 2012 with existing violations, new owner would like to clear code violation. Two-story building in violation has been in existence for several years. County inspectors have signed off on all construction inspections with the exception of final inspection. New owner has already paid approx \$3,000 in County fees & permits to correct other violations.
 (attach additional information if needed)

Department use only		
Given out:	<u>12/20/2013</u>	By: <u>GRACE BOGDAN</u>
Received:	<u>1/02/2014</u>	By: <u>GRACE BOGDAN</u>
Referred to other agencies:		
Fee waived by Director?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date:
Basis for Waiver		
Amount of Fees Waived:	<u>Planning & Building</u>	
	<u>Health</u>	
	<u>WRA</u>	
	<u>PWD</u>	
<input checked="" type="checkbox"/> Entered into Tracking Spreadsheet (Admin. Secretary)		

To the Board of Supervisors and Planning Commission:

The property, 1260 Highway 101, Aromas, APN 141-013-010-000 was purchased in 2012 with existing code violations. Prior to the purchase I discussed the existing code violations and solutions with personnel in Building Services and we agreed to work in good faith to clear these violations since the property was abandon.

I am asking for two reasons, for a fee waiver to the two-story variance the County of Monterey is asking from me as a result of a planning meeting in October of 2013.

- 1) The two-story building has been in existence since 2005/6. All construction inspections with the exception of the final inspection have been signed off by County inspectors prior to the property purchase. Any property line setbacks and construction of the two-story not properly located should have been caught at the time of planning and/or county inspections back then.
- 2) To date, County fees and permits to correct the other code violations have exceeded \$3,000. Between engineering, demolition, construction and permit costs I will be depleting funds to complete clearing the property of all code violations.

In conclusion, without the variance fee waived I may be forced to conclude pursuing the two-story variance the County has asked of me. Additionally, I feel the variance fee is penalizing me for past mistakes I was not associated with. Waiving the two-story variance fee would allow us to pursue the variance and be in good faith as we discussed.

Thank you

Antonio Flores



Monterey County

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Board Order

Upon motion of Supervisor Salinas, seconded by Supervisor Parker and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution No. 12-384 amending the Monterey County Fee Resolution to:

- a. Authorize the Director of Planning to consider and decide requests for waiver of land use appeal fees when the appellant is unable to afford the appeal fee due to appellant's financial condition; and
- b. Authorize the Appropriate Authority to hear appeals from the Director of Planning's decisions on land use fee waiver requests. (Fee Waiver Resolution/REF120049)

PASSED AND ADOPTED on this 10th day of July 2012, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Salinas, and Parker

NOES: None

ABSENT: Supervisor Potter

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on July 10, 2012.

Dated: August 13, 2012
File Number: 12-643
Revised: 01-25-13

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy

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

Resolution No. 12-384

Resolution amending the Monterey County)
Fee Resolution to Augment and Clarify Fee)
Waiver Procedures.....)
(REF120049/Fee Waiver Process))

WHEREAS, state law authorizes the County to establish fees for the cost of processing land use entitlements, so long as such fees do not exceed the estimated reasonable cost of providing the service for which the service is charged;

WHEREAS, pursuant to state law, the Board of Supervisors has periodically established fees for the processing of land use entitlements ("land use application fees"), including fees for filing administrative appeals of land use decisions ("land use appeal fees"), and the current land use fee schedule includes fees for filing appeals of land use entitlements in the inland unincorporated area of the County, appeals of administrative determinations, and appeals of fee determinations;

WHEREAS, the land use appeal fees are imposed to cover a portion of the costs of processing the appeal, and in enacting the fees, the Board of Supervisors found that the land use application fees and land use appeal fees do not exceed the estimated reasonable cost of processing the land use applications and appeals;

WHEREAS, the Board of Supervisors may, in the exercise of its police powers, waive land use application fees, including land use appeal fees, when policy or other reasons dictate that a waiver of fees is appropriate;

WHEREAS, on August 29, 2000, the Board of Supervisors adopted Resolution No. 2000-342 authorizing the County's Director of Planning to grant requests for waivers of application and appeal fees for discretionary land use permits and building permits if the fee waiver request meets certain criteria and authorizing the Monterey County Planning Commission to consider all land use fee waiver requests not meeting the specific criteria, a copy of said resolution being attached hereto as Exhibit 1 and incorporated herein by reference;

WHEREAS, the existing land use fee waiver process allows appellants to request a fee waiver due to inability to pay, but the Board of Supervisors desires to make explicit that those who are genuinely unable to afford the fee are not barred from filing a land use appeal due to their financial condition;

WHEREAS, the Board of Supervisors desires to augment the criteria under which the Director of Planning has authority to grant a fee waiver to include grant of a waiver of land use appeal fees when the appellant provides evidence that the appellant is unable to afford the appeal fee due to appellant's financial condition, provided that the appellant provides evidence in support of the fee waiver request such as evidence demonstrating that appellant would qualify for a waiver of court fees and costs pursuant to California Government Code section 68632 because of his or her financial condition;

WHEREAS, questions have arisen in the implementation of Resolution No. 2000-342 as to which County hearing body may hear appeals from the Director's fee waiver decisions, and therefore, the Board of Supervisors desires to clarify that the "Appropriate Authority" who is designated by the Monterey County Code to hear an appeal of a land use decision is also authorized to hear and decide appeals from the Director's decisions on fee waiver requests.

WHEREAS, the fees to which this waiver applies are not a tax and are exempt from voter approval pursuant to subparagraphs (1) through (3) and subparagraph (6) of section 1 of Article 13C of the California Constitution (Proposition 26), and this fee waiver does not result in increased charges and fees to other land use permit applicants, as the loss of revenue will be borne by the County's General Fund;

WHEREAS, this action related to fee waivers is statutorily exempt from the California Environmental Quality Act pursuant to section 21080(b)(8) of the Public Resources Code because the fees are charges to cover operating expenses;

WHEREAS, Section 1.40.010 of Chapter 1.40 of the Monterey County Code provides that all fees, penalties, refunds, reimbursements, and charges of any kind by the County may be adopted by resolution or may be designated in the Monterey County Fee Resolution;

WHEREAS, the Board intends that this resolution shall augment Resolution No. 2000-342 and that the Monterey County Fee Resolution shall incorporate the procedures specified by this resolution.

DECISION

NOW, THEREFORE, based on all of the above facts and circumstances, the Board of Supervisors does hereby resolve as follows:

1. The Board of Supervisors hereby authorizes the Director of Planning to consider and decide upon requests from appellants for a waiver of land use appeal fees when the appellant provides evidence that appellant is unable to afford the appeal fees due to appellant's financial condition, provided that the appellant provides evidence in support of the fee waiver request such as evidence demonstrating that appellant would qualify for a waiver of court fees and costs pursuant to California Government Code section 68632 because of his or her financial condition.
2. The hearing body designated by the Monterey County Code as the Appropriate Authority to hear an appeal of a land use decision is also hereby authorized to hear and decide appeals from the Director of Planning's decisions on land use fee waiver requests.
3. This resolution augments Resolution No. No. 2000-342, and establishes Article 14.D of the Monterey County Fee Resolution, which shall incorporate the procedures specified in Sections 1 and 2 of this resolution

PASSED AND ADOPTED upon motion of Supervisor Salinas, seconded by Supervisor Parker, and carried this 10th day of July 2012, by the following vote, to wit:

The Board hereby adopts this Resolution amending the Monterey County Master Fee Resolution to clarify the fee for appeals on land use issues and establish criteria for the waiver of fees in specific circumstances.

AYES: Supervisors Armenta, Calcagno, Salinas, and Parker

NOES: None

ABSENT: Supervisor Potter

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on July 10, 2012.

Dated: August 15, 2012
File Number: 12-643
Revised: January 25, 2013

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy

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

Resolution 2000-342

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

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

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

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

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

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

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

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

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

Requests Not Conforming to Policy:

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

Appeal of Director's Decision:

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

Payment of Fees:

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

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

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

AYES: Supervisors Salinas, Pennycook and Calcagno.

NOES: None.

ABSENT: Supervisors Johnsen and Potter.

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

DATED: August 29, 2000

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

By: Nancy Luckenbill
Deputy