



Monterey County Zoning Administrator

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Agenda Item No. 3

Legistar File Number: ZA 17-030

May 25, 2017

Introduced: 5/19/2017

Version: 1

Current Status: Agenda Ready

Matter Type: ZA

PLN160373 - HOPKINS GARY D & BETTY

Public hearing to consider an after-the-fact permit to clear code violation (CE970238) to allow the use of a temporary residence (mobile home) as a living unit prior to the construction of the first single family dwelling.

Project Location: 76291 Bryson Hesperia Road, Bradley, South County Area Plan

Proposed CEQA Action: Categorically Exempt per Section 15303(a) of the CEQA guidelines

RECOMMENDATION:

Staff recommends the Zoning Administrator adopt a resolution to:

- a. Find the project Categorically Exempt per Section 15303(a) of CEQA Guidelines; and
- b. Approve the Administrative Permit to clear code violation (CE970238) for the placement of a mobile home for use as a temporary residence as a living unit prior to construction of a 2,730 square foot single family dwelling with a 1,248 square foot detached two-car garage/workshop and removal of a six inch oak tree.

A draft resolution includes findings and evidence for consideration (**Exhibit C**)

Staff recommends approval subject to 17 conditions.

PROJECT INFORMATION:

Agent: Gary Hopkins

Property Owner: Gary D. & Betty Hopkins

APN: 424-051-064-000

Parcel Size: 31.81 acres

Zoning: "RG/40" (Rural Grazing ,40 acres per unit)

Plan Area: South County Area Plan

Flagged and Staked: No

SUMMARY:

In 1997, a code enforcement case (CE970238) was initialized on the subject property for the placement of a mobile home without the issuance of building permits. In 2004, the property was acquired by the applicants, Mr. & Mrs. Hopkins. The applicants were aware of the building violations on the property and understood that because they were building violations, Monterey County Code Enforcement division was not actively pursuing rectification. Due to misinformation, no application to correct the violation was obtained by the applicant. In October 2016, the applicant file an application for an after-the-fact Administrative Permit to rectify the code violation. Currently, the property contains the unpermitted mobile home and two pole barns, a well (Permit No. 3918) and an unpermitted septic system. In accordance with the RG zoning designation, no land use entitlement is required for the construction of a single family dwelling. A permit from the Bureau of Environmental Health is required for the installation of the septic system; and building and grading permits are required for the

placement of the mobile home, construction of the single family dwelling and detached garage/workshop, Section 21.64.070 of the Monterey County Code, requires an Administrative Permit for the placement of a temporary unit during construction of a single family residence. Thus, the project was scheduled for an Administrative Permit hearing on April 5, 2017. Subsequently, a request for public hearing was received from a neighbor on 4 April 2017. Therefore, pursuant to Section 21.70.030, the Administrative Permit was referred to the Zoning Administrator. Concerns were raised regarding code enforcement, water storage tanks, ridgeline views, public works and property taxes, archaeological resources, tree removal, canyon location, and *Cannabis spp.* cultivation. Many of the concerns raised have no merit in relation to the subject entitlement. In addition, there was a request to refer this application to the South County Land Use Advisory Committee (LUAC). This application was reviewed by the South County LUAC on 17 May 2017. The South County LUAC recommended approval on a 4 (Ayes) - 0 (Noes) vote.

DISCUSSION:

Detailed discussion is provided in **Exhibit B**.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

Bureau of Environmental Health
RMA-Public Works
Water Resources Agency
RMA-Environmental Services
South County Fire Protection District

Prepared by: Jaime Scott Guthrie, Associate Planner, ext. 6414
Reviewed by: Jacqueline R. Onciano, RMA Chief of Planning
Approved by: Carl P. Holm, AICP, Director of RMA

Attachments:

Exhibit A - Project Data Sheet
Exhibit B - Discussion
Exhibit C - Draft Resolution, including:

- C1 - Conditions of Approval
- C2 - Site Plans, Elevations

Exhibit D - Vicinity Map
Exhibit E - South County Land Use Advisory Committee minutes - 17 May 2017
Exhibit F - Report:

“APN: 424-051-064 Blue oak tree” (LIB160284) prepared by
Bryan E. Bradford, Salinas, CA, 14 August 2016.

Exhibit G - Public Comment, including:

- F1 - Comment Letter, Craig
- F2 - Comment Letter, Rowley

cc: Front Counter Copy; Jacqueline R. Onciano, Chief of RMA-Planning, Gary & Betty Hopkins, Agent/Owner; Steve Craig, Neighbor; The Open Monterey Project (Molly Erickson);

LandWatch (Michael DeLapa, Executive Director); Project File PLN160808.